



**FLOOR AMENDMENT STATEMENT:**

No

**LEGISLATIVE FISCAL ESTIMATE:**

Yes

**VETO MESSAGE:**

No

**GOVERNOR'S PRESS RELEASE ON SIGNING:**

No

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government Publications at the State Library [\(609\) 278-2640 ext.103](tel:6092782640) or <mailto:refdesk@njstatelib.org>

**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

IS 5/27/08

§4 -  
C.34:1A-48.1  
§31 -  
C.52:27C-71.1  
§43 - Repealer

P.L. 2007, CHAPTER 253, *approved January 4, 2008*  
Assembly Committee Substitute (*First Reprint*) for  
Assembly, Nos. 4254 and 4263

1 AN ACT reorganizing certain economic development activities  
2 performed by certain State agencies, amending various parts of  
3 the statutory law, '[and]' supplementing P.L.1977, c.225  
4 (C.34:1A-45 et seq.) and P.L.1998, c.44 (C.52:27C-61 et seq.)<sup>1</sup>,  
5 and repealing section 12 of P.L.1998, c.44 (52:27C-72)<sup>1</sup>.  
6

7 **BE IT ENACTED** by the Senate and General Assembly of the State  
8 of New Jersey:  
9

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

12 2. The Legislature hereby finds and declares that:

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

18 b. Such proper promotion--and the desired expansion of  
19 tourism in New Jersey--will be enhanced by the formulation of a  
20 master plan for the development of the tourist industry throughout  
21 New Jersey.

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

28 d. Because of the crucial importance tourism plays in New  
29 Jersey's economy, the Department of State is therefore charged with  
30 the mandate to increase tourism through promotional,  
31 informational, educational, and developmental programs. These  
32 initiatives are to be designed to support a State policy of  
33 maintaining and increasing New Jersey's standing as a premier  
34 national and international travel destination. To implement this  
35 policy, the **[Commerce, Economic Growth and Tourism**  
36 **Commission]** Department of State shall create advertisements for  
37 use on television, radio, the Internet and in print, to promote 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 AAP committee amendments adopted November 19, 2007.

1 State's diverse appeal to prospective national and international  
2 vacationers and travelers as part of its advertising, public relations,  
3 and marketing campaign. In addition, as required pursuant to  
4 section 9 of P.L.1977, c.225 (C.34:1A-53), the Division of Travel  
5 and Tourism shall annually review the 10-year master plan  
6 developed pursuant to section 8 of P.L.1977, c.225 (C.34:1A-52) by  
7 the director of the division with the assistance of the New Jersey  
8 Tourism Policy Council, and submit a report to the Governor and  
9 Legislature containing an evaluation of the preceding year's  
10 activities and developments in tourism and the revisions  
11 recommended in the master plan.

12 e. In the advancement and promotion of New Jersey's tourism  
13 industry, it is necessary to **【change the name of the New Jersey**  
14 **Commerce and Economic Growth Commission to the New Jersey**  
15 **Commerce, Economic Growth and Tourism Commission and to】**  
16 require that the division report semiannually to the Governor and  
17 the Legislature on the efforts of the **【commission】** division to  
18 promote tourism in New Jersey and on the expenditure of funds  
19 allocated to tourism advertising and promotion from hotel and  
20 motel occupancy fees pursuant to section 2 of P.L.2003, c.114  
21 (C.54:32D-2). As tourism may be particularly sensitive to changing  
22 economic conditions, a frequent review of the State's tourism  
23 planning and activities may necessitate revisions in the State's  
24 tourism policy to further encourage tourism promotion and to  
25 otherwise meet the challenges of implementing this policy.  
26 (cf: P.L.2005, c.378, s.1)

27  
28 2. Section 3 of P.L.1977, c.225 (C.34:1A-47) is amended to  
29 read as follows:

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

32 **【"Commission" means the New Jersey Commerce, Economic**  
33 **Growth and Tourism Commission established pursuant to section 3**  
34 **of P.L.1998, c.44 (C.52:27C-63).】**

35 "Council" means the New Jersey Tourism Policy Council.

36 "Department" means the Department of State.

37 "Director" means the Director of the Division of Travel and  
38 Tourism.

39 "Division" means the Division of Travel and Tourism in the  
40 **【New Jersey Commerce, Economic Growth and Tourism**  
41 **Commission】** Department of State.

42 "Elected local official" means the county executive of any  
43 county wherein that office is established, a member of the  
44 governing body of a county, or a mayor or member of the governing  
45 body of a municipality.

46 "Tourism" means activities involved in providing and marketing  
47 services and products, including accommodations, for nonresidents

1 and residents who travel to and in New Jersey for recreation and  
2 pleasure.

3 "Tourist industry" means the industry consisting of private and  
4 public organizations which directly or indirectly provide services  
5 and products to nonresidents and residents who travel to and in New  
6 Jersey for recreation and pleasure.

7 (cf: P.L.2005, c.378, s.2)

8

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

11 4. There is hereby established in the **【New Jersey Commerce,**  
12 **Economic Growth and Tourism Commission ("commission")】**  
13 Department of State the Division of Travel and Tourism. The  
14 division shall be under the supervision of a director, who shall be a  
15 person qualified by training and experience to direct the work of  
16 such division. The director shall be appointed by the Governor  
17 after consultation with the council and with the advice and consent  
18 of the Senate. The director shall serve during the term of office of  
19 the Governor appointing the director and until the director's  
20 successor is appointed and qualified. The director shall receive  
21 such salary as shall be provided by law and shall devote the  
22 director's entire time and attention to the duties of the director's  
23 office and shall not, while in office, engage in any other gainful  
24 pursuit. The Governor may remove the director from office for  
25 cause, upon notice and opportunity to be heard.

26 (cf: P.L.2005, c.378, s.3)

27

28 4. (New section) a. All the functions, powers, and duties of the  
29 Division of Travel and Tourism in the New Jersey Commerce,  
30 Economic Growth and Tourism Commission are transferred to the  
31 Department of State.

32 b. All appropriations and other moneys available and to  
33 become available to the division are hereby continued in the  
34 Department of State and shall be available for the objects and  
35 purposes for which such moneys are appropriated subject to any  
36 terms, restrictions, limitations, or other requirements imposed by  
37 State or federal law.

38 c. Whenever, in any law, rule, regulation, order, contract,  
39 document, judicial or administrative proceeding or otherwise,  
40 reference is made to the Division of Travel and Tourism in the New  
41 Jersey Commerce, Economic Growth and Tourism Commission, the  
42 same shall mean and refer to the Division of Travel and Tourism in  
43 the Department of State.

44

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

47 7. a. There is created in the division the New Jersey Tourism  
48 Policy Council which shall consist of 23 members:

1 (1) Two members of the Senate, who shall serve as ex officio,  
2 non-voting members to be appointed by the President thereof, not  
3 more than one of whom shall be of the same political party, and two  
4 members of the General Assembly, who shall serve as ex officio,  
5 non-voting members to be appointed by the Speaker thereof, not  
6 more than one of whom shall be of the same political party;

7 (2) Nine public members, who shall be residents of this State,  
8 not more than five of whom shall be of the same political party,  
9 who shall be appointed by the Governor with the advice and  
10 consent of the Senate, who shall include persons who by experience  
11 or training represent the areas of the tourist industry as follows:

12 One representative of the lodging sector;

13 One representative of the food service sector;

14 One representative of the eco-tourism sector;

15 One representative of the cultural arts sector;

16 One representative of the convention and visitor bureaus or  
17 tour/receptive services sectors;

18 One representative of the entertainment or amusement sector;

19 One representative of the outdoor recreation sector;

20 One representative of the historical community; and

21 One representative of a Statewide travel and tourism association  
22 representing the various sectors of the tourism industry;

23 (3) The **Chief Executive Officer and Secretary of the**  
24 **commission** Secretary of State, who shall serve ex officio as a  
25 voting member and chair of the council;

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

36 (5) The executive directors of the New Jersey Sports and  
37 Exposition Authority, the Casino Reinvestment Development  
38 Authority, and the Atlantic City Convention Center Authority, or  
39 their designees, all of whom shall serve ex officio and as voting  
40 members.

41 b. (1) The public members of the council shall be appointed to  
42 three-year terms, except that public members initially appointed on  
43 or after the effective date of P.L.2005, c.378, representing the  
44 lodging, food service, and eco-tourism sectors shall be appointed to  
45 a two-year term, and public members representing the cultural arts  
46 and outdoor recreation sectors and the historical community shall be  
47 appointed to a one-year term. Public members shall serve until  
48 their successors are appointed and qualified. Vacancies occurring

1 other than by expiration of term shall be filled for the unexpired  
2 term only.

3 (2) The term of appointment, as a member of the council, of an  
4 elected local official appointed pursuant to paragraph 4 of  
5 subsection a. of this section shall be the same as the term of office,  
6 as an elected local official, that the person is serving at the time of  
7 such appointment. In the event that a member of the council  
8 appointed pursuant to that paragraph no longer serves as an elected  
9 local official, the term of appointment for that member shall cease  
10 and the Governor may, with the advice and consent of the Senate,  
11 appoint a replacement to serve for the remainder of the unexpired  
12 term. In the case of a person who, at the time of such appointment,  
13 serves as an elected local official in two different offices, the term  
14 of the person's appointment to the council shall be measured by the  
15 longer of the terms as an elected local official. Nothing in this  
16 paragraph shall preclude the reappointment as an elected local  
17 official member of the council of a person whose term of office as  
18 such elected local official has expired, but who has been reelected  
19 to succeed himself in the same local office.

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

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

22 e. The members of the council shall serve without  
23 compensation but shall be entitled to reimbursement for actual and  
24 necessary expenses incurred in the performance of their duties as  
25 members.

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

27 g. The council shall meet at the call of the chair and not less  
28 than once every month.

29 h. Whenever, in any law, rule, regulation, order, contract,  
30 document, judicial or administrative proceeding or otherwise,  
31 reference is made to the New Jersey Tourism Advisory Council, the  
32 same shall mean and refer to the New Jersey Tourism Policy  
33 Council in the Division of Travel and Tourism.

34 (cf: P.L.2005, c.378, s.4)

35

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

38 9. In the pursuance and promotion of a State policy on tourism,  
39 the division, at the direction of the **【Chief Executive Officer and**  
40 **Secretary of the commission】** Secretary of State, 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  
46 and private agencies to do their utmost to assure the personal safety  
47 of residents and tourists both within and without tourist destination  
48 areas;

- 1 c. Take whatever administrative, litigable, and legislative steps  
2 as are necessary to minimize the problems of tourists in not  
3 receiving contracted services, including transportation, tours,  
4 hotels;
- 5 d. Attempt to reconcile and balance the activities and  
6 accommodations of the tourist with the daily pursuits and lifestyles  
7 of 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  
16 with the attainment of economic, social, physical, and  
17 environmental objectives in any State plan and county plans that are  
18 adopted;
- 19 h. Continuously monitor and evaluate the social costs of  
20 growth of the tourist industry against the social benefits;
- 21 i. Emphasize in the State's tourism promotional efforts the  
22 high quality of the State's natural and cultural features;
- 23 j. Promote the tourist industry through such activities as  
24 Visitors Bureaus and similar county and municipal agencies, and  
25 assure that the tourist industry contributes its fair share of the cost  
26 of such promotion;
- 27 k. Request and receive from any department, division, board,  
28 bureau, commission, or other agency of the State, or any political  
29 subdivision or public authority thereof, such assistance and data as  
30 may be necessary to enable the division to carry out its  
31 responsibilities under this act;
- 32 l. In consultation with the council, review annually and, if  
33 necessary, revise or update the 10-year master plan developed  
34 pursuant to section 8 of P.L.1977, c.225 (C.34:1A-52), and submit a  
35 report to the Governor and the Legislature containing an evaluation  
36 of the preceding year's activities and developments in tourism and  
37 the revisions recommended in the master plan;
- 38 m. At the direction of the council, operate the **【commission's】**  
39 division's Travel and Tourism Cooperative Marketing Campaign  
40 Program; and
- 41 n. Establish and operate the **【commission's】** division's Travel  
42 and Tourism Advertising and Promotion Program.  
43 (cf: P.L.2005, c.378, s.6)  
44
- 45 7. Section 8 of P.L.2005, c.378 (C.34:1A-53.1) is amended to  
46 read as follows:
- 47 8. In addition to the powers and duties of the division as  
48 provided in section 9 of P.L.1977, c.225 (C.34:1A-53), the division  
49 shall submit a report no later than January 31 and July 31 of every



1 year on the tourism marketing campaigns of the [commission]  
2 division and the expenditure of funds appropriated to the  
3 [commission] division for tourism promotion to the Governor, the  
4 President of the Senate, the Speaker of the General Assembly, the  
5 Senate Wagering, Tourism and Historic Preservation Committee  
6 and the Assembly Tourism and Gaming Committee, or their  
7 successors. The report shall include, but not be limited to, the  
8 following information:

9 a. A description of the efforts of the [commission] division to  
10 promote New Jersey tourism in the six-month period ending on  
11 December 31 and June 30 preceding the respective dates on which  
12 the report is due. The report shall list: (1) the type of each  
13 promotion made, including but not limited to, promotions in the  
14 form of print, radio, Internet or television advertisements, tourism  
15 information or reference guides, tourism event calendars or the  
16 attendance by [commission] employees of the division at  
17 conferences relevant to tourism promotion, (2) the content of each  
18 such advertisement, guide, calendar or other promotional aid made,  
19 or conference attended, (3) the dates and locations where tourism  
20 advertisements were shown, when such guides, calendars or other  
21 promotional aids were made available, or when such conferences  
22 took place, and (4) the aggregate amount of money expended on  
23 each advertisement, guide, calendar, promotional aid or conference  
24 listed;

25 b. A list of entities that received, in the six-month period  
26 ending on December 31 and June 30 preceding the respective dates  
27 on which the report is due, State matching funds under the  
28 [commission's] division's Travel and Tourism Cooperative  
29 Marketing Campaign Program and the [commission's] division's  
30 Advertising and Promotion Program, the amount of funds each  
31 entity received from either program, and the amount of each of the  
32 recipient entity's expenditures made from the funds of either  
33 program; and

34 c. A general description of the potential tourism promotion  
35 efforts the [commission] division is considering for the six-month  
36 period beginning on January 1 and July 1 preceding the respective  
37 dates on which the report is due. Such description shall be  
38 distributed to the members of the council. A member of the public  
39 may receive a copy of such description upon request.

40 The report shall identify whether or not each of the efforts to  
41 promote tourism listed in the report is consistent with the provisions  
42 of the 10-year master plan developed pursuant to section 8 of  
43 P.L.1977, c.225 (C.34:1A-52), identify the relevant provisions of  
44 the master plan with which the effort to promote tourism is  
45 consistent or inconsistent, and provide an explanation of the  
46 consistency or inconsistency.

47 (cf: P.L.2005, c.378, s.8)

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

3       10. The council shall:

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

7       b. Consider all matters referred to it by the **【Chief Executive**  
8 **Officer and Secretary of the commission】** Secretary of State;

9       c. Make recommendations to the division on any matter  
10 relating to tourism and the tourist industry in New Jersey and to  
11 those objectives and responsibilities specified in sections 8 and 9 of  
12 P.L.1977, c.225 (C.34:1A-52 and C.34:1A-53);

13       d. Direct the division to review the spending of funds by the  
14 regional tourism councils and provide comments and  
15 recommendations to such councils on the spending of funds when  
16 appropriate;

17       e. Direct the division to encourage the development of local  
18 marketing organizations, including but not limited to destination  
19 marketing organizations and convention and visitor bureaus;

20       f. Direct the division to ensure that a recipient of funding by  
21 the **【commission】** Department of State for tourism promotion is in  
22 compliance with all terms of the funding agreement, and that the  
23 recipient's promotional message is consistent with the promotional  
24 message for the State established by the **【Chief Executive Officer**  
25 **and】** Secretary of **【the commission】** State;

26       g. Direct the division on the operation of the **【commission's】**  
27 division's Travel and Tourism Cooperative Marketing Campaign  
28 Program;

29       h. Commission the New Jersey Center for Hospitality and  
30 Tourism at Richard Stockton College of New Jersey to conduct an  
31 annual survey and analysis of New Jersey's tourism industry for the  
32 purpose of providing data to improve the effectiveness of tourism  
33 promotion. The council shall direct the division to make the survey  
34 and analysis results available to tourism groups throughout the  
35 State. In a year during which the New Jersey Center for Hospitality  
36 and Tourism is unable or unavailable to conduct the survey and  
37 analysis, the council shall choose another entity to conduct the  
38 survey and analysis for that year; and

39       i. Perform other duties as assigned by the **【Chief Executive**  
40 **Officer and Secretary of the commission】** Secretary of State.

41 (cf: P.L.2005, c.378, s.7)

42  
43       9. Section 1 of P.L.1997, c.64 (C.13:1B-15.159) is amended to  
44 read as follows:

45       1. The Department of Environmental Protection, in cooperation  
46 with the Division of Travel and Tourism in the **【New Jersey**  
47 **Commerce and Economic Growth Commission】** Department of  
48 State, in consultation with the Pinelands Commission as it affects

1 the pinelands area designated pursuant to section 10 of P.L.1979,  
2 c.111 (C.13:18A-11), and in consultation with the Highlands Water  
3 Protection and Planning Council as it affects the Highlands Region  
4 designated pursuant to section 7 of P.L.2004, c.120 (C.13:20-7),  
5 shall establish a natural resources inventory, using the Geographic  
6 Information System, for the purpose of encouraging ecologically  
7 based tourism and recreation in New Jersey. This inventory shall  
8 contain information on New Jersey's natural, historic, and  
9 recreational resources, and shall include, to the greatest extent  
10 possible, but need not be limited to, federal, State, county and local  
11 parks, wildlife management areas, hatcheries, natural areas, historic  
12 sites, State forests, recreational areas, ecological and biological  
13 study sites, reservoirs, marinas, boat launches, campgrounds,  
14 waterfront access points, winter sports recreation areas, and national  
15 wildlife refuges.

16 (cf: P.L.2004, c.120, s.48)

17

18 10. Section 3 of P.L. 1993, c.57 (C.32:34-3) is amended to read  
19 as follows:

20 3. a. There is created the Clean Ocean and Shore Trust  
21 (COAST) Committee, which shall comprise 18 members, nine of  
22 whom shall be residents of the State of New Jersey and nine of  
23 whom shall be residents of the State of New York. The New Jersey  
24 members shall be as follows: two members of the Senate, from  
25 different political parties, to be appointed by the President thereof;  
26 two members of the General Assembly, from different political  
27 parties, to be appointed by the Speaker thereof; the Director of the  
28 Division of Science and Research of the New Jersey Department of  
29 Environmental Protection; the Director of the Division of Travel  
30 and Tourism in the **【New Jersey】** Department of **【Commerce,**  
31 **Energy and Economic Development】** State; the Director of the  
32 Institute of Marine and Coastal Sciences at Rutgers, The State  
33 University of New Jersey; the Director of the Center for  
34 Environmental Engineering at the Stevens Institute of Technology;  
35 and one private citizen with expertise in marine pollution, coastal  
36 resource preservation, marine fisheries, or coastal tourism, to be  
37 appointed by the Governor, with the advice and consent of the  
38 Senate.

39 b. The New Jersey legislative and administrative agency  
40 members of the committee, and the members from Rutgers  
41 University and the Stevens Institute of Technology, or their  
42 designees, shall serve ex officio. The private citizen member of the  
43 committee appointed by the Governor of New Jersey shall serve at  
44 the pleasure of the Governor. Vacancies in the appointed positions  
45 on the committee shall be filled in the same manner as the original  
46 appointments were made.

47 c. New Jersey members of the committee shall serve without  
48 compensation, but may, within the limits of funds appropriated or

1 otherwise made available to it, be reimbursed for actual expenses  
2 necessarily incurred in the discharge of their official duties.

3 d. The committee shall organize as soon as may be practicable  
4 after the appointment of its members, and shall select two co-  
5 chairpersons from its members, one from each state, and a secretary  
6 who need not be a member. Meetings of the committee shall be at  
7 such times and places as the co-chairpersons of the committee deem  
8 appropriate.

9 e. The committee may call to its assistance, and avail itself of  
10 the services of, such employees of the two states, or any political  
11 instrumentalities thereof, as it may require and as may be made  
12 available to it for the purpose of carrying out its duties under this  
13 act. If requested by the committee, the New Jersey Department of  
14 Environmental Protection and the New York Department of  
15 Environmental Conservation, or their successors, shall provide  
16 primary staff support.

17 f. The committee may, within the limits of funds appropriated  
18 or otherwise made available to it for those purposes, employ such  
19 professional, stenographic, and clerical staff and incur such  
20 traveling and other miscellaneous expenses as it may deem  
21 necessary in order to perform its duties.

22 g. The committee may, within the limits of funds appropriated  
23 or otherwise made available to it for those purposes, establish an  
24 advisory panel comprised of scientists and technical experts from  
25 the profit and nonprofit sectors. This panel would identify and  
26 define problems and priority issues of the Hudson - Raritan estuary  
27 and the New York - New Jersey Bight area, and provide the  
28 committee with scientific and technical advice.

29 (cf: P.L.1993, c.57, s.3)

30

31 11. Section 2 of P.L.2005, c.47 (C.52:16A-91) is amended to  
32 read as follows:

33 2. The New Jersey Black Cultural and Heritage Initiative  
34 Foundation shall be governed by a board of trustees consisting of  
35 the following 25 members:

36 a. the Secretary of State or designee;

37 b. Five State employees or special State officers, who shall be  
38 selected from, and appointed by the Secretary of State to represent  
39 any or all, of the following State partner organizations:

40 (1) New Jersey State Council on the Arts;

41 (2) New Jersey Historical Commission;

42 (3) New Jersey Council of the Humanities;

43 (4) New Jersey Public Broadcasting Commission;

44 (5) Martin Luther King Commemorative Commission;

45 (6) Amistad Commission;

46 (7) Department of Education;

47 (8) **【Office】** Division of Travel and Tourism, **【New Jersey**  
48 **Commerce and Economic Growth Commission】** Department of  
49 State;

- 1 (9) Department of Community Affairs;
- 2 (10) Department of Transportation;
- 3 (11) Department of State, Office of Faith-based Initiatives; and
- 4 (12) any other State agency or instrumentality partnering,
- 5 assisting or supporting the purposes of the foundation.

6 The State partner members of the board of trustees appointed  
7 pursuant to this subsection shall serve at the pleasure of the  
8 Secretary of State.

9 c. Nineteen public members shall be selected from a broad  
10 cross-section of the views and interests of the community and the  
11 member organizations of the foundation, including educators,  
12 clergy, civic and business leaders; philanthropists; visual, creative  
13 and performing artists; representatives of Black arts, history and  
14 cultural organizations; and persons having knowledge of, expertise  
15 in, or commitment to preserving New Jersey's Black cultural  
16 heritage.

17 Five of the public members shall be appointed by the Secretary  
18 of State upon formation and incorporation of the foundation.  
19 Thereafter, at least four more public members shall be elected by  
20 the nonprofit cultural organizations which become members of the  
21 foundation, and the remaining public members shall be nominated  
22 by a nominating committee of the board of trustees and appointed  
23 by the board of trustees.

24 The term of office of each public member shall be three years,  
25 with each member continuing to serve upon expiration of the term  
26 until replaced. Three of the initial public members appointed by the  
27 Secretary of State and two of the public members initially elected  
28 by member organizations shall serve initial terms of two years.

29 Vacancies shall be filled and replacements made as provided in  
30 the bylaws of the foundation.

31 (cf: P.L.2005, c.47, s.2)

32

33 12. Section 28 of P.L.2005, c.354 (C.34:1A-87) is amended to  
34 read as follows:

35 28. The center shall be managed by a Steering Committee  
36 comprised of the Commissioners of Community Affairs, Education,  
37 Health and Senior Services, Human Services, and Labor and  
38 Workforce Development; the Executive Directors of the  
39 Commission on Higher Education **[and]**, the State Employment and  
40 Training Commission; the **[Secretary and Chief]** Executive  
41 Officer Director of the New Jersey Commerce **[, Economic**  
42 **Growth and Tourism]** Commission; the Director of the Division of  
43 Vocational Rehabilitation Services; a director or member of a  
44 Workforce Investment Board as designated by the Executive  
45 Director of the State Employment and Training Commission; and a  
46 One-Stop Career Center operator as designated by the  
47 Commissioner of Labor and Workforce Development. The  
48 committee shall set policy for the operation of the center and shall  
49 have the authority to increase membership of the committee, as it

1 deems necessary, to carry out the purposes of sections 25 through  
2 29 of P.L.2005, c.354 (C.34:1A-86 through C.34:1A-88).  
3 (cf: P.L.2005, c.354, s.28)

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

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

16 b. The authority shall consist of the Commissioner of Banking  
17 and Insurance, the **【Chief】 Executive 【Officer and Secretary】**  
18 Director of the New Jersey Commerce **【and Economic Growth】**  
19 Commission, the Commissioner of Labor and Workforce  
20 Development, the Commissioner of Education, and the State  
21 Treasurer, who shall be members ex officio, and eight public  
22 members appointed by the Governor as follows: two public  
23 members (who shall not be legislators) shall be appointed by the  
24 Governor upon recommendation of the Senate President; two public  
25 members (who shall not be legislators) shall be appointed by the  
26 Governor upon recommendation of the Speaker of the General  
27 Assembly; and four public members shall be appointed by the  
28 Governor, all for terms of three years. In addition, a public member  
29 of the State Economic Recovery Board established pursuant to  
30 section 36 of P.L.2002, c.43 (C.52:27BBB-36) appointed by the  
31 board, shall serve as a non-voting, ex officio member of the  
32 authority. Each member shall hold office for the term of the  
33 member's appointment and until the member's successor shall have  
34 been appointed and qualified. A member shall be eligible for  
35 reappointment. Any vacancy in the membership occurring other  
36 than by expiration of term shall be filled in the same manner as the  
37 original appointment but for the unexpired term only. In the event  
38 the authority shall by resolution determine to accept the declaration  
39 of an urban growth zone by any municipality, the mayor or other  
40 chief executive officer of such municipality shall ex officio be a  
41 member of the authority for the purpose of participating and voting  
42 on all matters pertaining to such urban growth zone.

43 The Governor shall appoint three alternate members of the  
44 authority, of which one alternate member (who shall not be a  
45 legislator) shall be appointed by the Governor upon the  
46 recommendation of the Senate President, and one alternate member  
47 (who shall not be a legislator) shall be appointed by the Governor  
48 upon the recommendation of the Speaker of the General Assembly;  
49 and one alternate member shall be appointed by the Governor, all

1 for terms of three years. The chairperson may authorize an  
2 alternate member, in order of appointment, to exercise all of the  
3 powers, duties and responsibilities of such member, including, but  
4 not limited to, the right to vote on matters before the authority.

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

14 The terms of office of the members and alternate members of the  
15 authority appointed by the Governor who are serving on July 18,  
16 2000 shall expire upon the appointment by the Governor of eight  
17 public members and three alternate members. The initial  
18 appointments of the eight public members shall be as follows: the  
19 two members appointed upon the recommendation of the President  
20 of the Senate and the two members appointed upon the  
21 recommendation of the Speaker of the General Assembly shall  
22 serve terms of three years; two members shall serve terms of two  
23 years; and two members shall serve terms of one year. The initial  
24 appointments of the alternate members shall be as follows: the  
25 alternate member appointed upon the recommendation of the  
26 President of the Senate shall serve a term of three years; the  
27 alternate member appointed upon the recommendation of the  
28 Speaker of the General Assembly shall serve a term of two years;  
29 and one alternate member shall serve a term of one year. No  
30 member shall be appointed who is holding elective office.

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

38 d. A chairperson shall be appointed by the Governor from the  
39 public members. The members of the authority shall elect from  
40 their remaining number a vice chairperson and a treasurer thereof.  
41 The authority shall employ an executive director who shall be its  
42 secretary and chief executive officer. The powers of the authority  
43 shall be vested in the members thereof in office from time to time  
44 and seven members of the authority shall constitute a quorum at any  
45 meeting thereof; provided, however, that the public member  
46 designated by the State Economic Recovery Board pursuant to the  
47 "Municipal Rehabilitation and Economic Recovery Act," P.L.2002,  
48 c.43 (C.52:27BBB-1 et al.) shall not count toward the quorum.  
49 Action may be taken and motions and resolutions adopted by the

1 authority at any meeting thereof by the affirmative vote of at least  
2 seven members of the authority. No vacancy in the membership of  
3 the authority shall impair the right of a quorum of the members to  
4 exercise all the powers and perform all the duties of the authority.

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

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

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

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

34 i. A true copy of the minutes of every meeting of the authority  
35 shall be forthwith delivered by and under the certification of the  
36 secretary thereof to the Governor. No action taken at such meeting  
37 by the authority shall have force or effect until 10 days, Saturdays,  
38 Sundays, and public holidays excepted, after the copy of the  
39 minutes shall have been so delivered, unless during such 10-day  
40 period the Governor shall approve the same in which case such  
41 action shall become effective upon such approval. If, in that 10-day  
42 period, the Governor returns such copy of the minutes with veto of  
43 any action taken by the authority or any member thereof at such  
44 meeting, such action shall be null and void and of no effect. The  
45 powers conferred in this subsection i. upon the Governor shall be  
46 exercised with due regard for the rights of the holders of bonds and  
47 notes of the authority at any time outstanding, and nothing in, or  
48 done pursuant to, this subsection i. shall in any way limit, restrict or  
49 alter the obligation or powers of the authority or any representative



1 or officer of the authority to carry out and perform in every detail  
2 each and every covenant, agreement or contract at any time made or  
3 entered into by or on behalf of the authority with respect to its  
4 bonds or notes or for the benefit, protection or security of the  
5 holders thereof.

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

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

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

26 (cf: P.L.2002, c.43, s.69)

27

28 14. Section 2 of P.L.1996, c.25 (C.34:1B-113) is amended to  
29 read as follows:

30 2. As used in this act:

31 "Advanced computing" means a technology used in the  
32 designing and developing of computing hardware and software,  
33 including innovations in designing the full spectrum of hardware  
34 from hand-held calculators to super computers, and peripheral  
35 equipment;

36 "Advanced computing company" means a person with  
37 headquarters or base of operations located in New Jersey and  
38 engaged in the research, development, production, or provision of  
39 advanced computing for the purpose of developing or providing  
40 products or processes for specific commercial or public purposes;

41 "Advanced materials" means materials with engineered  
42 properties created through the development of specialized  
43 processing and synthesis technology, including ceramics, high  
44 value-added metals, electronic materials, composites, polymers, and  
45 biomaterials;

46 "Advanced materials company" means a person with  
47 headquarters or base of operations located in New Jersey and  
48 engaged in the research, development, production, or provision of

1 advanced materials for the purpose of developing or providing  
2 products or processes for specific commercial or public purposes;  
3 "Biotechnology" means the continually expanding body of  
4 fundamental knowledge about the functioning of biological systems  
5 from the macro level to the molecular and sub-atomic levels, as  
6 well as novel products, services, technologies and sub-technologies  
7 developed as a result of insights gained from research advances  
8 which add to that body of fundamental knowledge;  
9 "Biotechnology company" means a person with headquarters or  
10 base of operations located in New Jersey and engaged in the  
11 research, development, production, or provision or biotechnology  
12 for the purpose of developing or providing products or processes for  
13 specific commercial or public purposes, including, but not limited  
14 to, medical, pharmaceutical, nutritional, and other health-related  
15 purposes, agricultural purposes, and environmental purposes, or a  
16 person with headquarters or base of operations located in New  
17 Jersey and engaged in providing services or products necessary for  
18 such research, development, production, or provision;  
19 "Business retention or relocation grant of tax credits" or "grant of  
20 tax credits" means a grant which consists of the value of  
21 corporation business tax credits against the liability imposed  
22 pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5) or credits  
23 against the taxes imposed on insurers pursuant to P.L.1945, c.132  
24 (C.54:18A-1 et seq.), section 1 of P.L.1950, c.231 (C.17:32-15),  
25 and N.J.S.17B:23-5, provided to fund a portion of retention and  
26 relocation costs pursuant to P.L.1996, c.25 (C.34:1B-112 et seq.);  
27 "Commissioner" means the **[Chief] Executive [Officer and**  
28 **Secretary] Director** of the New Jersey Commerce **[and Economic**  
29 **Growth] Commission**;  
30 "Department" means the New Jersey Commerce **[and Economic**  
31 **Growth] Commission**;  
32 "Business" means an employer located in this State that has  
33 operated continuously in the State, in whole or in part, in its current  
34 form or as a predecessor entity for at least 10 years prior to filing an  
35 application pursuant to P.L.1996, c.25 (C.34:1B-112 et seq.) and  
36 which is subject to the provisions of R.S.43:21-1 et seq. and may  
37 include a sole proprietorship, a partnership, or a corporation that  
38 has made an election under Subchapter S of Chapter One of Subtitle  
39 A of the Internal Revenue Code of 1986, or any other business  
40 entity through which income flows as a distributive share to its  
41 owners, limited liability company, nonprofit corporation, or any  
42 other form of business organization located either within or outside  
43 the State;  
44 "Commitment duration" means five years from the date specified  
45 in the project agreement entered into pursuant to section 5 of  
46 P.L.1996, c.25 (C.34:1B-116);  
47 "Designated industry" means a business engaged in the field of  
48 biotechnology, pharmaceuticals, manufacturing, financial services  
49 or transportation and logistics, advanced computing, advanced

1 materials, electronic device technology, environmental technology  
2 or medical device technology;

3 "Designated urban center" means an urban center designated in  
4 the State Development and Redevelopment Plan adopted by the  
5 State Planning Commission;

6 "Electronic device technology" means a technology involving  
7 microelectronics, semiconductors, electronic equipment, and  
8 instrumentation, radio frequency, microwave, and millimeter  
9 electronics, and optical and optic-related electrical devices, or data  
10 and digital communications and imaging devices;

11 "Electronic device technology company" means a person with  
12 headquarters or base of operations located in New Jersey and  
13 engaged in the research, development, production, or provision of  
14 electronic device technology for the purpose of developing or  
15 providing products or processes for specific commercial or public  
16 purposes;

17 "Eligible position" means a full-time position retained by a  
18 business in this State for which a business provides employee health  
19 benefits under a group health plan as defined under section 14 of  
20 P.L.1997, c.146 (C.17B:27-54), a health benefits plan as defined  
21 under section 1 of P.L.1992, c.162 (C.17B:27A-17), or a policy or  
22 contract of health insurance covering more than one person issued  
23 pursuant to Article 2 of Title 17B of the New Jersey Statutes;

24 "Full-time employee" means a person who is employed for  
25 consideration for at least thirty-five hours a week, or who renders  
26 any other standard of service generally accepted by custom or  
27 practice as full-time employment, whose wages are subject to  
28 withholding as provided in the "New Jersey Gross Income Tax  
29 Act," N.J.S.54A:1-1 et seq., and who is determined by the  
30 commissioner to be employed in a permanent position according  
31 to criteria as the **[commissioner]** Board of Directors of the  
32 New Jersey Commerce Commission may prescribe. "Full-time  
33 employee" shall not include any person who works as an  
34 independent contractor or on a consulting basis for the business.  
35 "Full-time employee" shall not include a child, grandchild, parent,  
36 or spouse of an individual who has direct or indirect ownership of at  
37 least 5% of the profits, capital, or value of the business;

38 "Headquarters" of a business means the single location that  
39 serves as the national administrative center of the business, at which  
40 the primary office of the chief executive officer or chief operating  
41 officer of the business, as well as the offices of the management  
42 officials responsible for key businesswide functions such as  
43 finance, legal, marketing, and human resources, are located;

44 "High-technology business" means an advanced computing  
45 company, advanced materials company, electronic device  
46 technology company, environmental technology company or  
47 medical device technology company;

48 "Medical device technology" means a technology involving any  
49 medical equipment or product (other than a pharmaceutical product)

1 that has therapeutic value, diagnostic value, or both, and is  
2 regulated by the federal Food and Drug Administration;

3 "Medical device technology company" means a person with  
4 headquarters or base of operations located in New Jersey and  
5 engaged in the research, development, production, or provision of  
6 medical device technology for the purpose of developing or  
7 providing products or processes for specific commercial or public  
8 purposes;

9 "New business location" means the premises that the business  
10 has either purchased or built or for which the business has entered  
11 into a purchase agreement or a written lease for a period of no less  
12 than eight years from the date of relocation;

13 "Manufacturing facility" means a business location at which  
14 more than 50% of the business personal property that is housed in  
15 the facility is eligible for the sales tax exemption pursuant to  
16 subsection a. of section 25 of P.L.1980, c.105 (C.54:32B-8.13) for  
17 machinery, apparatus or equipment used in the production of  
18 tangible personal property;

19 "Program" means the Business Retention and Relocation  
20 Assistance Grant Program created pursuant to P.L.1996, c.25  
21 (C.34:1B-112 et seq.);

22 "Project agreement" means an agreement between a business and  
23 the department that sets the forecasted schedule for completion and  
24 occupancy of the project, the date the commitment duration shall  
25 commence, the amount of the applicable grant of tax credits, and  
26 other such provisions which further the purposes of P.L.1996, c.25  
27 (C.34:1B-112 et seq.);

28 "Research and development facility" means a business location  
29 at which more than 50% of the business personal property that is  
30 purchased for the facility is eligible for the sales tax exemption  
31 pursuant to section 26 of P.L.1980, c.105 (C.54:32B-8.14) for  
32 property used in research and development;

33 "Retained full-time job" means an eligible position that currently  
34 exists in New Jersey and is filled by a full-time employee but  
35 which, because of a relocation by the business, is at risk of being  
36 lost to another state or country. For the purposes of determining a  
37 number of retained full-time jobs, the eligible positions of the  
38 members of a "controlled group of corporations" as defined  
39 pursuant to section 1563 of the federal Internal Revenue Code of  
40 1986, 26 U.S.C. s.1563, shall be considered the eligible positions of  
41 a single employer; and

42 "Total allowable relocation costs" means \$1,500 times the  
43 number of retained full-time jobs. "Total allowable relocation  
44 costs" does not include the amount of any bonus award authorized  
45 pursuant to section 5 of P.L.2004, c.65 (C.34:1B-115.1).

