

[First Reprint]

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STATE OF NEW JERSEY
216th LEGISLATURE

ADOPTED MAY 19, 2014

Sponsored by:

Senator STEPHEN M. SWEENEY

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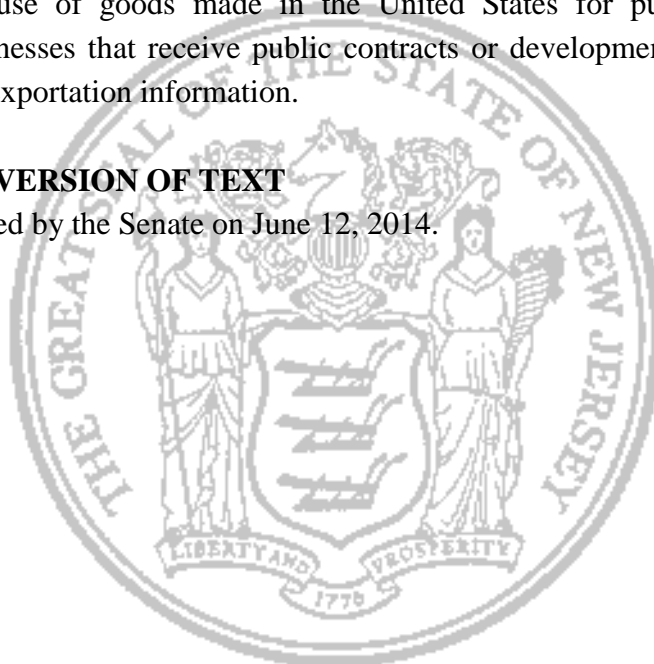
**Senators P.Barnes, III, Cunningham, Greenstein, Pou, Ruiz, Sarlo, Stack,
Van Drew and Norcross**

SYNOPSIS

Requires use of goods made in the United States for public contracts; requires businesses that receive public contracts or development assistance to disclose job exportation information.

CURRENT VERSION OF TEXT

As amended by the Senate on June 12, 2014.



(Sponsorship Updated As Of: 6/13/2014)

1 AN ACT concerning the use of goods made in the United States for
2 public contracts, requiring the disclosure of certain information
3 by certain businesses, revising various parts of the statutory law,
4 and supplementing Title 18A of the New Jersey Statutes and
5 Title 52 of the Revised Statutes.

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

9
10 1. N.J.S.18A:18A-20 is amended to read as follows:
11 18A:18A-20. American goods and products to be used where
12 possible.

13 a. Each board of education shall provide, in the specifications
14 for all contracts ¹above the applicable bid threshold¹ for purchases
15 or work, including public work contracts, for which it will pay any
16 part of the cost, or work which by contract it will ultimately own
17 and maintain, that only manufactured and farm products of the
18 United States, wherever available ¹in reasonable quantity¹, be
19 purchased or be used in such work.

20 b. The provisions of subsection a. of this section may be
21 waived, pursuant to the procedures provided in this subsection, in
22 any case or category of cases in which the board of education
23 entering into the contract finds that **["manufactured"]:**

24 (1) Manufactured or farm¹ products of the United States are not
25 available ¹in reasonable quantity; or

26 (2) The cost of buying manufactured or farm products of the
27 United States is unreasonable. There is a presumption of
28 unreasonableness for manufactured or farm products of the United
29 States that cost more than 20% above the fair market value for such
30 products¹.

31 At least 30 days before issuing a waiver under this subsection,
32 the board of education shall provide to the public a notice
33 summarizing the reason for the proposed waiver, and an opportunity
34 for public comment on the proposed waiver. The notice shall be
35 posted prominently on the public Internet website of the board of
36 education and provided by electronic means to any person, firm, or
37 corporation that makes a written or electronic request for
38 notification. If, after public notice and an opportunity for public
39 comment required by this subsection, the board of education
40 determines to issue a waiver, the board of education shall provide a
41 detailed justification for the waiver that shall be posted prominently
42 on the public Internet website of the board of education and
43 provided by electronic means to any person, firm, or corporation
44 that has made a written or electronic request to receive notice of

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 floor amendments adopted June 12, 2014.

