

40:54C-1

LEGISLATIVE HISTORY CHECKLIST
Compiled by the NJ State Law Library

(Municipal tourist development
commissions--expand powers)

NJSA: 40:54C-1

LAWS OF: 1992 CHAPTER: 166

BILL NO: A1298

SPONSOR(S) LoBiondo and Gibson

DATE INTRODUCED: April 30, 1992

COMMITTEE: ASSEMBLY: Economic & Community Development

SENATE: Coastal Resources

AMENDED DURING PASSAGE: Yes Amendments during passage
denoted by asterisks

DATE OF PASSAGE: ASSEMBLY: June 4, 1992

SENATE: October 19, 1992

DATE OF APPROVAL: December 2, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:FF

[FIRST REPRINT]
ASSEMBLY, No. 1298
STATE OF NEW JERSEY

INTRODUCED APRIL 30, 1992

By Assemblymen LoBIONDO and GIBSON

1 AN ACT concerning municipal tourist development commissions
2 ¹, amending¹ and supplementing P.L.1982, c.68 ¹[(C.40:54C-1
3 et al.)]¹.

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

7 ¹1. Section 2 of P.L.1982, c.68 (C.40:52-8) is amended to read
8 as follows:

9 2. Every municipality adopting an ordinance or ordinances
10 authorized by section 1 of [this act] P.L.1982, c.68 (C.40:52-7)
11 shall create a fund, which shall be held by the commission
12 created pursuant to section 3 of [this act] P.L.1982, c.68
13 (C.40:54C-1). The fund shall be the exclusive repository of all
14 revenues collected by the municipality pursuant to the additional
15 licensing assessment, and shall be audited by the municipality as
16 part of the annual audit of its books, accounts and financial
17 transactions made in accordance with N.J.S.40A:5-4. [In no
18 event shall moneys from any other source be allocated to the
19 fund.] Revenues from the fund shall be disbursed to fulfill the
20 purpose expressed in section 5 of [this act] P.L.1982, c.68
21 (C.40:54C-3), and are dedicated to that purpose exclusively. Any
22 revenues received by the municipality on behalf of the
23 commission shall be treated as a dedicated revenue pursuant to
24 the provisions of N.J.S.40A:4-39.¹

25 (cf: P.L.1982, c.68, s.2)

26 ¹2. Section 4 of P.L.1982, c.68 (C.40:54C-2) is amended to
27 read as follows:

28 4. a. As soon as possible and in any event no later than 15
29 days after its appointment, the commission shall organize and
30 hold its first meeting, fix its hours and place of meeting, and
31 adopt rules for the conduct of its business as it may deem
32 necessary and advisable. A majority of the members of the
33 commission shall constitute a quorum for the transaction of
34 business.

35 b. The commission shall be considered a "public body" for the
36 purpose of complying with the provisions of the "Open Public
37 Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), and shall be
38 subject to the provisions thereof.

39 c. Members of the commission shall be considered "local
40 government officers" for the purpose of complying with the
41 provisions of the "Local Government Ethics Law," P.L.1991, c.29
42 (C.40A:9-22.1 et seq.), and shall be subject to the provisions
43 thereof.

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:

¹ Senate SCT committee amendments adopted October 8, 1992.

1 d. The commission shall be considered a "contracting unit"
2 pursuant to the provisions of the "Local Public Contracts Law,"
3 N.J.S.40A:11-1 et seq., and shall be subject to the provisions
4 thereof.

5 e. The commission shall designate a location and a person for
6 the public to contact in order to obtain information or inspect the
7 records of the commission during regular business hours.¹

8 (cf: P.L.1982, c.68, s.4)

9 13. (New section) The chief financial officer of the
10 municipality shall serve as the custodian of the fund established
11 pursuant to section 2 of P.L.1982, c.68 (C.40:52-8), and shall
12 maintain the necessary financial records required by the Director
13 of the Division of Local Government Services in the Department
14 of Community Affairs.¹