46 (cf: P.L.2004, c.65, s.2)

47

48 15. Section 3 of P.L.1996, c.25 (C.34:1B-114) is amended to  
49 read as follows:

1       3. The Business Retention and Relocation Assistance Grant  
2 Program is hereby established as a program under the jurisdiction of  
3 the New Jersey Commerce [and Economic Growth] Commission  
4 and shall be administered by the [Chief Executive Officer and  
5 Secretary of the] New Jersey Commerce [and Economic Growth]  
6 Commission. The purpose of the program is to encourage economic  
7 development and job creation and to preserve jobs that currently  
8 exist in New Jersey but which are in danger of being relocated to  
9 premises outside of the State. To implement that purpose, and to  
10 the extent that funding for the program is available, the program  
11 may provide grants of tax credits but in no case shall the amount of  
12 an individual grant of tax credits exceed 80% of the projected State  
13 tax revenues from the retained full-time jobs covered by the project  
14 agreement of an applicant for a grant of tax credits.  
15 (cf: P.L.2004, c.65, s.3)

16  
17       16. Section 19 of P.L.2004, c.65 (C.34:1B-185) is amended to  
18 read as follows:

19       19. As used in sections 19 through 22 of P.L.2004, c.65  
20 (C.34:1B-185 through C.34:1B-188) the following terms shall have  
21 the following meanings:

22       "Eligible property" means machinery, equipment, furniture and  
23 furnishings, fixtures, and building materials, but "eligible property"  
24 shall not include "motor vehicles" as defined pursuant to section 2  
25 of P.L.1966, c.30 (C.54:32B-2), parts with a useful life of one year  
26 or less, or tools or supplies used in connection with the eligible  
27 property;

28       "Headquarters" means the single location that serves as the  
29 national administrative center of a business, at which the primary  
30 office of the chief executive officer or chief operating officer of the  
31 business, as well as the offices of the management officials  
32 responsible for key businesswide functions such as finance, legal,  
33 marketing, and human resources, are located;

34       "Life sciences business" means a business engaged principally in  
35 the production of medical equipment, ophthalmic goods, medical or  
36 dental instruments, diagnostic substances, biopharmaceutical  
37 products; or physical and biological research; or biotechnology;

38       "Manufacturing facility" means a business location at which  
39 more than 50% of the business personal property that is housed in  
40 the facility is eligible for the sales tax exemption pursuant to  
41 subsection a. of section 25 of P.L.1980, c.105 (C. 54:32B-8.13) for  
42 machinery, apparatus or equipment used in the production of  
43 tangible personal property;

44       "Research and development facility" means a business location  
45 at which more than 50% of the business personal property that is  
46 purchased for the facility is eligible for the sales tax exemption  
47 pursuant to section 26 of P.L.1980, c.105 (C.54:32B-8.14) for  
48 property used in research and development; and

1       ["Secretary" means the Chief Executive Officer and Secretary of  
2 the New Jersey Commerce and Economic Growth Commission.]  
3 (cf: P.L.2004, c.65, s.19)  
4

5       17. Section 20 of P.L.2004, c.65 (C.34:1B-186) is amended to  
6 read as follows:

7       20. The **["secretary"]** New Jersey Commerce Commission shall  
8 establish and administer a program to approve the issuance of sales  
9 and use tax exemption certificates to qualifying businesses as  
10 specified in sections 19 through 22 of P.L.2004, c.65 (C.34:1B-185  
11 through C.34:1B-188). The receipts from the certificate holder's  
12 purchase of eligible property located or placed at the business  
13 location covered by the project approval within the period  
14 established pursuant to the terms and conditions of the project  
15 approval for the approved business location shall be exempt from  
16 the tax imposed under the "Sales and Use Tax Act," P.L.1966, c.30  
17 (C.54:32B-1 et seq.).  
18 (cf: P.L.2004, c.65, s.20)  
19

20       18. Section 21 of P.L.2004, c.65 (C.34:1B-187) is amended to  
21 read as follows:

22       21. a. A business seeking to participate in the sales and use tax  
23 exemption certificate program established pursuant to sections 19  
24 through 22 of P.L.2004, c.65 (C.34:1B-185 through C.34:1B-188)  
25 shall submit a project application to the **["secretary"]** New Jersey  
26 Commerce Commission in such form as required by the **["secretary"]**  
27 New Jersey Commerce Commission.

28       b. The location for the project shall be situated in designated  
29 Planning Area 1 or 2, as defined in the State Development and  
30 Redevelopment Plan adopted by the State Planning Commission;  
31 provided however, that a business project involving the renovation  
32 or expansion of an existing facility that is not located in designated  
33 Planning Area 1 or 2 may be eligible to participate in the program,  
34 at the determination of the secretary, if all other applicable criteria  
35 are satisfied.

36       A business located in an urban enterprise zone designated  
37 pursuant to the "New Jersey Urban Enterprise Zones Act,"  
38 P.L.1983, c.303 (C.52:27H-60 et seq.) as of the effective date of  
39 this section shall not be eligible to participate in this program if the  
40 relocation project is from a facility within the urban enterprise zone  
41 to a facility outside an urban enterprise zone; provided however,  
42 that if the relocation is to a facility already owned or leased by the  
43 same business and that business already employs at least the same  
44 number of persons as those being relocated from the urban  
45 enterprise zone, it may be eligible to apply.

46       c. To be eligible to apply for the sales and use tax exemption  
47 certificate program, a business shall have operated continuously in  
48 this State, in whole or in part, in its current form or as a predecessor

1 entity, for at least 10 years prior to filing an application and shall  
2 satisfy at least one of the following criteria:

3 (1) the business has 1,000 or more full-time employees in the  
4 State and the project involves relocating 500 or more full-time  
5 employees into a new business location or locations;

6 (2) the business is a life sciences business or a manufacturing  
7 facility and the project is: constructing one or more new research  
8 and development facilities, constructing one or more new  
9 manufacturing facilities in this State, or relocating to a new  
10 headquarters in this State that will employ 250 or more full-time  
11 employees;

12 (3) the business is a life sciences business or a manufacturing  
13 business and the project is constructing a new, or substantially  
14 rehabilitating a vacant, property that will separately or collectively:

15 (a) be predominately a new research and development facility;

16 (b) be predominately a new manufacturing facility;

17 (c) house the headquarters of the business; or

18 (d) separately or collectively be a combination of subparagraphs  
19 (a), (b) and (c);

20 provided, that the new or substantially rehabilitated facility will  
21 house a minimum of 250 full-time employees. For the purposes of  
22 this subparagraph, "predominantly" means a majority of the  
23 employees housed in the new facility are engaged in that activity, or  
24 a majority of the square footage of the new facility is used in that  
25 activity; or a majority of the total value of the investment made will  
26 be employed in that activity; or other measures of activity as may  
27 determined by the secretary that demonstrate that a critical  
28 concentration of research and development, manufacturing, or both,  
29 will occur at the new facility; or

30 (4) the business is, at the time of enactment of this section,  
31 currently receiving a structured finance special guarantee pursuant  
32 to N.J.A.C.19:31-2.1(c)3.ii(5) for the project.

33 d. For the purposes of determining a number of full-time  
34 employees pursuant to subsection c. of this section, the full-time  
35 employees of the members of a "controlled group of corporations"  
36 as defined pursuant to section 1563 of the federal Internal Revenue  
37 Code of 1986, 26 U.S.C. s.1563, shall be considered the employees  
38 of a single employer.

39 e. A project may be completed in up to two phases provided  
40 that it will be the national headquarters of a life sciences or  
41 manufacturing company, and will include a significant research and  
42 development, a significant manufacturing facility, or combination  
43 thereof if : (1) the first completed phase will house at least 200 full-  
44 time employees and the second phase will house at least 100  
45 additional employees; and (2) the project is pre-approved for phases  
46 and that all phases are completed within 30 months of project  
47 approval.

48 f. Upon approval of a project, the **【secretary】** Executive  
49 Director of the New Jersey Commerce Commission shall notify the

1 Director of the Division of Taxation in the Department of the  
2 Treasury of the terms and conditions of the project approval and the  
3 director shall issue a certificate of exemption pursuant to the terms  
4 and conditions of the project approval. In general, the sales and use  
5 tax exemption certificate provided by sections 19 through 22 of  
6 P.L.2004, c.65 (C.34:1B-185 through C.34:1B-188) should not  
7 apply to purchases initiated by the business after the date that the  
8 temporary certificate of occupancy is issued, or in cases where no  
9 temporary certificate of occupancy is issued should not apply to  
10 purchases initiated by the business more than one year from the  
11 project commencement date; however, the duration of the certificate  
12 of exemption shall be pursuant to the terms and conditions of the  
13 project approval.

14 (cf: P.L.2004, c.65, s.21)

15

16 19. Section 22 of P.L.2004, c.65 (C.34:1B-188) is amended to  
17 read as follows:

18 22. The **【secretary】** New Jersey Commerce Commission shall,  
19 after consultation with the Director of the Division of Taxation in  
20 the Department of the Treasury, adopt rules and regulations  
21 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
22 (C.52:14B-1 et seq.) necessary to govern the proper conduct and  
23 operation of the program consistent with the provisions of sections  
24 19 through 22 of P.L.2004, c.65 (C.34:1B-185 through C.34:1B-  
25 188).

26 (cf: P.L.2004, c.65, s.22)

27

28 20. Section 9 of P.L.1989, c.293 (C.34:15C-6) is amended to  
29 read as follows:

30 9. The commission shall:

31 a. Issue the New Jersey Unified Workforce Investment Plan  
32 pursuant to the provisions of the Workforce Investment Act of  
33 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 10 of  
34 this act;

35 b. Establish performance standards for workforce investment  
36 programs pursuant to the Workforce Investment Act of 1998,  
37 Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 11 of this act;

38 c. Act to ensure the full participation of Workforce Investment  
39 Boards in the planning and supervision of local workforce  
40 investment systems. The commission shall be responsible to  
41 oversee and develop appropriate standards to ensure Workforce  
42 Investment Board compliance with State and federal law, the State  
43 plan, and other relevant requirements regarding membership,  
44 staffing, meetings, and functions;

45 d. Foster and coordinate initiatives of the Department of  
46 Education and Commission on Higher Education to enhance the  
47 contributions of public schools and institutions of higher education  
48 to the implementation of the State workforce investment policy;



1 e. Examine federal and State laws and regulations to assess  
2 whether those laws and regulations present barriers to achieving any  
3 of the goals of this act. The commission shall, from time to time as  
4 it deems appropriate, issue to the Governor and the Legislature  
5 reports on its findings, including recommendations for changes in  
6 State or federal laws or regulations concerning workforce  
7 investment programs or services, including, when appropriate,  
8 recommendations to merge other State advisory structures and  
9 functions into the commission;

10 f. Perform the duties assigned to a State Workforce Investment  
11 Board pursuant to subsection (d) of section 111 of the Workforce  
12 Investment Act of 1998, Pub.L.105-220 (29 U.S.C. s.2821);

13 g. Have the authority to enter into agreements with the head of  
14 each State department or commission which administers or funds  
15 education, employment or training programs, including, but not  
16 limited to, the Departments of Labor and Workforce Development,  
17 Community Affairs, Education, and Human Services and the  
18 Commission on Higher Education, the New Jersey Commerce [,  
19 Economic Growth and Tourism] Commission, and the Juvenile  
20 Justice Commission, which agreements are for the purpose of  
21 assigning planning, policy guidance and oversight functions to each  
22 Workforce Investment Board with respect to any workforce  
23 investment program funded or administered by the State department  
24 or commission within the Workforce Investment Board's respective  
25 labor market area or local area, as the case may be; and

26 h. Establish guidelines to be used by the Workforce Investment  
27 Boards in performing the planning, policy guidance, and oversight  
28 functions assigned to the boards under any agreement reached by  
29 the commission with a department or commission pursuant to  
30 subsection g. of this section. The commission shall approve all  
31 local Workforce Investment Board plans that meet the criteria  
32 established by the commission for the establishment of One-Stop  
33 systems. The Department of Labor and Workforce Development  
34 shall approve the operational portion of the plans for programs  
35 administered by the department.

36 The commission shall have access to all files and records of  
37 other State agencies and may require any officer or employee  
38 therein to provide such information as it may deem necessary in the  
39 performance of its functions.

40 Nothing in P.L.2005, c.354 (C.34:15C-7.1 et al.) shall be  
41 construed as affecting the authority of the Commissioner of  
42 Personnel to review and approve training programs for State  
43 employees pursuant to N.J.S.11A:6-25.

44 (cf: P.L.2005, c.354, s.8)

45

46 21. Section 2 of P.L.1999, c.107 (C.34:15C-18) is amended to  
47 read as follows:

48 2. a. There is created within the State Employment and  
49 Training Commission, established pursuant to section 5 of

1 P.L.1989, c.293 (C.34:15C-2) in the Department of Labor and  
2 Workforce Development, a State Council for Adult Literacy  
3 Education Services.

4 b. The 27-member council shall consist of the following ex  
5 officio members: the Commissioners of Labor and Workforce  
6 Development, Human Services, Education, Community Affairs and  
7 Corrections, the **[Secretary and Chief] Executive [Officer]**  
8 **Director** of the New Jersey Commerce **[, Economic Growth and**  
9 **Tourism]** Commission, the Executive Director of the Commission  
10 on Higher Education, and the Executive Director of the State  
11 Employment and Training Commission. The council shall also  
12 include one member of the Senate appointed by the President  
13 thereof and one member of the General Assembly appointed by the  
14 Speaker thereof, who shall serve during the two-year legislative  
15 session in which the appointment is made and who shall not be of  
16 the same political party; and 17 public members as follows: five  
17 public members appointed by the Governor including a member of  
18 a Workforce Investment Board literacy committee, a State or  
19 national adult education expert and three representatives of the  
20 business community, at least one of whom shall represent a small  
21 business; six public members appointed by the President of the  
22 Senate including a student or former student who received adult  
23 literacy services and a representative from each of the following: a  
24 county college, a four-year institution of higher education, the State  
25 Library or a local library, a Department of Education-funded adult  
26 education provider of adult basic education programs, general  
27 educational development programs or English as a second language  
28 programs and a community-based organization which is an adult  
29 education provider; and six public members appointed by the  
30 Speaker of the General Assembly including a representative from  
31 each of the following: a vocational school providing adult academic  
32 education programs, a trade union, the New Jersey Network, the  
33 New Jersey Association of Lifelong Learning, the Literacy  
34 Volunteers of America and the New Jersey Education Association.

35 c. The public members shall serve for terms of three years, but  
36 of the public members first appointed, six shall serve a term of three  
37 years, six shall serve a term of two years and five shall serve a term  
38 of one year. Each member shall hold office for the term of  
39 appointment and until his successor is appointed and qualified. A  
40 member appointed to fill a vacancy occurring in the membership of  
41 the board for any reason other than the expiration of the term shall  
42 have a term of appointment for the unexpired term only. All  
43 vacancies shall be filled in the same manner as the original  
44 appointment. A member may be appointed for any number of  
45 successive terms. A member may be removed from office by the  
46 Governor, for cause, after a hearing and may be suspended by the  
47 Governor pending the completion of the hearing.

48 d. The members shall select annually a chairperson and a vice-  
49 chairperson, who shall be nongovernmental members of the council,

1 and shall appoint an executive director. The executive director  
2 shall report to the chairperson of the council and be responsible for  
3 administering the daily operations of the council. The executive  
4 director shall serve in the State unclassified service. The council  
5 may call to its assistance and avail itself of the services of the  
6 employees of any State, county or municipal department, board,  
7 bureau, commission or agency as it may require and as may be  
8 available to it for its purposes.

9 e. Members of the council shall serve without compensation,  
10 but may be reimbursed for necessary expenses incurred in the  
11 performance of their duties as members, within the limits of funds  
12 appropriated or otherwise made available to the council for its  
13 purposes. Actions may be taken and motions and resolutions may  
14 be adopted by the council by an affirmative vote of a majority of  
15 the members.

16 (cf: P.L.2005, c.354, s.18)

17

18 22. Section 2 of P.L.1992, c.86 (C.38A:3-16) is amended to read  
19 as follows:

20 2. The Council on Armed Forces and Veterans' Affairs  
21 established in the Department of Commerce and Economic  
22 Development pursuant to P.L.1983, c.61 (C.52:27H-45 et seq.) is  
23 hereby transferred to and established in the Department of Military  
24 and Veterans' Affairs. The council shall consist of 22 members:  
25 two to be appointed by the President of the Senate from the  
26 members thereof, no more than one of whom shall be from the same  
27 political party; two to be appointed by the Speaker of the General  
28 Assembly from the members thereof, no more than one of whom  
29 shall be from the same political party; the Adjutant General of the  
30 Department of Military and Veterans' Affairs, the **【Chief】**  
31 Executive **【Officer and Secretary】** Director of the New Jersey  
32 Commerce **【and Economic Growth】** Commission, the  
33 Commissioner of Education, the Commissioner of Environmental  
34 Protection, the Commissioner of Transportation, the State  
35 Treasurer, the Commissioner of Community Affairs, the  
36 Commissioner of Labor and Workforce Development, and the Chair  
37 of the New Jersey Commission on Higher Education, or their  
38 designees; and nine public members to be appointed by the  
39 Governor, with the advice and consent of the Senate. Eight of the  
40 public members shall be representatives of the community and  
41 business support groups for New Jersey's military installations and  
42 the United States Coast Guard training center. Each public member  
43 shall serve for a term of three years from the date of the member's  
44 appointment and until the member's successor is appointed and  
45 qualified. Vacancies resulting from causes other than by expiration  
46 of term shall be filled for the unexpired term only and shall be filled  
47 in the same manner as the original appointments were made.

48 (cf: P.L.2005, c.40, s.1)

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

3       1. Notwithstanding the provisions of the annual appropriations  
4 act and section 7 of P.L.1974, c.55 (C.52:14-15.110), the Governor  
5 shall fix and establish the annual salary, not to exceed \$133,330 in  
6 calendar year 2000, \$137,165 in calendar year 2001 and \$141,000  
7 in calendar year 2002 and thereafter, for each of the following  
8 officers:

9       Title

10      Agriculture Department

11        Secretary of Agriculture

12      Children and Families Department

13        Commissioner of Children and Families

14      Community Affairs Department

15        Commissioner of Community Affairs

16      Corrections Department

17        Commissioner of Corrections

18      Education Department

19        Commissioner of Education

20      Environmental Protection Department

21        Commissioner of Environmental Protection

22      Health and Senior Services Department

23        Commissioner of Health and Senior

24        Services

25      Human Services Department

26        Commissioner of Human Services

27      Banking and Insurance Department

28        Commissioner of Banking and Insurance

29      Labor and Workforce Development Department

30        Commissioner of Labor and Workforce Development

31      Law and Public Safety Department

32        Attorney General

33      Military and Veterans' Affairs Department

34        Adjutant General

35      Personnel Department

36        Commissioner of Personnel

37      State Department

38        Secretary of State

39      Transportation Department

40        Commissioner of Transportation

41      Treasury Department

42        State Treasurer

43      Members, Board of Public Utilities

44      Public Advocate Department

45        Public Advocate

46        【Notwithstanding the provisions of this section to the contrary,  
47 the Chief Executive Officer and Secretary of the New Jersey  
48 Commerce and Economic Growth Commission shall receive such

1 salary as shall be fixed by the Governor pursuant to subsection b. of  
2 section 8 of P.L.1998, c.44 (C.52:27C-68).  
3 (cf: P.L.2006, c.47, s.189)

4  
5 24. Section 1 of P.L.1998, c.44 (C.52:27C-61) is amended to  
6 read as follows:

7 1. This act shall be known and may be cited as the "New Jersey  
8 Commerce [ , Economic Growth and Tourism] Commission Act."  
9 (cf: P.L.2005, c.378, s.9)

10

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

13 2. The Legislature finds and declares that:

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

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

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

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

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

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

46 g. Just as the Legislature 25 years ago could not have predicted  
47 the technological and business changes that have taken place since  
48 then, this Legislature recognizes that it, too, cannot predict the  
49 future and must, therefore, ensure that the New Jersey Commerce [ ,

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

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

10 i. The board of directors of the commission appointed pursuant  
11 to [this act] P.L.1998, c.44 (C.52:27C-61 et seq.) should assist the  
12 [Chief Executive Officer and Secretary] executive director of the  
13 commission appointed pursuant to [this act] P.L. , c. (C. )  
14 (pending before the Legislature as this bill) in assuring that persons  
15 appointed to the staff of the commission, because they will no  
16 longer be in the classified civil service pursuant to Title 11A of the  
17 New Jersey Statutes, will be selected on the basis of qualification  
18 and professional and technical competence, avoiding political  
19 considerations to the maximum extent possible; and

20 j. The New Jersey Commerce [, Economic Growth and  
21 Tourism] Commission promotes economic vitality and builds a  
22 foundation for world economic leadership in the 21st century and  
23 stimulates dynamic economic growth by providing resources and  
24 services to citizens, businesses and institutions, in partnership with  
25 other government agencies and the private sector, to create jobs.  
26 [Because of the crucial importance tourism plays in New Jersey's  
27 economy, the commission is therefore charged with the mandate to  
28 increase tourism through promotional, informational, educational,  
29 and developmental programs. These initiatives are to be designed  
30 to maintain and increase New Jersey's standing as a premier  
31 national and international travel destination by nurturing, expanding  
32 and attracting industry, commerce, and tourism, in order to achieve  
33 the highest quality of life and ensure economic security for all our  
34 citizens.]

35 (cf: P.L.2005, c.378, s.10)

36

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

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

43 The commission shall be established in the Executive Branch of  
44 the State Government and for the purposes of complying with the  
45 provisions of Article V, Section IV, paragraph 1 of the New Jersey  
46 Constitution, the commission is allocated, in but not of, the  
47 Department of the Treasury, but notwithstanding this allocation, the

1 commission shall be independent of any supervision and control by  
2 the department or by any board or officer thereof.  
3 (cf: P.L.2005, c.378, s.11)

4  
5 27. Section 4 of P.L.1998, c.44 (C.52:27C-64) is amended to  
6 read as follows:

7 4. The Department of Commerce and Economic Development  
8 created pursuant to P.L.1981, c.122 (C.52:27H-1 et seq.) is  
9 abolished as a principal department in the Executive Branch of  
10 State government, and all of its powers, functions, and duties  
11 including, but not limited to, the **[Division of Travel and Tourism,**  
12 **and]** the Division of International Trade, except as herein otherwise  
13 provided, are continued in the commission.  
14 (cf: P.L.1998, c.44, s.4)

15  
16 28. Section 5 of P.L.1998, c.44 (C.52:27C-65) is amended to  
17 read as follows:

18 5. All appropriations and other moneys available and to  
19 become available to any department, division, bureau, board,  
20 commission, or other entity or agency, the functions, powers and  
21 duties of which have been assigned or transferred to the Department  
22 of Commerce and Economic Development, are hereby continued in  
23 the commission, except as herein otherwise provided, and shall be  
24 available for the objects and purposes for which such moneys are  
25 appropriated subject to any terms, restrictions, limitations, or other  
26 requirements imposed by State or federal law. Nothing herein shall  
27 alter the provisions of section 4 of P.L.1983, c.190 (C.34:1B-39).  
28 Whenever, in any law, rule, regulation, order, contract, document,  
29 judicial or administrative proceeding or otherwise, reference is  
30 made to the Department of Commerce and Economic Development  
31 **[or]**, the New Jersey Commerce and Economic Growth  
32 Commission or the New Jersey Commerce, Economic Growth and  
33 Tourism Commission, the same shall mean and refer to the "New  
34 Jersey Commerce **[, Economic Growth and Tourism]** Commission"  
35 in but not of the Department of the Treasury.  
36 (cf: P.L.2005, c.378, s.12)

37  
38 29. Section 7 of P.L.1998, c.44 (C.52:27C-67) is amended to  
39 read as follows:

40 7. The **[Chief Executive Officer and Secretary of the]**  
41 commission **[as designated pursuant to section 8 this act,]** shall  
42 have the power to employ consultants and employees as may be  
43 required in the judgment of the commission to carry out the  
44 purposes of this act and to establish job titles and descriptions, and  
45 to fix and pay employees compensation from funds available to the  
46 commission therefor, notwithstanding the provisions of Title 11A of  
47 the New Jersey Statutes. The commission shall establish the terms  
48 and conditions of employment. Employees of the commission shall,  
49 as appropriate, be covered under the State of New Jersey's

1 collective negotiations agreements, provided however that only the  
2 contractual provisions of such agreements which apply to non-  
3 career service employees shall apply to the commission employees.  
4 For contractual purposes, previous State service in the career  
5 service shall be counted toward any contractual provision that  
6 requires unclassified seniority. Employees of the Department of  
7 Commerce and Economic Development who are employed by the  
8 department on the date of enactment of this act, and who are hired  
9 by the commission shall retain their salary and leave time.  
10 Employees of the commission shall be enrolled in the Public  
11 Employees' Retirement System and shall be eligible to participate in  
12 the State Health Benefits Program established pursuant to the "New  
13 Jersey State Health Benefits Program Act," P.L.1961, c.49  
14 (C.52:14-17.25 et seq.). <sup>1</sup>【The commission may elect to provide  
15 health benefits for its employees through private insurance policies,  
16 hospital and medical service corporations, health maintenance  
17 organizations, or any other manner available for the provision of  
18 health benefits, provided that the types of benefits shall not provide  
19 less coverage than those benefits provided to other State  
20 employees.】<sup>1</sup>

21 The commission shall advertise all available positions within the  
22 commission, except under circumstances where there is an emergent  
23 need as specified in the commission's personnel handbook.  
24 (cf: P.L.1998, c.44, s.7)

25  
26 30. Section 8 of P.L.1998, c.44 (C.52:27C-68) is amended to  
27 read as follows:

28 8. The Board of Directors of the commission shall consist of  
29 the following 11 voting members and two non-voting members:

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

33 b. The 【Chief Executive Officer and Secretary of the  
34 commission, who shall hold cabinet-level rank and who shall be  
35 appointed by the Governor with the advice and consent of the  
36 Senate. The Chief Executive Officer and Secretary of the  
37 commission shall serve at the pleasure of the Governor during the  
38 Governor's term of office and until a successor is appointed and  
39 qualified, and shall receive such salary as shall be fixed by the  
40 Governor. The Chief Executive Officer and Secretary shall serve as  
41 an ex officio voting member of the commission and may be  
42 represented by an official designee, whose name shall be filed with  
43 the commission.

44 The person in office as the Commissioner of the Department of  
45 Commerce and Economic Development on the effective date of this  
46 act shall hold the office of the Chief Executive Officer and  
47 Secretary of the commission without the advice and consent of the  
48 Senate and shall serve at the pleasure of the Governor during the



1 Governor's term of office and until a successor is appointed and  
2 qualified.

3 Whenever, in any law, rule, regulation, order, contract,  
4 document, judicial or administrative proceeding or otherwise,  
5 reference is made to the Commissioner of the Department of  
6 Commerce and Economic Development, the same shall mean and  
7 refer to the Chief Executive Officer and Secretary of the "New  
8 Jersey Commerce and Economic Growth Commission." State  
9 Treasurer who shall serve ex-officio and may be represented by an  
10 official designee, whose name shall be filed with the commission.

11 c. One commissioner from each of the following departments  
12 who shall serve ex-officio: the Department of Environmental  
13 Protection; the Department of Labor and the Department of  
14 Transportation. These commissioners may be represented by an  
15 official designee, whose name shall be filed with the commission.

16 d. The chairman of the New Jersey Commission on Higher  
17 Education, who shall serve ex officio. This chairman may be  
18 represented by an official designee, whose name shall be filed with  
19 the commission.

20 e. Three public members who shall be appointed by the  
21 Governor with the advice and consent of the Senate, not more than  
22 two of whom shall be of the same political party. The three public  
23 members shall serve for a term of five years and shall serve until  
24 their successors are appointed and qualified. Of the three public  
25 members first appointed pursuant to this subsection, two shall serve  
26 for a term of five years and one shall serve for a term of three years.  
27 These members shall be New Jersey residents who shall provide  
28 appropriate geographical representation from throughout the State  
29 and who shall be employed by, owners of, or members of the board  
30 of directors of, a business whose principal operation is located in  
31 New Jersey. Public members shall receive no compensation for  
32 their services but shall be entitled to reimbursement for expenses  
33 incurred in the performance of their official duties.

34 f. Two additional members who shall be appointed by, and  
35 serve at the pleasure of, the Governor. The Governor is authorized  
36 to appoint one member upon the recommendation of the President  
37 of the Senate and one member upon the recommendation of the  
38 Speaker of the General Assembly.

39 g. One member of the Senate, to be appointed by the President  
40 of the Senate, and one member of the General Assembly, to be  
41 appointed by the Speaker of the General Assembly. These members  
42 are non-voting, advisory members, appointed solely for the purpose  
43 of developing and facilitating legislation to assist the commission in  
44 fulfilling its statutory mission, and may not exercise any of the  
45 executive powers delegated to the commission by law.

46 h. Any vacancies in the appointed membership of the  
47 commission occurring other than by expiration of term shall be  
48 filled in the same manner as the original appointment, but for the

1 unexpired term only.  
2 (cf: P.L.1998, c.44, s.8)

3  
4 31. (New section) The commission shall be under the  
5 supervision of an Executive Director, who shall receive such salary  
6 as shall be fixed by the commission and who shall be a person  
7 qualified by training and experience to direct the work of the  
8 commission.

9 Whenever, in any law, rule, regulation, order, contract,  
10 document, judicial or administrative proceeding or otherwise,  
11 reference is made to the Commissioner of the Department of  
12 Commerce and Economic Development or the Chief Executive  
13 Officer and Secretary of the commission, the same shall mean and  
14 refer to the "New Jersey Commerce Commission."  
15

16 32. Section 11 of P.L.1998, c.44 (C.52:27C-71) is amended to  
17 read as follows:

18 11. The **【Chief】** Executive **【Officer and Secretary】** Director of  
19 the commission shall devote full time to the performance of the  
20 duties assigned thereto, and shall:

- 21 a. Administer the work of the commission;
- 22 b. Appoint and remove officers and other personnel employed  
23 within the commission, except as herein otherwise specifically  
24 provided;
- 25 c. Have authority to organize and maintain an administrative  
26 office and to assign to employment therein such secretarial, clerical  
27 and other assistants in the commission as the **【Chief】** Executive  
28 **【Officer and Secretary】** Director and the internal operations of the  
29 commission may require;
- 30 d. Perform, exercise and discharge the functions, powers and  
31 duties of the commission through such offices as may be established  
32 by this act or otherwise by law;
- 33 e. Organize the work of the commission in such organizational  
34 units, not inconsistent with the provisions of this act, as the **【Chief】**  
35 Executive **【Officer and Secretary】** Director may determine to be  
36 necessary for the efficient and effective operation of the  
37 commission;
- 38 f. **【Formulate and adopt rules and regulations for the efficient**  
39 **conduct of the work and general administration of the commission,**  
40 **its officers, and employees;】** (Deleted by amendment, P.L. , c. )  
41 (pending before the Legislature as this bill)
- 42 g. **【Institute or cause to be instituted such legal proceedings or**  
43 **processes as may be necessary to properly enforce and give effect to**  
44 **any of the powers or duties of the Chief Executive Officer and**  
45 **Secretary or the commission;】** (Deleted by amendment, P.L. ,  
46 c. ) (pending before the Legislature as this bill)

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

1 officio member;] (Deleted by amendment, P.L. , c. )(pending  
2 before the Legislature as this bill)

3 p. **【Develop annually an economic development master plan**  
4 **identifying the commission's objectives, policies and programs**  
5 **which will encourage business attraction, expansion, and retention;**  
6 **and】** (Deleted by amendment, P.L. , c. )(pending before the  
7 Legislature as this bill)

8 q. **【Perform such other functions as may be prescribed in this**  
9 **act or by any other law or by the commission.】** (Deleted by  
10 amendment, P.L. , c. )(pending before the Legislature as this bill)  
11 (cf: P.L.1998, c.44, s.11)

12  
13 <sup>1</sup>**【33. Section 12 of P.L.1998, c.44 (C.52:27C-72) is amended to**  
14 **read as follows:**

15 12. Notwithstanding any other provision of law, only the records  
16 of any nonprofit corporation on which the **【Chief】** Executive  
17 **【Officer and Secretary】** Director serves and which are in the  
18 possession of the **【Chief】** Executive **【Officer and Secretary】**  
19 Director in an official capacity shall be deemed public records  
20 which may be subject to public inspection under the provisions of  
21 the "Right to Know Law," P.L.1963, c.73 (C.47:1A-1 et seq.).  
22 (cf: P.L.1998, c.44, s.12)<sup>1</sup>

23  
24 <sup>1</sup>**【34.】** 33.<sup>1</sup> Section 13 of P.L.1998, c.44 (C.52:27C-73) is  
25 amended to read as follows:

26 13. The commission shall have perpetual succession and shall  
27 have the following powers:

28 a. To make, amend and repeal rules and bylaws for its own  
29 governance and guidance not inconsistent with State and federal  
30 law;

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

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

34 d. To contract for, accept, solicit or collect any grants, loans,  
35 funds, property, or other aid in any form from the United States of  
36 America or any agency or instrumentality thereof, from the State or  
37 any agency, instrumentality or political subdivision thereof, or from  
38 any other public source;

39 e. To set an amount and to charge reasonable fees for special  
40 projects or services that were not customarily provided by the  
41 department prior to the effective date of this act to be paid to the  
42 commission for services rendered to persons, businesses, or other  
43 entities which fees shall reflect the cost of providing such projects  
44 or services; notwithstanding the provisions of this subsection, the  
45 commission is authorized to set an amount and to charge reasonable  
46 fees for services for which fees were charged by the department  
47 prior to the effective date of this act;

- 1 f. To exercise all of the powers, functions, and duties  
2 previously exercised by the Department of Commerce and  
3 Economic Development, except as herein provided pursuant to this  
4 act;
- 5 g. To act as the State's representative abroad and within the  
6 United States concerning trade and commerce issues;
- 7 h. To adopt rules and regulations, pursuant to the  
8 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
9 seq.), necessary for the proper functioning of the commission and  
10 necessary to carry out the provisions of this act;
- 11 i. To do any and all things necessary or convenient to carry out  
12 the purposes of the commission and to exercise the powers given  
13 and granted to the commission under this act;
- 14 j. To coordinate the State's economic development activities  
15 among the commission's organizational units and the New Jersey  
16 Economic Development Authority, the New Jersey Commission on  
17 Science and Technology, the New Jersey Urban Enterprise Zone  
18 Authority, the New Jersey Development Authority for Small  
19 Businesses, Minorities' and Women's Enterprises, and the Motion  
20 Picture and Television Development Commission, and to  
21 recommend economic development policies to the Governor;
- 22 k. To enter into memoranda of understanding or other  
23 cooperative agreements with the New Jersey Economic  
24 Development Authority, the New Jersey Commission on Science  
25 and Technology, the New Jersey Urban Enterprise Zone Authority,  
26 the New Jersey Development Authority for Small Businesses,  
27 Minorities' and Women's Enterprises, the Atlantic City Convention  
28 Center Authority, the Dredging Project Task Force, the Economic  
29 Development Site Task Force, and the Motion Picture and  
30 Television Development Commission, or any other state agency for  
31 the provision of services or other cooperative efforts to effectuate  
32 the purposes of this act and to ensure the coordination of the State's  
33 economic development activities;
- 34 l. To make and enter into contracts, leases, agreements, and  
35 purchases necessary for the use, or incidental to the performance of,  
36 the commission's duties and the exercise of its powers under the act;
- 37 m. To do and perform any acts and things authorized by this act  
38 under, through or by means of its own officers, agents and  
39 employees, or by contract with any person;
- 40 n. To insure against any losses in connection with the  
41 commission's properties, operations or assets; <sup>1</sup>**[and]**<sup>1</sup>
- 42 o. **[To approve annually the economic development master**  
43 **plan submitted by the Chief Executive Officer and Secretary]** To  
44 appoint the Executive Director of the commission and to formulate  
45 and adopt rules and regulations for the efficient conduct of the work  
46 and general administration of the commission, its officers, and  
47 employees;
- 48 p. To institute or cause to be instituted such legal proceedings  
49 or processes as may be necessary to properly enforce and give

1 effect to any of the powers or duties of the Executive Director or  
2 the commission; 'and'

3 q. 'To lease or purchase suitable headquarters for the  
4 commission and such other quarters as the Executive Director shall  
5 deem necessary to the proper functioning of the commission;

6 r. To enter into agreements with any individual, partnership,  
7 trust, association, or corporation, or any public agency, under which  
8 the commission, and such other entity or entities, shall undertake a  
9 project as a joint venture, with the commission providing such  
10 assistance or advice as the agreement may provide. Such a joint  
11 venture must directly further the statutory mission of the  
12 commission. Employees of any joint venture shall not be deemed  
13 public employees. A joint venture entered into by the commission  
14 shall not be deemed an instrumentality of the State of New Jersey.  
15 A joint venture entered into by the commission shall not be deemed  
16 or construed to create or constitute a debt, liability, or loan or  
17 pledge of the credit, or be payable out of property or funds of the  
18 State;

19 s. To organize or participate in the organization of nonprofit  
20 corporations which are exempt from federal taxation under section  
21 501(c)(3) of the Internal Revenue Code. Any such nonprofit  
22 corporations must directly further the statutory mission of the  
23 commission. Expenses incurred by such nonprofit corporations  
24 shall be payable from funds raised by the nonprofit corporation, and  
25 no liability or obligation, in tort or contract, shall be incurred by the  
26 State for the operation of such nonprofit corporations. Any such  
27 nonprofit corporations shall obtain private counsel and shall not be  
28 represented by the Attorney General or indemnified by the State of  
29 New Jersey ; and

30 t.]' To develop once every five years an economic development  
31 master plan identifying the commission's objectives, policies and  
32 programs which will encourage business attraction, expansion, and  
33 retention.

34 (cf: P.L.1998, c.44, s.13)

35  
36 '[35.] 34.' Section 19 of P.L.1998, c.44 (C.52:27C-79) is  
37 amended to read as follows:

38 19. a. No later than three months after the end of its fiscal year,  
39 the commission shall make an annual report of its activities for the  
40 preceding fiscal year to the Governor and the Legislature, pursuant  
41 to section 2 of P.L.1991, c.164 (C.52:14-19.1). Each report shall  
42 include, but not be limited to, a description of the short-term and  
43 long-term goals of the commission and an assessment of the  
44 effectiveness of the commission in meeting such goals, and any  
45 recommendations for legislation to improve the effectiveness of the  
46 commission.

47 b. The commission shall include, in the report required by  
48 subsection a. of this section, a description setting forth information  
49 concerning the imposition, collection and expenditure of the fees

1 imposed by the commission. Each such report shall also set forth a  
2 complete operating and financial statement covering the operations  
3 of the commission, and any of its related entities, during the year.  
4 The commission shall cause an independent audit of its books and  
5 accounts to be made at least once in each year by certified public  
6 accountants and cause a copy thereof to be filed with the Secretary  
7 of State, the Director of the Division of Budget and Accounting, in  
8 the Department of the Treasury and the State Auditor.  
9 (cf: P.L.1998, c.44, s.19)

10

11 '36.] 35.' Section 22 of P.L.1998, c.44 (C.52:27C-82) is  
12 amended to read as follows:

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

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

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

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

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

42 (cf: P.L.1998, c.44, s.22)

43

44 '37.] 36.' Section 25 of P.L.1998, c.44 (C.52:27C-85) is  
45 amended to read as follows:

46 25. a. The New Jersey Commission on Science and Technology,  
47 established pursuant to P.L.1985, c.102 (C.52:9X-1 et seq.), is  
48 transferred in but not of the Department of the Treasury, but  
49 notwithstanding this transfer, the New Jersey Commission on

1 Science and Technology shall be independent of any supervision  
2 and control by the department or by any board or officer thereof.  
3 Notwithstanding the provisions of any law, rule, regulation or order  
4 to the contrary, the **【Chief Executive Officer and Secretary】** Board  
5 of Directors of the New Jersey Commerce Commission shall  
6 appoint the Executive Director of the New Jersey Commission on  
7 Science and Technology.

8 b. Whenever, in any law, rule, regulation, order, contract,  
9 document, judicial or administrative proceeding or otherwise,  
10 reference is made to the New Jersey Commission on Science and  
11 Technology, the same shall mean and refer to the New Jersey  
12 Commission on Science and Technology in but not of the  
13 Department of the Treasury.

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

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

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

26 (cf: P.L.1998, c.44, s.25)

27

28 <sup>1</sup>**【38.】** 37.<sup>1</sup> Section 26 of P.L.1998, c.44 (C.52:27C-86) is  
29 amended to read as follows:

30 26. a. The Motion Picture and Television Development  
31 Commission, established pursuant to P.L.1977, c.44 (C.34:1B-22 et  
32 seq.), is transferred in but not of the Department of the Treasury,  
33 but notwithstanding this transfer, the Motion Picture and Television  
34 Development Commission shall be independent of any supervision  
35 and control by the department or by any board or officer thereof.  
36 Notwithstanding the provisions of any law, rule, regulation or order  
37 to the contrary, the **【Chief Executive Officer and Secretary】** Board  
38 of Directors of the New Jersey Commerce Commission shall  
39 appoint the Executive Director of the Motion Picture and Television  
40 Development Commission. **【,】**

41 b. Whenever, in any law, rule, regulation, order, contract,  
42 document, judicial or administrative proceeding or otherwise,  
43 reference is made to the Motion Picture and Television  
44 Development Commission, the same shall mean and refer to the  
45 Motion Picture and Television Development Commission in but not  
46 of the Department of the Treasury.