1 waiver actions. The justification shall include responses to any
2 public comments received pursuant to this subsection, and be
3 published before the waiver takes effect. ¹【The board of education
4 shall work with other affected contracting boards of education and
5 State agencies to create a plan to ensure the domestic supply of the
6 relevant products will be available in the future.】¹

7 c. If a contractor knowingly uses or supplies procured products
8 that are not manufactured ¹【in】 or farm products of¹ the United
9 States in violation of the provisions of a contract subject to the
10 provisions of this section, then:

11 (1) The contractor shall be barred from obtaining any contract
12 with any board of education or other public body, including the
13 State or any State agency, or public institution of higher education,
14 for a period of three years after the violation is discovered by the
15 board of education;

16 (2) The board of education may void the contract; and

17 (3) The board of education may recover damages in a civil
18 action in an amount ¹【three】 two¹ times any cost incurred by the
19 board as a result of the violation.

20 d. The provisions of this section requiring the purchase and use
21 of ¹【products】¹ manufactured ¹【in】 products of¹ the United States
22 shall not apply¹:

23 (1) At any time¹ to replacement parts or components for ¹, or
24 modifications of,¹ equipment ¹or systems¹ provided under a
25 contract approved prior to the effective date of P.L. , c. (C.)
26 (pending before the Legislature as this bill) ¹【or】;

27 (2) At any time¹ to replacement parts or components for ¹, or
28 modifications of,¹ any equipment ¹or systems¹ for which a waiver
29 was provided under the provisions of this section¹;

30 (3) To information technology, telecommunications, electronic,
31 digital, computing, or other sophisticated technology articles,
32 materials or supplies that are generally imported into the United
33 States fully assembled;

34 (4) To any product approved or legally marketed under the
35 Federal Food, Drug and Cosmetic Act (Title 21 U.S.C.301 et seq.)
36 or section 351 of the Public Health Service Act (Title 42
37 U.S.C.262); or

38 (5) To satellite television and broadband communication
39 services¹.

40 e. For the purposes of this section:

41 ¹"Applicable bid threshold" means the dollar amount above
42 which a board of education is required to advertise for and receive
43 sealed bids in accordance with procedures set forth pursuant to
44 law;¹

45 "Manufactured ¹【products of the United States】" means, in the
46 case of assembled articles, material or supplies, components,

1 subcomponents, parts, and equipment used in manufacturing, that
2 all final assembly, processing, packaging, testing and any other
3 process that adds value, quality, or reliability occurs in the United
4 States;] product” means a product that has been:

- 5 (1) Processed into a specific form and shape; or
6 (2) Combined with other raw material to create a material that
7 has different properties than the properties of the individual raw
8 materials;

9 “Products of the United States” means:

- 10 (1) In the case of a manufactured product that is comprised
11 predominantly of iron or steel, all manufacturing processes of the
12 product, from the initial melting through the application of coatings,
13 occurred in the United States; and

- 14 (2) In the case of a manufactured product that is not comprised
15 predominantly of iron or steel:

16 (a) The product has been mined, produced or manufactured in
17 the United States; and

18 (b) The cost of the product’s components mined, produced or
19 manufactured in the United States exceeds 50 percent of the cost of
20 all of its components¹; and

21 "Public work" means any public building, public highway,
22 bridge, or other public betterment, work or improvement of a
23 permanent nature, constructed, reconstructed, repaired or improved
24 at the expense of the public.

25 (cf: P.L.1999, c.440, s.66)

26

27 2. Section 18 of P.L.1971, c.198 (C.40A:11-18) is amended to
28 read as follows:

29 18. a. Each ¹**[local]** contracting¹ unit shall provide, in the
30 specifications for all contracts ¹above the applicable bid threshold¹
31 for purchases, or county or municipal work, including public work
32 contracts, or for work for which it will pay any part of the cost, or
33 work which by contract or ordinance it will ultimately own and
34 maintain, that only manufactured and farm products of the United
35 States, wherever available ¹in reasonable quantity¹, be purchased or
36 used in such work.