15 14. (New section) The provisions of the "Local Public
16 Contracts Law," N.J.S.40A:11-1 et seq., to the contrary
17 notwithstanding, the purchase of, or contracting for,
18 advertisements in periodicals, or on radio, television, or cable
19 television by the commission, shall be exempt from public
20 bidding; provided, however, that in awarding a contract for such
21 advertisements, the commission shall in each instance:

22 a. State in the resolution awarding the contract the supporting
23 reasons for its action in the resolution awarding the contract;

24 b. Forthwith cause to be printed once in a newspaper
25 authorized by the commission to publish the legal advertisements
26 thereof, a brief notice stating the nature, duration, service and
27 amount of the contract; and

28 c. Keep and make available for public inspection a copy of the
29 resolution and the contract.¹

30 1[1. A tourist development] 5. (New section) The¹
31 commission ¹[created] established by an ordinance authorized¹
32 pursuant to section 1 of P.L.1982, c.68 ¹[(C.40:54C-1 et seq.)]
33 (C.40:52-7)¹, in furtherance of the 10-year master plan for the
34 growth of tourism pursuant to the provisions of section 8 of the
35 "Division of Travel and Tourism Act," P.L.1977, c.225
36 (C.34:1A-52), may:

37 a. Apply for, receive and accept, from the United States, the
38 State, or any other public or private source, contributions or
39 donations of money, property, labor or other thing of value, to be
40 held, used and applied for, or in aid of, the commission's
41 authorized purposes pursuant to section 5 of P.L.1982, c.68
42 (C.40:54C-3);

43 b. Make grants of money, property or personal services to any
44 person, business or organization engaged in the tourist industry,
45 upon such terms and conditions as the commission may prescribe;
46 and

47 c. Enter into any and all agreements or contracts, execute any
48 and all instruments, and do or perform any and all acts necessary
49 or convenient for the purposes of the ¹[tourist development]¹
50 commission to carry out any power, function or duty exercised
51 thereby.

1 ¹[2.] 6.¹ This act shall take effect immediately.

2

3

4

5

6 _____

6 Revises powers of tourist development commissions and subjects
7 commissions to certain State laws regarding public meetings,
8 ethics and public contracts.

ASSEMBLY, No. 1298
STATE OF NEW JERSEY

INTRODUCED APRIL 30, 1992

By Assemblymen LoBIONDO and GIBSON

1 AN ACT concerning municipal tourist development commissions
2 and supplementing P.L.1982, c.68 (C.40:54C-1 et seq.).

3

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

6 1. A tourist development commission created pursuant to
7 section 1 of P.L.1982, c.68 (C.40:54C-1 et seq.), in furtherance of
8 the 10-year master plan for the growth of tourism pursuant to
9 the provisions of section 8 of the "Division of Travel and Tourism
10 Act," P.L.1977, c.225 (C.34:1A-52) may:

11 a. Apply for, receive and accept, from the United States, the
12 State, or any other public or private source, contributions or
13 donations of money, property, labor or other thing of value, to be
14 held, used and applied for, or in aid of, the commission's
15 authorized purposes pursuant to section 5 of P.L.1982, c.68
16 (C.40:54C-3);

17 b. Make grants of money, property or personal services to any
18 person, business or organization engaged in the tourist industry,
19 upon such terms and conditions as the commission may prescribe;
20 and

21 c. Enter into any and all agreements or contracts, execute any
22 and all instruments, and do or perform any and all acts necessary
23 or convenient for the purposes of the tourist development
24 commission to carry out any power, function or duty exercised
25 thereby.

26 2. This act shall take effect immediately.

27

28

29

STATEMENT

30

31 This bill will provide certain expanded powers to municipal
32 tourist development commissions created pursuant to P.L.1982,
33 c.68 (C.40:54C-1 et seq.), in furtherance of the provisions of the
34 10-year tourism master plan established pursuant to the "Division
35 of Travel and Tourism Act," P.L.1977, c.225 (C.34:1A-45 et
36 seq.). The bill will empower the commissions to: apply for,
37 receive and accept, contributions or donations from any public or
38 private source; make grants to any person engaged in the tourist
39 industry; and enter into agreements or contracts to advance their
40 statutory purposes.