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



1 d. The Motion Picture and Television Development  
2 Commission may, subject to the commission's approval, develop  
3 and promulgate such rules and regulations in accordance with the  
4 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
5 seq.) as are necessary to implement the provisions of this act and to  
6 effectuate the purposes of the Motion Picture and Television  
7 Development Commission as provided by law.  
8 (cf: P.L.1998, c.44, s.26)

9  
10 <sup>1</sup>[39.] 38. Section 2 of P.L.2005, c.373 (C.52:27C-97) is  
11 amended to read as follows:

12 2. The Foundation for Technology Advancement shall be  
13 governed by a 23 member board of trustees who are appointed as  
14 follows:

15 a. The **[Chief] Executive [Officer and Secretary] Director** of  
16 the New Jersey Commerce **[and Economic Growth] Commission**;  
17 the Executive Director of the New Jersey Economic Development  
18 Authority; the Executive Director of the New Jersey Commission  
19 on Science and Technology; and the Chief Technology Officer in  
20 the Office of Information Technology; or their designees, all of  
21 whom shall serve ex officio;

22 b. A faculty member appointed by the president of each of the  
23 following academic institutions: The New Jersey Institute of  
24 Technology; Rutgers, the State University; The University of  
25 Medicine and Dentistry of New Jersey; and Princeton University,  
26 all of whom shall serve ex officio; and

27 c. Fifteen public members appointed by the Governor as  
28 follows: a representative of each of the following organizations: the  
29 New Jersey Technology Council, the Biotechnology Council of  
30 New Jersey, the Forum for Academicians, Scientists and  
31 Technologists of New Jersey, the Strengthening the Mid-Atlantic  
32 Region for Tomorrow States Organization, the New Jersey Business  
33 and Industry Association, the Commerce and Industry Association  
34 of New Jersey, the New Jersey State Chamber of Commerce, the  
35 New Jersey Tooling and Manufacturing Association, the Research  
36 and Development Council of New Jersey, the American Electronics  
37 Association - New Jersey/Pennsylvania Council, and a  
38 representative employed by a corporation from each of the  
39 following industry sectors: pharmaceuticals, financial services,  
40 advanced technology, information technology, and nanotechnology.

41 Of the public members first appointed, four shall serve for a term  
42 of two years, four for a term of three years, four for a term of four  
43 years, and three for a term of five years.

44 Members appointed thereafter shall serve five-year terms, and  
45 any vacancy shall be filled by appointment for the unexpired term  
46 only. A member is eligible for reappointment. Vacancies in the  
47 membership of the foundation shall be filled in the same manner as  
48 the original appointments were made.

1 The members shall elect a chair and vice chair from the  
2 membership of the board of trustees.  
3 (cf: P.L.2005, c.373, s.2)

4  
5 **'[40.] 39.'**<sup>1</sup> Section 5 of P.L.2001, c.238 (C.52:27D-456) is  
6 amended to read as follows:

7 5. The Main Street New Jersey Advisory Board is established  
8 for the purposes of providing guidance and advocacy in formulating  
9 policy and assisting with the long-term planning and administration  
10 of the "Main Street New Jersey" program. The Main Street New  
11 Jersey Advisory Board shall consist of 23 members. Sixteen  
12 members shall serve in a voluntary capacity, to be appointed  
13 through a process to be determined by the commissioner and shall  
14 include a representative of the New Jersey State League of  
15 Municipalities. Each voluntary member shall have a demonstrated  
16 commitment to the goals of the "Main Street New Jersey" program.  
17 The voluntary members shall represent all geographic regions of the  
18 State.

19 The remaining seven advisory board members shall serve ex  
20 officio and shall be a representative of the Historic Preservation  
21 Program in the Department of Environmental Protection, to be  
22 appointed by the Commissioner of Environmental Protection, a  
23 representative of the New Jersey Economic Development Authority  
24 to be designated by the executive director, a representative of the  
25 Neighborhood Preservation Program in the Department of  
26 Community Affairs, to be appointed by the Commissioner of  
27 Community Affairs, a representative of the Housing and Mortgage  
28 Finance Agency, to be appointed by the executive director of that  
29 agency, a representative of the New Jersey Commerce [and  
30 Economic Growth] Commission, to be appointed by the [Chief]  
31 Executive [officer and Secretary] Director of that commission, a  
32 representative of the Department of Transportation, to be appointed  
33 by the Commissioner of Transportation, and a representative of the  
34 Office of State Planning, to be appointed by the Director of the  
35 Office of State Planning.

36 The terms of the voluntary members so appointed, after the  
37 initial appointments, shall be three years, and each member may be  
38 reappointed. The terms of initial appointments of the voluntary  
39 members shall be staggered so that the terms of 1/3 of the advisory  
40 board's voluntary members shall expire annually. The advisory  
41 board members who are not State employees shall be entitled to  
42 reimbursement of their expenses incurred in connection with their  
43 duties on the advisory board.  
44 (cf: P.L.2005, c.284, s.1)

45  
46 **'[41.] 40.'**<sup>1</sup> Section 4 of P.L.1983, c.303 (C.52:27H-63) is  
47 amended to read as follows:

48 4. a. There is created the New Jersey Urban Enterprise Zone  
49 Authority, which shall consist of:

1 (1) **【The Chief Executive Officer and Secretary of the New**  
2 **Jersey Commerce and Economic Growth Commission, who shall be**  
3 **chairman of the authority】** a person appointed by the Board of  
4 Directors of the New Jersey Commerce Commission, who shall be  
5 the chair of the authority;

6 (2) The Commissioner of the Department of Community  
7 Affairs;

8 (3) The Commissioner of the Department of Labor and  
9 Workforce Development;

10 (4) The State Treasurer; and

11 (5) Five public members not holding any other office, position  
12 or employment in the State Government, nor any local elective  
13 office, who shall be appointed by the Governor with the advice and  
14 consent of the Senate, and who shall be qualified for their  
15 appointments by training and experience in the areas of local  
16 government finance, economic development and redevelopment, or  
17 volunteer civic service and community organization. No more than  
18 three public members shall be of the same political party. At least  
19 one public member of the authority shall reside within an enterprise  
20 zone; however, the provisions of this section shall apply only to  
21 members appointed or reappointed after the effective date of  
22 P.L.2001, c.347 (C.52:27H-66.2 et al.).

23 b. The public members of the authority shall serve for terms of  
24 five years, except that of the members first appointed, one shall  
25 serve for a term of one year, one shall serve for a term of two years,  
26 one shall serve for a term of three years, one shall serve for a term  
27 of four years, and one shall serve for a term of five years. Vacancies  
28 in the public membership shall be filled in the manner of the  
29 original appointments but for the unexpired terms.

30 c. An ex officio member of the authority may, from time to  
31 time, designate in writing to the authority an official within his  
32 respective department to attend and represent the department at the  
33 meetings of the authority from which the ex officio member is  
34 absent, and that designated representative shall be entitled to vote  
35 and otherwise act for the ex officio member at those meetings.

36 (cf: P.L.2001, c.347, s.7)

37

38 <sup>1</sup>**【42.】** 41.<sup>1</sup> Section 23 of P.L.2004, c.65 (C.52:27H-87.1) is  
39 amended to read as follows:

40 23. a. Retail sales of energy and utility service to:

41 (1) a qualified business that employs at least 250 people within  
42 an enterprise zone, at least 50% of whom are directly employed in a  
43 manufacturing process, for the exclusive use or consumption of  
44 such business within an enterprise zone, and

45 (2) a group of two or more persons: (a) each of which is a  
46 qualified business that are all located within a single redevelopment  
47 area adopted pursuant to the "Local Redevelopment and Housing  
48 Law," P.L.1992, c.79 (C.40A:12A-1 et seq.); (b) that collectively  
49 employ at least 250 people within an enterprise zone, at least 50%

1 of whom are directly employed in a manufacturing process; (c) are  
2 each engaged in a vertically integrated business, evidenced by the  
3 manufacture and distribution of a product or family of products  
4 that, when taken together, are primarily used, packaged and sold as  
5 a single product; and (d) collectively use the energy and utility  
6 service for the exclusive use or consumption of each of the persons  
7 that comprise a group within an enterprise zone; are exempt from  
8 the taxes imposed under the "Sales and Use Tax Act," P.L.1966,  
9 c.30 (C.54:32B-1 et seq.).

10 A qualified business will continue to be subject to applicable  
11 Board of Public Utilities tariff regulations except that its bills from  
12 utility companies and third party suppliers for energy and utility  
13 service shall not include charges for sales and use tax.

14 b. A business that meets the requirements of subsection a. of  
15 this section shall not be allowed the exemption granted pursuant to  
16 this section until it has complied with such requirements for  
17 obtaining the exemption as may be provided pursuant to P.L.1983,  
18 c.303 (C.52:27H-60 et seq.) and P.L.1966, c.30 (C.54:32B-1 et  
19 seq.). The **[Chief Executive Officer and Secretary]** Director of  
20 the New Jersey Commerce [and Economic Growth] Commission  
21 shall provide prompt notice to the President of the Board of Public  
22 Utilities and to the Director of the Division of Taxation in the  
23 Department of the Treasury, of a qualified business that has  
24 qualified for the exemption under this subsection, shall provide the  
25 president and the director an annual list of all businesses that  
26 qualify.

27 c. (1) Retail sales of energy and utility service to a business  
28 facility located within a county that is designated for the 50% tax  
29 exemption under section 1 of P.L.1993, c.373 (C.54:32B-8.45) are  
30 exempt from the taxes imposed under the "Sales and Use Tax Act,"  
31 P.L.1966, c.30 (C.54:32B-1 et seq.); provided that the business  
32 certifies that it employs at least 50 people at that facility, at least  
33 50% of whom are directly employed in a manufacturing process,  
34 and provided that the energy and utility services are consumed  
35 exclusively at that facility.

36 (2) A business facility that meets the requirements of paragraph  
37 (1) of this subsection may file an application for the energy and  
38 utility service sales tax exemption with the **[Chief Executive**  
39 **Officer and Secretary of the]** New Jersey Commerce [, Economic  
40 Growth and Tourism] Commission, **[who]** and the commission  
41 shall promulgate regulations and forms for that purpose. The  
42 **[Chief Executive Officer and Secretary of the]** New Jersey  
43 Commerce [, Economic Growth and Tourism] Commission shall  
44 process an application submitted under this paragraph within 20  
45 business days of receipt thereof. An exemption shall commence for  
46 a business upon notice of approval of its application and shall  
47 expire for any year in which the business fails to meet the  
48 requirements of paragraph (1) of this subsection. Upon approval,

1 the **Chief Executive Officer and Secretary** Director of the New  
2 Jersey Commerce **Commission**, Economic Growth and Tourism] Commission  
3 shall provide prompt notice to the applicant and also shall provide  
4 prompt notice to the President of the Board of Public Utilities and  
5 to the Director of the Division of Taxation in the Department of the  
6 Treasury. The **Chief Executive Officer and Secretary** Director  
7 of the New Jersey Commerce **Commission**, Economic Growth and Tourism]  
8 Commission also shall provide the president and the director with  
9 an annual list of all businesses that have been approved under this  
10 subsection.

11 (cf: P.L.2005, c.374, s.1)

12

13 <sup>1</sup>**[43.] 42.** Section 6 of P.L.2006, c.16 (C.52:27I-6) is amended  
14 to read as follows:

15 6. a. The authority shall consist of ten members to be  
16 appointed and qualified as follows:

17 (1) Four members appointed by the Governor with the advice  
18 and consent of the Senate, for terms of four years, two of whom  
19 shall be representatives of the private sector with relevant business  
20 experience or background; one of whom shall be an individual who  
21 is knowledgeable in environmental protection, conservation and  
22 land use issues and one of whom shall be a labor representative  
23 with appropriate experience in workforce development and job  
24 training. Preference shall be given to professionals with a  
25 background in technology, finance, or real estate. At least two of  
26 the members shall be residents of Monmouth County. Not more  
27 than two of the members appointed by the Governor shall be  
28 members of the same political party;

29 (2) **The Chief Executive Officer and Secretary** A person  
30 appointed by the Board of Directors of the New Jersey Commerce  
31 **Commission**, Economic Growth and Tourism] Commission, ex officio and  
32 voting;

33 (3) One member, who shall be a resident of Monmouth County,  
34 to be appointed by the Monmouth County Board of Chosen  
35 Freeholders for a term of four years, who shall be either:

36 (a) a member of the board, or

37 (b) a qualified person, who shall be nominated by the board,  
38 with relevant business experience or background;

39 (4) The mayors of Eatontown, Oceanport, and Tinton Falls, ex  
40 officio and voting; and

41 (5) A representative of Fort Monmouth, to be appointed by the  
42 Secretary of the United States Department of Defense, who shall be  
43 a non-voting member.

44 Each member appointed by the Governor and the member  
45 appointed by the Board of Chosen Freeholders shall hold office for  
46 the term of that member's appointment and until a successor shall  
47 have been appointed and qualified. A member shall be eligible for  
48 reappointment. Any vacancy in the membership occurring other

1 than by expiration of term shall be filled in the same manner as the  
2 original appointment but for the unexpired term only.

3 b. Except for those members designated pursuant to paragraph  
4 (4) of subsection a. of this section and the person appointed by the  
5 Board of Directors of the New Jersey Commerce Commission, each  
6 ex officio member of the authority may designate an employee of  
7 the member's department or office to represent the member at  
8 meetings of the authority. The designee of an ex officio member  
9 may act on behalf of the member. The designation shall be in  
10 writing and shall be delivered to the authority and shall be effective  
11 until revoked or amended in writing to the authority.

12 c. Each member appointed by the Governor may be removed  
13 from office by the Governor for cause, after a public hearing, and  
14 may be suspended by the Governor pending the completion of that  
15 hearing. Each such member, before entering the duties of  
16 membership, shall take and subscribe an oath to perform those  
17 duties faithfully, impartially, and justly to the best of the person's  
18 ability. A record of those oaths shall be filed in the office of the  
19 Secretary of State.

20 d. The members of the authority shall elect a chairperson and  
21 vice-chairperson from among their members. The chairperson shall  
22 appoint a secretary and treasurer. The powers of the authority shall  
23 be vested in the voting members thereof in office from time to time;  
24 five voting members of the authority shall constitute a quorum, and  
25 the affirmative vote of five members shall be necessary for any  
26 action taken by the authority, except as provided under sections 7  
27 and 14 of P.L.2006, c.16 (C.52:27I-7 and 52:27I-14), or unless the  
28 bylaws of the authority shall require a larger number. No vacancy  
29 in the membership of the authority shall impair the right of a  
30 quorum to exercise all the rights and perform all the duties of the  
31 authority.

32 e. The members of the authority shall serve without  
33 compensation, but the authority may, within the limits of funds  
34 appropriated or otherwise made available for such purposes,  
35 reimburse its members for necessary expenses incurred in the  
36 discharge of their official duties.

37 f. No member, officer, employee or agent of the Fort  
38 Monmouth Economic Revitalization Planning Authority shall have  
39 an interest, either directly or indirectly, in any project, employment  
40 agreement or any contract, sale, purchase, lease, or transfer of real  
41 or personal property to which the Fort Monmouth Economic  
42 Revitalization Planning Authority is a party.

43 g. The authority may be dissolved by act of the Legislature on  
44 condition that the authority has no debts or obligations outstanding  
45 or provision has been made for the payment, retirement,  
46 termination, or assumption of its debts and obligations. Upon  
47 dissolution of the authority, all property, funds, and assets thereof  
48 shall be vested in the State.

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

12 i. Any and all proceedings, hearings or meetings of the  
13 authority or any advisory committees established by the authority  
14 shall be conducted in conformance with the "Open Public Meetings  
15 Act," P.L.1975, c.231 (C. 10:4-6 et seq.).

16 j. Records of minutes, accounts, bills, vouchers, contracts or  
17 other papers connected with or used or filed with the authority or  
18 with any officer or employee acting for or in its behalf are declared  
19 to be public records, and shall be open to public inspection in  
20 accordance with P.L.1963, c.73 (C.47:1A-1 et seq.).

21 (cf: P.L.2006, c.16, s.6)

22

23 <sup>1</sup>43. Section 12 of P.L.1998, c.44 (C.52:27C-72) is repealed.<sup>1</sup>

24

25 44. This act shall take effect immediately.

26

27

28

29

30 Reorganizes and renames NJ Commerce, Economic Growth and  
31 Tourism Commission as NJ Commerce Commission; transfers  
32 Division of Travel and Tourism to Department of State.

# ASSEMBLY, No. 4254

## STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED MAY 14, 2007

**Sponsored by:**

**Assemblyman JOHN J. BURZICHELLI**  
**District 3 (Salem, Cumberland and Gloucester)**  
**Assemblyman JOSEPH VAS**  
**District 19 (Middlesex)**  
**Assemblyman UPENDRA J. CHIVUKULA**  
**District 17 (Middlesex and Somerset)**

**Co-Sponsored by:**

**Assemblywoman Lampitt, Assemblyman Thompson and Assemblywoman Handlin**

**SYNOPSIS**

Reorganizes and renames NJ Commerce, Economic Growth and Tourism Commission as NJ Commerce Commission; transfers Division of Travel and Tourism to Department of State.

**CURRENT VERSION OF TEXT**

As introduced.





A4254 BURZICHELLI, VAS

2

1 AN ACT reorganizing certain economic development activities  
2 performed by certain State agencies, amending various parts of  
3 the statutory law, and supplementing P.L.1977, c.225 (C.34:1A-  
4 45 et seq.).

5

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

8

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

11 2. The Legislature hereby finds and declares that:

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

17 b. Such proper promotion--and the desired expansion of  
18 tourism in New Jersey--will be enhanced by the formulation of a  
19 master plan for the development of the tourist industry throughout  
20 New Jersey.

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

27 d. Because of the crucial importance tourism plays in New  
28 Jersey's economy, the Department of State is therefore charged with  
29 the mandate to increase tourism through promotional,  
30 informational, educational, and developmental programs. These  
31 initiatives are to be designed to support a State policy of  
32 maintaining and increasing New Jersey's standing as a premier  
33 national and international travel destination. To implement this  
34 policy, the **【Commerce, Economic Growth and Tourism**  
35 **Commission】** Department of State shall create advertisements for  
36 use on television, radio, the Internet and in print, to promote the  
37 State's diverse appeal to prospective national and international  
38 vacationers and travelers as part of its advertising, public relations,  
39 and marketing campaign. In addition, as required pursuant to  
40 section 9 of P.L.1977, c.225 (C.34:1A-53), the Division of Travel  
41 and Tourism shall annually review the 10-year master plan  
42 developed pursuant to section 8 of P.L.1977, c.225 (C.34:1A-52) by  
43 the director of the division with the assistance of the New Jersey  
44 Tourism Policy Council, and submit a report to the Governor and  
45 Legislature containing an evaluation of the preceding year's

**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 activities and developments in tourism and the revisions  
2 recommended in the master plan.

3 e. In the advancement and promotion of New Jersey's tourism  
4 industry, it is necessary to **【change the name of the New Jersey**  
5 **Commerce and Economic Growth Commission to the New Jersey**  
6 **Commerce, Economic Growth and Tourism Commission and to】**  
7 require that the division report semiannually to the Governor and  
8 the Legislature on the efforts of the **【commission】** division to  
9 promote tourism in New Jersey and on the expenditure of funds  
10 allocated to tourism advertising and promotion from hotel and  
11 motel occupancy fees pursuant to section 2 of P.L.2003, c.114  
12 (C.54:32D-2). As tourism may be particularly sensitive to changing  
13 economic conditions, a frequent review of the State's tourism  
14 planning and activities may necessitate revisions in the State's  
15 tourism policy to further encourage tourism promotion and to  
16 otherwise meet the challenges of implementing this policy.  
17 (cf: P.L.2005, c.378, s.1)

18

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

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

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

26 "Council" means the New Jersey Tourism Policy Council.

27 "Department" means the Department of State.

28 "Director" means the Director of the Division of Travel and  
29 Tourism.

30 "Division" means the Division of Travel and Tourism in the  
31 **【New Jersey Commerce, Economic Growth and Tourism**  
32 **Commission】** Department of State.

33 "Elected local official" means the county executive of any  
34 county wherein that office is established, a member of the  
35 governing body of a county, or a mayor or member of the governing  
36 body of a municipality.

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

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

45 (cf: P.L.2005, c.378, s.2)

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

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

18 (cf: P.L.2005, c.378, s.3)

19

20       4. (New section) a. All the functions, powers, and duties of the  
21 Division of Travel and Tourism in the New Jersey Commerce,  
22 Economic Growth and Tourism Commission are transferred to the  
23 Department of State.

24       b. All appropriations and other moneys available and to  
25 become available to the division are hereby continued in the  
26 Department of State and shall be available for the objects and  
27 purposes for which such moneys are appropriated subject to any  
28 terms, restrictions, limitations, or other requirements imposed by  
29 State or federal law.

30       c. Whenever, in any law, rule, regulation, order, contract,  
31 document, judicial or administrative proceeding or otherwise,  
32 reference is made to the Division of Travel and Tourism in the New  
33 Jersey Commerce, Economic Growth and Tourism Commission, the  
34 same shall mean and refer to the Division of Travel and Tourism in  
35 the Department of State.

36

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

39       7. a. There is created in the division the New Jersey Tourism  
40 Policy Council which shall consist of 23 members:

41       (1) Two members of the Senate, who shall serve as ex officio,  
42 non-voting members to be appointed by the President thereof, not  
43 more than one of whom shall be of the same political party, and two  
44 members of the General Assembly, who shall serve as ex officio,  
45 non-voting members to be appointed by the Speaker thereof, not  
46 more than one of whom shall be of the same political party;

47       (2) Nine public members, who shall be residents of this State,  
48 not more than five of whom shall be of the same political party,

1 who shall be appointed by the Governor with the advice and  
2 consent of the Senate, who shall include persons who by experience  
3 or training represent the areas of the tourist industry as follows:

- 4 One representative of the lodging sector;
- 5 One representative of the food service sector;
- 6 One representative of the eco-tourism sector;
- 7 One representative of the cultural arts sector;
- 8 One representative of the convention and visitor bureaus or  
9 tour/receptive services sectors;
- 10 One representative of the entertainment or amusement sector;
- 11 One representative of the outdoor recreation sector;
- 12 One representative of the historical community; and
- 13 One representative of a Statewide travel and tourism association  
14 representing the various sectors of the tourism industry;

15 (3) The **【Chief Executive Officer and Secretary of the**  
16 **commission】** Secretary of State, who shall serve ex officio as a  
17 voting member and chair of the council;

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

28 (5) The executive directors of the New Jersey Sports and  
29 Exposition Authority, the Casino Reinvestment Development  
30 Authority, and the Atlantic City Convention Center Authority, or  
31 their designees, all of whom shall serve ex officio and as voting  
32 members.

33 b. (1) The public members of the council shall be appointed to  
34 three-year terms, except that public members initially appointed on  
35 or after the effective date of P.L.2005, c.378, representing the  
36 lodging, food service, and eco-tourism sectors shall be appointed to  
37 a two-year term, and public members representing the cultural arts  
38 and outdoor recreation sectors and the historical community shall be  
39 appointed to a one-year term. Public members shall serve until  
40 their successors are appointed and qualified. Vacancies occurring  
41 other than by expiration of term shall be filled for the unexpired  
42 term only.

43 (2) The term of appointment, as a member of the council, of an  
44 elected local official appointed pursuant to paragraph 4 of  
45 subsection a. of this section shall be the same as the term of office,  
46 as an elected local official, that the person is serving at the time of  
47 such appointment. In the event that a member of the council  
48 appointed pursuant to that paragraph no longer serves as an elected

1 local official, the term of appointment for that member shall cease  
2 and the Governor may, with the advice and consent of the Senate,  
3 appoint a replacement to serve for the remainder of the unexpired  
4 term. In the case of a person who, at the time of such appointment,  
5 serves as an elected local official in two different offices, the term  
6 of the person's appointment to the council shall be measured by the  
7 longer of the terms as an elected local official. Nothing in this  
8 paragraph shall preclude the reappointment as an elected local  
9 official member of the council of a person whose term of office as  
10 such elected local official has expired, but who has been reelected  
11 to succeed himself in the same local office.

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

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

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

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

19 g. The council shall meet at the call of the chair and not less  
20 than once every month.

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

26 (cf: P.L.2005, c.378, s.4)

27

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

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

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

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

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

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

- 1 e. Develop an understanding among all citizens of the role of
- 2 tourism in New Jersey, both in terms of its economic and social
- 3 importance and the problems it presents, through appropriate formal
- 4 and informal learning experiences;
- 5 f. Cooperate with the Department of Education to promote
- 6 throughout the educational system of New Jersey an awareness of
- 7 New Jersey history and culture;
- 8 g. Ensure that the growth of the tourist industry is consistent
- 9 with the attainment of economic, social, physical, and
- 10 environmental objectives in any State plan and county plans that are
- 11 adopted;
- 12 h. Continuously monitor and evaluate the social costs of
- 13 growth of the tourist industry against the social benefits;
- 14 i. Emphasize in the State's tourism promotional efforts the
- 15 high quality of the State's natural and cultural features;
- 16 j. Promote the tourist industry through such activities as
- 17 Visitors Bureaus and similar county and municipal agencies, and
- 18 assure that the tourist industry contributes its fair share of the cost
- 19 of such promotion;
- 20 k. Request and receive from any department, division, board,
- 21 bureau, commission, or other agency of the State, or any political
- 22 subdivision or public authority thereof, such assistance and data as
- 23 may be necessary to enable the division to carry out its
- 24 responsibilities under this act;
- 25 l. In consultation with the council, review annually and, if
- 26 necessary, revise or update the 10-year master plan developed
- 27 pursuant to section 8 of P.L.1977, c.225 (C.34:1A-52), and submit a
- 28 report to the Governor and the Legislature containing an evaluation
- 29 of the preceding year's activities and developments in tourism and
- 30 the revisions recommended in the master plan;
- 31 m. At the direction of the council, operate the **【commission's】**
- 32 division's Travel and Tourism Cooperative Marketing Campaign
- 33 Program; and
- 34 n. Establish and operate the **【commission's】** division's Travel
- 35 and Tourism Advertising and Promotion Program.
- 36 (cf: P.L.2005, c.378, s.6)
- 37
- 38 7. Section 8 of P.L.2005, c.378 (C.34:1A-53.1) is amended to
- 39 read as follows:
- 40 8. In addition to the powers and duties of the division as
- 41 provided in section 9 of P.L.1977, c.225 (C.34:1A-53), the division
- 42 shall submit a report no later than January 31 and July 31 of every
- 43 year on the tourism marketing campaigns of the **【commission】**
- 44 division and the expenditure of funds appropriated to the
- 45 **【commission】** division for tourism promotion to the Governor, the
- 46 President of the Senate, the Speaker of the General Assembly, the
- 47 Senate Wagering, Tourism and Historic Preservation Committee
- 48 and the Assembly Tourism and Gaming Committee, or their

1 successors. The report shall include, but not be limited to, the  
2 following information:

3 a. A description of the efforts of the **[commission]** division to  
4 promote New Jersey tourism in the six-month period ending on  
5 December 31 and June 30 preceding the respective dates on which  
6 the report is due. The report shall list: (1) the type of each  
7 promotion made, including but not limited to, promotions in the  
8 form of print, radio, Internet or television advertisements, tourism  
9 information or reference guides, tourism event calendars or the  
10 attendance by **[commission]** employees of the division at  
11 conferences relevant to tourism promotion, (2) the content of each  
12 such advertisement, guide, calendar or other promotional aid made,  
13 or conference attended, (3) the dates and locations where tourism  
14 advertisements were shown, when such guides, calendars or other  
15 promotional aids were made available, or when such conferences  
16 took place, and (4) the aggregate amount of money expended on  
17 each advertisement, guide, calendar, promotional aid or conference  
18 listed;

19 b. A list of entities that received, in the six-month period  
20 ending on December 31 and June 30 preceding the respective dates  
21 on which the report is due, State matching funds under the  
22 **[commission's]** division's Travel and Tourism Cooperative  
23 Marketing Campaign Program and the **[commission's]** division's  
24 Advertising and Promotion Program, the amount of funds each  
25 entity received from either program, and the amount of each of the  
26 recipient entity's expenditures made from the funds of either  
27 program; and

28 c. A general description of the potential tourism promotion  
29 efforts the **[commission]** division is considering for the six-month  
30 period beginning on January 1 and July 1 preceding the respective  
31 dates on which the report is due. Such description shall be  
32 distributed to the members of the council. A member of the public  
33 may receive a copy of such description upon request.

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

41 (cf: P.L.2005, c.378, s.8)

42

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

45 10. The council shall:

- 1 a. Aid the division in the formulation and updating of the 10-  
2 year master plan developed pursuant to section 8 of P.L.1977, c.225  
3 (C.34:1A-52) and the annual review thereof;
  - 4 b. Consider all matters referred to it by the **【Chief Executive**  
5 **Officer and Secretary of the commission】** Secretary of State;
  - 6 c. Make recommendations to the division on any matter  
7 relating to tourism and the tourist industry in New Jersey and to  
8 those objectives and responsibilities specified in sections 8 and 9 of  
9 P.L.1977, c.225 (C.34:1A-52 and C.34:1A-53);
  - 10 d. Direct the division to review the spending of funds by the  
11 regional tourism councils and provide comments and  
12 recommendations to such councils on the spending of funds when  
13 appropriate;
  - 14 e. Direct the division to encourage the development of local  
15 marketing organizations, including but not limited to destination  
16 marketing organizations and convention and visitor bureaus;
  - 17 f. Direct the division to ensure that a recipient of funding by  
18 the **【commission】** Department of State for tourism promotion is in  
19 compliance with all terms of the funding agreement, and that the  
20 recipient's promotional message is consistent with the promotional  
21 message for the State established by the **【Chief Executive Officer**  
22 **and】** Secretary of **【the commission】** State;
  - 23 g. Direct the division on the operation of the **【commission's】**  
24 division's Travel and Tourism Cooperative Marketing Campaign  
25 Program;
  - 26 h. Commission the New Jersey Center for Hospitality and  
27 Tourism at Richard Stockton College of New Jersey to conduct an  
28 annual survey and analysis of New Jersey's tourism industry for the  
29 purpose of providing data to improve the effectiveness of tourism  
30 promotion. The council shall direct the division to make the survey  
31 and analysis results available to tourism groups throughout the  
32 State. In a year during which the New Jersey Center for Hospitality  
33 and Tourism is unable or unavailable to conduct the survey and  
34 analysis, the council shall choose another entity to conduct the  
35 survey and analysis for that year; and
  - 36 i. Perform other duties as assigned by the **【Chief Executive**  
37 **Officer and Secretary of the commission】** Secretary of State.  
38 (cf: P.L.2005, c.378, s.7)
- 39
- 40 9. Section 1 of P.L.1997, c.64 (C.13:1B-15.159) is amended to  
41 read as follows:
    - 42 1. The Department of Environmental Protection, in cooperation  
43 with the Division of Travel and Tourism in the **【New Jersey**  
44 **Commerce and Economic Growth Commission】** Department of  
45 State, in consultation with the Pinelands Commission as it affects  
46 the pinelands area designated pursuant to section 10 of P.L.1979,  
47 c.111 (C.13:18A-11), and in consultation with the Highlands Water



1 Protection and Planning Council as it affects the Highlands Region  
2 designated pursuant to section 7 of P.L.2004, c.120 (C.13:20-7),  
3 shall establish a natural resources inventory, using the Geographic  
4 Information System, for the purpose of encouraging ecologically  
5 based tourism and recreation in New Jersey. This inventory shall  
6 contain information on New Jersey's natural, historic, and  
7 recreational resources, and shall include, to the greatest extent  
8 possible, but need not be limited to, federal, State, county and local  
9 parks, wildlife management areas, hatcheries, natural areas, historic  
10 sites, State forests, recreational areas, ecological and biological  
11 study sites, reservoirs, marinas, boat launches, campgrounds,  
12 waterfront access points, winter sports recreation areas, and national  
13 wildlife refuges.

14 (cf: P.L.2004, c.120, s.48)

15

16 10. Section 3 P.L. 1993, c.57 (C.32:34-3) is amended to read as  
17 follows:

18 3. a. There is created the Clean Ocean and Shore Trust  
19 (COAST) Committee, which shall comprise 18 members, nine of  
20 whom shall be residents of the State of New Jersey and nine of  
21 whom shall be residents of the State of New York. The New Jersey  
22 members shall be as follows: two members of the Senate, from  
23 different political parties, to be appointed by the President thereof;  
24 two members of the General Assembly, from different political  
25 parties, to be appointed by the Speaker thereof; the Director of the  
26 Division of Science and Research of the New Jersey Department of  
27 Environmental Protection; the Director of the Division of Travel  
28 and Tourism in the **【New Jersey】** Department of **【Commerce,**  
29 **Energy and Economic Development】** State; the Director of the  
30 Institute of Marine and Coastal Sciences at Rutgers, The State  
31 University of New Jersey; the Director of the Center for  
32 Environmental Engineering at the Stevens Institute of Technology;  
33 and one private citizen with expertise in marine pollution, coastal  
34 resource preservation, marine fisheries, or coastal tourism, to be  
35 appointed by the Governor, with the advice and consent of the  
36 Senate.

37 b. The New Jersey legislative and administrative agency  
38 members of the committee, and the members from Rutgers  
39 University and the Stevens Institute of Technology, or their  
40 designees, shall serve ex officio. The private citizen member of the  
41 committee appointed by the Governor of New Jersey shall serve at  
42 the pleasure of the Governor. Vacancies in the appointed positions  
43 on the committee shall be filled in the same manner as the original  
44 appointments were made.

45 c. New Jersey members of the committee shall serve without  
46 compensation, but may, within the limits of funds appropriated or  
47 otherwise made available to it, be reimbursed for actual expenses  
48 necessarily incurred in the discharge of their official duties.

1 d. The committee shall organize as soon as may be practicable  
2 after the appointment of its members, and shall select two co-  
3 chairpersons from its members, one from each state, and a secretary  
4 who need not be a member. Meetings of the committee shall be at  
5 such times and places as the co-chairpersons of the committee deem  
6 appropriate.

7 e. The committee may call to its assistance, and avail itself of  
8 the services of, such employees of the two states, or any political  
9 instrumentalities thereof, as it may require and as may be made  
10 available to it for the purpose of carrying out its duties under this  
11 act. If requested by the committee, the New Jersey Department of  
12 Environmental Protection and the New York Department of  
13 Environmental Conservation, or their successors, shall provide  
14 primary staff support.

15 f. The committee may, within the limits of funds appropriated  
16 or otherwise made available to it for those purposes, employ such  
17 professional, stenographic, and clerical staff and incur such  
18 traveling and other miscellaneous expenses as it may deem  
19 necessary in order to perform its duties.

20 g. The committee may, within the limits of funds appropriated  
21 or otherwise made available to it for those purposes, establish an  
22 advisory panel comprised of scientists and technical experts from  
23 the profit and nonprofit sectors. This panel would identify and  
24 define problems and priority issues of the Hudson - Raritan estuary  
25 and the New York - New Jersey Bight area, and provide the  
26 committee with scientific and technical advice.

27 (cf: P.L.1993, c.57, s.3)

28

29 11. Section 2 of P.L.2005, c.47 (C.52:16A-91) is amended to  
30 read as follows:

31 2. The New Jersey Black Cultural and Heritage Initiative  
32 Foundation shall be governed by a board of trustees consisting of  
33 the following 25 members:

34 a. the Secretary of State or designee;

35 b. Five State employees or special State officers, who shall be  
36 selected from, and appointed by the Secretary of State to represent  
37 any or all, of the following State partner organizations:

38 (1) New Jersey State Council on the Arts;

39 (2) New Jersey Historical Commission;

40 (3) New Jersey Council of the Humanities;

41 (4) New Jersey Public Broadcasting Commission;

42 (5) Martin Luther King Commemorative Commission;

43 (6) Amistad Commission;

44 (7) Department of Education;

45 (8) **【Office】** Division of Travel and Tourism, **【New Jersey**  
46 **Commerce and Economic Growth Commission】** Department of  
47 State;

- 1 (9) Department of Community Affairs;  
2 (10) Department of Transportation;  
3 (11) Department of State, Office of Faith-based Initiatives; and  
4 (12) any other State agency or instrumentality partnering,  
5 assisting or supporting the purposes of the foundation.

6 The State partner members of the board of trustees appointed  
7 pursuant to this subsection shall serve at the pleasure of the  
8 Secretary of State.

9 c. Nineteen public members shall be selected from a broad  
10 cross-section of the views and interests of the community and the  
11 member organizations of the foundation, including educators,  
12 clergy, civic and business leaders; philanthropists; visual, creative  
13 and performing artists; representatives of Black arts, history and  
14 cultural organizations; and persons having knowledge of, expertise  
15 in, or commitment to preserving New Jersey's Black cultural  
16 heritage.

17 Five of the public members shall be appointed by the Secretary  
18 of State upon formation and incorporation of the foundation.  
19 Thereafter, at least four more public members shall be elected by  
20 the nonprofit cultural organizations which become members of the  
21 foundation, and the remaining public members shall be nominated  
22 by a nominating committee of the board of trustees and appointed  
23 by the board of trustees.

24 The term of office of each public member shall be three years,  
25 with each member continuing to serve upon expiration of the term  
26 until replaced. Three of the initial public members appointed by the  
27 Secretary of State and two of the public members initially elected  
28 by member organizations shall serve initial terms of two years.

29 Vacancies shall be filled and replacements made as provided in  
30 the bylaws of the foundation.

31 (cf: P.L.2005, c.47, s.2)

32

33 12. Section 28 of P.L.2005, c.354 (C.34:1A-87) is amended to  
34 read as follows:

35 28. The center shall be managed by a Steering Committee  
36 comprised of the Commissioners of Community Affairs, Education,  
37 Health and Senior Services, Human Services, and Labor and  
38 Workforce Development; the Executive Directors of the  
39 Commission on Higher Education **[and]**, the State Employment and  
40 Training Commission; the **[Secretary and Chief]** Executive  
41 Officer **]** Director of the New Jersey Commerce **[**, Economic  
42 Growth and Tourism **]** Commission; the Director of the Division of  
43 Vocational Rehabilitation Services; a director or member of a  
44 Workforce Investment Board as designated by the Executive  
45 Director of the State Employment and Training Commission; and a  
46 One-Stop Career Center operator as designated by the  
47 Commissioner of Labor and Workforce Development. The  
48 committee shall set policy for the operation of the center and shall

1 have the authority to increase membership of the committee, as it  
2 deems necessary, to carry out the purposes of sections 25 through  
3 29 of P.L.2005, c.354 (C.34:1A-86 through C.34:1A-88).  
4 (cf: P.L.2005, c.354, s.28)

5  
6 13. Section 4 of P.L.1974, c.80 (C.34:1B-4) is amended to read  
7 as follows:

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

17 b. The authority shall consist of the Commissioner of Banking  
18 and Insurance, **the Chief Executive Officer and Secretary of** a  
19 person appointed by the Board of Directors of the New Jersey  
20 Commerce [and Economic Growth] Commission, the  
21 Commissioner of Labor and Workforce Development, the  
22 Commissioner of Education, and the State Treasurer, who shall be  
23 members ex officio, and eight public members appointed by the  
24 Governor as follows: two public members (who shall not be  
25 legislators) shall be appointed by the Governor upon  
26 recommendation of the Senate President; two public members (who  
27 shall not be legislators) shall be appointed by the Governor upon  
28 recommendation of the Speaker of the General Assembly; and four  
29 public members shall be appointed by the Governor, all for terms of  
30 three years. In addition, a public member of the State Economic  
31 Recovery Board established pursuant to section 36 of P.L.2002,  
32 c.43 (C.52:27BBB-36) appointed by the board, shall serve as a non-  
33 voting, ex officio member of the authority. Each member shall hold  
34 office for the term of the member's appointment and until the  
35 member's successor shall have been appointed and qualified. A  
36 member shall be eligible for reappointment. Any vacancy in the  
37 membership occurring other than by expiration of term shall be  
38 filled in the same manner as the original appointment but for the  
39 unexpired term only. In the event the authority shall by resolution  
40 determine to accept the declaration of an urban growth zone by any  
41 municipality, the mayor or other chief executive officer of such  
42 municipality shall ex officio be a member of the authority for the  
43 purpose of participating and voting on all matters pertaining to such  
44 urban growth zone.