37 b. The provisions of subsection a. of this section may be
38 waived, pursuant to the procedures provided in this subsection, in
39 any case or category of cases in which the ¹**[local]** contracting¹ unit
40 entering into the contract finds that ¹**[manufactured]**:

41 (1) Manufactured or farm¹ products of the United States are not
42 available ¹in reasonable quantity; or

43 (2) The cost of buying manufactured or farm products of the
44 United States is unreasonable. There is a presumption of
45 unreasonableness for manufactured or farm products of the United
46 States that cost more than 20% above the fair market value for such
47 products¹.

1 At least 30 days before issuing a waiver under this subsection,
2 the '[[local]] contracting' unit shall provide to the public a notice
3 summarizing the reason for the proposed waiver, and an opportunity
4 for public comment on the proposed waiver. The notice shall be
5 posted prominently on the public Internet website of the '[[local]]
6 contracting' unit and provided by electronic means to any person,
7 firm, or corporation that makes a written or electronic request for
8 notification. If, after public notice and an opportunity for public
9 comment required by this subsection, the '[[local]] contracting' unit
10 determines to issue a waiver, the '[[local]] contracting' unit shall
11 provide a detailed justification for the waiver that shall be posted
12 prominently on the public Internet website of the '[[local]]
13 contracting' unit and provided by electronic means to any person,
14 firm, or corporation that has made a written or electronic request to
15 receive notice of waiver actions. The justification shall include
16 responses to any public comments received pursuant to this
17 subsection; and be published before the waiver takes effect. '[[The
18 local unit shall work with other affected contracting local units, and
19 other State agencies to create a plan to ensure the domestic supply
20 of the relevant products will be available in the future.]]'

21 c. If a contractor knowingly uses or supplies procured products
22 that are not manufactured '[[in]] or farm products of' the United
23 States in violation of the provisions of a contract subject to the
24 provisions of this section, then:

25 (1) The contractor shall be barred from obtaining any contract
26 with any '[[local]] contracting' unit or other public body, including
27 the State or any State agency or public institution of higher
28 education, for a period of three years after the violation is
29 discovered by the '[[local]] contracting' unit;

30 (2) The '[[local]] contracting' unit may void the contract; and

31 (3) The '[[local]] contracting' unit may recover damages in a
32 civil action in an amount '[[three]] two' times any cost incurred by
33 the '[[local]] contracting' unit as a result of the violation.

34 d. The provisions of this section requiring the purchase and use
35 of '[[products]]' manufactured '[[in]] products of' the United States
36 shall not apply':

37 (1) At any time' to replacement parts or components for ' , or
38 modifications of,' equipment 'or systems' provided under a
39 contract approved prior to the effective date of P.L. , c. (C.)
40 (pending before the Legislature as this bill) '[[or]]:

41 (2) At any time' to replacement parts or components for ' , or
42 modifications of,' any equipment 'or systems' for which a waiver
43 was provided under the provisions of this section': or

44 (3) To information technology, telecommunications, electronic,
45 digital, computing, or other sophisticated technology articles,

1 materials or supplies that are generally imported into the United
2 States fully assembled;

3 (4) To any product approved or legally marketed under the
4 Federal Food, Drug and Cosmetic Act (Title 21 U.S.C.301 et seq.)
5 or section 351 of the Public Health Service Act (Title 42
6 U.S.C.262); or

7 (5) To satellite television and broadband communication
8 services¹;

9 e. For the purposes of this section:

10 ¹"Applicable bid threshold" means the dollar amount above
11 which a contracting unit is required to advertise for and receive
12 sealed bids in accordance with procedures set forth pursuant to
13 law;¹

14 "Manufactured ¹[p]roducts of the United States" means, in the
15 case of assembled articles, material or supplies, components,
16 subcomponents, parts, and equipment used in manufacturing, that
17 all final assembly, processing, packaging, testing and any other
18 process that adds value, quality, or reliability occurs in the United
19 States; ¹ product" means a product that has been:

20 (1) Processed into a specific form and shape; or

21 (2) Combined with other raw material to create a material that
22 has different properties than the properties of the individual raw
23 materials;

24 "Products of the United States" means:

25 (1) In the case of a manufactured product that is comprised
26 predominantly of iron or steel, all manufacturing processes of the
27 product, from the initial melting through the application of coatings,
28 occurred in the United States; and

29 (2) In the case of a manufactured product that is not comprised
30 predominantly of iron or steel:

31 (a) The product has been mined, produced or manufactured in
32 the United States; and

33 (b) The cost of the product's components mined, produced or
34 manufactured in the United States exceeds 50 percent of the cost of
35 all of its components;¹ and

36 "Public work" means any public building, public highway,
37 bridge, or other public betterment, work or improvement of a
38 permanent nature, constructed, reconstructed, repaired or improved
39 at the expense of the public.

