

34: 1B-4

LEGISLATIVE HISTORY CHECKLIST  
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(Economic Development  
Authority-membership)

NJSA: 34:1B-4

LAWS OF: 1991 CHAPTER: 392

BILL NO: A5291

SPONSOR(S) Schuber and Rome

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: ----  
SENATE: ----

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: January 8, 1992  
SENATE: January 13, 1992

DATE OF APPROVAL: January 16, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: No  
SENATE: No

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG/pp

1 AN ACT concerning the membership and chairperson of the New  
2 Jersey Economic Development Authority and amending  
3 P.L.1974, c.80.

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

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

9 4. a. There is hereby established in, but not of, the  
10 Department of Commerce and Economic Development a public  
11 body corporate and politic, with corporate succession, to be  
12 known as the "New Jersey Economic Development Authority."  
13 The authority is hereby constituted as an instrumentality of the  
14 State exercising public and essential governmental functions, and  
15 the exercise by the authority of the powers conferred by this act  
16 shall be deemed and held to be an essential governmental  
17 function of the State.

18 b. The authority shall consist of the Commissioner of  
19 Commerce and Economic Development, the Commissioner of  
20 Labor [and Industry] , the Commissioner of Environmental  
21 Protection, the Commissioner of Community Affairs, and the  
22 State Treasurer, who shall be members ex officio, and [four] six  
23 members appointed by the Governor with the advice and consent  
24 of the Senate for terms of [3] three years [, provided that the  
25 members of the authority (other than the ex officio members)  
26 first appointed by the Governor shall serve for terms of 1 year, 2  
27 years, and 3 years respectively. The fourth citizen member first  
28 appointed shall serve for a 3-year term except that the fourth  
29 member shall be appointed so that the term of his membership  
30 does not coincide with that of any other citizen member]. Of the  
31 members first appointed pursuant to this 1991 amendatory act,  
32 one shall serve for a term of one year and one for a term of two  
33 years. Each member shall hold office for the term of his  
34 appointment and until his successor shall have been appointed and  
35 qualified. A member shall be eligible for reappointment. Any  
36 vacancy in the membership occurring other than by expiration of  
37 term shall be filled in the same manner as the original  
38 appointment but for the unexpired term only. In the event the  
39 authority shall [be] by resolution determine to accept the  
40 declaration of an urban growth zone by any municipality, the

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

Matter underlined thus is new matter.

1 mayor or other chief executive officer of such municipality shall  
2 ex officio be a member of the authority for the purpose of  
3 participating and voting on all matters pertaining to such urban  
4 growth zone.

5 The Governor shall appoint with the advice and consent of the  
6 Senate, three alternate members of the authority for terms of [3]  
7 three years. At the time of appointment, the Governor shall  
8 designate a first alternate, second alternate and third alternate.  
9 In the event that a member of the authority, other than an ex  
10 officio member, is unable to attend all or any portion of a  
11 meeting of the authority, or is for any reason unable to perform  
12 the duties and responsibilities of a member of the authority for a  
13 temporary period, the [chairman] chairperson may authorize an  
14 alternate member, in order of designation, to exercise all of the  
15 powers, duties and responsibilities of such member, including, but  
16 not limited to, the right to vote on matters before the authority.

17 Each alternate member shall ~~hold office~~ for the term of his  
18 appointment and until his successor shall have been appointed and  
19 qualified. An alternate member shall be eligible for  
20 reappointment. Any vacancy in the alternate membership  
21 occurring other than by expiration of term shall be filled in the  
22 same manner as the original appointment but for the unexpired  
23 term only. Any reference to a member of the authority in this  
24 act shall be deemed to include alternate members unless the  
25 context indicates otherwise.

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

33 d. The Commissioner of Commerce and Economic  
34 Development [shall be the chairman] may, at his discretion, serve  
35 as the chairperson of the authority or may appoint one of the six  
36 public members of the authority as chairperson. Any such  
37 designation or appointment shall be made in writing and shall be  
38 delivered to the authority and to the Governor and shall continue  
39 in effect until revoked or amended by a writing delivered to the  
40 authority and the Governor. The members of the authority shall  
41 elect from their remaining number a vice [chairman] chairperson  
42 and a treasurer thereof. The authority shall employ an executive  
43 director who shall be its secretary and chief executive officer.  
44 The powers of the authority shall be vested in the members  
45 thereof in office from time to time and [four] five members of  
46 the authority shall constitute a quorum at any meeting thereof.  
47 Action may be taken and motions and resolutions adopted by the  
48 authority at any meeting thereof by the affirmative vote of at  
49 least [five] six members of the authority. No vacancy in the

1 membership of the authority shall impair the right of a quorum of  
2 the members to exercise all the powers and perform all the duties  
3 of the authority.

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

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

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

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

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

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

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

15 k. The Comptroller of the Treasury and his legally authorized  
16 representatives are hereby authorized and empowered from time  
17 to time to examine the accounts, books and records of the  
18 authority including its receipts, disbursements, contracts, sinking  
19 funds, investments and any other matters relating thereto and to  
20 its financial standing.

21 l. No member, officer, employee or agent of the authority  
22 shall be interested, either directly or indirectly, in any project or  
23 in any contract, sale, purchase, lease or transfer of real or  
24 personal property to which the authority is a party.  
25 (cf: P.L.1981, c.122, s.13)

26 2. This act shall take effect immediately.  
27  
28

#### 29 STATEMENT

30  
31 This bill allows the Commissioner of Commerce and Economic  
32 Development either to serve as chairperson of the New Jersey  
33 Economic Development Authority or to appoint one of the public  
34 members of the authority as chairperson. This will provide the  
35 commissioner with the flexibility to appoint someone who can  
36 devote the necessary time and attention to the authority.  
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41 Permits appointment of public member as chairperson of EDA  
42 and expands public membership from four to six.

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