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

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

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

17 The terms of office of the members and alternate members of the  
18 authority appointed by the Governor who are serving on July 18,  
19 2000 shall expire upon the appointment by the Governor of eight  
20 public members and three alternate members. The initial  
21 appointments of the eight public members shall be as follows: the  
22 two members appointed upon the recommendation of the President  
23 of the Senate and the two members appointed upon the  
24 recommendation of the Speaker of the General Assembly shall  
25 serve terms of three years; two members shall serve terms of two  
26 years; and two members shall serve terms of one year. The initial  
27 appointments of the alternate members shall be as follows: the  
28 alternate member appointed upon the recommendation of the  
29 President of the Senate shall serve a term of three years; the  
30 alternate member appointed upon the recommendation of the  
31 Speaker of the General Assembly shall serve a term of two years;  
32 and one alternate member shall serve a term of one year. No  
33 member shall be appointed who is holding elective office.

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

41 d. A chairperson shall be appointed by the Governor from the  
42 public members. The members of the authority shall elect from  
43 their remaining number a vice chairperson and a treasurer thereof.  
44 The authority shall employ an executive director who shall be its  
45 secretary and chief executive officer. The powers of the authority  
46 shall be vested in the members thereof in office from time to time  
47 and seven members of the authority shall constitute a quorum at any  
48 meeting thereof; provided, however, that the public member

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

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

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

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

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

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

1 powers conferred in this subsection i. upon the Governor shall be  
2 exercised with due regard for the rights of the holders of bonds and  
3 notes of the authority at any time outstanding, and nothing in, or  
4 done pursuant to, this subsection i. shall in any way limit, restrict or  
5 alter the obligation or powers of the authority or any representative  
6 or officer of the authority to carry out and perform in every detail  
7 each and every covenant, agreement or contract at any time made or  
8 entered into by or on behalf of the authority with respect to its  
9 bonds or notes or for the benefit, protection or security of the  
10 holders thereof.

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

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

27 l. No member, officer, employee or agent of the authority shall  
28 be interested, either directly or indirectly, in any project or school  
29 facilities project, or in any contract, sale, purchase, lease or transfer  
30 of real or personal property to which the authority is a party.  
31 (cf: P.L.2002, c.43, s.69)

32

33 14. Section 2 of P.L.1996, c.25 (C.34:1B-113) is amended to  
34 read as follows:

35 2. As used in this act:

36 "Advanced computing" means a technology used in the  
37 designing and developing of computing hardware and software,  
38 including innovations in designing the full spectrum of hardware  
39 from hand-held calculators to super computers, and peripheral  
40 equipment;

41 "Advanced computing company" means a person with  
42 headquarters or base of operations located in New Jersey and  
43 engaged in the research, development, production, or provision of  
44 advanced computing for the purpose of developing or providing  
45 products or processes for specific commercial or public purposes;

46 "Advanced materials" means materials with engineered  
47 properties created through the development of specialized  
48 processing and synthesis technology, including ceramics, high

1 value-added metals, electronic materials, composites, polymers, and  
2 biomaterials;

3 "Advanced materials company" means a person with  
4 headquarters or base of operations located in New Jersey and  
5 engaged in the research, development, production, or provision of  
6 advanced materials for the purpose of developing or providing  
7 products or processes for specific commercial or public purposes;

8 "Biotechnology" means the continually expanding body of  
9 fundamental knowledge about the functioning of biological systems  
10 from the macro level to the molecular and sub-atomic levels, as  
11 well as novel products, services, technologies and sub-technologies  
12 developed as a result of insights gained from research advances  
13 which add to that body of fundamental knowledge;

14 "Biotechnology company" means a person with headquarters or  
15 base of operations located in New Jersey and engaged in the  
16 research, development, production, or provision or biotechnology  
17 for the purpose of developing or providing products or processes for  
18 specific commercial or public purposes, including, but not limited  
19 to, medical, pharmaceutical, nutritional, and other health-related  
20 purposes, agricultural purposes, and environmental purposes, or a  
21 person with headquarters or base of operations located in New  
22 Jersey and engaged in providing services or products necessary for  
23 such research, development, production, or provision;

24 "Business retention or relocation grant of tax credits" or "grant of  
25 tax credits" means a grant which consists of the value of  
26 corporation business tax credits against the liability imposed  
27 pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5) or credits  
28 against the taxes imposed on insurers pursuant to P.L.1945, c.132  
29 (C.54:18A-1 et seq.), section 1 of P.L.1950, c.231 (C.17:32-15),  
30 and N.J.S.17B:23-5, provided to fund a portion of retention and  
31 relocation costs pursuant to P.L.1996, c.25 (C.34:1B-112 et seq.);

32 **["Commissioner" means the Chief Executive Officer and  
33 Secretary of the New Jersey Commerce and Economic Growth  
34 Commission;]**

35 "Department" means the **【New Jersey Commerce and Economic  
36 Growth Commission】 Department of the Treasury**;

37 "Business" means an employer located in this State that has  
38 operated continuously in the State, in whole or in part, in its current  
39 form or as a predecessor entity for at least 10 years prior to filing an  
40 application pursuant to P.L.1996, c.25 (C.34:1B-112 et seq.) and  
41 which is subject to the provisions of R.S.43:21-1 et seq. and may  
42 include a sole proprietorship, a partnership, or a corporation that  
43 has made an election under Subchapter S of Chapter One of Subtitle  
44 A of the Internal Revenue Code of 1986, or any other business  
45 entity through which income flows as a distributive share to its  
46 owners, limited liability company, nonprofit corporation, or any  
47 other form of business organization located either within or outside  
48 the State;



1 "Commitment duration" means five years from the date specified  
2 in the project agreement entered into pursuant to section 5 of  
3 P.L.1996, c.25 (C.34:1B-116);

4 "Designated industry" means a business engaged in the field of  
5 biotechnology, pharmaceuticals, manufacturing, financial services  
6 or transportation and logistics, advanced computing, advanced  
7 materials, electronic device technology, environmental technology  
8 or medical device technology;

9 "Designated urban center" means an urban center designated in  
10 the State Development and Redevelopment Plan adopted by the  
11 State Planning Commission;

12 "Electronic device technology" means a technology involving  
13 microelectronics, semiconductors, electronic equipment, and  
14 instrumentation, radio frequency, microwave, and millimeter  
15 electronics, and optical and optic-related electrical devices, or data  
16 and digital communications and imaging devices;

17 "Electronic device technology company" means a person with  
18 headquarters or base of operations located in New Jersey and  
19 engaged in the research, development, production, or provision of  
20 electronic device technology for the purpose of developing or  
21 providing products or processes for specific commercial or public  
22 purposes;

23 "Eligible position" means a full-time position retained by a  
24 business in this State for which a business provides employee health  
25 benefits under a group health plan as defined under section 14 of  
26 P.L.1997, c.146 (C.17B:27-54), a health benefits plan as defined  
27 under section 1 of P.L.1992, c.162 (C.17B:27A-17), or a policy or  
28 contract of health insurance covering more than one person issued  
29 pursuant to Article 2 of Title 17B of the New Jersey Statutes;

30 "Full-time employee" means a person who is employed for  
31 consideration for at least thirty-five hours a week, or who renders  
32 any other standard of service generally accepted by custom or  
33 practice as full-time employment, whose wages are subject to  
34 withholding as provided in the "New Jersey Gross Income Tax  
35 Act," N.J.S.54A:1-1 et seq., and who is determined by the  
36 **[commissioner]** State Treasurer to be employed in a permanent  
37 position according to criteria as the **[commissioner]** State Treasurer  
38 may prescribe. "Full-time employee" shall not include any person  
39 who works as an independent contractor or on a consulting basis for  
40 the business. "Full-time employee" shall not include a child,  
41 grandchild, parent, or spouse of an individual who has direct or  
42 indirect ownership of at least 5% of the profits, capital, or value of  
43 the business;

44 "Headquarters" of a business means the single location that  
45 serves as the national administrative center of the business, at which  
46 the primary office of the chief executive officer or chief operating  
47 officer of the business, as well as the offices of the management

1 officials responsible for key businesswide functions such as  
2 finance, legal, marketing, and human resources, are located;

3 "High-technology business" means an advanced computing  
4 company, advanced materials company, electronic device  
5 technology company, environmental technology company or  
6 medical device technology company;

7 "Medical device technology" means a technology involving any  
8 medical equipment or product (other than a pharmaceutical product)  
9 that has therapeutic value, diagnostic value, or both, and is  
10 regulated by the federal Food and Drug Administration;

11 "Medical device technology company" means a person with  
12 headquarters or base of operations located in New Jersey and  
13 engaged in the research, development, production, or provision of  
14 medical device technology for the purpose of developing or  
15 providing products or processes for specific commercial or public  
16 purposes;

17 "New business location" means the premises that the business  
18 has either purchased or built or for which the business has entered  
19 into a purchase agreement or a written lease for a period of no less  
20 than eight years from the date of relocation;

21 "Manufacturing facility" means a business location at which  
22 more than 50% of the business personal property that is housed in  
23 the facility is eligible for the sales tax exemption pursuant to  
24 subsection a. of section 25 of P.L.1980, c.105 (C.54:32B-8.13) for  
25 machinery, apparatus or equipment used in the production of  
26 tangible personal property;

27 "Program" means the Business Retention and Relocation  
28 Assistance Grant Program created pursuant to P.L.1996, c.25  
29 (C.34:1B-112 et seq.);

30 "Project agreement" means an agreement between a business and  
31 the department that sets the forecasted schedule for completion and  
32 occupancy of the project, the date the commitment duration shall  
33 commence, the amount of the applicable grant of tax credits, and  
34 other such provisions which further the purposes of P.L.1996, c.25  
35 (C.34:1B-112 et seq.);

36 "Research and development facility" means a business location  
37 at which more than 50% of the business personal property that is  
38 purchased for the facility is eligible for the sales tax exemption  
39 pursuant to section 26 of P.L.1980, c.105 (C.54:32B-8.14) for  
40 property used in research and development;

41 "Retained full-time job" means an eligible position that currently  
42 exists in New Jersey and is filled by a full-time employee but  
43 which, because of a relocation by the business, is at risk of being  
44 lost to another state or country. For the purposes of determining a  
45 number of retained full-time jobs, the eligible positions of the  
46 members of a "controlled group of corporations" as defined  
47 pursuant to section 1563 of the federal Internal Revenue Code of

1 1986, 26 U.S.C. s.1563, shall be considered the eligible positions of  
2 a single employer; and

3 "Total allowable relocation costs" means \$1,500 times the  
4 number of retained full-time jobs. "Total allowable relocation  
5 costs" does not include the amount of any bonus award authorized  
6 pursuant to section 5 of P.L.2004, c.65 (C.34:1B-115.1).  
7 (cf: P.L.2004, c.65, s.2)

8  
9 15. Section 3 of P.L.1996, c.25 (C.34:1B-114) is amended to  
10 read as follows:

11 3. The Business Retention and Relocation Assistance Grant  
12 Program is hereby established as a program under the jurisdiction of  
13 the New Jersey Commerce **【and Economic Growth】** Commission  
14 and shall be administered by the **【Chief Executive Officer and**  
15 **Secretary of the】** New Jersey Commerce **【and Economic Growth】**  
16 Commission. The purpose of the program is to encourage economic  
17 development and job creation and to preserve jobs that currently  
18 exist in New Jersey but which are in danger of being relocated to  
19 premises outside of the State. To implement that purpose, and to  
20 the extent that funding for the program is available, the program  
21 may provide grants of tax credits but in no case shall the amount of  
22 an individual grant of tax credits exceed 80% of the projected State  
23 tax revenues from the retained full-time jobs covered by the project  
24 agreement of an applicant for a grant of tax credits.  
25 (cf: P.L.2004, c.65, s.3)

26  
27 16. Section 19 of P.L.2004, c.65 (C.34:1B-185) is amended to  
28 read as follows:

29 19. As used in sections 19 through 22 of P.L.2004, c.65  
30 (C.34:1B-185 through C.34:1B-188) the following terms shall have  
31 the following meanings:

32 "Eligible property" means machinery, equipment, furniture and  
33 furnishings, fixtures, and building materials, but "eligible property"  
34 shall not include "motor vehicles" as defined pursuant to section 2  
35 of P.L.1966, c.30 (C.54:32B-2), parts with a useful life of one year  
36 or less, or tools or supplies used in connection with the eligible  
37 property;

38 "Headquarters" means the single location that serves as the  
39 national administrative center of a business, at which the primary  
40 office of the chief executive officer or chief operating officer of the  
41 business, as well as the offices of the management officials  
42 responsible for key businesswide functions such as finance, legal,  
43 marketing, and human resources, are located;

44 "Life sciences business" means a business engaged principally in  
45 the production of medical equipment, ophthalmic goods, medical or  
46 dental instruments, diagnostic substances, biopharmaceutical  
47 products; or physical and biological research; or biotechnology;

1 "Manufacturing facility" means a business location at which  
2 more than 50% of the business personal property that is housed in  
3 the facility is eligible for the sales tax exemption pursuant to  
4 subsection a. of section 25 of P.L.1980, c.105 (C. 54:32B-8.13) for  
5 machinery, apparatus or equipment used in the production of  
6 tangible personal property;

7 "Research and development facility" means a business location  
8 at which more than 50% of the business personal property that is  
9 purchased for the facility is eligible for the sales tax exemption  
10 pursuant to section 26 of P.L.1980, c.105 (C.54:32B-8.14) for  
11 property used in research and development; and

12 ["Secretary" means the Chief Executive Officer and Secretary of  
13 the New Jersey Commerce and Economic Growth Commission.]  
14 (cf: P.L.2004, c.65, s.19)

15

16 17. Section 20 of P.L.2004, c.65 (C.34:1B-186) is amended to  
17 read as follows:

18 20. The **["secretary"]** New Jersey Commerce Commission shall  
19 establish and administer a program to approve the issuance of sales  
20 and use tax exemption certificates to qualifying businesses as  
21 specified in sections 19 through 22 of P.L.2004, c.65 (C.34:1B-185  
22 through C.34:1B-188). The receipts from the certificate holder's  
23 purchase of eligible property located or placed at the business  
24 location covered by the project approval within the period  
25 established pursuant to the terms and conditions of the project  
26 approval for the approved business location shall be exempt from  
27 the tax imposed under the "Sales and Use Tax Act," P.L.1966, c.30  
28 (C.54:32B-1 et seq.).  
29 (cf: P.L.2004, c.65, s.20)

30

31 18. Section 21 of P.L.2004, c.65 (C.34:1B-187) is amended to  
32 read as follows:

33 21. a. A business seeking to participate in the sales and use tax  
34 exemption certificate program established pursuant to sections 19  
35 through 22 of P.L.2004, c.65 (C.34:1B-185 through C.34:1B-188)  
36 shall submit a project application to the **["secretary"]** New Jersey  
37 Commerce Commission in such form as required by the **["secretary"]**  
38 New Jersey Commerce Commission.

39 b. The location for the project shall be situated in designated  
40 Planning Area 1 or 2, as defined in the State Development and  
41 Redevelopment Plan adopted by the State Planning Commission;  
42 provided however, that a business project involving the renovation  
43 or expansion of an existing facility that is not located in designated  
44 Planning Area 1 or 2 may be eligible to participate in the program,  
45 at the determination of the secretary, if all other applicable criteria  
46 are satisfied.

1 A business located in an urban enterprise zone designated  
2 pursuant to the "New Jersey Urban Enterprise Zones Act,"  
3 P.L.1983, c.303 (C.52:27H-60 et seq.) as of the effective date of  
4 this section shall not be eligible to participate in this program if the  
5 relocation project is from a facility within the urban enterprise zone  
6 to a facility outside an urban enterprise zone; provided however,  
7 that if the relocation is to a facility already owned or leased by the  
8 same business and that business already employs at least the same  
9 number of persons as those being relocated from the urban  
10 enterprise zone, it may be eligible to apply.

11 c. To be eligible to apply for the sales and use tax exemption  
12 certificate program, a business shall have operated continuously in  
13 this State, in whole or in part, in its current form or as a predecessor  
14 entity, for at least 10 years prior to filing an application and shall  
15 satisfy at least one of the following criteria:

16 (1) the business has 1,000 or more full-time employees in the  
17 State and the project involves relocating 500 or more full-time  
18 employees into a new business location or locations;

19 (2) the business is a life sciences business or a manufacturing  
20 facility and the project is: constructing one or more new research  
21 and development facilities, constructing one or more new  
22 manufacturing facilities in this State, or relocating to a new  
23 headquarters in this State that will employ 250 or more full-time  
24 employees;

25 (3) the business is a life sciences business or a manufacturing  
26 business and the project is constructing a new, or substantially  
27 rehabilitating a vacant, property that will separately or collectively:

28 (a) be predominately a new research and development facility;

29 (b) be predominately a new manufacturing facility;

30 (c) house the headquarters of the business; or

31 (d) separately or collectively be a combination of subparagraphs  
32 (a), (b) and (c);

33 provided, that the new or substantially rehabilitated facility will  
34 house a minimum of 250 full-time employees. For the purposes of  
35 this subparagraph, "predominantly" means a majority of the  
36 employees housed in the new facility are engaged in that activity, or  
37 a majority of the square footage of the new facility is used in that  
38 activity; or a majority of the total value of the investment made will  
39 be employed in that activity; or other measures of activity as may  
40 determined by the secretary that demonstrate that a critical  
41 concentration of research and development, manufacturing, or both,  
42 will occur at the new facility; or

43 (4) the business is, at the time of enactment of this section,  
44 currently receiving a structured finance special guarantee pursuant  
45 to N.J.A.C.19:31-2.1(c)3.ii(5) for the project.

46 d. For the purposes of determining a number of full-time  
47 employees pursuant to subsection c. of this section, the full-time  
48 employees of the members of a "controlled group of corporations"

1 as defined pursuant to section 1563 of the federal Internal Revenue  
2 Code of 1986, 26 U.S.C. s.1563, shall be considered the employees  
3 of a single employer.

4 e. A project may be completed in up to two phases provided  
5 that it will be the national headquarters of a life sciences or  
6 manufacturing company, and will include a significant research and  
7 development, a significant manufacturing facility, or combination  
8 thereof if : (1) the first completed phase will house at least 200 full-  
9 time employees and the second phase will house at least 100  
10 additional employees; and (2) the project is pre-approved for phases  
11 and that all phases are completed within 30 months of project  
12 approval.

13 f. Upon approval of a project, the **【secretary】** New Jersey  
14 Commerce Commission shall notify the Director of the Division of  
15 Taxation in the Department of the Treasury of the terms and  
16 conditions of the project approval and the director shall issue a  
17 certificate of exemption pursuant to the terms and conditions of the  
18 project approval. In general, the sales and use tax exemption  
19 certificate provided by sections 19 through 22 of P.L.2004, c.65  
20 (C.34:1B-185 through C.34:1B-188) should not apply to purchases  
21 initiated by the business after the date that the temporary certificate  
22 of occupancy is issued, or in cases where no temporary certificate  
23 of occupancy is issued should not apply to purchases initiated by  
24 the business more than one year from the project commencement  
25 date; however, the duration of the certificate of exemption shall be  
26 pursuant to the terms and conditions of the project approval.  
27 (cf: P.L.2004, c.65, s.21)

28  
29 19. Section 22 of P.L.2004, c.65 (C.34:1B-188) is amended to  
30 read as follows:

31 22. The **【secretary】** New Jersey Commerce Commission shall,  
32 after consultation with the Director of the Division of Taxation in  
33 the Department of the Treasury, adopt rules and regulations  
34 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
35 (C.52:14B-1 et seq.) necessary to govern the proper conduct and  
36 operation of the program consistent with the provisions of sections  
37 19 through 22 of P.L.2004, c.65 (C.34:1B-185 through C.34:1B-  
38 188).  
39 (cf: P.L.2004, c.65, s.22)

40  
41 20. Section 9 of P.L.1989, c.293 (C.34:15C-6) is amended to  
42 read as follows:

43 9. The commission shall:

44 a. Issue the New Jersey Unified Workforce Investment Plan  
45 pursuant to the provisions of the Workforce Investment Act of  
46 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 10 of  
47 this act;

- 1       b. Establish performance standards for workforce investment  
2 programs pursuant to the Workforce Investment Act of 1998,  
3 Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 11 of this act;
- 4       c. Act to ensure the full participation of Workforce Investment  
5 Boards in the planning and supervision of local workforce  
6 investment systems. The commission shall be responsible to  
7 oversee and develop appropriate standards to ensure Workforce  
8 Investment Board compliance with State and federal law, the State  
9 plan, and other relevant requirements regarding membership,  
10 staffing, meetings, and functions;
- 11       d. Foster and coordinate initiatives of the Department of  
12 Education and Commission on Higher Education to enhance the  
13 contributions of public schools and institutions of higher education  
14 to the implementation of the State workforce investment policy;
- 15       e. Examine federal and State laws and regulations to assess  
16 whether those laws and regulations present barriers to achieving any  
17 of the goals of this act. The commission shall, from time to time as  
18 it deems appropriate, issue to the Governor and the Legislature  
19 reports on its findings, including recommendations for changes in  
20 State or federal laws or regulations concerning workforce  
21 investment programs or services, including, when appropriate,  
22 recommendations to merge other State advisory structures and  
23 functions into the commission;
- 24       f. Perform the duties assigned to a State Workforce Investment  
25 Board pursuant to subsection (d) of section 111 of the Workforce  
26 Investment Act of 1998, Pub.L.105-220 (29 U.S.C. s.2821);
- 27       g. Have the authority to enter into agreements with the head of  
28 each State department or commission which administers or funds  
29 education, employment or training programs, including, but not  
30 limited to, the Departments of Labor and Workforce Development,  
31 Community Affairs, Education, and Human Services and the  
32 Commission on Higher Education, the New Jersey Commerce [,  
33 Economic Growth and Tourism] Commission, and the Juvenile  
34 Justice Commission, which agreements are for the purpose of  
35 assigning planning, policy guidance and oversight functions to each  
36 Workforce Investment Board with respect to any workforce  
37 investment program funded or administered by the State department  
38 or commission within the Workforce Investment Board's respective  
39 labor market area or local area, as the case may be; and
- 40       h. Establish guidelines to be used by the Workforce Investment  
41 Boards in performing the planning, policy guidance, and oversight  
42 functions assigned to the boards under any agreement reached by  
43 the commission with a department or commission pursuant to  
44 subsection g. of this section. The commission shall approve all  
45 local Workforce Investment Board plans that meet the criteria  
46 established by the commission for the establishment of One-Stop  
47 systems. The Department of Labor and Workforce Development

1 shall approve the operational portion of the plans for programs  
2 administered by the department.

3 The commission shall have access to all files and records of  
4 other State agencies and may require any officer or employee  
5 therein to provide such information as it may deem necessary in the  
6 performance of its functions.

7 Nothing in P.L.2005, c.354 (C.34:15C-7.1 et al.) shall be  
8 construed as affecting the authority of the Commissioner of  
9 Personnel to review and approve training programs for State  
10 employees pursuant to N.J.S.11A:6-25.

11 (cf: P.L.2005, c.354, s.8)

12

13 21. Section 2 of P.L.1999, c.107 (C.34:15C-18) is amended to  
14 read as follows:

15 2. a. There is created within the State Employment and  
16 Training Commission, established pursuant to section 5 of  
17 P.L.1989, c.293 (C.34:15C-2) in the Department of Labor and  
18 Workforce Development, a State Council for Adult Literacy  
19 Education Services.

20 b. The 27-member council shall consist of the following ex  
21 officio members: the Commissioners of Labor and Workforce  
22 Development, Human Services, Education, Community Affairs and  
23 Corrections, the **[Secretary and Chief] Executive [Officer]**  
24 **Director** of the New Jersey Commerce **[, Economic Growth and**  
25 **Tourism]** Commission, the Executive Director of the Commission  
26 on Higher Education, and the Executive Director of the State  
27 Employment and Training Commission. The council shall also  
28 include one member of the Senate appointed by the President  
29 thereof and one member of the General Assembly appointed by the  
30 Speaker thereof, who shall serve during the two-year legislative  
31 session in which the appointment is made and who shall not be of  
32 the same political party; and 17 public members as follows: five  
33 public members appointed by the Governor including a member of  
34 a Workforce Investment Board literacy committee, a State or  
35 national adult education expert and three representatives of the  
36 business community, at least one of whom shall represent a small  
37 business; six public members appointed by the President of the  
38 Senate including a student or former student who received adult  
39 literacy services and a representative from each of the following: a  
40 county college, a four-year institution of higher education, the State  
41 Library or a local library, a Department of Education-funded adult  
42 education provider of adult basic education programs, general  
43 educational development programs or English as a second language  
44 programs and a community-based organization which is an adult  
45 education provider; and six public members appointed by the  
46 Speaker of the General Assembly including a representative from  
47 each of the following: a vocational school providing adult academic  
48 education programs, a trade union, the New Jersey Network, the



1 New Jersey Association of Lifelong Learning, the Literacy  
2 Volunteers of America and the New Jersey Education Association.

3 c. The public members shall serve for terms of three years, but  
4 of the public members first appointed, six shall serve a term of three  
5 years, six shall serve a term of two years and five shall serve a term  
6 of one year. Each member shall hold office for the term of  
7 appointment and until his successor is appointed and qualified. A  
8 member appointed to fill a vacancy occurring in the membership of  
9 the board for any reason other than the expiration of the term shall  
10 have a term of appointment for the unexpired term only. All  
11 vacancies shall be filled in the same manner as the original  
12 appointment. A member may be appointed for any number of  
13 successive terms. A member may be removed from office by the  
14 Governor, for cause, after a hearing and may be suspended by the  
15 Governor pending the completion of the hearing.

16 d. The members shall select annually a chairperson and a vice-  
17 chairperson, who shall be nongovernmental members of the council,  
18 and shall appoint an executive director. The executive director  
19 shall report to the chairperson of the council and be responsible for  
20 administering the daily operations of the council. The executive  
21 director shall serve in the State unclassified service. The council  
22 may call to its assistance and avail itself of the services of the  
23 employees of any State, county or municipal department, board,  
24 bureau, commission or agency as it may require and as may be  
25 available to it for its purposes.

26 e. Members of the council shall serve without compensation,  
27 but may be reimbursed for necessary expenses incurred in the  
28 performance of their duties as members, within the limits of funds  
29 appropriated or otherwise made available to the council for its  
30 purposes. Actions may be taken and motions and resolutions may  
31 be adopted by the council by an affirmative vote of a majority of  
32 the members.

33 (cf: P.L.2005, c.354, s.18)

34

35 22. Section 2 of P.L.1992, c.86 (C.38A:3-16) is amended to read  
36 as follows:

37 2. The Council on Armed Forces and Veterans' Affairs  
38 established in the Department of Commerce and Economic  
39 Development pursuant to P.L.1983, c.61 (C.52:27H-45 et seq.) is  
40 hereby transferred to and established in the Department of Military  
41 and Veterans' Affairs. The council shall consist of 22 members:  
42 two to be appointed by the President of the Senate from the  
43 members thereof, no more than one of whom shall be from the same  
44 political party; two to be appointed by the Speaker of the General  
45 Assembly from the members thereof, no more than one of whom  
46 shall be from the same political party; the Adjutant General of the  
47 Department of Military and Veterans' Affairs, the **[Chief]**  
48 Executive **[Officer and Secretary]** Director of the New Jersey

1 Commerce **[and Economic Growth]** Commission, the  
2 Commissioner of Education, the Commissioner of Environmental  
3 Protection, the Commissioner of Transportation, the State  
4 Treasurer, the Commissioner of Community Affairs, the  
5 Commissioner of Labor and Workforce Development, and the Chair  
6 of the New Jersey Commission on Higher Education, or their  
7 designees; and nine public members to be appointed by the  
8 Governor, with the advice and consent of the Senate. Eight of the  
9 public members shall be representatives of the community and  
10 business support groups for New Jersey's military installations and  
11 the United States Coast Guard training center. Each public member  
12 shall serve for a term of three years from the date of the member's  
13 appointment and until the member's successor is appointed and  
14 qualified. Vacancies resulting from causes other than by expiration  
15 of term shall be filled for the unexpired term only and shall be filled  
16 in the same manner as the original appointments were made.

17 (cf: P.L.2005, c.40, s.1)

18

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

21 1. Notwithstanding the provisions of the annual appropriations  
22 act and section 7 of P.L.1974, c.55 (C.52:14-15.110), the Governor  
23 shall fix and establish the annual salary, not to exceed \$133,330 in  
24 calendar year 2000, \$137,165 in calendar year 2001 and \$141,000  
25 in calendar year 2002 and thereafter, for each of the following  
26 officers:

27 Title

28 Agriculture Department

29 Secretary of Agriculture

30 Children and Families Department

31 Commissioner of Children and Families

32 Community Affairs Department

33 Commissioner of Community Affairs

34 Corrections Department

35 Commissioner of Corrections

36 Education Department

37 Commissioner of Education

38 Environmental Protection Department

39 Commissioner of Environmental Protection

40 Health and Senior Services Department

41 Commissioner of Health and Senior

42 Services

43 Human Services Department

44 Commissioner of Human Services

45 Banking and Insurance Department

46 Commissioner of Banking and Insurance

47 Labor and Workforce Development Department

48 Commissioner of Labor and Workforce Development

1 Law and Public Safety Department  
2 Attorney General  
3 Military and Veterans' Affairs Department  
4 Adjutant General  
5 Personnel Department  
6 Commissioner of Personnel  
7 State Department  
8 Secretary of State  
9 Transportation Department  
10 Commissioner of Transportation  
11 Treasury Department  
12 State Treasurer  
13 Members, Board of Public Utilities  
14 Public Advocate Department  
15 Public Advocate

16 **【Notwithstanding the provisions of this section to the contrary,**  
17 **the Chief Executive Officer and Secretary of the New Jersey**  
18 **Commerce and Economic Growth Commission shall receive such**  
19 **salary as shall be fixed by the Governor pursuant to subsection b. of**  
20 **section 8 of P.L.1998, c.44 (C.52:27C-68).】**

21 (cf: P.L.2006, c.47, s.189)

22

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

25 1. This act shall be known and may be cited as the "New Jersey  
26 Commerce **【, Economic Growth and Tourism】** Commission Act."

27 (cf: P.L.2005, c.378, s.9)

28

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

31 2. The Legislature finds and declares that:

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

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

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

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

47 e. Because we soon will be entering the 21st century, New  
48 Jersey must now boldly transform its economic development

1 mission to be market driven, mobile and responsive enough to the  
2 future's challenges to empower New Jersey to undertake new  
3 commercial and economic ventures as the economic engine of the  
4 Northeast; and

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

16 g. Just as the Legislature 25 years ago could not have predicted  
17 the technological and business changes that have taken place since  
18 then, this Legislature recognizes that it, too, cannot predict the  
19 future and must, therefore, ensure that the New Jersey Commerce **[,**  
20 **Economic Growth and Tourism]** Commission has the agility and  
21 ability to retool its focus and priorities to ensure the State's  
22 capability to respond to the technological and business changes yet  
23 to come; and

24 h. Economic growth and prosperity are still the number one  
25 priorities for our citizens, and by creating an innovative and  
26 independent economic development entity, the New Jersey  
27 Commerce **[, Economic Growth and Tourism]** Commission, the  
28 Legislature reaffirms that it is also a priority of government; and

29 i. The board of directors of the commission appointed pursuant  
30 to **[this act]** P.L.1998, c.44 (C.52:27C-61 et seq.) should assist the  
31 **[Chief Executive Officer and Secretary]** executive director of the  
32 commission appointed pursuant to **[this act]** P.L. , c. (C. )  
33 (pending before the Legislature as this bill) in assuring that persons  
34 appointed to the staff of the commission, because they will no  
35 longer be in the classified civil service pursuant to Title 11A of the  
36 New Jersey Statutes, will be selected on the basis of qualification  
37 and professional and technical competence, avoiding political  
38 considerations to the maximum extent possible; and

39 j. The New Jersey Commerce **[, Economic Growth and**  
40 **Tourism]** Commission promotes economic vitality and builds a  
41 foundation for world economic leadership in the 21st century and  
42 stimulates dynamic economic growth by providing resources and  
43 services to citizens, businesses and institutions, in partnership with  
44 other government agencies and the private sector, to create jobs.  
45 **[Because of the crucial importance tourism plays in New Jersey's**  
46 **economy, the commission is therefore charged with the mandate to**  
47 **increase tourism through promotional, informational, educational,**

1 and developmental programs. These initiatives are to be designed  
2 to maintain and increase New Jersey's standing as a premier  
3 national and international travel destination by nurturing, expanding  
4 and attracting industry, commerce, and tourism, in order to achieve  
5 the highest quality of life and ensure economic security for all our  
6 citizens.】

7 (cf: P.L.2005, c.378, s.10)

8

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

11 3. There is established a body corporate and politic, with  
12 corporate succession, to be known as the "New Jersey Commerce [,  
13 Economic Growth and Tourism】 Commission" (hereinafter "the  
14 commission").

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

22 (cf: P.L.2005, c.378, s.11)

23

24 27. Section 4 of P.L.1998, c.44 (C.52:27C-64) is amended to  
25 read as follows:

26 4. The Department of Commerce and Economic Development  
27 created pursuant to P.L.1981, c.122 (C.52:27H-1 et seq.) is  
28 abolished as a principal department in the Executive Branch of  
29 State government, and all of its powers, functions, and duties  
30 including, but not limited to, the 【Division of Travel and Tourism,  
31 and】 the Division of International Trade, except as herein otherwise  
32 provided, are continued in the commission.

33 (cf: P.L.1998, c.44, s.4)

34

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

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

1 judicial or administrative proceeding or otherwise, reference is  
2 made to the Department of Commerce and Economic Development  
3 **[or]**, the New Jersey Commerce and Economic Growth  
4 Commission or the New Jersey Commerce, Economic Growth and  
5 Tourism Commission, the same shall mean and refer to the "New  
6 Jersey Commerce **[, Economic Growth and Tourism]** Commission"  
7 in but not of the Department of the Treasury.  
8 (cf: P.L.2005, c.378, s.12)

9  
10 29. Section 7 of P.L.1998, c.44 (C.52:27C-67) is amended to  
11 read as follows:

12 7. The **[Chief Executive Officer and Secretary of the]**  
13 commission **[as designated pursuant to section 8 this act,]** shall  
14 have the power to employ consultants and employees as may be  
15 required in the judgment of the commission to carry out the  
16 purposes of this act and to establish job titles and descriptions, and  
17 to fix and pay employees compensation from funds available to the  
18 commission therefor, notwithstanding the provisions of Title 11A of  
19 the New Jersey Statutes. The commission shall establish the terms  
20 and conditions of employment. Employees of the commission shall,  
21 as appropriate, be covered under the State of New Jersey's  
22 collective negotiations agreements, provided however that only the  
23 contractual provisions of such agreements which apply to non-  
24 career service employees shall apply to the commission employees.  
25 For contractual purposes, previous State service in the career  
26 service shall be counted toward any contractual provision that  
27 requires unclassified seniority. Employees of the Department of  
28 Commerce and Economic Development who are employed by the  
29 department on the date of enactment of this act, and who are hired  
30 by the commission shall retain their salary and leave time.  
31 Employees of the commission shall be enrolled in the Public  
32 Employees' Retirement System and shall be eligible to participate in  
33 the State Health Benefits Program established pursuant to the "New  
34 Jersey State Health Benefits Program Act," P.L.1961, c.49  
35 (C.52:14-17.25 et seq.). The commission may elect to provide  
36 health benefits for its employees through private insurance policies,  
37 hospital and medical service corporations, health maintenance  
38 organizations, or any other manner available for the provision of  
39 health benefits, provided that the types of benefits shall not provide  
40 less coverage than those benefits provided to other State employees.

41 The commission shall advertise all available positions within the  
42 commission, except under circumstances where there is an emergent  
43 need as specified in the commission's personnel handbook.

44 (cf: P.L.1998, c.44, s.7)

45  
46 30. Section 8 of P.L.1998, c.44 (C.52:27C-68) is amended to  
47 read as follows:

1       8. The Board of Directors of the commission shall consist of  
2 the following 11 voting members and two non-voting members:

3       a. The **【Governor】** Chief of the Office of Economic Growth,  
4 created pursuant to Executive Order, No. 50 of 2007, who shall be  
5 the Chair of the commission. The **【Governor】** Chief of the Office  
6 of Economic Growth may be represented by an official designee,  
7 whose name shall be filed with the commission.

8       b. The **【Chief Executive Officer and Secretary of the**  
9 **commission, who shall hold cabinet-level rank and who shall be**  
10 **appointed by the Governor with the advice and consent of the**  
11 **Senate】** Executive Director of the commission. The **【Chief**  
12 **Executive Officer and Secretary】** Executive Director of the  
13 commission shall serve at the pleasure of the **【Governor during the**  
14 **Governor's term of office and until a successor is appointed and**  
15 **qualified,】** Board of Directors of the commission and shall receive  
16 such salary as shall be fixed by the **【Governor】** Board of Directors.  
17 The **【Chief Executive Officer and Secretary】** Executive Director of  
18 the commission shall serve as an ex officio voting member of the  
19 commission and may be represented by an official designee, whose  
20 name shall be filed with the commission.

21       The person in office as the **【Commissioner of the Department of**  
22 **Commerce and Economic Development on the effective date of this**  
23 **act shall hold the office of the】** Chief Executive Officer and  
24 Secretary of the commission **【without the advice and consent of the**  
25 **Senate】** on the effective date of this act shall hold the office of the  
26 Executive Director of the commission and shall serve at the  
27 pleasure of the **【Governor during the Governor's term of office**  
28 **and】** Board of Directors until a successor is appointed and  
29 qualified.

30       Whenever, in any law, rule, regulation, order, contract,  
31 document, judicial or administrative proceeding or otherwise,  
32 reference is made to the Commissioner of the Department of  
33 Commerce and Economic Development or the Chief Executive  
34 Officer and Secretary of the commission, the same shall mean and  
35 refer to the **【Chief】** Executive **【Officer and Secretary】** Director of  
36 the "New Jersey Commerce **【and Economic Growth】** Commission."

37       c. One commissioner from each of the following departments  
38 who shall serve ex-officio: the Department of Environmental  
39 Protection; the Department of Labor and the Department of  
40 Transportation. These commissioners may be represented by an  
41 official designee, whose name shall be filed with the commission.

42       d. The chairman of the New Jersey Commission on Higher  
43 Education, who shall serve ex officio. This chairman may be  
44 represented by an official designee, whose name shall be filed with  
45 the commission.

1 e. Three public members who shall be appointed by the  
2 Governor with the advice and consent of the Senate, not more than  
3 two of whom shall be of the same political party. The three public  
4 members shall serve for a term of five years and shall serve until  
5 their successors are appointed and qualified. Of the three public  
6 members first appointed pursuant to this subsection, two shall serve  
7 for a term of five years and one shall serve for a term of three years.  
8 These members shall be New Jersey residents who shall provide  
9 appropriate geographical representation from throughout the State  
10 and who shall be employed by, owners of, or members of the board  
11 of directors of, a business whose principal operation is located in  
12 New Jersey. Public members shall receive no compensation for  
13 their services but shall be entitled to reimbursement for expenses  
14 incurred in the performance of their official duties.