40 (cf: P.L.1982, c.107, s.1)

41

42 3. (New section) a. A State agency shall make provisions in
43 the specifications for all contracts ¹above the applicable bid
44 threshold¹ that include or necessitate the procurement of articles,
45 materials, goods, equipment, or supplies, including contracts for
46 public works, for which the State pays any part of the cost, that only

1 products that are manufactured **[in]** or farm products of the
2 United States, be used to fulfill those contracts.

3 b. Products that are manufactured **[in]** or farm products of
4 the United States shall be specified and purchased unless the State
5 agency determines that any of the following apply:

6 (1) **[The products]** There are not manufactured **[in]** or farm
7 products of the United States **[in reasonably]** available in
8 reasonable quantities; or

9 (2) The cost of buying **[products]** manufactured **[in]** or farm
10 products of the United States is unreasonable. There is a
11 presumption of unreasonableness for **[products]** manufactured
12 **[in]** or farm products of the United States that cost **[25%]** more
13 than 20% above the fair market value for such products.

14 Any waiver proposed under this section shall be made public,
15 reported to the relevant State agencies, and posted publicly for a 30-
16 day comment period. If, after public notice and an opportunity for
17 public comment, it is decided to issue the waiver, the waiver, with
18 detailed justification including responses to any public comments,
19 shall, before the waiver takes effect, be posted prominently on a
20 public Internet website and made available upon request. **[The**
21 State agency granted such a waiver shall work with other State
22 agencies to create a plan to ensure the domestic supply of the
23 relevant products will be available in the future.]

24 c. Each contract awarded by a State agency on or after the
25 effective date of P.L. , c. (C.) (pending before the Legislature
26 as this bill), shall contain the contractor's certification that procured
27 products provided pursuant to the contract or a subcontract shall be
28 manufactured **[in]** or farm products of the United States.

29 d. If a contractor is awarded a contract subject to the provisions
30 of this section and knowingly supplies procured products under that
31 contract that are not manufactured **[in]** or farm products of the
32 United States in violation of the provisions of this section, then:

33 (1) The contractor shall be barred from obtaining any contract
34 with any State agency or other public body, including a political
35 subdivision or public institution of higher education, for a period of
36 three years after the violation is discovered by the State agency;

37 (2) The State agency may void the contract; and

38 (3) The State agency may recover damages in a civil action in
39 an amount **[three]** two times any cost to the State or the State
40 agency caused by the violation or by any measures needed to
41 achieve compliance with the requirements of this section.

42 e. The provisions of this section requiring the purchase and use
43 of **[products]** manufactured **[in]** products of the United States
44 shall not apply:

45 (1) At any time to replacement parts or components for , or
46 modifications of, equipment or systems provided under a

1 contract approved prior to the effective date of P.L. , c. (C.)
2 (pending before the Legislature as this bill) ¹**[or]**;

3 (2) At any time¹ to replacement parts or components for ¹, or
4 modifications of,¹ any equipment ¹or systems¹ for which a waiver
5 was provided under the provisions of this section¹; or

6 (3) To information technology, telecommunications, electronic,
7 digital, computing, or other sophisticated technology articles,
8 materials or supplies that are generally imported into the United
9 States fully assembled;

10 (4) To any product approved or legally marketed under the
11 Federal Food, Drug and Cosmetic Act (Title 21 U.S.C.301 et seq.)
12 or section 351 of the Public Health Service Act (Title 42
13 U.S.C.262); or

14 (5) To satellite television and broadband communication
15 services¹.