41

42

43

44

45 Provides certain powers to municipal tourist development
46 commissions.

ASSEMBLY ECONOMIC AND COMMUNITY DEVELOPMENT
AGRICULTURE AND TOURISM COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1298

STATE OF NEW JERSEY

DATED: MAY 14, 1992

The Assembly Economic and Community Development, Agriculture and Tourism Committee reports favorably Assembly Bill No. 1298.

As reported, this bill will provide certain expanded powers to municipal tourist development commissions created pursuant to P.L.1982, c.68 (C.40:54C-1 et seq.), in furtherance of the provisions of the 10-year tourism master plan established pursuant to the "Division of Travel and Tourism Act," P.L.1977, c.225 (C.34:1A-45 et seq.). The bill will empower the commissions to: apply for, receive and accept, contributions or donations from any public or private source; make grants to any person engaged in the tourist industry; and enter into agreements or contracts to advance their statutory purposes.

SENATE COASTAL RESOURCES AND TOURISM COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1298

with Senate committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 8, 1992

The Senate Coastal Resources and Tourism Committee reports favorably Assembly Bill No. 1298 with committee amendments.

As reported, this amended bill would revise the powers of municipal tourist development commissions created pursuant to P.L.1982, c.68 (C.40:54C-1 et al.), in furtherance of the provisions of the 10-year tourism master plan established pursuant to the "Division of Travel and Tourism Act," P.L.1977, c.225 (C.34:1A-45 et seq.). The bill will empower the commissions to: apply for, receive and accept contributions or donations from any public or private source; make grants to any person engaged in the tourist industry; and enter into agreements or contracts to advance their statutory purposes.

The amended bill would also provide that municipal tourist development commissions be subject to an annual audit of its books, accounts and financial transactions by the municipality in accordance with the provisions of the "Local Fiscal Affairs Law," N.J.S.40A:5-4. The bill also provides that any revenues received by the municipality on behalf of the commission shall be treated as a dedicated revenue pursuant to the provisions of the "Local Budget Law," P.L.1991, c.29, (C.N.J.S.40A:4-39.

With regard to the operations of tourist development commissions, the amended bill would also provide that a commission be considered a "public body" for the purpose of complying with the provisions of the "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), and shall be subject to the provisions of that law. The bill also directs that the commission designate a location and a person for the public to contact in order to obtain information, or inspect the records of the commission during regular business hours.

The bill also provides that a member of a commission be considered a "local government officer" for the purpose of complying with the financial disclosure and other provisions of "Local Government Ethics Law," P.L.1991, c.29 (C.40A:9-22.1 et seq.).

The bill also provides that the commission be considered a "contracting unit" pursuant to the provisions of the "Local Public Contracts Law," N.J.S.40A:11-1 et seq., and shall be subject to the provisions of that law. However, the bill also provides that notwithstanding the "Local Public Contracts Law," the purchase of, or contracting for, advertisements in periodicals, or on radio, television, or cable television by the commission, shall be exempt from public bidding. When contracting for the hiring of a person to

place advertisements in periodicals, or on radio, television, or cable television, the bill directs that the commission shall: state in the resolution awarding the contract the supporting reasons for its action; print a brief notice of the nature, duration, service and amount of the contract in a newspaper; and make a copy of the resolution and contract available for public inspection.

The amended bill also provides that the chief financial officer of the municipality shall serve as the custodian of the fund used for tourism promotion established pursuant to section 2 of P.L.1982, c.68 (C.40:52-8), and shall maintain the necessary financial records required by the Director of the Division of Local Government Services in the Department of Community Affairs.

Under the provisions of current law, municipal tourist development commissions are established by ordinance to promote tourism within a municipality using monies derived from additional assessments --within certain limits-- on municipal license fees imposed under P.L.1959, c.109 (C.5:8-100 et seq.), R.S.40:52-1, or R.S.40:52-2.

The committee adopted amendments to state within the bill that municipal tourist development commissions be subject to the provisions of the "Local Fiscal Affairs Law," the "Open Public Meetings Act," the "Local Government Ethics Law," and, with the exception of those contracts awarded for periodical, radio, and television advertising, the "Local Public Contracts Law."

The committee also adopted a technical amendment to the title of the bill.