15 f. Two additional members who shall be appointed by, and  
16 serve at the pleasure of, the Governor. The Governor is authorized  
17 to appoint one member upon the recommendation of the President  
18 of the Senate and one member upon the recommendation of the  
19 Speaker of the General Assembly.

20 g. One member of the Senate, to be appointed by the President  
21 of the Senate, and one member of the General Assembly, to be  
22 appointed by the Speaker of the General Assembly. These members  
23 are non-voting, advisory members, appointed solely for the purpose  
24 of developing and facilitating legislation to assist the commission in  
25 fulfilling its statutory mission, and may not exercise any of the  
26 executive powers delegated to the commission by law.

27 h. Any vacancies in the appointed membership of the  
28 commission occurring other than by expiration of term shall be  
29 filled in the same manner as the original appointment, but for the  
30 unexpired term only.

31 (cf: P.L.1998, c.44, s.8)

32

33 31. Section 11 of P.L.1998, c.44 (C.52:27C-71) is amended to  
34 read as follows:

35 11. The **【Chief】 Executive 【Officer and Secretary】** Director of  
36 the commission shall devote full time to the performance of the  
37 duties assigned thereto, and shall:

38 a. Administer the work of the commission;

39 b. Appoint and remove officers and other personnel employed  
40 within the commission, except as herein otherwise specifically  
41 provided;

42 c. Have authority to organize and maintain an administrative  
43 office and to assign to employment therein such secretarial, clerical  
44 and other assistants in the commission as the **【Chief】 Executive**  
45 **【Officer and Secretary】** Director and the internal operations of the  
46 commission may require;



- 1 d. Perform, exercise and discharge the functions, powers and  
2 duties of the commission through such offices as may be established  
3 by this act or otherwise by law;
- 4 e. Organize the work of the commission in such organizational  
5 units, not inconsistent with the provisions of this act, as the **【Chief】**  
6 Executive **【Officer and Secretary】** Director may determine to be  
7 necessary for the efficient and effective operation of the  
8 commission;
- 9 f. Formulate and adopt rules and regulations for the efficient  
10 conduct of the work and general administration of the commission,  
11 its officers, and employees;
- 12 g. Institute or cause to be instituted such legal proceedings or  
13 processes as may be necessary to properly enforce and give effect to  
14 any of the powers or duties of the **【Chief】** Executive **【Officer and**  
15 **Secretary】** Director or the commission;
- 16 h. Make reports of the commission's operations, and such other  
17 reports, as the Governor shall from time to time request or as may  
18 be required by law;
- 19 i. Coordinate the activities of the commission and the several  
20 organizational units therein, in a manner designed to eliminate  
21 overlapping and duplicative functions;
- 22 j. Integrate within the commission, so far as practicable, all  
23 staff services of the commission and of the several organizational  
24 units therein;
- 25 k. Have access to all relevant files and records of other State  
26 agencies and require any officer or employee therein to provide  
27 such information as the **【Chief】** Executive **【Officer and Secretary】**  
28 Director may deem necessary to the performance of the functions of  
29 the commission;
- 30 1. Lease or purchase suitable headquarters for the commission  
31 and such other quarters as the **【Chief】** Executive **【Officer and**  
32 **Secretary】** Director shall deem necessary to the proper functioning  
33 of the commission;
- 34 m. Enter into agreements with any individual, partnership, trust,  
35 association, or corporation, or any public agency, under which the  
36 commission, and such other entity or entities, shall undertake a  
37 project as a joint venture, with the commission providing such  
38 assistance or advice as the agreement may provide. Such a joint  
39 venture must directly further the statutory mission of the  
40 commission. Employees of any joint venture shall not be deemed  
41 public employees. A joint venture entered into by the commission  
42 shall not be deemed an instrumentality of the State of New Jersey.  
43 A joint venture entered into by the commission shall not be deemed  
44 or construed to create or constitute a debt, liability, or loan or  
45 pledge of the credit, or be payable out of property or funds of the  
46 State;

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

12 o. Serve as a member of any board, commission, corporation,  
13 or authority which by law designates the Commissioner of the  
14 Department of Commerce and Economic Development as an ex  
15 officio member;

16 p. Develop annually an economic development master plan  
17 identifying the commission's objectives, policies and programs  
18 which will encourage business attraction, expansion, and retention;  
19 and

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

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

23

24 32. Section 12 of P.L.1998, c.44 (C.52:27C-72) is amended to  
25 read as follows:

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

33 (cf: P.L.1998, c.44, s.12)

34

35 33. Section 13 of P.L.1998, c.44 (C.52:27C-73) is amended to  
36 read as follows:

37 13. The commission shall have perpetual succession and shall  
38 have the following powers:

39 a. To make, amend and repeal rules and bylaws for its own  
40 governance and guidance not inconsistent with State and federal  
41 law;

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

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

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

- 1 any agency, instrumentality or political subdivision thereof, or from  
2 any other public source;
- 3 e. To set an amount and to charge reasonable fees for special  
4 projects or services that were not customarily provided by the  
5 department prior to the effective date of this act to be paid to the  
6 commission for services rendered to persons, businesses, or other  
7 entities which fees shall reflect the cost of providing such projects  
8 or services; notwithstanding the provisions of this subsection, the  
9 commission is authorized to set an amount and to charge reasonable  
10 fees for services for which fees were charged by the department  
11 prior to the effective date of this act;
- 12 f. To exercise all of the powers, functions, and duties  
13 previously exercised by the Department of Commerce and  
14 Economic Development, except as herein provided pursuant to this  
15 act;
- 16 g. To act as the State's representative abroad and within the  
17 United States concerning trade and commerce issues;
- 18 h. To adopt rules and regulations, pursuant to the  
19 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
20 seq.), necessary for the proper functioning of the commission and  
21 necessary to carry out the provisions of this act;
- 22 i. To do any and all things necessary or convenient to carry out  
23 the purposes of the commission and to exercise the powers given  
24 and granted to the commission under this act;
- 25 j. To coordinate the State's economic development activities  
26 among the commission's organizational units and the New Jersey  
27 Economic Development Authority, the New Jersey Commission on  
28 Science and Technology, the New Jersey Urban Enterprise Zone  
29 Authority, the New Jersey Development Authority for Small  
30 Businesses, Minorities' and Women's Enterprises, and the Motion  
31 Picture and Television Development Commission, and to  
32 recommend economic development policies to the Governor;
- 33 k. To enter into memoranda of understanding or other  
34 cooperative agreements with the New Jersey Economic  
35 Development Authority, the New Jersey Commission on Science  
36 and Technology, the New Jersey Urban Enterprise Zone Authority,  
37 the New Jersey Development Authority for Small Businesses,  
38 Minorities' and Women's Enterprises, the Atlantic City Convention  
39 Center Authority, the Dredging Project Task Force, the Economic  
40 Development Site Task Force, and the Motion Picture and  
41 Television Development Commission, or any other state agency for  
42 the provision of services or other cooperative efforts to effectuate  
43 the purposes of this act and to ensure the coordination of the State's  
44 economic development activities;
- 45 1. To make and enter into contracts, leases, agreements, and  
46 purchases necessary for the use, or incidental to the performance of,  
47 the commission's duties and the exercise of its powers under the act;

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

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

6 o. To approve annually the economic development master plan  
7 submitted by the **【Chief】 Executive 【Officer and Secretary】**  
8 Director.

9 (cf: P.L.1998, c.44, s.13)

10

11 34. Section 19 of P.L.1998, c.44 (C.52:27C-79) is amended to  
12 read as follows:

13 19. a. No later than three months after the end of its fiscal year,  
14 the commission shall make an annual report of its activities for the  
15 preceding fiscal year to the Governor and the Legislature, pursuant  
16 to section 2 of P.L.1991, c.164 (C.52:14-19.1). Each report shall  
17 include, but not be limited to, a description of the short-term and  
18 long-term goals of the commission and an assessment of the  
19 effectiveness of the commission in meeting such goals, and any  
20 recommendations for legislation to improve the effectiveness of the  
21 commission.

22 b. The commission shall include, in the report required by  
23 subsection a. of this section, a description setting forth information  
24 concerning the imposition, collection and expenditure of the fees  
25 imposed by the commission. Each such report shall also set forth a  
26 complete operating and financial statement covering the operations  
27 of the commission, and any of its related entities, during the year.  
28 The commission shall cause an independent audit of its books and  
29 accounts to be made at least once in each year by certified public  
30 accountants and cause a copy thereof to be filed with the Secretary  
31 of State, the Director of the Division of Budget and Accounting, in  
32 the Department of the Treasury and the State Auditor.

33 (cf: P.L.1998, c.44, s.19)

34

35 35. Section 22 of P.L.1998, c.44 (C.52:27C-82) is amended to  
36 read as follows:

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

43 b. Whenever, in any law, rule, regulation, order, contract,  
44 document, judicial or administrative proceeding or otherwise,  
45 reference is made to the New Jersey Economic Development  
46 Authority, the same shall mean and refer to the New Jersey  
47 Economic Development Authority in but not of the Department of  
48 the Treasury. Notwithstanding the provisions of any law, rule,

1 regulation or order to the contrary, the **【Chief Executive Officer and**  
2 **Secretary】** Board of Directors of the commission shall appoint the  
3 executive director of the New Jersey Economic Development  
4 Authority.

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

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

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

18 (cf: P.L.1998, c.44, s.22)

19

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

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

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

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

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

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

4 (cf: P.L.1998, c.44, s.25)

5  
6 37. Section 26 of P.L.1998, c.44 (C.52:27C-86) is amended to  
7 read as follows:

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

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

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

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

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

35  
36 38. Section 2 of P.L.2005, c.373 (C.52:27C-97) is amended to  
37 read as follows:

38 2. The Foundation for Technology Advancement shall be  
39 governed by a 23 member board of trustees who are appointed as  
40 follows:

41 a. The **【Chief】** Executive **【Officer and Secretary】** Director of  
42 the New Jersey Commerce **【and Economic Growth】** Commission;  
43 the Executive Director of the New Jersey Economic Development  
44 Authority; the Executive Director of the New Jersey Commission  
45 on Science and Technology; and the Chief Technology Officer in  
46 the Office of Information Technology; or their designees, all of  
47 whom shall serve ex officio;

1       b. A faculty member appointed by the president of each of the  
2 following academic institutions: The New Jersey Institute of  
3 Technology; Rutgers, the State University; The University of  
4 Medicine and Dentistry of New Jersey; and Princeton University,  
5 all of whom shall serve ex officio; and

6       c. Fifteen public members appointed by the Governor as  
7 follows: a representative of each of the following organizations: the  
8 New Jersey Technology Council, the Biotechnology Council of  
9 New Jersey, the Forum for Academicians, Scientists and  
10 Technologists of New Jersey, the Strengthening the Mid-Atlantic  
11 Region for Tomorrow States Organization, the New Jersey Business  
12 and Industry Association, the Commerce and Industry Association  
13 of New Jersey, the New Jersey State Chamber of Commerce, the  
14 New Jersey Tooling and Manufacturing Association, the Research  
15 and Development Council of New Jersey, the American Electronics  
16 Association - New Jersey/Pennsylvania Council, and a  
17 representative employed by a corporation from each of the  
18 following industry sectors: pharmaceuticals, financial services,  
19 advanced technology, information technology, and nanotechnology.

20       Of the public members first appointed, four shall serve for a term  
21 of two years, four for a term of three years, four for a term of four  
22 years, and three for a term of five years.

23       Members appointed thereafter shall serve five-year terms, and  
24 any vacancy shall be filled by appointment for the unexpired term  
25 only. A member is eligible for reappointment. Vacancies in the  
26 membership of the foundation shall be filled in the same manner as  
27 the original appointments were made.

28       The members shall elect a chair and vice chair from the  
29 membership of the board of trustees.

30 (cf: P.L.2005, c.373, s.2)

31

32       39. Section 5 of P.L.2001, c.238 (C.52:27D-456) is amended to  
33 read as follows:

34       5. The Main Street New Jersey Advisory Board is established  
35 for the purposes of providing guidance and advocacy in formulating  
36 policy and assisting with the long-term planning and administration  
37 of the "Main Street New Jersey" program. The Main Street New  
38 Jersey Advisory Board shall consist of 23 members. Sixteen  
39 members shall serve in a voluntary capacity, to be appointed  
40 through a process to be determined by the commissioner and shall  
41 include a representative of the New Jersey State League of  
42 Municipalities. Each voluntary member shall have a demonstrated  
43 commitment to the goals of the "Main Street New Jersey" program.  
44 The voluntary members shall represent all geographic regions of the  
45 State.

46       The remaining seven advisory board members shall serve ex  
47 officio and shall be a representative of the Historic Preservation  
48 Program in the Department of Environmental Protection, to be

1 appointed by the Commissioner of Environmental Protection, a  
2 representative of the New Jersey Economic Development Authority  
3 to be designated by the executive director, a representative of the  
4 Neighborhood Preservation Program in the Department of  
5 Community Affairs, to be appointed by the Commissioner of  
6 Community Affairs, a representative of the Housing and Mortgage  
7 Finance Agency, to be appointed by the executive director of that  
8 agency, a representative of the New Jersey Commerce [and  
9 Economic Growth] Commission, to be appointed by the [Chief  
10 Executive officer and Secretary] Board of Directors of that  
11 commission, a representative of the Department of Transportation,  
12 to be appointed by the Commissioner of Transportation, and a  
13 representative of the Office of State Planning, to be appointed by  
14 the Director of the Office of State Planning.

15 The terms of the voluntary members so appointed, after the  
16 initial appointments, shall be three years, and each member may be  
17 reappointed. The terms of initial appointments of the voluntary  
18 members shall be staggered so that the terms of 1/3 of the advisory  
19 board's voluntary members shall expire annually. The advisory  
20 board members who are not State employees shall be entitled to  
21 reimbursement of their expenses incurred in connection with their  
22 duties on the advisory board.

23 (cf: P.L.2005, c.284, s.1)

24

25 40. Section 4 of P.L.1983, c.303 (C.52:27H-63) is amended to  
26 read as follows:

27 4. a. There is created the New Jersey Urban Enterprise Zone  
28 Authority, which shall consist of:

29 (1) [The Chief Executive Officer and Secretary of the New  
30 Jersey Commerce and Economic Growth Commission, who shall be  
31 chairman of the authority] a person appointed by the Board of  
32 Directors of the New Jersey Commerce Commission;

33 (2) The Commissioner of the Department of Community  
34 Affairs;

35 (3) The Commissioner of the Department of Labor and  
36 Workforce Development;

37 (4) The State Treasurer, who shall be chair of the authority; and

38 (5) Five public members not holding any other office, position  
39 or employment in the State Government, nor any local elective  
40 office, who shall be appointed by the Governor with the advice and  
41 consent of the Senate, and who shall be qualified for their  
42 appointments by training and experience in the areas of local  
43 government finance, economic development and redevelopment, or  
44 volunteer civic service and community organization. No more than  
45 three public members shall be of the same political party. At least  
46 one public member of the authority shall reside within an enterprise  
47 zone; however, the provisions of this section shall apply only to



1 members appointed or reappointed after the effective date of  
2 P.L.2001, c.347 (C.52:27H-66.2 et al.).

3 b. The public members of the authority shall serve for terms of  
4 five years, except that of the members first appointed, one shall  
5 serve for a term of one year, one shall serve for a term of two years,  
6 one shall serve for a term of three years, one shall serve for a term  
7 of four years, and one shall serve for a term of five years. Vacancies  
8 in the public membership shall be filled in the manner of the  
9 original appointments but for the unexpired terms.

10 c. An ex officio member of the authority may, from time to  
11 time, designate in writing to the authority an official within his  
12 respective department to attend and represent the department at the  
13 meetings of the authority from which the ex officio member is  
14 absent, and that designated representative shall be entitled to vote  
15 and otherwise act for the ex officio member at those meetings.

16 (cf: P.L.2001, c.347, s.7)

17

18 41. Section 23 of P.L.2004, c.65 (C.52:27H-87.1) is amended to  
19 read as follows:

20 23. a. Retail sales of energy and utility service to:

21 (1) a qualified business that employs at least 250 people within  
22 an enterprise zone, at least 50% of whom are directly employed in a  
23 manufacturing process, for the exclusive use or consumption of  
24 such business within an enterprise zone, and

25 (2) a group of two or more persons: (a) each of which is a  
26 qualified business that are all located within a single redevelopment  
27 area adopted pursuant to the "Local Redevelopment and Housing  
28 Law," P.L.1992, c.79 (C.40A:12A-1 et seq.); (b) that collectively  
29 employ at least 250 people within an enterprise zone, at least 50%  
30 of whom are directly employed in a manufacturing process; (c) are  
31 each engaged in a vertically integrated business, evidenced by the  
32 manufacture and distribution of a product or family of products  
33 that, when taken together, are primarily used, packaged and sold as  
34 a single product; and (d) collectively use the energy and utility  
35 service for the exclusive use or consumption of each of the persons  
36 that comprise a group within an enterprise zone; are exempt from  
37 the taxes imposed under the "Sales and Use Tax Act," P.L.1966,  
38 c.30 (C.54:32B-1 et seq.).

39 A qualified business will continue to be subject to applicable  
40 Board of Public Utilities tariff regulations except that its bills from  
41 utility companies and third party suppliers for energy and utility  
42 service shall not include charges for sales and use tax.

43 b. A business that meets the requirements of subsection a. of  
44 this section shall not be allowed the exemption granted pursuant to  
45 this section until it has complied with such requirements for  
46 obtaining the exemption as may be provided pursuant to P.L.1983,  
47 c.303 (C.52:27H-60 et seq.) and P.L.1966, c.30 (C.54:32B-1 et  
48 seq.). The [Chief Executive Officer and Secretary of the

1 Commerce and Economic Growth Commission] State Treasurer  
2 shall provide prompt notice to the President of the Board of Public  
3 Utilities and to the Director of the Division of Taxation in the  
4 Department of the Treasury, of a qualified business that has  
5 qualified for the exemption under this subsection, shall provide the  
6 president and the director an annual list of all businesses that  
7 qualify.

8 c. (1) Retail sales of energy and utility service to a business  
9 facility located within a county that is designated for the 50% tax  
10 exemption under section 1 of P.L.1993, c.373 (C.54:32B-8.45) are  
11 exempt from the taxes imposed under the "Sales and Use Tax Act,"  
12 P.L.1966, c.30 (C.54:32B-1 et seq.); provided that the business  
13 certifies that it employs at least 50 people at that facility, at least  
14 50% of whom are directly employed in a manufacturing process,  
15 and provided that the energy and utility services are consumed  
16 exclusively at that facility.

17 (2) A business facility that meets the requirements of paragraph  
18 (1) of this subsection may file an application for the energy and  
19 utility service sales tax exemption with the [Chief Executive  
20 Officer and Secretary of the Commerce, Economic Growth and  
21 Tourism Commission] State Treasurer, who shall promulgate  
22 regulations and forms for that purpose. The [Chief Executive  
23 Officer and Secretary of the Commerce, Economic Growth and  
24 Tourism Commission] State Treasurer shall process an application  
25 submitted under this paragraph within 20 business days of receipt  
26 thereof. An exemption shall commence for a business upon notice  
27 of approval of its application and shall expire for any year in which  
28 the business fails to meet the requirements of paragraph (1) of this  
29 subsection. Upon approval, the [Chief Executive Officer and  
30 Secretary of the Commerce, Economic Growth and Tourism  
31 Commission] State Treasurer shall provide prompt notice to the  
32 applicant and also shall provide prompt notice to the President of  
33 the Board of Public Utilities and to the Director of the Division of  
34 Taxation in the Department of the Treasury. The [Chief Executive  
35 Officer and Secretary of the Commerce, Economic Growth and  
36 Tourism Commission] State Treasurer also shall provide the  
37 president and the director with an annual list of all businesses that  
38 have been approved under this subsection.

39 (cf: P.L.2005, c.374, s.1)

40

41 42. Section 6 of P.L.2006, c.16 (C.52:27I-6) is amended to read  
42 as follows:

43 6. a. The authority shall consist of [ten] nine members to be  
44 appointed and qualified as follows:

45 (1) Four members appointed by the Governor with the advice  
46 and consent of the Senate, for terms of four years, two of whom  
47 shall be representatives of the private sector with relevant business

1 experience or background; one of whom shall be an individual who  
2 is knowledgeable in environmental protection, conservation and  
3 land use issues and one of whom shall be a labor representative  
4 with appropriate experience in workforce development and job  
5 training. Preference shall be given to professionals with a  
6 background in technology, finance, or real estate. At least two of  
7 the members shall be residents of Monmouth County. Not more  
8 than two of the members appointed by the Governor shall be  
9 members of the same political party;

10 (2) **【The Chief Executive Officer and Secretary of the New**  
11 **Jersey Commerce, Economic Growth and Tourism Commission, ex**  
12 **officio and voting;】** (Deleted by amendment, P.L. , c. ) (pending  
13 before the Legislature as this bill)

14 (3) One member, who shall be a resident of Monmouth County,  
15 to be appointed by the Monmouth County Board of Chosen  
16 Freeholders for a term of four years, who shall be either:

17 (a) a member of the board, or

18 (b) a qualified person, who shall be nominated by the board,  
19 with relevant business experience or background;

20 (4) The mayors of Eatontown, Oceanport, and Tinton Falls, ex  
21 officio and voting; and

22 (5) A representative of Fort Monmouth, to be appointed by the  
23 Secretary of the United States Department of Defense, who shall be  
24 a non-voting member.

25 Each member appointed by the Governor and the member  
26 appointed by the Board of Chosen Freeholders shall hold office for  
27 the term of that member's appointment and until a successor shall  
28 have been appointed and qualified. A member shall be eligible for  
29 reappointment. Any vacancy in the membership occurring other  
30 than by expiration of term shall be filled in the same manner as the  
31 original appointment but for the unexpired term only.

32 b. **【Except for those members designated pursuant to paragraph**  
33 **(4) of subsection a. of this section, each ex officio member of the**  
34 **authority may designate an employee of the member's department**  
35 **or office to represent the member at meetings of the authority. The**  
36 **designee of an ex officio member may act on behalf of the member.**  
37 **The designation shall be in writing and shall be delivered to the**  
38 **authority and shall be effective until revoked or amended in writing**  
39 **to the authority.】** (Deleted by amendment, P.L. , c. ) (pending  
40 before the Legislature as this bill)

41 c. Each member appointed by the Governor may be removed  
42 from office by the Governor for cause, after a public hearing, and  
43 may be suspended by the Governor pending the completion of that  
44 hearing. Each such member, before entering the duties of  
45 membership, shall take and subscribe an oath to perform those  
46 duties faithfully, impartially, and justly to the best of the person's  
47 ability. A record of those oaths shall be filed in the office of the  
48 Secretary of State.

1       d. The members of the authority shall elect a chairperson and  
2 vice-chairperson from among their members. The chairperson shall  
3 appoint a secretary and treasurer. The powers of the authority shall  
4 be vested in the voting members thereof in office from time to time;  
5 five voting members of the authority shall constitute a quorum, and  
6 the affirmative vote of five members shall be necessary for any  
7 action taken by the authority, except as provided under sections 7  
8 and 14 of P.L.2006, c.16 (C.52:27I-7 and 52:27I-14), or unless the  
9 bylaws of the authority shall require a larger number. No vacancy  
10 in the membership of the authority shall impair the right of a  
11 quorum to exercise all the rights and perform all the duties of the  
12 authority.

13       e. The members of the authority shall serve without  
14 compensation, but the authority may, within the limits of funds  
15 appropriated or otherwise made available for such purposes,  
16 reimburse its members for necessary expenses incurred in the  
17 discharge of their official duties.

18       f. No member, officer, employee or agent of the Fort  
19 Monmouth Economic Revitalization Planning Authority shall have  
20 an interest, either directly or indirectly, in any project, employment  
21 agreement or any contract, sale, purchase, lease, or transfer of real  
22 or personal property to which the Fort Monmouth Economic  
23 Revitalization Planning Authority is a party.

24       g. The authority may be dissolved by act of the Legislature on  
25 condition that the authority has no debts or obligations outstanding  
26 or provision has been made for the payment, retirement,  
27 termination, or assumption of its debts and obligations. Upon  
28 dissolution of the authority, all property, funds, and assets thereof  
29 shall be vested in the State.

30       h. A true copy of the minutes of every meeting of the authority  
31 shall be forthwith delivered by and under the certification of the  
32 secretary thereof to the Governor. No action taken at such meeting  
33 by the authority shall have force or effect until 10 days, Saturdays,  
34 Sundays, and public holidays excepted, after the copy of the  
35 minutes shall have been so delivered, unless during such 10-day  
36 period the Governor shall approve the same, in which case such  
37 action shall become effective upon such approval. If, in that 10-day  
38 period, the Governor returns such copy of the minutes with veto of  
39 any action taken by the authority or any member thereof at such  
40 meeting, such action shall be void.

41       i. Any and all proceedings, hearings or meetings of the  
42 authority or any advisory committees established by the authority  
43 shall be conducted in conformance with the "Open Public Meetings  
44 Act," P.L.1975, c.231 (C. 10:4-6 et seq.).

45       j. Records of minutes, accounts, bills, vouchers, contracts or  
46 other papers connected with or used or filed with the authority or  
47 with any officer or employee acting for or in its behalf are declared

1 to be public records, and shall be open to public inspection in  
2 accordance with P.L.1963, c. 73 (C. 47:1A-1 et seq.).  
3 (cf: P.L.2006, c.16, s.6)

4

5 43. This act shall take effect immediately.

6

7

8

STATEMENT

9

10 This bill implements Governor Corzine's proposed  
11 Reorganization Plan No. 001-2007 which, in part, calls for the  
12 transfer of the Division of Travel and Tourism ("division") in the  
13 New Jersey Commerce, Economic Growth and Tourism  
14 Commission, and the functions, powers, and duties of the division  
15 to the Department of State. The commission is to be renamed the  
16 "New Jersey Commerce Commission" ("commission") and is to  
17 remain in, but not of the Department of Treasury. This change will  
18 align those functions of the division with the cultural, arts and  
19 historical emphasis of the Department of State, as well as tighten  
20 the focus of the commission on business retention and promotion.

21 As part of the reorganization plan, the other following changes  
22 are proposed in the bill: (1) the position of Chief Executive Officer  
23 and Secretary will be eliminated, with the authority of the Chief  
24 Executive Officer and Secretary assigned to the Board of Directors  
25 of the commission; (2) an Executive Director of Commerce position  
26 will be created in the commission, and will be filled by the Board of  
27 Directors; (3) the Board of Directors of the commission will be  
28 chaired by the Chief of the Office of Economic Growth, created  
29 pursuant to Executive Order, No. 50 of 2007; and (4) all programs  
30 other than the division will be retained and administered by the  
31 commission.

32 By centralizing functions related to travel and tourism, which are  
33 a major part of the state's economy, under the direction of the  
34 Department of State, the advocacy of the arts and culture in the  
35 State will be married to efforts to increase travel and visitors to the  
36 State's many attractions.

37 The reorganization plan is intended to further meet the needs of  
38 the State's economy and the challenges of a competitive and  
39 globalized economy, and improve the effectiveness of the  
40 commission and increase its efficiency as it serves the needs of the  
41 business community, while tightening its focus on the mission of  
42 growing the state's economy and bringing jobs to New Jersey.

# ASSEMBLY, No. 4263

## STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED MAY 17, 2007

**Sponsored by:**

**Assemblyman JEFF VAN DREW**

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

**SYNOPSIS**

Transfers Division of Travel and Tourism to Department of State.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT transferring the Division of Travel and Tourism to the  
2 Department of State, amending various parts of the statutory law,  
3 and supplementing P.L.1977, c.225 (C.34:1A-45 et seq.).  
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*  
7

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

10 2. The Legislature hereby finds and declares that:

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

16 b. Such proper promotion--and the desired expansion of  
17 tourism in New Jersey--will be enhanced by the formulation of a  
18 master plan for the development of the tourist industry throughout  
19 New Jersey.

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

26 d. Because of the crucial importance tourism plays in New  
27 Jersey's economy, the Department of State is therefore charged with  
28 the mandate to increase tourism through promotional,  
29 informational, educational, and developmental programs. These  
30 initiatives are to be designed to support a State policy of  
31 maintaining and increasing New Jersey's standing as a premier  
32 national and international travel destination. To implement this  
33 policy, the **【Commerce, Economic Growth and Tourism**  
34 **Commission】** Department of State shall create advertisements for  
35 use on television, radio, the Internet and in print, to promote the  
36 State's diverse appeal to prospective national and international  
37 vacationers and travelers as part of its advertising, public relations,  
38 and marketing campaign. In addition, as required pursuant to  
39 section 9 of P.L.1977, c.225 (C.34:1A-53), the Division of Travel  
40 and Tourism shall annually review the 10-year master plan  
41 developed pursuant to section 8 of P.L.1977, c.225 (C.34:1A-52) by  
42 the director of the division with the assistance of the New Jersey  
43 Tourism Policy Council, and submit a report to the Governor and  
44 Legislature containing an evaluation of the preceding year's

**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 activities and developments in tourism and the revisions  
2 recommended in the master plan.

3 e. In the advancement and promotion of New Jersey's tourism  
4 industry, it is necessary to **【change the name of the New Jersey**  
5 **Commerce and Economic Growth Commission to the New Jersey**  
6 **Commerce, Economic Growth and Tourism Commission and to】**  
7 require that the division report semiannually to the Governor and  
8 the Legislature on the efforts of the **【commission】** division to  
9 promote tourism in New Jersey and on the expenditure of funds  
10 allocated to tourism advertising and promotion from hotel and  
11 motel occupancy fees pursuant to section 2 of P.L.2003, c.114  
12 (C.54:32D-2). As tourism may be particularly sensitive to changing  
13 economic conditions, a frequent review of the State's tourism  
14 planning and activities may necessitate revisions in the State's  
15 tourism policy to further encourage tourism promotion and to  
16 otherwise meet the challenges of implementing this policy.  
17 (cf: P.L.2005, c.378, s.1)

18

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

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

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

26 "Council" means the New Jersey Tourism Policy Council.

27 "Department" means the Department of State.

28 "Director" means the Director of the Division of Travel and  
29 Tourism.

30 "Division" means the Division of Travel and Tourism in the  
31 **【New Jersey Commerce, Economic Growth and Tourism**  
32 **Commission】** Department of State.

33 "Elected local official" means the county executive of any  
34 county wherein that office is established, a member of the  
35 governing body of a county, or a mayor or member of the governing  
36 body of a municipality.

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

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

45 (cf: P.L.2005, c.378, s.2)



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

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

18 (cf: P.L.2005, c.378, s.3)

19

20       4. (New section) a. All the functions, powers, and duties of the  
21 Division of Travel and Tourism in the New Jersey Commerce,  
22 Economic Growth and Tourism Commission are transferred to the  
23 Department of State.

24       b. All appropriations and other moneys available and to become  
25 available to the division are hereby continued in the Department of  
26 State and shall be available for the objects and purposes for which  
27 such moneys are appropriated subject to any terms, restrictions,  
28 limitations, or other requirements imposed by State or federal law.

29       c. Whenever, in any law, rule, regulation, order, contract,  
30 document, judicial or administrative proceeding or otherwise,  
31 reference is made to the Division of Travel and Tourism in the New  
32 Jersey Commerce, Economic Growth and Tourism Commission, the  
33 same shall mean and refer to the Division of Travel and Tourism in  
34 the Department of State.

35

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

38       7. a. There is created in the division the New Jersey Tourism  
39 Policy Council which shall consist of 23 members:

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

46       (2) Nine public members, who shall be residents of this State,  
47 not more than five of whom shall be of the same political party,  
48 who shall be appointed by the Governor with the advice and

1 consent of the Senate, who shall include persons who by experience  
2 or training represent the areas of the tourist industry as follows:

- 3 One representative of the lodging sector;
- 4 One representative of the food service sector;
- 5 One representative of the eco-tourism sector;
- 6 One representative of the cultural arts sector;
- 7 One representative of the convention and visitor bureaus or  
8 tour/receptive services sectors;
- 9 One representative of the entertainment or amusement sector;
- 10 One representative of the outdoor recreation sector;
- 11 One representative of the historical community; and
- 12 One representative of a Statewide travel and tourism association  
13 representing the various sectors of the tourism industry;

14 (3) The **【Chief Executive Officer and Secretary of the**  
15 **commission】** Secretary of State, who shall serve ex officio as a  
16 voting member and chair of the council;

17 (4) Six elected local officials, not more than three of whom shall  
18 be of the same political party, who shall be appointed by the  
19 Governor with the advice and consent of the Senate, and of whom  
20 one shall be a resident of Cape May or Cumberland County, one  
21 shall be a resident of Atlantic County, one shall be a resident of  
22 Burlington, Camden, Gloucester, Mercer or Salem County, one  
23 shall be a resident of Monmouth or Ocean County, one shall be a  
24 resident of Bergen, Essex, Hudson, Middlesex, Passaic or Union  
25 County, and one shall be a resident of Hunterdon, Morris, Somerset,  
26 Sussex or Warren County; and

27 (5) The executive directors of the New Jersey Sports and  
28 Exposition Authority, the Casino Reinvestment Development  
29 Authority, and the Atlantic City Convention Center Authority, or  
30 their designees, all of whom shall serve ex officio and as voting  
31 members.

32 b. (1) The public members of the council shall be appointed to  
33 three-year terms, except that public members initially appointed on  
34 or after the effective date of P.L.2005, c.378, representing the  
35 lodging, food service, and eco-tourism sectors shall be appointed to  
36 a two-year term, and public members representing the cultural arts  
37 and outdoor recreation sectors and the historical community shall be  
38 appointed to a one-year term. Public members shall serve until  
39 their successors are appointed and qualified. Vacancies occurring  
40 other than by expiration of term shall be filled for the unexpired  
41 term only.

42 (2) The term of appointment, as a member of the council, of an  
43 elected local official appointed pursuant to paragraph 4 of  
44 subsection a. of this section shall be the same as the term of office,  
45 as an elected local official, that the person is serving at the time of  
46 such appointment. In the event that a member of the council  
47 appointed pursuant to that paragraph no longer serves as an elected  
48 local official, the term of appointment for that member shall cease

1 and the Governor may, with the advice and consent of the Senate,  
2 appoint a replacement to serve for the remainder of the unexpired  
3 term. In the case of a person who, at the time of such appointment,  
4 serves as an elected local official in two different offices, the term  
5 of the person's appointment to the council shall be measured by the  
6 longer of the terms as an elected local official. Nothing in this  
7 paragraph shall preclude the reappointment as an elected local  
8 official member of the council of a person whose term of office as  
9 such elected local official has expired, but who has been reelected  
10 to succeed himself in the same local office.

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  
14 compensation but shall be entitled to reimbursement for actual and  
15 necessary expenses incurred in the performance of their duties as  
16 members.

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

18 g. The council shall meet at the call of the chair and not less  
19 than once every month.

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

25 (cf: P.L.2005, c.378, s.4)

26

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

29 9. In the pursuance and promotion of a State policy on tourism,  
30 the division, at the direction of the **【Chief Executive Officer and**  
31 **Secretary of the commission】** Secretary of State, shall:

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

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

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

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

47 e. Develop an understanding among all citizens of the role of  
48 tourism in New Jersey, both in terms of its economic and social

- 1 importance and the problems it presents, through appropriate formal  
2 and informal learning experiences;
- 3 f. Cooperate with the Department of Education to promote  
4 throughout the educational system of New Jersey an awareness of  
5 New Jersey history and culture;
- 6 g. Ensure that the growth of the tourist industry is consistent  
7 with the attainment of economic, social, physical, and  
8 environmental objectives in any State plan and county plans that are  
9 adopted;
- 10 h. Continuously monitor and evaluate the social costs of  
11 growth of the tourist industry against the social benefits;
- 12 i. Emphasize in the State's tourism promotional efforts the  
13 high quality of the State's natural and cultural features;
- 14 j. Promote the tourist industry through such activities as  
15 Visitors Bureaus and similar county and municipal agencies, and  
16 assure that the tourist industry contributes its fair share of the cost  
17 of such promotion;
- 18 k. Request and receive from any department, division, board,  
19 bureau, commission, or other agency of the State, or any political  
20 subdivision or public authority thereof, such assistance and data as  
21 may be necessary to enable the division to carry out its  
22 responsibilities under this act;
- 23 l. In consultation with the council, review annually and, if  
24 necessary, revise or update the 10-year master plan developed  
25 pursuant to section 8 of P.L.1977, c.225 (C.34:1A-52), and submit a  
26 report to the Governor and the Legislature containing an evaluation  
27 of the preceding year's activities and developments in tourism and  
28 the revisions recommended in the master plan;
- 29 m. At the direction of the council, operate the **[commission's]**  
30 division's Travel and Tourism Cooperative Marketing Campaign  
31 Program; and
- 32 n. Establish and operate the **[commission's]** division's Travel  
33 and Tourism Advertising and Promotion Program.  
34 (cf: P.L.2005, c.378, s.6)  
35
- 36 7. Section 8 of P.L.2005, c.378 (C.34:1A-53.1) is amended to  
37 read as follows:
- 38 8. In addition to the powers and duties of the division as  
39 provided in section 9 of P.L.1977, c.225 (C.34:1A-53), the division  
40 shall submit a report no later than January 31 and July 31 of every  
41 year on the tourism marketing campaigns of the **[commission]**  
42 division and the expenditure of funds appropriated to the  
43 **[commission]** division for tourism promotion to the Governor, the  
44 President of the Senate, the Speaker of the General Assembly, the  
45 Senate Wagering, Tourism and Historic Preservation Committee  
46 and the Assembly Tourism and Gaming Committee, or their  
47 successors. The report shall include, but not be limited to, the  
48 following information:

1 a. A description of the efforts of the **[commission]** division to  
2 promote New Jersey tourism in the six-month period ending on  
3 December 31 and June 30 preceding the respective dates on which  
4 the report is due. The report shall list: (1) the type of each  
5 promotion made, including but not limited to, promotions in the  
6 form of print, radio, Internet or television advertisements, tourism  
7 information or reference guides, tourism event calendars or the  
8 attendance by **[commission]** employees of the division at  
9 conferences relevant to tourism promotion, (2) the content of each  
10 such advertisement, guide, calendar or other promotional aid made,  
11 or conference attended, (3) the dates and locations where tourism  
12 advertisements were shown, when such guides, calendars or other  
13 promotional aids were made available, or when such conferences  
14 took place, and (4) the aggregate amount of money expended on  
15 each advertisement, guide, calendar, promotional aid or conference  
16 listed;

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

26 c. A general description of the potential tourism promotion  
27 efforts the **[commission]** division is considering for the six-month  
28 period beginning on January 1 and July 1 preceding the respective  
29 dates on which the report is due. Such description shall be  
30 distributed to the members of the council. A member of the public  
31 may receive a copy of such description upon request.