16 f. As used in this section:

17 ¹"Applicable bid threshold" means the dollar amount above
18 which a State agency is required to advertise for and receive sealed
19 bids in accordance with procedures set forth pursuant to law;¹

20 "Manufactured ¹[in the United States]" means, in the case of
21 assembled articles, material or supplies, components,
22 subcomponents, parts, and equipment used in manufacturing, that
23 all final assembly, processing, packaging, testing and any other
24 process that adds value, quality, or reliability occurs in the United
25 States] product" means a product that has been:

26 (1) Processed into a specific form and shape; or

27 (2) Combined with other raw material to create a material that
28 has different properties than the properties of the individual raw
29 materials;

30 "Products of the United States" means:

31 (1) In the case of a manufactured product that is comprised
32 predominantly of iron or steel, all manufacturing processes of the
33 product, from the initial melting through the application of coatings,
34 occurred in the United States; and

35 (2) In the case of a manufactured product that is not comprised
36 predominantly of iron or steel:

37 (a) The product has been mined, produced or manufactured in
38 the United States; and

39 (b) The cost of the product's components mined, produced or
40 manufactured in the United States exceeds 50 percent of the cost of
41 all of its components¹;

42 "Public work" means any public building, public highway,
43 bridge, or other public betterment, work or improvement of a
44 permanent nature, constructed, reconstructed, repaired or improved
45 at the expense of the public; and

1 “State agency” ¹shall have the meaning as set forth in section 1
2 of P.L.1991, c.507 (C.52:32-40) **means any of the principal**
3 **departments in the Executive Branch of the State Government, and**
4 **any division, board, bureau, office, commission or other**
5 **instrumentality within or created by that department, the Legislature**
6 **of the State and any office, board, bureau or commission within or**
7 **created by the Legislative Branch, and any independent State**
8 **authority, commission, instrumentality or agency, but not a county,**
9 **municipality or other political subdivision of the State¹.**

10

11 4. (New section) a. A public institution of higher education
12 shall make provisions in the specifications for all contracts of the
13 institution ¹above the applicable bid threshold¹ that include or
14 necessitate the procurement of articles, materials, goods,
15 equipment, or supplies, including contracts for public works, for
16 which the institution pays any part of the cost, that only such
17 products ¹that are¹ manufactured ¹in¹ or farm products of¹ the
18 United States be used to fulfill those contracts.

19 b. Products ¹that are¹ manufactured ¹in¹ or farm products of¹
20 the United States shall be specified and purchased unless the public
21 institution of higher education determines that any of the following
22 apply:

23 (1) ¹The products¹ There¹ are not manufactured ¹in¹ or farm
24 products of¹ the United States ¹in reasonably¹ available ¹in
25 reasonable¹ quantities; or

26 (2) The cost of buying ¹products¹ manufactured ¹in¹ or farm
27 products of¹ the United States is unreasonable. There is a
28 presumption of unreasonableness for ¹products¹ manufactured
29 ¹in¹ or farm products of¹ the United States that cost ¹25%¹ more
30 than 20%¹ above the fair market value for such products.

31 Any waiver proposed under this section shall be made public,
32 reported to the relevant State agencies, and posted publicly for a 30-
33 day comment period. If, after public notice and an opportunity for
34 public comment, it is decided to issue the waiver, the waiver, with
35 detailed justification including responses to any public comments,
36 shall, before the waiver takes effect, be posted prominently on a
37 public Internet website and made available upon request. ¹The¹
38 public institution of higher education granted such a waiver shall
39 work with other public institutions of higher education and State
40 agencies to create a plan to ensure the domestic supply of the
41 relevant products will be available in the future.¹

42 c. Each contract awarded by a public institution of higher
43 education on or after the effective date of P.L. , c. (C.)
44 (pending before the Legislature as this bill) shall contain the
45 contractor’s certification that procured products provided pursuant

1 to the contract or a subcontract shall be manufactured ¹~~in~~ or farm
2 products of¹ the United States.

3 d. If a contractor is awarded a contract subject to the provisions
4 of this section and knowingly supplies procured products under that
5 contract that are not manufactured ¹~~in~~ or farm products of¹ the
6 United States in violation of the provisions of this section, then:

7 (1) The contractor shall be barred from obtaining any contract
8 with a public institution of higher education, or any other public
9 body, including the State or any agency or political subdivision of
10 the State, for a period of three years after the violation is discovered
11 by the public institution of higher education;

12 (2) The public institution of higher education may void the
13 contract; and

14 (3) The public institution of higher education may recover
15 damages in a civil action in an amount ¹~~three~~ two¹ times any cost
16 to the institution caused by the violation or by any measures needed
17 to achieve compliance with the requirements of this section.

18 e. The provisions of this section requiring the purchase and use
19 of ¹~~products~~¹ manufactured ¹~~in~~ products of¹ the United States
20 shall not apply¹:

21 (1) At any time¹ to replacement parts or components for¹, or
22 modifications of,¹ equipment ¹or systems¹ provided under a
23 contract approved prior to the effective date of P.L. , c. (C.)
24 (pending before the Legislature as this bill) ¹~~or~~¹;

25 (2) At any time¹ to replacement parts or components for¹, or
26 modifications of,¹ any equipment ¹or systems¹ for which a waiver
27 was provided under the provisions of this section¹; or

28 (3) To information technology, telecommunications, electronic,
29 digital, computing, or other sophisticated technology articles,
30 materials or supplies that are generally imported into the United
31 States fully assembled;

32 (4) To any product approved or legally marketed under the
33 Federal Food, Drug and Cosmetic Act (Title 21 U.S.C. 301 et seq.)
34 or section 351 of the Public Health Service Act (Title 42 U.S.C.
35 262); or

36 (5) To satellite television and broadband communication
37 services¹.

38 f. As used in this section:

39 ¹"Applicable bid threshold" means the dollar amount above
40 which a public institution of higher education is required to
41 advertise for and receive sealed bids in accordance with procedures
42 set forth pursuant to law;¹

43 "Manufactured ¹~~in~~ the United States" means, in the case of
44 assembled articles, material or supplies, components,
45 subcomponents, parts, and equipment used in manufacturing, that
46 all final assembly, processing, packaging, testing and any other

1 process that adds value, quality, or reliability occurs in the United
2 States] product” means a product that has been:

- 3 (1) Processed into a specific form and shape; or
4 (2) Combined with other raw material to create a material that
5 has different properties than the properties of the individual raw
6 materials;

7 “Products of the United States” means:

8 (1) In the case of a manufactured product that is comprised
9 predominantly of iron or steel, all manufacturing processes of the
10 product, from the initial melting through the application of coatings,
11 occurred in the United States; and

12 (2) In the case of a manufactured product that is not comprised
13 predominantly of iron or steel:

14 (a) The product has been mined, produced or manufactured in
15 the United States; and

16 (b) The cost of the product’s components mined, produced or
17 manufactured in the United States exceeds 50 percent of the cost of
18 all of its components¹;

19 “Public institution of higher education” shall have the meaning
20 as set forth in N.J.S.18A:72A-3; and

21 “Public work” means any public building, public highway,
22 bridge, or other public betterment, work or improvement of a
23 permanent nature, constructed, reconstructed, repaired or improved
24 at the expense of the public.

25

26 5. (New section) a. The Legislature finds that there is
27 widespread concern that public contracts and economic
28 development assistance financed by the taxpayers of the State are
29 being given to companies that send work outside of the United
30 States. Business, labor, and government leaders recognize the need
31 for an objective and thorough study of the extent to which public
32 contracts and projects financed by taxpayers are being performed
33 outside the United States, and the impact of this practice on the
34 State’s economy. Therefore, the Legislature finds it necessary to:

35 (1) Require bidders for public contracts and applicants for
36 development assistance to disclose where the contract or project
37 will be performed;

38 (2) Compile this data and make it available for public review
39 and comment; and

40 (3) Study the impact on the State’s economy of taxpayer-
41 financed contracts and projects being performed outside the United
42 States.

43 b. Each vendor submitting a bid or contract to provide services
44 and all development assistance applicants shall certify where the
45 services covered by the bid, contract, or development assistance
46 will be performed. Each vendor with a contract, each
47 subcontractor, and each recipient of development assistance, in

1 effect on the effective date of P.L. , c. (C.) (pending before the
2 Legislature as this bill), notwithstanding any other requirements
3 that have been imposed, shall certify where the services covered by
4 the bid, contract, or development assistance are being performed;
5 and disclose the name and headquarters location of its parent
6 company.

7 c. The joint legislative task force, established under subsection
8 e. of this section, shall create and maintain a comprehensive
9 database of contract awards and development assistance provided
10 by all State agencies that includes, but is not limited to, the
11 information included in this section.