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

39 (cf: P.L.2005, c.378, s.8)

40

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

43 10. The council shall:

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

- 1       b. Consider all matters referred to it by the **【Chief Executive**  
2 **Officer and Secretary of the commission】** Secretary of State;
- 3       c. Make recommendations to the division on any matter  
4 relating to tourism and the tourist industry in New Jersey and to  
5 those objectives and responsibilities specified in sections 8 and 9 of  
6 P.L.1977, c.225 (C.34:1A-52 and C.34:1A-53);
- 7       d. Direct the division to review the spending of funds by the  
8 regional tourism councils and provide comments and  
9 recommendations to such councils on the spending of funds when  
10 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  
15 the **【commission】** Department of State for tourism promotion is in  
16 compliance with all terms of the funding agreement, and that the  
17 recipient's promotional message is consistent with the promotional  
18 message for the State established by the **【Chief Executive Officer**  
19 **and】** Secretary of **【the commission】** State;
- 20       g. Direct the division on the operation of the **【commission's】**  
21 division's Travel and Tourism Cooperative Marketing Campaign  
22 Program;
- 23       h. Commission the New Jersey Center for Hospitality and  
24 Tourism at Richard Stockton College of New Jersey to conduct an  
25 annual survey and analysis of New Jersey's tourism industry for the  
26 purpose of providing data to improve the effectiveness of tourism  
27 promotion. The council shall direct the division to make the survey  
28 and analysis results available to tourism groups throughout the  
29 State. In a year during which the New Jersey Center for Hospitality  
30 and Tourism is unable or unavailable to conduct the survey and  
31 analysis, the council shall choose another entity to conduct the  
32 survey and analysis for that year; and
- 33       i. Perform other duties as assigned by the **【Chief Executive**  
34 **Officer and Secretary of the commission】** Secretary of State.  
35 (cf: P.L.2005, c.378, s.7)
- 36
- 37       9. Section 1 of P.L.1997, c.64 (C.13:1B-15.159) is amended to  
38 read as follows:
- 39       1. The Department of Environmental Protection, in cooperation  
40 with the Division of Travel and Tourism in the **【New Jersey**  
41 **Commerce and Economic Growth Commission】** Department of  
42 State, in consultation with the Pinelands Commission as it affects  
43 the pinelands area designated pursuant to section 10 of P.L.1979,  
44 c.111 (C.13:18A-11), and in consultation with the Highlands Water  
45 Protection and Planning Council as it affects the Highlands Region  
46 designated pursuant to section 7 of P.L.2004, c.120 (C.13:20-7),  
47 shall establish a natural resources inventory, using the Geographic

1 Information System, for the purpose of encouraging ecologically  
2 based tourism and recreation in New Jersey. This inventory shall  
3 contain information on New Jersey's natural, historic, and  
4 recreational resources, and shall include, to the greatest extent  
5 possible, but need not be limited to, federal, State, county and local  
6 parks, wildlife management areas, hatcheries, natural areas, historic  
7 sites, State forests, recreational areas, ecological and biological  
8 study sites, reservoirs, marinas, boat launches, campgrounds,  
9 waterfront access points, winter sports recreation areas, and national  
10 wildlife refuges.

11 (cf: P.L.2004, c.120, s.48)

12

13 10. Section 3 P.L. 1993, c.57 (C.32:34-3) is amended to read as  
14 follows:

15 3. a. There is created the Clean Ocean and Shore Trust  
16 (COAST) Committee, which shall comprise 18 members, nine of  
17 whom shall be residents of the State of New Jersey and nine of  
18 whom shall be residents of the State of New York. The New Jersey  
19 members shall be as follows: two members of the Senate, from  
20 different political parties, to be appointed by the President thereof;  
21 two members of the General Assembly, from different political  
22 parties, to be appointed by the Speaker thereof; the Director of the  
23 Division of Science and Research of the New Jersey Department of  
24 Environmental Protection; the Director of the Division of Travel  
25 and Tourism in the **【New Jersey】** Department of **【Commerce,**  
26 **Energy and Economic Development】** State; the Director of the  
27 Institute of Marine and Coastal Sciences at Rutgers, The State  
28 University of New Jersey; the Director of the Center for  
29 Environmental Engineering at the Stevens Institute of Technology;  
30 and one private citizen with expertise in marine pollution, coastal  
31 resource preservation, marine fisheries, or coastal tourism, to be  
32 appointed by the Governor, with the advice and consent of the  
33 Senate.

34 b. The New Jersey legislative and administrative agency  
35 members of the committee, and the members from Rutgers  
36 University and the Stevens Institute of Technology, or their  
37 designees, shall serve ex officio. The private citizen member of the  
38 committee appointed by the Governor of New Jersey shall serve at  
39 the pleasure of the Governor. Vacancies in the appointed positions  
40 on the committee shall be filled in the same manner as the original  
41 appointments were made.

42 c. New Jersey members of the committee shall serve without  
43 compensation, but may, within the limits of funds appropriated or  
44 otherwise made available to it, be reimbursed for actual expenses  
45 necessarily incurred in the discharge of their official duties.

46 d. The committee shall organize as soon as may be practicable  
47 after the appointment of its members, and shall select two co-  
48 chairpersons from its members, one from each state, and a secretary

1 who need not be a member. Meetings of the committee shall be at  
2 such times and places as the co-chairpersons of the committee deem  
3 appropriate.

4 e. The committee may call to its assistance, and avail itself of the  
5 services of, such employees of the two states, or any political  
6 instrumentalities thereof, as it may require and as may be made  
7 available to it for the purpose of carrying out its duties under this  
8 act. If requested by the committee, the New Jersey Department of  
9 Environmental Protection and the New York Department of  
10 Environmental Conservation, or their successors, shall provide  
11 primary staff support.

12 f. The committee may, within the limits of funds appropriated or  
13 otherwise made available to it for those purposes, employ such  
14 professional, stenographic, and clerical staff and incur such  
15 traveling and other miscellaneous expenses as it may deem  
16 necessary in order to perform its duties.

17 g. The committee may, within the limits of funds appropriated or  
18 otherwise made available to it for those purposes, establish an  
19 advisory panel comprised of scientists and technical experts from  
20 the profit and nonprofit sectors. This panel would identify and  
21 define problems and priority issues of the Hudson - Raritan estuary  
22 and the New York - New Jersey Bight area, and provide the  
23 committee with scientific and technical advice.

24 (cf: P.L.1993, c.57, s.3)

25

26 11. Section 2 of P.L.2005, c.47 (C.52:16A-91) is amended to  
27 read as follows:

28 2. The New Jersey Black Cultural and Heritage Initiative  
29 Foundation shall be governed by a board of trustees consisting of  
30 the following 25 members:

31 a. the Secretary of State or designee;

32 b. Five State employees or special State officers, who shall be  
33 selected from, and appointed by the Secretary of State to represent  
34 any or all, of the following State partner organizations:

35 (1) New Jersey State Council on the Arts;

36 (2) New Jersey Historical Commission;

37 (3) New Jersey Council of the Humanities;

38 (4) New Jersey Public Broadcasting Commission;

39 (5) Martin Luther King Commemorative Commission;

40 (6) Amistad Commission;

41 (7) Department of Education;

42 (8) **【Office】** Division of Travel and Tourism, **【New Jersey**  
43 **Commerce and Economic Growth Commission】** Department of  
44 State;

45 (9) Department of Community Affairs;

46 (10) Department of Transportation;

47 (11) Department of State, Office of Faith-based Initiatives; and



1 (12) any other State agency or instrumentality partnering,  
2 assisting or supporting the purposes of the foundation.

3 The State partner members of the board of trustees appointed  
4 pursuant to this subsection shall serve at the pleasure of the  
5 Secretary of State.

6 c. Nineteen public members shall be selected from a broad  
7 cross-section of the views and interests of the community and the  
8 member organizations of the foundation, including educators,  
9 clergy, civic and business leaders; philanthropists; visual, creative  
10 and performing artists; representatives of Black arts, history and  
11 cultural organizations; and persons having knowledge of, expertise  
12 in, or commitment to preserving New Jersey's Black cultural  
13 heritage.

14 Five of the public members shall be appointed by the Secretary  
15 of State upon formation and incorporation of the foundation.  
16 Thereafter, at least four more public members shall be elected by  
17 the nonprofit cultural organizations which become members of the  
18 foundation, and the remaining public members shall be nominated  
19 by a nominating committee of the board of trustees and appointed  
20 by the board of trustees.

21 The term of office of each public member shall be three years,  
22 with each member continuing to serve upon expiration of the term  
23 until replaced. Three of the initial public members appointed by the  
24 Secretary of State and two of the public members initially elected  
25 by member organizations shall serve initial terms of two years.

26 Vacancies shall be filled and replacements made as provided in  
27 the bylaws of the foundation.

28 (cf: P.L.2005, c.47, s.2)

29

30 12. This act shall take effect on the 30th day after the date of  
31 enactment, but the Secretary of State may take such anticipatory  
32 administrative action in advance thereof as shall be necessary for  
33 the implementation of this act.

34

35

36

#### STATEMENT

37

38 This bill transfers the Division of Travel and Tourism  
39 ("division") in the New Jersey Commerce, Economic Growth and  
40 Tourism Commission, and the functions, powers, and duties of the  
41 division, to the Department of State.

ASSEMBLY COMMERCE AND ECONOMIC DEVELOPMENT  
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, Nos. 4254 and 4263**

**STATE OF NEW JERSEY**

DATED: MAY 17, 2007

The Assembly Commerce and Economic Development Committee reports favorably an Assembly Committee Substitute for Assembly, Nos. 4254 and 4263.

This bill implements Governor Corzine's proposed Reorganization Plan No. 001-2007 which, in part, calls for the transfer of the Division of Travel and Tourism ("division") in the New Jersey Commerce, Economic Growth and Tourism Commission, and the functions, powers, and duties of the division to the Department of State. The commission is to be renamed the "New Jersey Commerce Commission" ("commission") and is to remain in, but not of the Department of Treasury. This change will align those functions of the division with the cultural, arts and historical emphasis of the Department of State, as well as tighten the focus of the commission on business retention and promotion.

As part of the reorganization plan, the other following changes are proposed in the bill: (1) the position of Chief Executive Officer and Secretary will be eliminated and an Executive Director of Commerce position will be created in the commission, with the Executive Director being appointed by the Board of Directors; (2) the duties of the Chief Executive Officer and Secretary will be assigned to either the Board of Directors of the commission or the Executive Director; and (3) all programs other than the division will be retained and administered by the commission.

Further, the bill transfers certain duties of the former Chief Executive Officer and Secretary to the Board of Directors and eliminates certain duties of both of those entities.

By centralizing functions related to travel and tourism, which are a major part of the state's economy, under the direction of the Department of State, the advocacy of the arts and culture in the State will be married to efforts to increase travel and visitors to the State's many attractions.

The reorganization plan is intended to further meet the needs of the State's economy and the challenges of a competitive and globalized economy, and improve the effectiveness of the commission and

increase its efficiency as it serves the needs of the business community, while tightening its focus on the mission of growing the state's economy and bringing jobs to New Jersey.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, Nos. 4254 and 4263**

with committee amendments

# STATE OF NEW JERSEY

DATED: NOVEMBER 19, 2007

The Assembly Appropriations Committee reports favorably Assembly Bill No. 4254/4263 (ACS), with committee amendments.

The bill, as amended, implements Governor Corzine's proposed Reorganization Plan No. 001-2007 which, in part, calls for the transfer of the Division of Travel and Tourism ("division") in the New Jersey Commerce, Economic Growth and Tourism Commission, and the functions, powers, and duties of the division to the Department of State. The commission is to be renamed the "New Jersey Commerce Commission" ("commission") and is to remain in, but not of the Department of Treasury. This change will align those functions of the division with the cultural, arts and historical emphasis of the Department of State, as well as tighten the focus of the commission on business retention and promotion.

As part of the reorganization plan, the other following changes are proposed in the bill: (1) the position of Chief Executive Officer and Secretary will be eliminated and an Executive Director of Commerce position will be created in the commission, with the Executive Director being appointed by the Board of Directors; (2) the duties of the Chief Executive Officer and Secretary will be assigned to either the Board of Directors of the commission or the Executive Director; and (3) all programs other than the division will be retained and administered by the commission.

Further, the bill transfers certain duties of the former Chief Executive Officer and Secretary to the Board of Directors and eliminates certain duties of both of those entities.

By centralizing functions related to travel and tourism, which are a major part of the state's economy, under the direction of the Department of State, the advocacy of the arts and culture in the State will be married to efforts to increase travel and visitors to the State's many attractions.

The reorganization plan is intended to further meet the needs of the State's economy and the challenges of a competitive and globalized economy, and improve the effectiveness of the commission and

increase its efficiency as it serves the needs of the business community, while tightening its focus on the mission of growing the state's economy and bringing jobs to New Jersey.

FISCAL IMPACT:

As amended, this bill will not have any fiscal impact on the State General Fund as the bill transfers existing State functions to existing State agencies/departments. Moreover, the amendments eliminate the ability of the commission to provide health benefits for its employees through private insurance plans, as well as its authority to lease or purchase suitable headquarters for the commission. Since the commission has never exercised its authority to do either, no fiscal impact is foreseen.

COMMITTEE AMENDMENTS:

The committee amendments to the bill:

- 1) eliminate the ability of the commission to:
  - a) provide health benefits for its employees through private insurance policies, hospital and medical service corporations, health maintenance organizations, or any other manner available for the provision of health benefits;
  - b) lease or purchase suitable headquarters for the commission and such other quarters as the Executive Director deems necessary to the proper functioning of the commission;
  - c) enter into agreements with any individual, partnership, trust, association, or corporation, or any public agency, under which the commission, and such other entity or entities, shall undertake a project as a joint venture, with the commission providing such assistance or advice as the agreement may provide; and
  - d) organize or participate in the organization of nonprofit corporations which are exempt from federal taxation under section 501(c)(3) of the Internal Revenue Code; and
- 2) repeal section 12 of P.L.1998, c.44 (C.52:27C-72) which provides that only the records of any nonprofit corporation on which the Executive Director of the commission serves and which are in the Executive Director's possession in an official capacity shall be deemed public records which may be subject to public inspection under the provisions of the "Right to Know Law," P.L.1963, c.73 (C.47:1A-1 et seq.).

**LEGISLATIVE FISCAL ESTIMATE**  
 [First Reprint]  
 ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, Nos. 4254 and 4263**  
**STATE OF NEW JERSEY**  
**212th LEGISLATURE**

DATED: DECEMBER 10, 2007

**SUMMARY**

- Synopsis:** Reorganizes and renames NJ Commerce, Economic Growth and Tourism Commission as NJ Commerce Commission; transfers Division of Travel and Tourism to Department of State.
- Type of Impact:** Minimal fiscal impact.
- Agencies Affected:** Department of State; 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>	minimal impact overall	minimal, if any	minimal, if any

- The Office of Legislative Services (OLS) estimates a minimal fiscal impact on State expenditures as a result of this legislation. There will be minimal costs associated with moving the Division of Travel and Tourism that will be offset by salary savings.

**BILL DESCRIPTION**

Assembly Committee Substitute for Assembly Bill Nos. 4254 and 4263 (1R) of 2007 implements Governor Corzine’s proposed Reorganization Plan No. 001-2007 which, in part, calls for the transfer of the Division of Travel and Tourism (division) in the New Jersey Commerce, Economic Growth and Tourism Commission, and the functions, powers, and duties of the division to the Department of State (department). The commission is to be renamed the “New Jersey Commerce Commission” (commission) and is to remain in, but not of the Department of Treasury.

As part of the reorganization plan, the other following changes are proposed in the bill: (1) the position of Chief Executive Officer and Secretary will be eliminated and an Executive

Director of Commerce position will be created in the commission, with the Executive Director being appointed by the Board of Directors; (2) the duties of the Chief Executive Officer and Secretary will be assigned to either the Board of Directors of the commission or the Executive Director; and (3) all programs other than the division will be retained and administered by the commission.

Further, the bill transfers certain duties of the former Chief Executive Officer and Secretary to the Board of Directors and eliminates certain duties of both of those entities.

By moving the division to the Department of State, it allows the related functions of tourism, travel, arts and culture to be centralized in one place. This will streamline the efforts to increase travel and visitors to the State's many attractions.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

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

The OLS projects that the reorganization of the New Jersey Commerce, Economic Growth and Tourism Commission will have minimal fiscal impact as the bill transfers existing State functions to existing State agencies/departments. Any costs incurred from the reorganization are expected to be offset by salary savings.

The OLS anticipates initial costs of \$11,000. It will cost approximately \$10,000 to transfer 20 employees' work related materials from their physical location at the New Jersey Commerce Commission to their new offices at the Department of State. An additional \$1,000 will be needed to purchase new stationary, signage and related materials reflecting the name change.

The commission will also see a salary cost savings from replacing the position of Chief Executive Officer and Secretary with an Executive Director. The Executive Director of the commission will no longer be a Cabinet level position. This will create a lower salary designation for this position, translating into an initial cost saving of approximately \$40,000 in the first year. It is unknown what the salary savings will be in the future because of the possibility of a change in personnel both at the director and the subordinate levels.

Finally, the bill eliminates the ability of the commission to provide health benefits for its employees through private insurance plans, as well as its authority to lease or purchase headquarters for the commission. Since the commission has never exercised its authority to do either, no fiscal impact is anticipated.

*Section: Commerce, Labor and Industry*  
*Analyst: Robin C. Ford*  
*Assistant 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 (C.52:13B-1 et seq.).

**SENATE, No. 2948**

**STATE OF NEW JERSEY**  
**212th LEGISLATURE**

INTRODUCED NOVEMBER 8, 2007

**Sponsored by:**

**Senator STEPHEN M. SWEENEY**

**District 3 (Salem, Cumberland and Gloucester)**

**SYNOPSIS**

Reorganizes and renames NJ Commerce, Economic Growth and Tourism Commission as NJ Commerce Commission; transfers Division of Travel and Tourism to Department of State.

**CURRENT VERSION OF TEXT**

As introduced.





1 AN ACT reorganizing certain economic development activities  
2 performed by certain State agencies, amending various parts of  
3 the statutory law, and supplementing P.L.1977, c.225 (C.34:1A-  
4 45 et seq.) and P.L.1998, c.44 (C.52:27C-61 et seq.).

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

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

11 2. The Legislature hereby finds and declares that:

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

17 b. Such proper promotion--and the desired expansion of  
18 tourism in New Jersey--will be enhanced by the formulation of a  
19 master plan for the development of the tourist industry throughout  
20 New Jersey.

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

27 d. Because of the crucial importance tourism plays in New  
28 Jersey's economy, the Department of State is therefore charged with  
29 the mandate to increase tourism through promotional,  
30 informational, educational, and developmental programs. These  
31 initiatives are to be designed to support a State policy of  
32 maintaining and increasing New Jersey's standing as a premier  
33 national and international travel destination. To implement this  
34 policy, the **【Commerce, Economic Growth and Tourism**  
35 **Commission】** Department of State shall create advertisements for  
36 use on television, radio, the Internet and in print, to promote the  
37 State's diverse appeal to prospective national and international  
38 vacationers and travelers as part of its advertising, public relations,  
39 and marketing campaign. In addition, as required pursuant to  
40 section 9 of P.L.1977, c.225 (C.34:1A-53), the Division of Travel  
41 and Tourism shall annually review the 10-year master plan  
42 developed pursuant to section 8 of P.L.1977, c.225 (C.34:1A-52) by  
43 the director of the division with the assistance of the New Jersey  
44 Tourism Policy Council, and submit a report to the Governor and  
45 Legislature containing an evaluation of the preceding year's

**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 activities and developments in tourism and the revisions  
2 recommended in the master plan.

3 e. In the advancement and promotion of New Jersey's tourism  
4 industry, it is necessary to **[change the name of the New Jersey**  
5 **Commerce and Economic Growth Commission to the New Jersey**  
6 **Commerce, Economic Growth and Tourism Commission and to]**  
7 require that the division report semiannually to the Governor and  
8 the Legislature on the efforts of the **[commission]** division  
9 to promote tourism in New Jersey and on the expenditure of funds  
10 allocated to tourism advertising and promotion from hotel and  
11 motel occupancy fees pursuant to section 2 of P.L.2003, c.114  
12 (C.54:32D-2). As tourism may be particularly sensitive to changing  
13 economic conditions, a frequent review of the State's tourism  
14 planning and activities may necessitate revisions in the State's  
15 tourism policy to further encourage tourism promotion and to  
16 otherwise meet the challenges of implementing this policy.  
17 (cf: P.L.2005, c.378, s.1)

18

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

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

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

26 "Council" means the New Jersey Tourism Policy Council.

27 "Department" means the Department of State.

28 "Director" means the Director of the Division of Travel and  
29 Tourism.

30 "Division" means the Division of Travel and Tourism in the  
31 **[New Jersey Commerce, Economic Growth and Tourism**  
32 **Commission]** Department of State.

33 "Elected local official" means the county executive of any  
34 county wherein that office is established, a member of the  
35 governing body of a county, or a mayor or member of the governing  
36 body of a municipality.

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

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

45 (cf: P.L.2005, c.378, s.2)

46

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

1       4. There is hereby established in the [New Jersey Commerce,  
2 Economic Growth and Tourism Commission ("commission")]  
3 Department of State 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  
6 such division. The director shall be appointed by the Governor  
7 after consultation with the council and with the advice and consent  
8 of the Senate. The director shall serve during the term of office of  
9 the Governor appointing the director and until the director's  
10 successor is appointed and qualified. The director shall receive  
11 such salary as shall be provided by law and shall devote the  
12 director's entire time and attention to the duties of the director's  
13 office and shall not, while in office, engage in any other gainful  
14 pursuit. The Governor may remove the director from office for  
15 cause, upon notice and opportunity to be heard.

16 (cf: P.L.2005, c.378, s.3)

17

18       4. (New section) a. All the functions, powers, and duties of the  
19 Division of Travel and Tourism in the New Jersey Commerce,  
20 Economic Growth and Tourism Commission are transferred to the  
21 Department of State.

22       b. All appropriations and other moneys available and to  
23 become available to the division are hereby continued in the  
24 Department of State and shall be available for the objects and  
25 purposes for which such moneys are appropriated subject to any  
26 terms, restrictions, limitations, or other requirements imposed by  
27 State or federal law.

28       c. Whenever, in any law, rule, regulation, order, contract,  
29 document, judicial or administrative proceeding or otherwise,  
30 reference is made to the Division of Travel and Tourism in the New  
31 Jersey Commerce, Economic Growth and Tourism Commission, the  
32 same shall mean and refer to the Division of Travel and Tourism in  
33 the Department of State.

34

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

37       7. a. There is created in the division the New Jersey Tourism  
38 Policy Council which shall consist of 23 members:

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

45       (2) Nine public members, who shall be residents of this State,  
46 not more than five of whom shall be of the same political party,  
47 who shall be appointed by the Governor with the advice and  
48 consent of the Senate, who shall include persons who by experience  
49 or training represent the areas of the tourist industry as follows:

- 1 One representative of the lodging sector;
- 2 One representative of the food service sector;
- 3 One representative of the eco-tourism sector;
- 4 One representative of the cultural arts sector;
- 5 One representative of the convention and visitor bureaus or
- 6 tour/receptive services sectors;
- 7 One representative of the entertainment or amusement sector;
- 8 One representative of the outdoor recreation sector;
- 9 One representative of the historical community; and
- 10 One representative of a Statewide travel and tourism association
- 11 representing the various sectors of the tourism industry;
- 12 (3) The **Chief Executive Officer and Secretary of the**
- 13 **commission** Secretary of State, who shall serve ex officio as a
- 14 voting member and chair of the council;
- 15 (4) Six elected local officials, not more than three of whom shall
- 16 be of the same political party, who shall be appointed by the
- 17 Governor with the advice and consent of the Senate, and of whom
- 18 one shall be a resident of Cape May or Cumberland County, one
- 19 shall be a resident of Atlantic County, one shall be a resident of
- 20 Burlington, Camden, Gloucester, Mercer or Salem County, one
- 21 shall be a resident of Monmouth or Ocean County, one shall be a
- 22 resident of Bergen, Essex, Hudson, Middlesex, Passaic or Union
- 23 County, and one shall be a resident of Hunterdon, Morris, Somerset,
- 24 Sussex or Warren County; and
- 25 (5) The executive directors of the New Jersey Sports and
- 26 Exposition Authority, the Casino Reinvestment Development
- 27 Authority, and the Atlantic City Convention Center Authority, or
- 28 their designees, all of whom shall serve ex officio and as voting
- 29 members.
- 30 b. (1) The public members of the council shall be appointed to
- 31 three-year terms, except that public members initially appointed on
- 32 or after the effective date of P.L.2005, c.378, representing the
- 33 lodging, food service, and eco-tourism sectors shall be appointed to
- 34 a two-year term, and public members representing the cultural arts
- 35 and outdoor recreation sectors and the historical community shall be
- 36 appointed to a one-year term. Public members shall serve until
- 37 their successors are appointed and qualified. Vacancies occurring
- 38 other than by expiration of term shall be filled for the unexpired
- 39 term only.
- 40 (2) The term of appointment, as a member of the council, of an
- 41 elected local official appointed pursuant to paragraph 4 of
- 42 subsection a. of this section shall be the same as the term of office,
- 43 as an elected local official, that the person is serving at the time of
- 44 such appointment. In the event that a member of the council
- 45 appointed pursuant to that paragraph no longer serves as an elected
- 46 local official, the term of appointment for that member shall cease
- 47 and the Governor may, with the advice and consent of the Senate,
- 48 appoint a replacement to serve for the remainder of the unexpired
- 49 term. In the case of a person who, at the time of such appointment,

S2948 SWEENEY

6

1 serves as an elected local official in two different offices, the term  
2 of the person's appointment to the council shall be measured by the  
3 longer of the terms as an elected local official. Nothing in this  
4 paragraph shall preclude the reappointment as an elected local  
5 official member of the council of a person whose term of office as  
6 such elected local official has expired, but who has been reelected  
7 to succeed himself in the same local office.

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

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

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

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

15 g. The council shall meet at the call of the chair and not less  
16 than once every month.

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

22 (cf: P.L.2005, c.378, s.4)

23

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

26 9. In the pursuance and promotion of a State policy on tourism,  
27 the division, at the direction of the **【Chief Executive Officer and**  
28 **Secretary of the commission】** Secretary of State, shall:

29 a. Provide and promote adequate opportunities for county and  
30 municipal participation, Federal agency participation, and private  
31 citizens' involvement in the decision-making process of tourism  
32 planning and policy formulation;

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

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

41 d. Attempt to reconcile and balance the activities and  
42 accommodations of the tourist with the daily pursuits and lifestyles  
43 of the residents;

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

- 1 f. Cooperate with the Department of Education to promote  
2 throughout the educational system of New Jersey an awareness of  
3 New Jersey history and culture;
- 4 g. Ensure that the growth of the tourist industry is consistent  
5 with the attainment of economic, social, physical, and  
6 environmental objectives in any State plan and county plans that are  
7 adopted;
- 8 h. Continuously monitor and evaluate the social costs of  
9 growth of the tourist industry against the social benefits;
- 10 i. Emphasize in the State's tourism promotional efforts the  
11 high quality of the State's natural and cultural features;
- 12 j. Promote the tourist industry through such activities as  
13 Visitors Bureaus and similar county and municipal agencies, and  
14 assure that the tourist industry contributes its fair share of the cost  
15 of such promotion;
- 16 k. Request and receive from any department, division, board,  
17 bureau, commission, or other agency of the State, or any political  
18 subdivision or public authority thereof, such assistance and data as  
19 may be necessary to enable the division to carry out its  
20 responsibilities under this act;
- 21 l. In consultation with the council, review annually and, if  
22 necessary, revise or update the 10-year master plan developed  
23 pursuant to section 8 of P.L.1977, c.225 (C.34:1A-52), and submit a  
24 report to the Governor and the Legislature containing an evaluation  
25 of the preceding year's activities and developments in tourism and  
26 the revisions recommended in the master plan;
- 27 m. At the direction of the council, operate the **[commission's]**  
28 division's Travel and Tourism Cooperative Marketing Campaign  
29 Program; and
- 30 n. Establish and operate the **[commission's]** division's Travel  
31 and Tourism Advertising and Promotion Program.  
32 (cf: P.L.2005, c.378, s.6)

33  
34 7. Section 8 of P.L.2005, c.378 (C.34:1A-53.1) is amended to  
35 read as follows:

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

- 47 a. A description of the efforts of the **[commission]** division to  
48 promote New Jersey tourism in the six-month period ending on

1 December 31 and June 30 preceding the respective dates on which  
2 the report is due. The report shall list: (1) the type of each  
3 promotion made, including but not limited to, promotions in the  
4 form of print, radio, Internet or television advertisements, tourism  
5 information or reference guides, tourism event calendars or the  
6 attendance by **[commission]** employees of the division at  
7 conferences relevant to tourism promotion, (2) the content of each  
8 such advertisement, guide, calendar or other promotional aid made,  
9 or conference attended, (3) the dates and locations where tourism  
10 advertisements were shown, when such guides, calendars or other  
11 promotional aids were made available, or when such conferences  
12 took place, and (4) the aggregate amount of money expended on  
13 each advertisement, guide, calendar, promotional aid or conference  
14 listed;

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

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

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

37 (cf: P.L.2005, c.378, s.8)

38

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

41 10. The council shall:

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

45 b. Consider all matters referred to it by the **[Chief Executive**  
46 **Officer and Secretary of the commission]** Secretary of State;

47 c. Make recommendations to the division on any matter  
48 relating to tourism and the tourist industry in New Jersey and to

1 those objectives and responsibilities specified in sections 8 and 9 of  
2 P.L.1977, c.225 (C.34:1A-52 and C.34:1A-53);

3 d. Direct the division to review the spending of funds by the  
4 regional tourism councils and provide comments and  
5 recommendations to such councils on the spending of funds when  
6 appropriate;

7 e. Direct the division to encourage the development of local  
8 marketing organizations, including but not limited to destination  
9 marketing organizations and convention and visitor bureaus;

10 f. Direct the division to ensure that a recipient of funding by  
11 the **【commission】** Department of State for tourism promotion is in  
12 compliance with all terms of the funding agreement, and that the  
13 recipient's promotional message is consistent with the promotional  
14 message for the State established by the **【Chief Executive Officer**  
15 **and】** Secretary of **【the commission】** State;

16 g. Direct the division on the operation of the **【commission's】**  
17 division's Travel and Tourism Cooperative Marketing Campaign  
18 Program;

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

29 i. Perform other duties as assigned by the **【Chief Executive**  
30 **Officer and Secretary of the commission】** Secretary of State.

31 (cf: P.L.2005, c.378, s.7)

32

33 9. Section 1 of P.L.1997, c.64 (C.13:1B-15.159) is amended to  
34 read as follows:

35 1. The Department of Environmental Protection, in cooperation  
36 with the Division of Travel and Tourism in the **【New Jersey**  
37 **Commerce and Economic Growth Commission】** Department of  
38 State, in consultation with the Pinelands Commission as it affects  
39 the pinelands area designated pursuant to section 10 of P.L.1979,  
40 c.111 (C.13:18A-11), and in consultation with the Highlands Water  
41 Protection and Planning Council as it affects the Highlands Region  
42 designated pursuant to section 7 of P.L.2004, c.120 (C.13:20-7),  
43 shall establish a natural resources inventory, using the Geographic  
44 Information System, for the purpose of encouraging ecologically  
45 based tourism and recreation in New Jersey. This inventory shall  
46 contain information on New Jersey's natural, historic, and  
47 recreational resources, and shall include, to the greatest extent  
48 possible, but need not be limited to, federal, State, county and local



1 parks, wildlife management areas, hatcheries, natural areas, historic  
2 sites, State forests, recreational areas, ecological and biological  
3 study sites, reservoirs, marinas, boat launches, campgrounds,  
4 waterfront access points, winter sports recreation areas, and national  
5 wildlife refuges.

6 (cf: P.L.2004, c.120, s.48)

7

8 10. Section 3 of P.L. 1993, c.57 (C.32:34-3) is amended to read  
9 as follows:

10 3. a. There is created the Clean Ocean and Shore Trust  
11 (COAST) Committee, which shall comprise 18 members, nine of  
12 whom shall be residents of the State of New Jersey and nine of  
13 whom shall be residents of the State of New York. The New Jersey  
14 members shall be as follows: two members of the Senate, from  
15 different political parties, to be appointed by the President thereof;  
16 two members of the General Assembly, from different political  
17 parties, to be appointed by the Speaker thereof; the Director of the  
18 Division of Science and Research of the New Jersey Department of  
19 Environmental Protection; the Director of the Division of Travel  
20 and Tourism in the **【New Jersey】** Department of **【Commerce,**  
21 **Energy and Economic Development】** State; the Director of the  
22 Institute of Marine and Coastal Sciences at Rutgers, The State  
23 University of New Jersey; the Director of the Center for  
24 Environmental Engineering at the Stevens Institute of Technology;  
25 and one private citizen with expertise in marine pollution, coastal  
26 resource preservation, marine fisheries, or coastal tourism, to be  
27 appointed by the Governor, with the advice and consent of the  
28 Senate.

29 b. The New Jersey legislative and administrative agency  
30 members of the committee, and the members from Rutgers  
31 University and the Stevens Institute of Technology, or their  
32 designees, shall serve ex officio. The private citizen member of the  
33 committee appointed by the Governor of New Jersey shall serve at  
34 the pleasure of the Governor. Vacancies in the appointed positions  
35 on the committee shall be filled in the same manner as the original  
36 appointments were made.

37 c. New Jersey members of the committee shall serve without  
38 compensation, but may, within the limits of funds appropriated or  
39 otherwise made available to it, be reimbursed for actual expenses  
40 necessarily incurred in the discharge of their official duties.

41 d. The committee shall organize as soon as may be practicable  
42 after the appointment of its members, and shall select two co-  
43 chairpersons from its members, one from each state, and a secretary  
44 who need not be a member. Meetings of the committee shall be at  
45 such times and places as the co-chairpersons of the committee deem  
46 appropriate.

47 e. The committee may call to its assistance, and avail itself of  
48 the services of, such employees of the two states, or any political  
49 instrumentalities thereof, as it may require and as may be made

1 available to it for the purpose of carrying out its duties under this  
2 act. If requested by the committee, the New Jersey Department of  
3 Environmental Protection and the New York Department of  
4 Environmental Conservation, or their successors, shall provide  
5 primary staff support.

6 f. The committee may, within the limits of funds appropriated  
7 or otherwise made available to it for those purposes, employ such  
8 professional, stenographic, and clerical staff and incur such  
9 traveling and other miscellaneous expenses as it may deem  
10 necessary in order to perform its duties.

11 g. The committee may, within the limits of funds appropriated  
12 or otherwise made available to it for those purposes, establish an  
13 advisory panel comprised of scientists and technical experts from  
14 the profit and nonprofit sectors. This panel would identify and  
15 define problems and priority issues of the Hudson - Raritan estuary  
16 and the New York - New Jersey Bight area, and provide the  
17 committee with scientific and technical advice.

18 (cf: P.L.1993, c.57, s.3)

19

20 11. Section 2 of P.L.2005, c.47 (C.52:16A-91) is amended to  
21 read as follows:

22 2. The New Jersey Black Cultural and Heritage Initiative  
23 Foundation shall be governed by a board of trustees consisting of  
24 the following 25 members:

25 a. the Secretary of State or designee;

26 b. Five State employees or special State officers, who shall be  
27 selected from, and appointed by the Secretary of State to represent  
28 any or all, of the following State partner organizations:

29 (1) New Jersey State Council on the Arts;

30 (2) New Jersey Historical Commission;

31 (3) New Jersey Council of the Humanities;

32 (4) New Jersey Public Broadcasting Commission;

33 (5) Martin Luther King Commemorative Commission;

34 (6) Amistad Commission;

35 (7) Department of Education;

36 (8) **【Office】** Division of Travel and Tourism, **【New Jersey**  
37 **Commerce and Economic Growth Commission】** Department of  
38 State;

39 (9) Department of Community Affairs;

40 (10) Department of Transportation;

41 (11) Department of State, Office of Faith-based Initiatives; and

42 (12) any other State agency or instrumentality partnering,  
43 assisting or supporting the purposes of the foundation.

44 The State partner members of the board of trustees appointed  
45 pursuant to this subsection shall serve at the pleasure of the  
46 Secretary of State.

47 c. Nineteen public members shall be selected from a broad  
48 cross-section of the views and interests of the community and the  
49 member organizations of the foundation, including educators,

1 clergy, civic and business leaders; philanthropists; visual, creative  
2 and performing artists; representatives of Black arts, history and  
3 cultural organizations; and persons having knowledge of, expertise  
4 in, or commitment to preserving New Jersey's Black cultural  
5 heritage.

6 Five of the public members shall be appointed by the Secretary  
7 of State upon formation and incorporation of the foundation.  
8 Thereafter, at least four more public members shall be elected by  
9 the nonprofit cultural organizations which become members of the  
10 foundation, and the remaining public members shall be nominated  
11 by a nominating committee of the board of trustees and appointed  
12 by the board of trustees.

13 The term of office of each public member shall be three years,  
14 with each member continuing to serve upon expiration of the term  
15 until replaced. Three of the initial public members appointed by the  
16 Secretary of State and two of the public members initially elected  
17 by member organizations shall serve initial terms of two years.

18 Vacancies shall be filled and replacements made as provided in  
19 the bylaws of the foundation.

20 (cf: P.L.2005, c.47, s.2)

21

22 12. Section 28 of P.L.2005, c.354 (C.34:1A-87) is amended to  
23 read as follows:

24 28. The center shall be managed by a Steering Committee  
25 comprised of the Commissioners of Community Affairs, Education,  
26 Health and Senior Services, Human Services, and Labor and  
27 Workforce Development; the Executive Directors of the  
28 Commission on Higher Education **[and]**, the State Employment and  
29 Training Commission; the **[Secretary and Chief]** Executive  
30 Officer **]** Director of the New Jersey Commerce **[**, Economic  
31 Growth and Tourism **]** Commission; the Director of the Division of  
32 Vocational Rehabilitation Services; a director or member of a  
33 Workforce Investment Board as designated by the Executive  
34 Director of the State Employment and Training Commission; and a  
35 One-Stop Career Center operator as designated by the  
36 Commissioner of Labor and Workforce Development. The  
37 committee shall set policy for the operation of the center and shall  
38 have the authority to increase membership of the committee, as it  
39 deems necessary, to carry out the purposes of sections 25 through  
40 29 of P.L.2005, c.354 (C.34:1A-86 through C.34:1A-88).

41 (cf: P.L.2005, c.354, s.28)

42

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

45 4. a. There is hereby established in, but not of, the Department  
46 of the Treasury a public body corporate and politic, with corporate  
47 succession, to be known as the "New Jersey Economic  
48 Development Authority." The authority is hereby constituted as an

1 instrumentality of the State exercising public and essential  
2 governmental functions, and the exercise by the authority of the  
3 powers conferred by the provisions of P.L.1974, c.80 (C.34:1B-1 et  
4 seq.) or section 6 of P.L.2001, c.401 (C.34:1B-4.1) shall be deemed  
5 and held to be an essential governmental function of the State.

6 b. The authority shall consist of the Commissioner of Banking  
7 and Insurance, the **【Chief】** Executive **【Officer and Secretary】**  
8 Director of the New Jersey Commerce **【and Economic Growth】**  
9 Commission, the Commissioner of Labor and Workforce  
10 Development, the Commissioner of Education, and the State  
11 Treasurer, who shall be members ex officio, and eight public  
12 members appointed by the Governor as follows: two public  
13 members (who shall not be legislators) shall be appointed by the  
14 Governor upon recommendation of the Senate President; two public  
15 members (who shall not be legislators) shall be appointed by the  
16 Governor upon recommendation of the Speaker of the General  
17 Assembly; and four public members shall be appointed by the  
18 Governor, all for terms of three years. In addition, a public member  
19 of the State Economic Recovery Board established pursuant to  
20 section 36 of P.L.2002, c.43 (C.52:27BBB-36) appointed by the  
21 board, shall serve as a non-voting, ex officio member of the  
22 authority. Each member shall hold office for the term of the  
23 member's appointment and until the member's successor shall have  
24 been appointed and qualified. A member shall be eligible for  
25 reappointment. Any vacancy in the membership occurring other  
26 than by expiration of term shall be filled in the same manner as the  
27 original appointment but for the unexpired term only. In the event  
28 the authority shall by resolution determine to accept the declaration  
29 of an urban growth zone by any municipality, the mayor or other  
30 chief executive officer of such municipality shall ex officio be a  
31 member of the authority for the purpose of participating and voting  
32 on all matters pertaining to such urban growth zone.

33 The Governor shall appoint three alternate members of the  
34 authority, of which one alternate member (who shall not be a  
35 legislator) shall be appointed by the Governor upon the  
36 recommendation of the Senate President, and one alternate member  
37 (who shall not be a legislator) shall be appointed by the Governor  
38 upon the recommendation of the Speaker of the General Assembly;  
39 and one alternate member shall be appointed by the Governor, all  
40 for terms of three years. The chairperson may authorize an  
41 alternate member, in order of appointment, to exercise all of the  
42 powers, duties and responsibilities of such member, including, but  
43 not limited to, the right to vote on matters before the authority.

44 Each alternate member shall hold office for the term of the  
45 member's appointment and until the member's successor shall have  
46 been appointed and qualified. An alternate member shall be eligible  
47 for reappointment. Any vacancy in the alternate membership  
48 occurring other than by the expiration of a term shall be filled in the  
49 same manner as the original appointment but for the unexpired term

1 only. Any reference to a member of the authority in this act shall  
2 be deemed to include alternate members unless the context indicates  
3 otherwise.

4 The terms of office of the members and alternate members of the  
5 authority appointed by the Governor who are serving on July 18,  
6 2000 shall expire upon the appointment by the Governor of eight  
7 public members and three alternate members. The initial  
8 appointments of the eight public members shall be as follows: the  
9 two members appointed upon the recommendation of the President  
10 of the Senate and the two members appointed upon the  
11 recommendation of the Speaker of the General Assembly shall  
12 serve terms of three years; two members shall serve terms of two  
13 years; and two members shall serve terms of one year. The initial  
14 appointments of the alternate members shall be as follows: the  
15 alternate member appointed upon the recommendation of the  
16 President of the Senate shall serve a term of three years; the  
17 alternate member appointed upon the recommendation of the  
18 Speaker of the General Assembly shall serve a term of two years;  
19 and one alternate member shall serve a term of one year. No  
20 member shall be appointed who is holding elective office.

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

28 d. A chairperson shall be appointed by the Governor from the  
29 public members. The members of the authority shall elect from  
30 their remaining number a vice chairperson and a treasurer thereof.  
31 The authority shall employ an executive director who shall be its  
32 secretary and chief executive officer. The powers of the authority  
33 shall be vested in the members thereof in office from time to time  
34 and seven members of the authority shall constitute a quorum at any  
35 meeting thereof; provided, however, that the public member  
36 designated by the State Economic Recovery Board pursuant to the  
37 "Municipal Rehabilitation and Economic Recovery Act," P.L.2002,  
38 c.43 (C.52:27BBB-1 et al.) shall not count toward the quorum.  
39 Action may be taken and motions and resolutions adopted by the  
40 authority at any meeting thereof by the affirmative vote of at least  
41 seven members of the authority. No vacancy in the membership of  
42 the authority shall impair the right of a quorum of the members to  
43 exercise all the powers and perform all the duties of the authority.

44 e. Each member of the authority shall execute a bond to be  
45 conditioned upon the faithful performance of the duties of such  
46 member in such form and amount as may be prescribed by the  
47 Director of the Division of Budget and Accounting in the  
48 Department of the Treasury. Such bonds shall be filed in the office  
49 of the Secretary of State. At all times thereafter the members and

1 treasurer of the authority shall maintain such bonds in full force and  
2 effect. All costs of such bonds shall be borne by the authority.

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

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

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

24 i. A true copy of the minutes of every meeting of the authority  
25 shall be forthwith delivered by and under the certification of the  
26 secretary thereof to the Governor. No action taken at such meeting  
27 by the authority shall have force or effect until 10 days, Saturdays,  
28 Sundays, and public holidays excepted, after the copy of the  
29 minutes shall have been so delivered, unless during such 10-day  
30 period the Governor shall approve the same in which case such  
31 action shall become effective upon such approval. If, in that 10-day  
32 period, the Governor returns such copy of the minutes with veto of  
33 any action taken by the authority or any member thereof at such  
34 meeting, such action shall be null and void and of no effect. The  
35 powers conferred in this subsection i. upon the Governor shall be  
36 exercised with due regard for the rights of the holders of bonds and  
37 notes of the authority at any time outstanding, and nothing in, or  
38 done pursuant to, this subsection i. shall in any way limit, restrict or  
39 alter the obligation or powers of the authority or any representative  
40 or officer of the authority to carry out and perform in every detail  
41 each and every covenant, agreement or contract at any time made or  
42 entered into by or on behalf of the authority with respect to its  
43 bonds or notes or for the benefit, protection or security of the  
44 holders thereof.

45 j. On or before March 31 in each year, the authority shall make  
46 an annual report of its activities for the preceding calendar year to  
47 the Governor and the Legislature. Each such report shall set forth a  
48 complete operating and financial statement covering the authority's  
49 operations during the year. The authority shall cause an audit of its

1 books and accounts to be made at least once in each year by  
2 certified public accountants and cause a copy thereof to be filed  
3 with the Secretary of State and the Director of the Division of  
4 Budget and Accounting in the Department of the Treasury.

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

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

16 (cf: P.L.2002, c.43, s.69)

17

18 14. Section 2 of P.L.1996, c.25 (C.34:1B-113) is amended to  
19 read as follows:

20 2. As used in this act:

21 "Advanced computing" means a technology used in the  
22 designing and developing of computing hardware and software,  
23 including innovations in designing the full spectrum of hardware  
24 from hand-held calculators to super computers, and peripheral  
25 equipment;

26 "Advanced computing company" means a person with  
27 headquarters or base of operations located in New Jersey and  
28 engaged in the research, development, production, or provision of  
29 advanced computing for the purpose of developing or providing  
30 products or processes for specific commercial or public purposes;

31 "Advanced materials" means materials with engineered  
32 properties created through the development of specialized  
33 processing and synthesis technology, including ceramics, high  
34 value-added metals, electronic materials, composites, polymers, and  
35 biomaterials;

36 "Advanced materials company" means a person with  
37 headquarters or base of operations located in New Jersey and  
38 engaged in the research, development, production, or provision of  
39 advanced materials for the purpose of developing or providing  
40 products or processes for specific commercial or public purposes;

41 "Biotechnology" means the continually expanding body of  
42 fundamental knowledge about the functioning of biological systems  
43 from the macro level to the molecular and sub-atomic levels, as  
44 well as novel products, services, technologies and sub-technologies  
45 developed as a result of insights gained from research advances  
46 which add to that body of fundamental knowledge;

47 "Biotechnology company" means a person with headquarters or  
48 base of operations located in New Jersey and engaged in the  
49 research, development, production, or provision or biotechnology

1 for the purpose of developing or providing products or processes for  
2 specific commercial or public purposes, including, but not limited  
3 to, medical, pharmaceutical, nutritional, and other health-related  
4 purposes, agricultural purposes, and environmental purposes, or a  
5 person with headquarters or base of operations located in New  
6 Jersey and engaged in providing services or products necessary for  
7 such research, development, production, or provision;

8 "Business retention or relocation grant of tax credits" or "grant of  
9 tax credits" means a grant which consists of the value of  
10 corporation business tax credits against the liability imposed  
11 pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5) or credits  
12 against the taxes imposed on insurers pursuant to P.L.1945, c.132  
13 (C.54:18A-1 et seq.), section 1 of P.L.1950, c.231 (C.17:32-15),  
14 and N.J.S.17B:23-5, provided to fund a portion of retention and  
15 relocation costs pursuant to P.L.1996, c.25 (C.34:1B-112 et seq.);

16 "Commissioner" means the **【Chief】** Executive **【Officer and**  
17 **Secretary】** Director of the New Jersey Commerce **【and Economic**  
18 **Growth】** Commission;

19 "Department" means the New Jersey Commerce **【and Economic**  
20 **Growth】** Commission;

21 "Business" means an employer located in this State that has  
22 operated continuously in the State, in whole or in part, in its current  
23 form or as a predecessor entity for at least 10 years prior to filing an  
24 application pursuant to P.L.1996, c.25 (C.34:1B-112 et seq.) and  
25 which is subject to the provisions of R.S.43:21-1 et seq. and may  
26 include a sole proprietorship, a partnership, or a corporation that  
27 has made an election under Subchapter S of Chapter One of Subtitle  
28 A of the Internal Revenue Code of 1986, or any other business  
29 entity through which income flows as a distributive share to its  
30 owners, limited liability company, nonprofit corporation, or any  
31 other form of business organization located either within or outside  
32 the State;

33 "Commitment duration" means five years from the date specified  
34 in the project agreement entered into pursuant to section 5 of  
35 P.L.1996, c.25 (C.34:1B-116);

36 "Designated industry" means a business engaged in the field of  
37 biotechnology, pharmaceuticals, manufacturing, financial services  
38 or transportation and logistics, advanced computing, advanced  
39 materials, electronic device technology, environmental technology  
40 or medical device technology;

41 "Designated urban center" means an urban center designated in  
42 the State Development and Redevelopment Plan adopted by the  
43 State Planning Commission;

44 "Electronic device technology" means a technology involving  
45 microelectronics, semiconductors, electronic equipment, and  
46 instrumentation, radio frequency, microwave, and millimeter  
47 electronics, and optical and optic-related electrical devices, or data  
48 and digital communications and imaging devices;



1 "Electronic device technology company" means a person with  
2 headquarters or base of operations located in New Jersey and  
3 engaged in the research, development, production, or provision of  
4 electronic device technology for the purpose of developing or  
5 providing products or processes for specific commercial or public  
6 purposes;

7 "Eligible position" means a full-time position retained by a  
8 business in this State for which a business provides employee health  
9 benefits under a group health plan as defined under section 14 of  
10 P.L.1997, c.146 (C.17B:27-54), a health benefits plan as defined  
11 under section 1 of P.L.1992, c.162 (C.17B:27A-17), or a policy or  
12 contract of health insurance covering more than one person issued  
13 pursuant to Article 2 of Title 17B of the New Jersey Statutes;

14 "Full-time employee" means a person who is employed for  
15 consideration for at least thirty-five hours a week, or who renders  
16 any other standard of service generally accepted by custom or  
17 practice as full-time employment, whose wages are subject to  
18 withholding as provided in the "New Jersey Gross Income Tax  
19 Act," N.J.S.54A:1-1 et seq., and who is determined by the  
20 commissioner to be employed in a permanent position according to  
21 criteria as the commissioner Board of Directors of the New  
22 Jersey Commerce Commission may prescribe. "Full-time  
23 employee" shall not include any person who works as an  
24 independent contractor or on a consulting basis for the business.  
25 "Full-time employee" shall not include a child, grandchild, parent,  
26 or spouse of an individual who has direct or indirect ownership of at  
27 least 5% of the profits, capital, or value of the business;

28 "Headquarters" of a business means the single location that  
29 serves as the national administrative center of the business, at which  
30 the primary office of the chief executive officer or chief operating  
31 officer of the business, as well as the offices of the management  
32 officials responsible for key businesswide functions such as  
33 finance, legal, marketing, and human resources, are located;

34 "High-technology business" means an advanced computing  
35 company, advanced materials company, electronic device  
36 technology company, environmental technology company or  
37 medical device technology company;

38 "Medical device technology" means a technology involving any  
39 medical equipment or product (other than a pharmaceutical product)  
40 that has therapeutic value, diagnostic value, or both, and is  
41 regulated by the federal Food and Drug Administration;

42 "Medical device technology company" means a person with  
43 headquarters or base of operations located in New Jersey and  
44 engaged in the research, development, production, or provision of  
45 medical device technology for the purpose of developing or  
46 providing products or processes for specific commercial or public  
47 purposes;

48 "New business location" means the premises that the business  
49 has either purchased or built or for which the business has entered

1 into a purchase agreement or a written lease for a period of no less  
2 than eight years from the date of relocation;

3 "Manufacturing facility" means a business location at which  
4 more than 50% of the business personal property that is housed in  
5 the facility is eligible for the sales tax exemption pursuant to  
6 subsection a. of section 25 of P.L.1980, c.105 (C.54:32B-8.13) for  
7 machinery, apparatus or equipment used in the production of  
8 tangible personal property;

9 "Program" means the Business Retention and Relocation  
10 Assistance Grant Program created pursuant to P.L.1996, c.25  
11 (C.34:1B-112 et seq.);

12 "Project agreement" means an agreement between a business and  
13 the department that sets the forecasted schedule for completion and  
14 occupancy of the project, the date the commitment duration shall  
15 commence, the amount of the applicable grant of tax credits, and  
16 other such provisions which further the purposes of P.L.1996, c.25  
17 (C.34:1B-112 et seq.);

18 "Research and development facility" means a business location  
19 at which more than 50% of the business personal property that is  
20 purchased for the facility is eligible for the sales tax exemption  
21 pursuant to section 26 of P.L.1980, c.105 (C.54:32B-8.14) for  
22 property used in research and development;

23 "Retained full-time job" means an eligible position that currently  
24 exists in New Jersey and is filled by a full-time employee but  
25 which, because of a relocation by the business, is at risk of being  
26 lost to another state or country. For the purposes of determining a  
27 number of retained full-time jobs, the eligible positions of the  
28 members of a "controlled group of corporations" as defined  
29 pursuant to section 1563 of the federal Internal Revenue Code of  
30 1986, 26 U.S.C. s.1563, shall be considered the eligible positions of  
31 a single employer; and

32 "Total allowable relocation costs" means \$1,500 times the  
33 number of retained full-time jobs. "Total allowable relocation  
34 costs" does not include the amount of any bonus award authorized  
35 pursuant to section 5 of P.L.2004, c.65 (C.34:1B-115.1).  
36 (cf: P.L.2004, c.65, s.2)

37  
38 15. Section 3 of P.L.1996, c.25 (C.34:1B-114) is amended to  
39 read as follows:

40 3. The Business Retention and Relocation Assistance Grant  
41 Program is hereby established as a program under the jurisdiction of  
42 the New Jersey Commerce **[and Economic Growth]** Commission  
43 and shall be administered by the **[Chief Executive Officer and**  
44 **Secretary of the]** New Jersey Commerce **[and Economic Growth]**  
45 Commission. The purpose of the program is to encourage economic  
46 development and job creation and to preserve jobs that currently  
47 exist in New Jersey but which are in danger of being relocated to  
48 premises outside of the State. To implement that purpose, and to  
49 the extent that funding for the program is available, the program

1 may provide grants of tax credits but in no case shall the amount of  
2 an individual grant of tax credits exceed 80% of the projected State  
3 tax revenues from the retained full-time jobs covered by the project  
4 agreement of an applicant for a grant of tax credits.

5 (cf: P.L.2004, c.65, s.3)

6

7 16. Section 19 of P.L.2004, c.65 (C.34:1B-185) is amended to  
8 read as follows:

9 19. As used in sections 19 through 22 of P.L.2004, c.65  
10 (C.34:1B-185 through C.34:1B-188) the following terms shall have  
11 the following meanings:

12 "Eligible property" means machinery, equipment, furniture and  
13 furnishings, fixtures, and building materials, but "eligible property"  
14 shall not include "motor vehicles" as defined pursuant to section 2  
15 of P.L.1966, c.30 (C.54:32B-2), parts with a useful life of one year  
16 or less, or tools or supplies used in connection with the eligible  
17 property;

18 "Headquarters" means the single location that serves as the  
19 national administrative center of a business, at which the primary  
20 office of the chief executive officer or chief operating officer of the  
21 business, as well as the offices of the management officials  
22 responsible for key businesswide functions such as finance, legal,  
23 marketing, and human resources, are located;

24 "Life sciences business" means a business engaged principally in  
25 the production of medical equipment, ophthalmic goods, medical or  
26 dental instruments, diagnostic substances, biopharmaceutical  
27 products; or physical and biological research; or biotechnology;

28 "Manufacturing facility" means a business location at which  
29 more than 50% of the business personal property that is housed in  
30 the facility is eligible for the sales tax exemption pursuant to  
31 subsection a. of section 25 of P.L.1980, c.105 (C. 54:32B-8.13) for  
32 machinery, apparatus or equipment used in the production of  
33 tangible personal property;

34 "Research and development facility" means a business location  
35 at which more than 50% of the business personal property that is  
36 purchased for the facility is eligible for the sales tax exemption  
37 pursuant to section 26 of P.L.1980, c.105 (C.54:32B-8.14) for  
38 property used in research and development; and

39 **["Secretary" means the Chief Executive Officer and Secretary of  
40 the New Jersey Commerce and Economic Growth Commission.]**

41 (cf: P.L.2004, c.65, s.19)

42

43 17. Section 20 of P.L.2004, c.65 (C.34:1B-186) is amended to  
44 read as follows:

45 20. The **["secretary"]** New Jersey Commerce Commission shall  
46 establish and administer a program to approve the issuance of sales  
47 and use tax exemption certificates to qualifying businesses as  
48 specified in sections 19 through 22 of P.L.2004, c.65 (C.34:1B-185  
49 through C.34:1B-188). The receipts from the certificate holder's

1 purchase of eligible property located or placed at the business  
2 location covered by the project approval within the period  
3 established pursuant to the terms and conditions of the project  
4 approval for the approved business location shall be exempt from  
5 the tax imposed under the "Sales and Use Tax Act," P.L.1966, c.30  
6 (C.54:32B-1 et seq.).  
7 (cf: P.L.2004, c.65, s.20)  
8

9 18. Section 21 of P.L.2004, c.65 (C.34:1B-187) is amended to  
10 read as follows:

11 21. a. A business seeking to participate in the sales and use tax  
12 exemption certificate program established pursuant to sections 19  
13 through 22 of P.L.2004, c.65 (C.34:1B-185 through C.34:1B-188)  
14 shall submit a project application to the [secretary] New Jersey  
15 Commerce Commission in such form as required by the [secretary]  
16 New Jersey Commerce Commission.

17 b. The location for the project shall be situated in designated  
18 Planning Area 1 or 2, as defined in the State Development and  
19 Redevelopment Plan adopted by the State Planning Commission;  
20 provided however, that a business project involving the renovation  
21 or expansion of an existing facility that is not located in designated  
22 Planning Area 1 or 2 may be eligible to participate in the program,  
23 at the determination of the secretary, if all other applicable criteria  
24 are satisfied.

25 A business located in an urban enterprise zone designated  
26 pursuant to the "New Jersey Urban Enterprise Zones Act,"  
27 P.L.1983, c.303 (C.52:27H-60 et seq.) as of the effective date of  
28 this section shall not be eligible to participate in this program if the  
29 relocation project is from a facility within the urban enterprise zone  
30 to a facility outside an urban enterprise zone; provided however,  
31 that if the relocation is to a facility already owned or leased by the  
32 same business and that business already employs at least the same  
33 number of persons as those being relocated from the urban  
34 enterprise zone, it may be eligible to apply.

35 c. To be eligible to apply for the sales and use tax exemption  
36 certificate program, a business shall have operated continuously in  
37 this State, in whole or in part, in its current form or as a predecessor  
38 entity, for at least 10 years prior to filing an application and shall  
39 satisfy at least one of the following criteria:

40 (1) the business has 1,000 or more full-time employees in the  
41 State and the project involves relocating 500 or more full-time  
42 employees into a new business location or locations;

43 (2) the business is a life sciences business or a manufacturing  
44 facility and the project is: constructing one or more new research  
45 and development facilities, constructing one or more new  
46 manufacturing facilities in this State, or relocating to a new  
47 headquarters in this State that will employ 250 or more full-time  
48 employees;

1 (3) the business is a life sciences business or a manufacturing  
2 business and the project is constructing a new, or substantially  
3 rehabilitating a vacant, property that will separately or collectively:

4 (a) be predominately a new research and development facility;

5 (b) be predominately a new manufacturing facility;

6 (c) house the headquarters of the business; or

7 (d) separately or collectively be a combination of subparagraphs  
8 (a), (b) and (c);

9 provided, that the new or substantially rehabilitated facility will  
10 house a minimum of 250 full-time employees. For the purposes of  
11 this subparagraph, "predominantly" means a majority of the  
12 employees housed in the new facility are engaged in that activity, or  
13 a majority of the square footage of the new facility is used in that  
14 activity; or a majority of the total value of the investment made will  
15 be employed in that activity; or other measures of activity as may  
16 determined by the secretary that demonstrate that a critical  
17 concentration of research and development, manufacturing, or both,  
18 will occur at the new facility; or

19 (4) the business is, at the time of enactment of this section,  
20 currently receiving a structured finance special guarantee pursuant  
21 to N.J.A.C.19:31-2.1(c)3.ii(5) for the project.

22 d. For the purposes of determining a number of full-time  
23 employees pursuant to subsection c. of this section, the full-time  
24 employees of the members of a "controlled group of corporations"  
25 as defined pursuant to section 1563 of the federal Internal Revenue  
26 Code of 1986, 26 U.S.C. s.1563, shall be considered the employees  
27 of a single employer.

28 e. A project may be completed in up to two phases provided  
29 that it will be the national headquarters of a life sciences or  
30 manufacturing company, and will include a significant research and  
31 development, a significant manufacturing facility, or combination  
32 thereof if : (1) the first completed phase will house at least 200 full-  
33 time employees and the second phase will house at least 100  
34 additional employees; and (2) the project is pre-approved for phases  
35 and that all phases are completed within 30 months of project  
36 approval.

37 f. Upon approval of a project, the **【secretary】** Executive  
38 Director of the New Jersey Commerce Commission shall notify the  
39 Director of the Division of Taxation in the Department of the  
40 Treasury of the terms and conditions of the project approval and the  
41 director shall issue a certificate of exemption pursuant to the terms  
42 and conditions of the project approval. In general, the sales and use  
43 tax exemption certificate provided by sections 19 through 22 of  
44 P.L.2004, c.65 (C.34:1B-185 through C.34:1B-188) should not  
45 apply to purchases initiated by the business after the date that the  
46 temporary certificate of occupancy is issued, or in cases where no  
47 temporary certificate of occupancy is issued should not apply to  
48 purchases initiated by the business more than one year from the  
49 project commencement date; however, the duration of the certificate

1 of exemption shall be pursuant to the terms and conditions of the  
2 project approval.  
3 (cf: P.L.2004, c.65, s.21)

4

5 19. Section 22 of P.L.2004, c.65 (C.34:1B-188) is amended to  
6 read as follows:

7 22. The **【secretary】** New Jersey Commerce Commission shall,  
8 after consultation with the Director of the Division of Taxation in  
9 the Department of the Treasury, adopt rules and regulations  
10 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
11 (C.52:14B-1 et seq.) necessary to govern the proper conduct and  
12 operation of the program consistent with the provisions of sections  
13 19 through 22 of P.L.2004, c.65 (C.34:1B-185 through C.34:1B-  
14 188).  
15 (cf: P.L.2004, c.65, s.22)

16

17 20. Section 9 of P.L.1989, c.293 (C.34:15C-6) is amended to  
18 read as follows:

19 9. The commission shall:

20 a. Issue the New Jersey Unified Workforce Investment Plan  
21 pursuant to the provisions of the Workforce Investment Act of  
22 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 10 of  
23 this act;

24 b. Establish performance standards for workforce investment  
25 programs pursuant to the Workforce Investment Act of 1998,  
26 Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 11 of this act;

27 c. Act to ensure the full participation of Workforce Investment  
28 Boards in the planning and supervision of local workforce  
29 investment systems. The commission shall be responsible to  
30 oversee and develop appropriate standards to ensure Workforce  
31 Investment Board compliance with State and federal law, the State  
32 plan, and other relevant requirements regarding membership,  
33 staffing, meetings, and functions;

34 d. Foster and coordinate initiatives of the Department of  
35 Education and Commission on Higher Education to enhance the  
36 contributions of public schools and institutions of higher education  
37 to the implementation of the State workforce investment policy;

38 e. Examine federal and State laws and regulations to assess  
39 whether those laws and regulations present barriers to achieving any  
40 of the goals of this act. The commission shall, from time to time as  
41 it deems appropriate, issue to the Governor and the Legislature  
42 reports on its findings, including recommendations for changes in  
43 State or federal laws or regulations concerning workforce  
44 investment programs or services, including, when appropriate,  
45 recommendations to merge other State advisory structures and  
46 functions into the commission;

47 f. Perform the duties assigned to a State Workforce Investment  
48 Board pursuant to subsection (d) of section 111 of the Workforce  
49 Investment Act of 1998, Pub.L.105-220 (29 U.S.C. s.2821);

1 g. Have the authority to enter into agreements with the head of  
2 each State department or commission which administers or funds  
3 education, employment or training programs, including, but not  
4 limited to, the Departments of Labor and Workforce Development,  
5 Community Affairs, Education, and Human Services and the  
6 Commission on Higher Education, the New Jersey Commerce [,  
7 Economic Growth and Tourism] Commission, and the Juvenile  
8 Justice Commission, which agreements are for the purpose of  
9 assigning planning, policy guidance and oversight functions to each  
10 Workforce Investment Board with respect to any workforce  
11 investment program funded or administered by the State department  
12 or commission within the Workforce Investment Board's respective  
13 labor market area or local area, as the case may be; and

14 h. Establish guidelines to be used by the Workforce Investment  
15 Boards in performing the planning, policy guidance, and oversight  
16 functions assigned to the boards under any agreement reached by  
17 the commission with a department or commission pursuant to  
18 subsection g. of this section. The commission shall approve all  
19 local Workforce Investment Board plans that meet the criteria  
20 established by the commission for the establishment of One-Stop  
21 systems. The Department of Labor and Workforce Development  
22 shall approve the operational portion of the plans for programs  
23 administered by the department.

24 The commission shall have access to all files and records of  
25 other State agencies and may require any officer or employee  
26 therein to provide such information as it may deem necessary in the  
27 performance of its functions.

28 Nothing in P.L.2005, c.354 (C.34:15C-7.1 et al.) shall be  
29 construed as affecting the authority of the Commissioner of  
30 Personnel to review and approve training programs for State  
31 employees pursuant to N.J.S.11A:6-25.

32 (cf: P.L.2005, c.354, s.8)

33

34 21. Section 2 of P.L.1999, c.107 (C.34:15C-18) is amended to  
35 read as follows:

36 2. a. There is created within the State Employment and  
37 Training Commission, established pursuant to section 5 of  
38 P.L.1989, c.293 (C.34:15C-2) in the Department of Labor and  
39 Workforce Development, a State Council for Adult Literacy  
40 Education Services.

41 b. The 27-member council shall consist of the following ex  
42 officio members: the Commissioners of Labor and Workforce  
43 Development, Human Services, Education, Community Affairs and  
44 Corrections, the [Secretary and Chief] Executive [Officer]  
45 Director of the New Jersey Commerce [, Economic Growth and  
46 Tourism] Commission, the Executive Director of the Commission  
47 on Higher Education, and the Executive Director of the State  
48 Employment and Training Commission. The council shall also

1 include one member of the Senate appointed by the President  
2 thereof and one member of the General Assembly appointed by the  
3 Speaker thereof, who shall serve during the two-year legislative  
4 session in which the appointment is made and who shall not be of  
5 the same political party; and 17 public members as follows: five  
6 public members appointed by the Governor including a member of  
7 a Workforce Investment Board literacy committee, a State or  
8 national adult education expert and three representatives of the  
9 business community, at least one of whom shall represent a small  
10 business; six public members appointed by the President of the  
11 Senate including a student or former student who received adult  
12 literacy services and a representative from each of the following: a  
13 county college, a four-year institution of higher education, the State  
14 Library or a local library, a Department of Education-funded adult  
15 education provider of adult basic education programs, general  
16 educational development programs or English as a second language  
17 programs and a community-based organization which is an adult  
18 education provider; and six public members appointed by the  
19 Speaker of the General Assembly including a representative from  
20 each of the following: a vocational school providing adult academic  
21 education programs, a trade union, the New Jersey Network, the  
22 New Jersey Association of Lifelong Learning, the Literacy  
23 Volunteers of America and the New Jersey Education Association.

24 c. The public members shall serve for terms of three years, but  
25 of the public members first appointed, six shall serve a term of three  
26 years, six shall serve a term of two years and five shall serve a term  
27 of one year. Each member shall hold office for the term of  
28 appointment and until his successor is appointed and qualified. A  
29 member appointed to fill a vacancy occurring in the membership of  
30 the board for any reason other than the expiration of the term shall  
31 have a term of appointment for the unexpired term only. All  
32 vacancies shall be filled in the same manner as the original  
33 appointment. A member may be appointed for any number of  
34 successive terms. A member may be removed from office by the  
35 Governor, for cause, after a hearing and may be suspended by the  
36 Governor pending the completion of the hearing.

37 d. The members shall select annually a chairperson and a vice-  
38 chairperson, who shall be nongovernmental members of the council,  
39 and shall appoint an executive director. The executive director  
40 shall report to the chairperson of the council and be responsible for  
41 administering the daily operations of the council. The executive  
42 director shall serve in the State unclassified service. The council  
43 may call to its assistance and avail itself of the services of the  
44 employees of any State, county or municipal department, board,  
45 bureau, commission or agency as it may require and as may be  
46 available to it for its purposes.

47 e. Members of the council shall serve without compensation,  
48 but may be reimbursed for necessary expenses incurred in the  
49 performance of their duties as members, within the limits of funds



1 appropriated or otherwise made available to the council for its  
2 purposes. Actions may be taken and motions and resolutions may  
3 be adopted by the council by an affirmative vote of a majority of  
4 the members.

5 (cf: P.L.2005, c.354, s.18)

6

7 22. Section 2 of P.L.1992, c.86 (C.38A:3-16) is amended to read  
8 as follows:

9 2. The Council on Armed Forces and Veterans' Affairs  
10 established in the Department of Commerce and Economic  
11 Development pursuant to P.L.1983, c.61 (C.52:27H-45 et seq.) is  
12 hereby transferred to and established in the Department of Military  
13 and Veterans' Affairs. The council shall consist of 22 members:  
14 two to be appointed by the President of the Senate from the  
15 members thereof, no more than one of whom shall be from the same  
16 political party; two to be appointed by the Speaker of the General  
17 Assembly from the members thereof, no more than one of whom  
18 shall be from the same political party; the Adjutant General of the  
19 Department of Military and Veterans' Affairs, the **【Chief】**  
20 Executive **【Officer and Secretary】** Director of the New Jersey  
21 Commerce **【and Economic Growth】** Commission, the  
22 Commissioner of Education, the Commissioner of Environmental  
23 Protection, the Commissioner of Transportation, the State  
24 Treasurer, the Commissioner of Community Affairs, the  
25 Commissioner of Labor and Workforce Development, and the Chair  
26 of the New Jersey Commission on Higher Education, or their  
27 designees; and nine public members to be appointed by the  
28 Governor, with the advice and consent of the Senate. Eight of the  
29 public members shall be representatives of the community and  
30 business support groups for New Jersey's military installations and  
31 the United States Coast Guard training center. Each public member  
32 shall serve for a term of three years from the date of the member's  
33 appointment and until the member's successor is appointed and  
34 qualified. Vacancies resulting from causes other than by expiration  
35 of term shall be filled for the unexpired term only and shall be filled  
36 in the same manner as the original appointments were made.

37 (cf: P.L.2005, c.40, s.1)

38

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

41 1. Notwithstanding the provisions of the annual appropriations  
42 act and section 7 of P.L.1974, c.55 (C.52:14-15.110), the Governor  
43 shall fix and establish the annual salary, not to exceed \$133,330 in  
44 calendar year 2000, \$137,165 in calendar year 2001 and \$141,000  
45 in calendar year 2002 and thereafter, for each of the following  
46 officers:

47 Title

48 Agriculture Department

49 Secretary of Agriculture

- 1 Children and Families Department
- 2     Commissioner of Children and Families
- 3 Community Affairs Department
- 4     Commissioner of Community Affairs
- 5 Corrections Department
- 6     Commissioner of Corrections
- 7 Education Department
- 8     Commissioner of Education
- 9 Environmental Protection Department
- 10     Commissioner of Environmental Protection
- 11 Health and Senior Services Department
- 12     Commissioner of Health and Senior
- 13     Services
- 14 Human Services Department
- 15     Commissioner of Human Services
- 16 Banking and Insurance Department
- 17     Commissioner of Banking and Insurance
- 18 Labor and Workforce Development Department
- 19     Commissioner of Labor and Workforce Development
- 20 Law and Public Safety Department
- 21     Attorney General
- 22 Military and Veterans' Affairs Department
- 23     Adjutant General
- 24 Personnel Department
- 25     Commissioner of Personnel
- 26 State Department
- 27     Secretary of State
- 28 Transportation Department
- 29     Commissioner of Transportation
- 30 Treasury Department
- 31     State Treasurer
- 32 Members, Board of Public Utilities
- 33 Public Advocate Department
- 34     Public Advocate

35     【Notwithstanding the provisions of this section to the contrary,  
36 the Chief Executive Officer and Secretary of the New Jersey  
37 Commerce and Economic Growth Commission shall receive such  
38 salary as shall be fixed by the Governor pursuant to subsection b. of  
39 section 8 of P.L.1998, c.44 (C.52:27C-68).】

40 (cf: P.L.2006, c.47, s.189)

41

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

44     1. This act shall be known and may be cited as the "New Jersey  
45 Commerce 【, Economic Growth and Tourism】 Commission Act."  
46 (cf: P.L.2005, c.378, s.9)

47

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

- 1       2. The Legislature finds and declares that:
  - 2       a. New Jersey is in a fierce competition for jobs and  
3 businesses, not only with other states, but throughout the world; and
  - 4       b. The State must do all it can to increase opportunities for  
5 New Jersey citizens to enjoy economic success and prosperity; and
  - 6       c. To attract business, New Jersey must think and act like a  
7 business, by utilizing the best available personnel, without  
8 consideration of political affiliation, selected on the basis of the  
9 skills, ability and experience, needed to provide enhanced customer  
10 service, and by responding to the needs of the business community  
11 with flexibility and agility; and
  - 12       d. Commerce and economic development are priorities for New  
13 Jersey because success in these endeavors means the creation of  
14 jobs for our citizens. As such, commerce and economic  
15 development deserve a unique and dynamic role in our State  
16 government; and
  - 17       e. Because we soon will be entering the 21st century, New  
18 Jersey must now boldly transform its economic development  
19 mission to be market driven, mobile and responsive enough to the  
20 future's challenges to empower New Jersey to undertake new  
21 commercial and economic ventures as the economic engine of the  
22 Northeast; and
  - 23       f. The State and its citizens will benefit from a more sharply  
24 focused economic development vision, in which the State's efforts  
25 are coordinated under one organization, the New Jersey Commerce  
26 **[, Economic Growth and Tourism]** Commission, that coordinates  
27 economic development activities for the State with all related  
28 entities, including, but not limited to, the New Jersey Economic  
29 Development Authority, the New Jersey Commission on Science  
30 and Technology, the New Jersey Urban Enterprise Zone Authority,  
31 the Motion Picture and Television Development Commission, and  
32 the New Jersey Development Authority for Small Businesses,  
33 Minorities' and Women's Enterprises; and
  - 34       g. Just as the Legislature 25 years ago could not have predicted  
35 the technological and business changes that have taken place since  
36 then, this Legislature recognizes that it, too, cannot predict the  
37 future and must, therefore, ensure that the New Jersey Commerce **[,**  
38 Economic Growth and Tourism] Commission has the agility and  
39 ability to retool its focus and priorities to ensure the State's  
40 capability to respond to the technological and business changes yet  
41 to come; and
  - 42       h. Economic growth and prosperity are still the number one  
43 priorities for our citizens, and by creating an innovative and  
44 independent economic development entity, the New Jersey  
45 Commerce **[, Economic Growth and Tourism]** Commission, the  
46 Legislature reaffirms that it is also a priority of government; and
  - 47       i. The board of directors of the commission appointed pursuant  
48 to **[this act]** P.L.1998, c.44 (C.52:27C-61 et seq.) should assist the

1 **【Chief Executive Officer and Secretary】** executive director of the  
2 commission appointed pursuant to **【this act】** P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_)  
3 (pending before the Legislature as this bill) in assuring that persons  
4 appointed to the staff of the commission, because they will no  
5 longer be in the classified civil service pursuant to Title 11A of the  
6 New Jersey Statutes, will be selected on the basis of qualification  
7 and professional and technical competence, avoiding political  
8 considerations to the maximum extent possible; and

9 j. The New Jersey Commerce **【, Economic Growth and**  
10 **Tourism】** Commission promotes economic vitality and builds a  
11 foundation for world economic leadership in the 21st century and  
12 stimulates dynamic economic growth by providing resources and  
13 services to citizens, businesses and institutions, in partnership with  
14 other government agencies and the private sector, to create jobs.  
15 **【Because of the crucial importance tourism plays in New Jersey's**  
16 **economy, the commission is therefore charged with the mandate to**  
17 **increase tourism through promotional, informational, educational,**  
18 **and developmental programs. These initiatives are to be designed**  
19 **to maintain and increase New Jersey's standing as a premier**  
20 **national and international travel destination by nurturing, expanding**  
21 **and attracting industry, commerce, and tourism, in order to achieve**  
22 **the highest quality of life and ensure economic security for all our**  
23 **citizens.】**

24 (cf: P.L.2005, c.378, s.10)

25

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

28 3. There is established a body corporate and politic, with  
29 corporate succession, to be known as the "New Jersey Commerce **【,**  
30 **Economic Growth and Tourism】** Commission" (hereinafter "the  
31 commission").

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

39 (cf: P.L.2005, c.378, s.11)

40

41 27. Section 4 of P.L.1998, c.44 (C.52:27C-64) is amended to  
42 read as follows:

43 4. The Department of Commerce and Economic Development  
44 created pursuant to P.L.1981, c.122 (C.52:27H-1 et seq.) is  
45 abolished as a principal department in the Executive Branch of  
46 State government, and all of its powers, functions, and duties  
47 including, but not limited to, the **【Division of Travel and Tourism,**

1 and] the Division of International Trade, except as herein otherwise  
2 provided, are continued in the commission.

3 (cf: P.L.1998, c.44, s.4)

4

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

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

25 (cf: P.L.2005, c.378, s.12)

26

27 29. Section 7 of P.L.1998, c.44 (C.52:27C-67) is amended to  
28 read as follows:

29 7. The **[Chief Executive Officer and Secretary of the]**  
30 commission **[as designated pursuant to section 8 this act,]** shall  
31 have the power to employ consultants and employees as may be  
32 required in the judgment of the commission to carry out the  
33 purposes of this act and to establish job titles and descriptions, and  
34 to fix and pay employees compensation from funds available to the  
35 commission therefor, notwithstanding the provisions of Title 11A of  
36 the New Jersey Statutes. The commission shall establish the terms  
37 and conditions of employment. Employees of the commission shall,  
38 as appropriate, be covered under the State of New Jersey's  
39 collective negotiations agreements, provided however that only the  
40 contractual provisions of such agreements which apply to non-  
41 career service employees shall apply to the commission employees.  
42 For contractual purposes, previous State service in the career  
43 service shall be counted toward any contractual provision that  
44 requires unclassified seniority. Employees of the Department of  
45 Commerce and Economic Development who are employed by the  
46 department on the date of enactment of this act, and who are hired  
47 by the commission shall retain their salary and leave time.  
48 Employees of the commission shall be enrolled in the Public

1 Employees' Retirement System and shall be eligible to participate in  
2 the State Health Benefits Program established pursuant to the "New  
3 Jersey State Health Benefits Program Act," P.L.1961, c.49  
4 (C.52:14-17.25 et seq.). The commission may elect to provide  
5 health benefits for its employees through private insurance policies,  
6 hospital and medical service corporations, health maintenance  
7 organizations, or any other manner available for the provision of  
8 health benefits, provided that the types of benefits shall not provide  
9 less coverage than those benefits provided to other State employees.

10 The commission shall advertise all available positions within the  
11 commission, except under circumstances where there is an emergent  
12 need as specified in the commission's personnel handbook.  
13 (cf: P.L.1998, c.44, s.7)

14

15 30. Section 8 of P.L.1998, c.44 (C.52:27C-68) is amended to  
16 read as follows:

17 8. The Board of Directors of the commission shall consist of  
18 the following 11 voting members and two non-voting members:

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

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

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

40 Whenever, in any law, rule, regulation, order, contract,  
41 document, judicial or administrative proceeding or otherwise,  
42 reference is made to the Commissioner of the Department of  
43 Commerce and Economic Development, the same shall mean and  
44 refer to the Chief Executive Officer and Secretary of the "New  
45 Jersey Commerce and Economic Growth Commission." State  
46 Treasurer who shall serve ex-officio and may be represented by an  
47 official designee, whose name shall be filed with the commission.