12 d. The State shall conduct a study that includes, but need not be
13 limited to, an evaluation of the following:

14 (1) The extent to which current public contracts, and any
15 subcontracts under such contracts, are being performed outside of
16 the United States and products and materials necessary in
17 connection with the contracts are obtained outside of the United
18 States;

19 (2) The extent to which the performance of public contracts in
20 whole or in part in other countries results in the creation or loss of
21 family-wage or other jobs in the State;

22 (3) The extent to which public contracts being performed in
23 whole or in part in other countries creates a need for adjustment
24 assistance and retraining programs to ensure the State's business
25 climate, its employers, and its workers remain competitive globally;

26 (4) The extent to which public contracts performed at locations
27 outside the United States involve a risk of unauthorized use or
28 disclosure of personal information, as well as a review of applicable
29 State and federal laws regarding the privacy of personal
30 information;

31 (5) The economic costs and benefits of awarding public
32 contracts, and any subcontracts under such contracts, to New Jersey
33 companies;

34 (6) The applicability of international trade agreements and
35 federal law to State procurement policies;

36 (7) The extent to which legislative authority over State
37 procurement is adequately protected, including the ability of State
38 agencies to adequately supervise the performance of contracts when
39 all or a portion of the work is performed in a country other than the
40 United States; and

41 (8) The reason New Jersey businesses choose to locate
42 operations outside the United States.

43 e. The study shall be conducted by a joint task force of the
44 Senate and the General Assembly consisting of the following: two
45 members of the General Assembly to be appointed by the Speaker
46 of the General Assembly; two members of the General Assembly to
47 be appointed by the General Assembly Minority Leader; two

1 members of the Senate to be appointed by the Senate Majority
2 Leader; and two members of the Senate to be appointed by the
3 Senate Minority Leader.

4 f. The joint task force shall consult with and be advised and
5 monitored by an advisory committee consisting of seven members:
6 three members representing labor, appointed jointly by the
7 President of the Senate and the Speaker of the General Assembly,
8 from a list of names recommended by a Statewide organization
9 representing a cross-section of organized labor in the State; three
10 members representing business, one of whom shall represent small
11 business, appointed jointly by the President of the Senate and the
12 Speaker of the General Assembly, from a list of names
13 recommended by a Statewide organization of employers
14 representing a cross-section of employers of the State, and one
15 member representing the public.

16 g. The information maintained in the comprehensive database
17 outlined above shall be made available online to the Legislature and
18 the public.

19 h. The findings and recommendations of the joint task force
20 shall be reported in writing annually to the Legislature, with the
21 first report to be submitted within 14 months following the effective
22 date of P.L. , c. (C.) (pending before the Legislature as this
23 bill). In addition to filing each report with the Legislature, the joint
24 task force shall make each report available to the public on the
25 Legislature's Internet homepage.

26 i. As used in this section:

27 "Parent company" means any person, association, corporation,
28 joint venture, partnership, or other entity that owns or controls 50
29 percent or more of a recipient corporation;

30 "Development assistance" means any form of public assistance,
31 including tax expenditures, made for the purpose of stimulating
32 economic development of a corporation, industry, geographic
33 jurisdiction, or any other sector of the State's economy, including,
34 but not limited to, industrial development bonds, training grants,
35 loans, loan guarantees, enterprise zones, empowerment zones, tax
36 increment financing, fee waivers, land price subsidies,
37 infrastructure whose principal beneficiary is a single business or
38 defined group of businesses at the time it is built or improved,
39 matching funds, tax abatements, tax credits, and tax discounts of
40 every kind, including corporate franchise, personal income, sales
41 and compensating use, raw materials, real property, job creation,
42 individual investment, excise, utility, inventory, accelerated
43 depreciation, and research and development tax credits and
44 discounts;

45 "Public body" means the State or any county, municipality,
46 school district, authority or other political subdivision of the State;
47 and

1 “Public contract” means a contract between a public body and a
2 private entity for the private entity to provide goods or services,
3 including public work.

4

5 6. ¹The following sections are repealed:

6 R.S.52:32-1; and¹

7 R.S.52:33-1 through R.S.52:33-4 ¹**【are repealed】¹**.

8

9 7. This act shall take effect immediately.