48 c. One commissioner from each of the following departments  
49 who shall serve ex-officio: the Department of Environmental

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

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

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

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

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

34 h. Any vacancies in the appointed membership of the  
35 commission occurring other than by expiration of term shall be  
36 filled in the same manner as the original appointment, but for the  
37 unexpired term only.

38 (cf: P.L.1998, c.44, s.8)

39

40 31. (New section) The commission shall be under the  
41 supervision of an Executive Director, who shall receive such salary  
42 as shall be fixed by the commission and who shall be a person  
43 qualified by training and experience to direct the work of the  
44 commission.

45 Whenever, in any law, rule, regulation, order, contract,  
46 document, judicial or administrative proceeding or otherwise,  
47 reference is made to the Commissioner of the Department of  
48 Commerce and Economic Development or the Chief Executive

1 Officer and Secretary of the commission, the same shall mean and  
2 refer to the "New Jersey Commerce Commission."

3

4 32. Section 11 of P.L.1998, c.44 (C.52:27C-71) is amended to  
5 read as follows:

6 11. The **【Chief】 Executive 【Officer and Secretary】 Director** of  
7 the commission shall devote full time to the performance of the  
8 duties assigned thereto, and shall:

9 a. Administer the work of the commission;

10 b. Appoint and remove officers and other personnel employed  
11 within the commission, except as herein otherwise specifically  
12 provided;

13 c. Have authority to organize and maintain an administrative  
14 office and to assign to employment therein such secretarial, clerical  
15 and other assistants in the commission as the **【Chief】 Executive**  
16 **【Officer and Secretary】 Director** and the internal operations of the  
17 commission may require;

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

21 e. Organize the work of the commission in such organizational  
22 units, not inconsistent with the provisions of this act, as the **【Chief】**  
23 **Executive 【Officer and Secretary】 Director** may determine to be  
24 necessary for the efficient and effective operation of the  
25 commission;

26 f. **【Formulate and adopt rules and regulations for the efficient**  
27 **conduct of the work and general administration of the commission,**  
28 **its officers, and employees;】** (Deleted by amendment, P.L. , c. )  
29 (pending before the Legislature as this bill)

30 g. **【Institute or cause to be instituted such legal proceedings or**  
31 **processes as may be necessary to properly enforce and give effect to**  
32 **any of the powers or duties of the Chief Executive Officer and**  
33 **Secretary or the commission;】** (Deleted by amendment,  
34 P.L. , c. ) (pending before the Legislature as this bill)

35 h. Make reports of the commission's operations, and such other  
36 reports, as the Governor shall from time to time request or as may  
37 be required by law;

38 i. Coordinate the activities of the commission and the several  
39 organizational units therein, in a manner designed to eliminate  
40 overlapping and duplicative functions;

41 j. Integrate within the commission, so far as practicable, all  
42 staff services of the commission and of the several organizational  
43 units therein; and

44 k. Have access to all relevant files and records of other State  
45 agencies and require any officer or employee therein to provide  
46 such information as the **【Chief】 Executive 【Officer and Secretary】**  
47 **Director** may deem necessary to the performance of the functions of  
48 the commission **【;】**.



- 1       1. **【Lease or purchase suitable headquarters for the commission**  
2 **and such other quarters as the Chief Executive Officer and**  
3 **Secretary shall deem necessary to the proper functioning of the**  
4 **commission;】** (Deleted by amendment, P.L. , c. )(pending before  
5 the Legislature as this bill)
- 6       m. **【Enter into agreements with any individual, partnership,**  
7 **trust, association, or corporation, or any public agency, under which**  
8 **the commission, and such other entity or entities, shall undertake a**  
9 **project as a joint venture, with the commission providing such**  
10 **assistance or advice as the agreement may provide. Such a joint**  
11 **venture must directly further the statutory mission of the**  
12 **commission. Employees of any joint venture shall not be deemed**  
13 **public employees. A joint venture entered into by the commission**  
14 **shall not be deemed an instrumentality of the State of New Jersey.**  
15 **A joint venture entered into by the commission shall not be deemed**  
16 **or construed to create or constitute a debt, liability, or loan or**  
17 **pledge of the credit, or be payable out of property or funds of the**  
18 **State;】** (Deleted by amendment, P.L. , c. )(pending before the  
19 Legislature as this bill)
- 20       n. **【Organize or participate in the organization of nonprofit**  
21 **corporations which are exempt from federal taxation under section**  
22 **501(c)(3) of the Internal Revenue Code. Any such nonprofit**  
23 **corporations must directly further the statutory mission of the**  
24 **commission. Expenses incurred by such nonprofit corporations**  
25 **shall be payable from funds raised by the nonprofit corporation, and**  
26 **no liability or obligation, in tort or contract, shall be incurred by the**  
27 **State for the operation of such nonprofit corporations. Any such**  
28 **nonprofit corporations shall obtain private counsel and shall not be**  
29 **represented by the Attorney General or indemnified by the State of**  
30 **New Jersey ;】** (Deleted by amendment, P.L. , c. )(pending before  
31 the Legislature as this bill)
- 32       o. **【Serve as a member of any board, commission, corporation,**  
33 **or authority which by law designates the Commissioner of the**  
34 **Department of Commerce and Economic Development as an ex**  
35 **officio member;】** (Deleted by amendment, P.L. , c. )(pending  
36 before the Legislature as this bill)
- 37       p. **【Develop annually an economic development master plan**  
38 **identifying the commission's objectives, policies and programs**  
39 **which will encourage business attraction, expansion, and retention;**  
40 **and】** (Deleted by amendment, P.L. , c. )(pending before the  
41 Legislature as this bill)
- 42       q. **【Perform such other functions as may be prescribed in this**  
43 **act or by any other law or by the commission.】** (Deleted by  
44 amendment, P.L. , c. )(pending before the Legislature as this bill)  
45 (cf: P.L.1998, c.44, s.11)
- 46
- 47       33. Section 12 of P.L.1998, c.44 (C.52:27C-72) is amended to  
48 read as follows:

1 12. Notwithstanding any other provision of law, only the records  
2 of any nonprofit corporation on which the **【Chief】** Executive  
3 **【Officer and Secretary】** Director serves and which are in the  
4 possession of the **【Chief】** Executive **【Officer and Secretary】**  
5 Director in an official capacity shall be deemed public records  
6 which may be subject to public inspection under the provisions of  
7 the "Right to Know Law," P.L.1963, c.73 (C.47:1A-1 et seq.).  
8 (cf: P.L.1998, c.44, s.12)

9  
10 34. Section 13 of P.L.1998, c.44 (C.52:27C-73) is amended to  
11 read as follows:

12 13. The commission shall have perpetual succession and shall  
13 have the following powers:

14 a. To make, amend and repeal rules and bylaws for its own  
15 governance and guidance not inconsistent with State and federal  
16 law;

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

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

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

25 e. To set an amount and to charge reasonable fees for special  
26 projects or services that were not customarily provided by the  
27 department prior to the effective date of this act to be paid to the  
28 commission for services rendered to persons, businesses, or other  
29 entities which fees shall reflect the cost of providing such projects  
30 or services; notwithstanding the provisions of this subsection, the  
31 commission is authorized to set an amount and to charge reasonable  
32 fees for services for which fees were charged by the department  
33 prior to the effective date of this act;

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

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

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

44 i. To do any and all things necessary or convenient to carry out  
45 the purposes of the commission and to exercise the powers given  
46 and granted to the commission under this act;

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

- 1 Science and Technology, the New Jersey Urban Enterprise Zone  
2 Authority, the New Jersey Development Authority for Small  
3 Businesses, Minorities' and Women's Enterprises, and the Motion  
4 Picture and Television Development Commission, and to  
5 recommend economic development policies to the Governor;
- 6 k. To enter into memoranda of understanding or other  
7 cooperative agreements with the New Jersey Economic  
8 Development Authority, the New Jersey Commission on Science  
9 and Technology, the New Jersey Urban Enterprise Zone Authority,  
10 the New Jersey Development Authority for Small Businesses,  
11 Minorities' and Women's Enterprises, the Atlantic City Convention  
12 Center Authority, the Dredging Project Task Force, the Economic  
13 Development Site Task Force, and the Motion Picture and  
14 Television Development Commission, or any other state agency for  
15 the provision of services or other cooperative efforts to effectuate  
16 the purposes of this act and to ensure the coordination of the State's  
17 economic development activities;
- 18 l. To make and enter into contracts, leases, agreements, and  
19 purchases necessary for the use, or incidental to the performance of,  
20 the commission's duties and the exercise of its powers under the act;
- 21 m. To do and perform any acts and things authorized by this act  
22 under, through or by means of its own officers, agents and  
23 employees, or by contract with any person;
- 24 n. To insure against any losses in connection with the  
25 commission's properties, operations or assets; and
- 26 o. 【To approve annually the economic development master  
27 plan submitted by the Chief Executive Officer and Secretary】 To  
28 appoint the Executive Director of the commission and to formulate  
29 and adopt rules and regulations for the efficient conduct of the work  
30 and general administration of the commission, its officers, and  
31 employees;
- 32 p. To institute or cause to be instituted such legal proceedings  
33 or processes as may be necessary to properly enforce and give  
34 effect to any of the powers or duties of the Executive Director or  
35 the commission;
- 36 q. To lease or purchase suitable headquarters for the  
37 commission and such other quarters as the Executive Director shall  
38 deem necessary to the proper functioning of the commission;
- 39 r. To enter into agreements with any individual, partnership,  
40 trust, association, or corporation, or any public agency, under which  
41 the commission, and such other entity or entities, shall undertake a  
42 project as a joint venture, with the commission providing such  
43 assistance or advice as the agreement may provide. Such a joint  
44 venture must directly further the statutory mission of the  
45 commission. Employees of any joint venture shall not be deemed  
46 public employees. A joint venture entered into by the commission  
47 shall not be deemed an instrumentality of the State of New Jersey.  
48 A joint venture entered into by the commission shall not be deemed  
49 or construed to create or constitute a debt, liability, or loan or

1 pledge of the credit, or be payable out of property or funds of the  
2 State;

3 s. To organize or participate in the organization of nonprofit  
4 corporations which are exempt from federal taxation under section  
5 501(c)(3) of the Internal Revenue Code. Any such nonprofit  
6 corporations must directly further the statutory mission of the  
7 commission. Expenses incurred by such nonprofit corporations  
8 shall be payable from funds raised by the nonprofit corporation, and  
9 no liability or obligation, in tort or contract, shall be incurred by the  
10 State for the operation of such nonprofit corporations. Any such  
11 nonprofit corporations shall obtain private counsel and shall not be  
12 represented by the Attorney General or indemnified by the State of  
13 New Jersey ; and

14 t. To develop once every five years an economic development  
15 master plan identifying the commission's objectives, policies and  
16 programs which will encourage business attraction, expansion, and  
17 retention.

18 (cf: P.L.1998, c.44, s.13)

19

20 35. Section 19 of P.L.1998, c.44 (C.52:27C-79) is amended to  
21 read as follows:

22 19. a. No later than three months after the end of its fiscal year,  
23 the commission shall make an annual report of its activities for the  
24 preceding fiscal year to the Governor and the Legislature, pursuant  
25 to section 2 of P.L.1991, c.164 (C.52:14-19.1). Each report shall  
26 include, but not be limited to, a description of the short-term and  
27 long-term goals of the commission and an assessment of the  
28 effectiveness of the commission in meeting such goals, and any  
29 recommendations for legislation to improve the effectiveness of the  
30 commission.

31 b. The commission shall include, in the report required by  
32 subsection a. of this section, a description setting forth information  
33 concerning the imposition, collection and expenditure of the fees  
34 imposed by the commission. Each such report shall also set forth a  
35 complete operating and financial statement covering the operations  
36 of the commission, and any of its related entities, during the year.  
37 The commission shall cause an independent audit of its books and  
38 accounts to be made at least once in each year by certified public  
39 accountants and cause a copy thereof to be filed with the Secretary  
40 of State, the Director of the Division of Budget and Accounting, in  
41 the Department of the Treasury and the State Auditor.

42 (cf: P.L.1998, c.44, s.19)

43

44 36. Section 22 of P.L.1998, c.44 (C.52:27C-82) is amended to  
45 read as follows:

46 22. a. The New Jersey Economic Development Authority,  
47 established pursuant to P.L.1974, c.80 (C.34:1B-1 et seq.), is  
48 transferred in but not of the Department of the Treasury, but,  
49 notwithstanding this transfer, the New Jersey Economic

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

3 b. Whenever, in any law, rule, regulation, order, contract,  
4 document, judicial or administrative proceeding or otherwise,  
5 reference is made to the New Jersey Economic Development  
6 Authority, the same shall mean and refer to the New Jersey  
7 Economic Development Authority in but not of the Department of  
8 the Treasury. Notwithstanding the provisions of any law, rule,  
9 regulation or order to the contrary, the **【Chief Executive Officer and**  
10 **Secretary】** Board of Directors of the commission shall appoint the  
11 executive director of the New Jersey Economic Development  
12 Authority.

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

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

23 e. Regulations adopted by the New Jersey Economic  
24 Development Authority shall continue with full force and effect  
25 until amended or repealed pursuant to law.  
26 (cf: P.L.1998, c.44, s.22)

27

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

30 25. a. The New Jersey Commission on Science and Technology,  
31 established pursuant to P.L.1985, c.102 (C.52:9X-1 et seq.), is  
32 transferred in but not of the Department of the Treasury, but  
33 notwithstanding this transfer, the New Jersey Commission on  
34 Science and Technology shall be independent of any supervision  
35 and control by the department or by any board or officer thereof.  
36 Notwithstanding the provisions of any law, rule, regulation or order  
37 to the contrary, the **【Chief Executive Officer and Secretary】** Board  
38 of Directors of the New Jersey Commerce Commission shall  
39 appoint the Executive Director of the New Jersey Commission on  
40 Science and Technology.

41 b. Whenever, in any law, rule, regulation, order, contract,  
42 document, judicial or administrative proceeding or otherwise,  
43 reference is made to the New Jersey Commission on Science and  
44 Technology, the same shall mean and refer to the New Jersey  
45 Commission on Science and Technology in but not of the  
46 Department of the Treasury.

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

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

8 e. Regulations adopted by the New Jersey Commission on  
9 Science and Technology shall continue with full force and effect  
10 until amended or repealed pursuant to law.  
11 (cf: P.L.1998, c.44, s.25)

12  
13 38. Section 26 of P.L.1998, c.44 (C.52:27C-86) is amended to  
14 read as follows:

15 26. a. The Motion Picture and Television Development  
16 Commission, established pursuant to P.L.1977, c.44 (C.34:1B-22 et  
17 seq.), is transferred in but not of the Department of the Treasury,  
18 but notwithstanding this transfer, the Motion Picture and Television  
19 Development Commission shall be independent of any supervision  
20 and control by the department or by any board or officer thereof.  
21 Notwithstanding the provisions of any law, rule, regulation or order  
22 to the contrary, the **【Chief Executive Officer and Secretary】** Board  
23 of Directors of the New Jersey Commerce Commission shall  
24 appoint the Executive Director of the Motion Picture and Television  
25 Development Commission. **【,】**

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

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

34 d. The Motion Picture and Television Development  
35 Commission may, subject to the commission's approval, develop  
36 and promulgate such rules and regulations in accordance with the  
37 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
38 seq.) as are necessary to implement the provisions of this act and to  
39 effectuate the purposes of the Motion Picture and Television  
40 Development Commission as provided by law.  
41 (cf: P.L.1998, c.44, s.26)

42  
43 39. Section 2 of P.L.2005, c.373 (C.52:27C-97) is amended to  
44 read as follows:

45 2. The Foundation for Technology Advancement shall be  
46 governed by a 23 member board of trustees who are appointed as  
47 follows:

1 a. The **[Chief] Executive [Officer and Secretary] Director** of  
2 the New Jersey Commerce **[and Economic Growth] Commission**;  
3 the Executive Director of the New Jersey Economic Development  
4 Authority; the Executive Director of the New Jersey Commission  
5 on Science and Technology; and the Chief Technology Officer in  
6 the Office of Information Technology; or their designees, all of  
7 whom shall serve ex officio;

8 b. A faculty member appointed by the president of each of the  
9 following academic institutions: The New Jersey Institute of  
10 Technology; Rutgers, the State University; The University of  
11 Medicine and Dentistry of New Jersey; and Princeton University,  
12 all of whom shall serve ex officio; and

13 c. Fifteen public members appointed by the Governor as  
14 follows: a representative of each of the following organizations: the  
15 New Jersey Technology Council, the Biotechnology Council of  
16 New Jersey, the Forum for Academicians, Scientists and  
17 Technologists of New Jersey, the Strengthening the Mid-Atlantic  
18 Region for Tomorrow States Organization, the New Jersey Business  
19 and Industry Association, the Commerce and Industry Association  
20 of New Jersey, the New Jersey State Chamber of Commerce, the  
21 New Jersey Tooling and Manufacturing Association, the Research  
22 and Development Council of New Jersey, the American Electronics  
23 Association - New Jersey/Pennsylvania Council, and a  
24 representative employed by a corporation from each of the  
25 following industry sectors: pharmaceuticals, financial services,  
26 advanced technology, information technology, and nanotechnology.

27 Of the public members first appointed, four shall serve for a term  
28 of two years, four for a term of three years, four for a term of four  
29 years, and three for a term of five years.

30 Members appointed thereafter shall serve five-year terms, and  
31 any vacancy shall be filled by appointment for the unexpired term  
32 only. A member is eligible for reappointment. Vacancies in the  
33 membership of the foundation shall be filled in the same manner as  
34 the original appointments were made.

35 The members shall elect a chair and vice chair from the  
36 membership of the board of trustees.

37 (cf: P.L.2005, c.373, s.2)

38

39 40. Section 5 of P.L.2001, c.238 (C.52:27D-456) is amended to  
40 read as follows:

41 5. The Main Street New Jersey Advisory Board is established  
42 for the purposes of providing guidance and advocacy in formulating  
43 policy and assisting with the long-term planning and administration  
44 of the "Main Street New Jersey" program. The Main Street New  
45 Jersey Advisory Board shall consist of 23 members. Sixteen  
46 members shall serve in a voluntary capacity, to be appointed  
47 through a process to be determined by the commissioner and shall  
48 include a representative of the New Jersey State League of  
49 Municipalities. Each voluntary member shall have a demonstrated

1 commitment to the goals of the "Main Street New Jersey" program.  
2 The voluntary members shall represent all geographic regions of the  
3 State.

4 The remaining seven advisory board members shall serve ex  
5 officio and shall be a representative of the Historic Preservation  
6 Program in the Department of Environmental Protection, to be  
7 appointed by the Commissioner of Environmental Protection, a  
8 representative of the New Jersey Economic Development Authority  
9 to be designated by the executive director, a representative of the  
10 Neighborhood Preservation Program in the Department of  
11 Community Affairs, to be appointed by the Commissioner of  
12 Community Affairs, a representative of the Housing and Mortgage  
13 Finance Agency, to be appointed by the executive director of that  
14 agency, a representative of the New Jersey Commerce [and  
15 Economic Growth] Commission, to be appointed by the [Chief]  
16 Executive [officer and Secretary] Director of that commission, a  
17 representative of the Department of Transportation, to be appointed  
18 by the Commissioner of Transportation, and a representative of the  
19 Office of State Planning, to be appointed by the Director of the  
20 Office of State Planning.

21 The terms of the voluntary members so appointed, after the  
22 initial appointments, shall be three years, and each member may be  
23 reappointed. The terms of initial appointments of the voluntary  
24 members shall be staggered so that the terms of 1/3 of the advisory  
25 board's voluntary members shall expire annually. The advisory  
26 board members who are not State employees shall be entitled to  
27 reimbursement of their expenses incurred in connection with their  
28 duties on the advisory board.

29 (cf: P.L.2005, c.284, s.1)

30

31 41. Section 4 of P.L.1983, c.303 (C.52:27H-63) is amended to  
32 read as follows:

33 4. a. There is created the New Jersey Urban Enterprise Zone  
34 Authority, which shall consist of:

35 (1) [The Chief Executive Officer and Secretary of the New  
36 Jersey Commerce and Economic Growth Commission, who shall be  
37 chairman of the authority] a person appointed by the Board of  
38 Directors of the New Jersey Commerce Commission, who shall be  
39 the chair of the authority;

40 (2) The Commissioner of the Department of Community  
41 Affairs;

42 (3) The Commissioner of the Department of Labor and  
43 Workforce Development;

44 (4) The State Treasurer; and

45 (5) Five public members not holding any other office, position  
46 or employment in the State Government, nor any local elective  
47 office, who shall be appointed by the Governor with the advice and  
48 consent of the Senate, and who shall be qualified for their



1 appointments by training and experience in the areas of local  
2 government finance, economic development and redevelopment, or  
3 volunteer civic service and community organization. No more than  
4 three public members shall be of the same political party. At least  
5 one public member of the authority shall reside within an enterprise  
6 zone; however, the provisions of this section shall apply only to  
7 members appointed or reappointed after the effective date of  
8 P.L.2001, c.347 (C.52:27H-66.2 et al.).

9 b. The public members of the authority shall serve for terms of  
10 five years, except that of the members first appointed, one shall  
11 serve for a term of one year, one shall serve for a term of two years,  
12 one shall serve for a term of three years, one shall serve for a term  
13 of four years, and one shall serve for a term of five years. Vacancies  
14 in the public membership shall be filled in the manner of the  
15 original appointments but for the unexpired terms.

16 c. An ex officio member of the authority may, from time to  
17 time, designate in writing to the authority an official within his  
18 respective department to attend and represent the department at the  
19 meetings of the authority from which the ex officio member is  
20 absent, and that designated representative shall be entitled to vote  
21 and otherwise act for the ex officio member at those meetings.

22 (cf: P.L.2001, c.347, s.7)

23

24 42. Section 23 of P.L.2004, c.65 (C.52:27H-87.1) is amended to  
25 read as follows:

26 23. a. Retail sales of energy and utility service to:

27 (1) a qualified business that employs at least 250 people within  
28 an enterprise zone, at least 50% of whom are directly employed in a  
29 manufacturing process, for the exclusive use or consumption of  
30 such business within an enterprise zone, and

31 (2) a group of two or more persons: (a) each of which is a  
32 qualified business that are all located within a single redevelopment  
33 area adopted pursuant to the "Local Redevelopment and Housing  
34 Law," P.L.1992, c.79 (C.40A:12A-1 et seq.); (b) that collectively  
35 employ at least 250 people within an enterprise zone, at least 50%  
36 of whom are directly employed in a manufacturing process; (c) are  
37 each engaged in a vertically integrated business, evidenced by the  
38 manufacture and distribution of a product or family of products  
39 that, when taken together, are primarily used, packaged and sold as  
40 a single product; and (d) collectively use the energy and utility  
41 service for the exclusive use or consumption of each of the persons  
42 that comprise a group within an enterprise zone; are exempt from  
43 the taxes imposed under the "Sales and Use Tax Act," P.L.1966,  
44 c.30 (C.54:32B-1 et seq.).

45 A qualified business will continue to be subject to applicable  
46 Board of Public Utilities tariff regulations except that its bills from  
47 utility companies and third party suppliers for energy and utility  
48 service shall not include charges for sales and use tax.

1       b. A business that meets the requirements of subsection a. of  
2 this section shall not be allowed the exemption granted pursuant to  
3 this section until it has complied with such requirements for  
4 obtaining the exemption as may be provided pursuant to P.L.1983,  
5 c.303 (C.52:27H-60 et seq.) and P.L.1966, c.30 (C.54:32B-1 et  
6 seq.). The **【Chief】 Executive 【Officer and Secretary】 Director** of  
7 the New Jersey Commerce **【and Economic Growth】** Commission  
8 shall provide prompt notice to the President of the Board of Public  
9 Utilities and to the Director of the Division of Taxation in the  
10 Department of the Treasury, of a qualified business that has  
11 qualified for the exemption under this subsection, shall provide the  
12 president and the director an annual list of all businesses that  
13 qualify.

14       c. (1) Retail sales of energy and utility service to a business  
15 facility located within a county that is designated for the 50% tax  
16 exemption under section 1 of P.L.1993, c.373 (C.54:32B-8.45) are  
17 exempt from the taxes imposed under the "Sales and Use Tax Act,"  
18 P.L.1966, c.30 (C.54:32B-1 et seq.); provided that the business  
19 certifies that it employs at least 50 people at that facility, at least  
20 50% of whom are directly employed in a manufacturing process,  
21 and provided that the energy and utility services are consumed  
22 exclusively at that facility.

23       (2) A business facility that meets the requirements of paragraph  
24 (1) of this subsection may file an application for the energy and  
25 utility service sales tax exemption with the **【Chief Executive**  
26 **Officer and Secretary of the】** New Jersey Commerce **【, Economic**  
27 **Growth and Tourism】** Commission, **【who】** and the commission  
28 shall promulgate regulations and forms for that purpose. The  
29 **【Chief Executive Officer and Secretary of the】** New Jersey  
30 Commerce **【, Economic Growth and Tourism】** Commission shall  
31 process an application submitted under this paragraph within 20  
32 business days of receipt thereof. An exemption shall commence for  
33 a business upon notice of approval of its application and shall  
34 expire for any year in which the business fails to meet the  
35 requirements of paragraph (1) of this subsection. Upon approval,  
36 the **【Chief】 Executive 【Officer and Secretary】 Director** of the New  
37 Jersey Commerce **【, Economic Growth and Tourism】** Commission  
38 shall provide prompt notice to the applicant and also shall provide  
39 prompt notice to the President of the Board of Public Utilities and  
40 to the Director of the Division of Taxation in the Department of the  
41 Treasury. The **【Chief】 Executive 【Officer and Secretary】 Director**  
42 of the New Jersey Commerce **【, Economic Growth and Tourism】**  
43 Commission also shall provide the president and the director with  
44 an annual list of all businesses that have been approved under this  
45 subsection.

46 (cf: P.L.2005, c.374, s.1)

1 43. Section 6 of P.L.2006, c.16 (C.52:27I-6) is amended to read  
2 as follows:

3 6. a. The authority shall consist of ten members to be  
4 appointed and qualified as follows:

5 (1) Four members appointed by the Governor with the advice  
6 and consent of the Senate, for terms of four years, two of whom  
7 shall be representatives of the private sector with relevant business  
8 experience or background; one of whom shall be an individual who  
9 is knowledgeable in environmental protection, conservation and  
10 land use issues and one of whom shall be a labor representative  
11 with appropriate experience in workforce development and job  
12 training. Preference shall be given to professionals with a  
13 background in technology, finance, or real estate. At least two of  
14 the members shall be residents of Monmouth County. Not more  
15 than two of the members appointed by the Governor shall be  
16 members of the same political party;

17 (2) **【The Chief Executive Officer and Secretary】** A person  
18 appointed by the Board of Directors of the New Jersey Commerce  
19 **【, Economic Growth and Tourism】** Commission, ex officio and  
20 voting;

21 (3) One member, who shall be a resident of Monmouth County,  
22 to be appointed by the Monmouth County Board of Chosen  
23 Freeholders for a term of four years, who shall be either:

24 (a) a member of the board, or

25 (b) a qualified person, who shall be nominated by the board,  
26 with relevant business experience or background;

27 (4) The mayors of Eatontown, Oceanport, and Tinton Falls, ex  
28 officio and voting; and

29 (5) A representative of Fort Monmouth, to be appointed by the  
30 Secretary of the United States Department of Defense, who shall be  
31 a non-voting member.

32 Each member appointed by the Governor and the member  
33 appointed by the Board of Chosen Freeholders shall hold office for  
34 the term of that member's appointment and until a successor shall  
35 have been appointed and qualified. A member shall be eligible for  
36 reappointment. Any vacancy in the membership occurring other  
37 than by expiration of term shall be filled in the same manner as the  
38 original appointment but for the unexpired term only.

39 b. Except for those members designated pursuant to paragraph  
40 (4) of subsection a. of this section and the person appointed by the  
41 Board of Directors of the New Jersey Commerce Commission, each  
42 ex officio member of the authority may designate an employee of  
43 the member's department or office to represent the member at  
44 meetings of the authority. The designee of an ex officio member  
45 may act on behalf of the member. The designation shall be in  
46 writing and shall be delivered to the authority and shall be effective  
47 until revoked or amended in writing to the authority.

48 c. Each member appointed by the Governor may be removed  
49 from office by the Governor for cause, after a public hearing, and

1 may be suspended by the Governor pending the completion of that  
2 hearing. Each such member, before entering the duties of  
3 membership, shall take and subscribe an oath to perform those  
4 duties faithfully, impartially, and justly to the best of the person's  
5 ability. A record of those oaths shall be filed in the office of the  
6 Secretary of State.

7 d. The members of the authority shall elect a chairperson and  
8 vice-chairperson from among their members. The chairperson shall  
9 appoint a secretary and treasurer. The powers of the authority shall  
10 be vested in the voting members thereof in office from time to time;  
11 five voting members of the authority shall constitute a quorum, and  
12 the affirmative vote of five members shall be necessary for any  
13 action taken by the authority, except as provided under sections 7  
14 and 14 of P.L.2006, c.16 (C.52:27I-7 and 52:27I-14), or unless the  
15 bylaws of the authority shall require a larger number. No vacancy  
16 in the membership of the authority shall impair the right of a  
17 quorum to exercise all the rights and perform all the duties of the  
18 authority.

19 e. The members of the authority shall serve without  
20 compensation, but the authority may, within the limits of funds  
21 appropriated or otherwise made available for such purposes,  
22 reimburse its members for necessary expenses incurred in the  
23 discharge of their official duties.

24 f. No member, officer, employee or agent of the Fort  
25 Monmouth Economic Revitalization Planning Authority shall have  
26 an interest, either directly or indirectly, in any project, employment  
27 agreement or any contract, sale, purchase, lease, or transfer of real  
28 or personal property to which the Fort Monmouth Economic  
29 Revitalization Planning Authority is a party.

30 g. The authority may be dissolved by act of the Legislature on  
31 condition that the authority has no debts or obligations outstanding  
32 or provision has been made for the payment, retirement,  
33 termination, or assumption of its debts and obligations. Upon  
34 dissolution of the authority, all property, funds, and assets thereof  
35 shall be vested in the State.

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

47 i. Any and all proceedings, hearings or meetings of the  
48 authority or any advisory committees established by the authority

1 shall be conducted in conformance with the "Open Public Meetings  
2 Act," P.L.1975, c.231 (C. 10:4-6 et seq.).

3 j. Records of minutes, accounts, bills, vouchers, contracts or  
4 other papers connected with or used or filed with the authority or  
5 with any officer or employee acting for or in its behalf are declared  
6 to be public records, and shall be open to public inspection in  
7 accordance with P.L.1963, c. 73 (C. 47:1A-1 et seq.).  
8 (cf: P.L.2006, c.16, s.6)

9  
10 44. This act shall take effect immediately.

11  
12  
13 STATEMENT

14  
15 This bill implements Governor Corzine's proposed  
16 Reorganization Plan No. 001-2007 which, in part, calls for the  
17 transfer of the Division of Travel and Tourism ("division") in the  
18 New Jersey Commerce, Economic Growth and Tourism  
19 Commission, and the functions, powers, and duties of the division  
20 to the Department of State. The commission is to be renamed the  
21 "New Jersey Commerce Commission" ("commission") and is to  
22 remain in, but not of the Department of Treasury. This change will  
23 align those functions of the division with the cultural, arts and  
24 historical emphasis of the Department of State, as well as tighten  
25 the focus of the commission on business retention and promotion.

26 As part of the reorganization plan, the other following changes  
27 are proposed in the bill: (1) the position of Chief Executive Officer  
28 and Secretary will be eliminated and an Executive Director of  
29 Commerce position will be created in the commission, with the  
30 Executive Director being appointed by the Board of Directors; (2)  
31 the duties of the Chief Executive Officer and Secretary will be  
32 assigned to either the Board of Directors of the commission or the  
33 Executive Director; and (3) all programs other than the division will  
34 be retained and administered by the commission.

35 Further, the bill transfers certain duties of the former Chief  
36 Executive Officer and Secretary to the Board of Directors and  
37 eliminates certain duties of both of those entities.

38 By centralizing functions related to travel and tourism, which are  
39 a major part of the state's economy, under the direction of the  
40 Department of State, the advocacy of the arts and culture in the  
41 State will be married to efforts to increase travel and visitors to the  
42 State's many attractions.

43 The reorganization plan is intended to further meet the needs of  
44 the State's economy and the challenges of a competitive and  
45 globalized economy, and improve the effectiveness of the  
46 commission and increase its efficiency as it serves the needs of the  
47 business community, while tightening its focus on the mission of  
48 growing the state's economy and bringing jobs to New Jersey.

# SENATE STATE GOVERNMENT COMMITTEE

## STATEMENT TO

### **SENATE, No. 2948**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: DECEMBER 3, 2007

The Senate State Government Committee reports favorably and with committee amendments Senate, No. 2948.

This bill implements Governor Corzine's proposed Reorganization Plan No. 001-2007 which, in part, calls for the transfer of the Division of Travel and Tourism ("division") in the New Jersey Commerce, Economic Growth and Tourism Commission, and the functions, powers, and duties of the division to the Department of State. The commission is to be renamed the "New Jersey Commerce Commission" ("commission") and is to remain in, but not of the Department of Treasury. This change will align those functions of the division with the cultural, arts and historical emphasis of the Department of State, as well as tighten the focus of the commission on business retention and promotion.

As part of the reorganization plan, the other following changes are proposed in the bill: (1) the position of Chief Executive Officer and Secretary will be eliminated and an Executive Director of Commerce position will be created in the commission, with the Executive Director being appointed by the Board of Directors; (2) the duties of the Chief Executive Officer and Secretary will be assigned to either the Board of Directors of the commission or the Executive Director; and (3) all programs other than the division will be retained and administered by the commission.

Further, the bill eliminates certain duties of both the former Chief Executive Officer and Secretary to the Board of Directors.

By centralizing functions related to travel and tourism, which are a major part of the State's economy, under the direction of the Department of State, the advocacy of the arts and culture in the State will be married to efforts to increase travel and visitors to the State's many attractions.

As amended, the bill is identical to Assembly, Nos. 4254 and 4263 ACS.

#### COMMITTEE AMENDMENTS

The committee amended the bill to:

1) eliminate the ability of the commission to:

a) provide health benefits for its employees through private insurance policies, hospital and medical service corporations, health maintenance organizations, or any other manner available for the provision of health benefits;

b) lease or purchase suitable headquarters for the commission and such other quarters as the Executive Director deems necessary to the proper functioning of the commission;

c) enter into agreements with any individual, partnership, trust, association, or corporation, or any public agency, under which the commission, and such other entity or entities, will undertake a project as a joint venture, with the commission providing such assistance or advice as the agreement may provide; and

d) organize or participate in the organization of nonprofit corporations which are exempt from federal taxation under section 501(c)(3) of the Internal Revenue Code; and

2) repeal section 12 of P.L.1998, c.44 (C.52:27C-72) which provides that only the records of any nonprofit corporation on which the Executive Director of the commission serves and which are in the Executive Director's possession in an official capacity are deemed public records which may be subject to public inspection under the provisions of the "Right to Know Law," P.L.1963, c.73 (C.47:1A-1 et seq.).

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

**SENATE, No. 2948**

# **STATE OF NEW JERSEY**

DATED: DECEMBER 10, 2007

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2948 (1R).

This bill implements Governor Corzine's proposed Reorganization Plan No. 001-2007 which, in part, calls for the transfer of the Division of Travel and Tourism (division) in the New Jersey Commerce, Economic Growth and Tourism Commission, and the functions, powers, and duties of the division to the Department of State. The commission is to be renamed the "New Jersey Commerce Commission" (commission) and is to remain in, but not of the Department of Treasury.

As part of the reorganization plan, the other following changes are proposed in the bill: (1) the position of Chief Executive Officer and Secretary will be eliminated and an Executive Director of Commerce position will be created in the commission, with the Executive Director being appointed by the Board of Directors; (2) the duties of the Chief Executive Officer and Secretary will be assigned to either the Board of Directors of the commission or the Executive Director; and (3) all programs other than the division will be retained and administered by the commission.

### FISCAL IMPACT:

This bill will not have any fiscal impact on the State General Fund as the bill transfers existing State functions to existing State agencies/departments. Minor expenditures related to the physical move are expected to be offset by the salary savings realized from replacing the position of Chief Executive Officer and Secretary, a cabinet level position, with a non-cabinet level Executive Director.

In addition, the bill eliminates the ability of the commission to provide health benefits for its employees through private insurance plans, as well as its authority to lease or purchase suitable headquarters for the commission. Since the commission has never exercised its authority to do either, no fiscal impact is foreseen.



# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

**SENATE, No. 2948**

## **STATE OF NEW JERSEY 212th LEGISLATURE**

DATED: DECEMBER 10, 2007

### SUMMARY

- Synopsis:** Reorganizes and renames NJ Commerce, Economic Growth and Tourism Commission as NJ Commerce Commission; transfers Division of Travel and Tourism to Department of State.
- Type of Impact:** Minimal fiscal impact.
- Agencies Affected:** Department of State; 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>	minimal impact overall	minimal, if any	minimal, if any

- The Office of Legislative Services (OLS) estimates a minimal fiscal impact on State expenditures as a result of this legislation. There will be minimal costs associated with moving the Division of Travel and Tourism that will be offset by salary savings.

### BILL DESCRIPTION

Senate Bill No. 2948 (1R) of 2007 implements Governor Corzine's proposed Reorganization Plan No. 001-2007 which, in part, calls for the transfer of the Division of Travel and Tourism (division) in the New Jersey Commerce, Economic Growth and Tourism Commission, and the functions, powers, and duties of the division to the Department of State. The commission is to be renamed the "New Jersey Commerce Commission" (commission) and is to remain in, but not of the Department of Treasury.

As part of the reorganization plan, the other following changes are proposed in the bill: (1) the position of Chief Executive Officer and Secretary will be eliminated and an Executive Director of Commerce position will be created in the commission, with the Executive Director being appointed by the Board of Directors; (2) the duties of the Chief Executive Officer and Secretary will be assigned to either the Board of Directors of the commission or the Executive Director; and (3) all programs other than the division will be retained and administered by the commission.

Further, the bill transfers certain duties of the former Chief Executive Officer and Secretary to the Board of Directors and eliminates certain duties of both of those entities.

By moving the division to the Department of State, it allows the related functions of tourism, travel, arts and culture to be centralized in one place. This will streamline the efforts to increase travel and visitors to the State's many attractions.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

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

The OLS projects that the reorganization of the New Jersey Commerce, Economic Growth and Tourism Commission will have minimal fiscal impact as the bill transfers existing State functions to existing State agencies/departments. Any costs incurred from the reorganization will be offset by salary savings.

The OLS anticipates initial costs of \$11,000. It will cost approximately \$10,000 to transfer 20 employees' work related materials from their physical location at the New Jersey Commerce Commission to their new offices at the Department of State. An additional \$1000 will be needed to purchase new stationary, signage and related materials reflecting the name change.

The commission will also see a salary cost savings from replacing the position of Chief Executive Officer and Secretary with an Executive Director. The Executive Director of the commission will no longer be a Cabinet level position. This will create a lower salary designation for this position, translating into an initial cost saving of approximately \$40,000 in the first year. It is unknown what the salary savings will be in the future because of the possibility of a change in personnel both at the Director and the subordinate levels.

Finally, the bill eliminates the ability of the commission to provide health benefits for its employees through private insurance plans, as well as its authority to lease or purchase headquarters for the commission. Since the commission has never exercised its authority to do either, no fiscal impact is anticipated.

*Section: Commerce, Labor and Industry*  
*Analyst: Robin C. Ford*  
*Assistant 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 (C. 52:13B-1 et seq.).