

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

**STATE OF NEW JERSEY  
212th LEGISLATURE**

ADOPTED MAY 17, 2007

**Sponsored by:**

**Assemblyman JOHN J. BURZICHELLI**

**District 3 (Salem, Cumberland and Gloucester)**

**Assemblyman JEFF VAN DREW**

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

**Assemblyman JOSEPH VAS**

**District 19 (Middlesex)**

**Assemblyman UPENDRA J. CHIVUKULA**

**District 17 (Middlesex and Somerset)**

**Co-Sponsored by:**

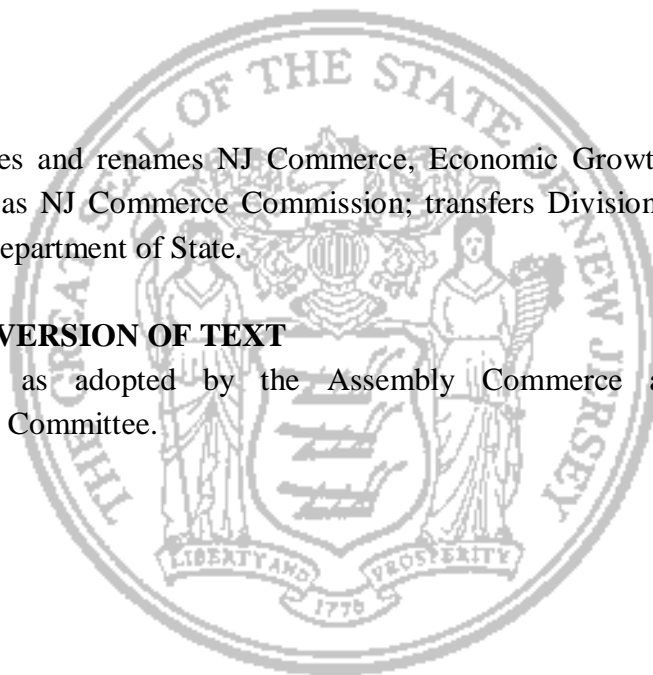
**Assemblywoman Lampitt, Assemblyman Thompson and Assemblywoman  
Handlin**

**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**

Substitute as adopted by the Assembly Commerce and Economic Development Committee.



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

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

Matter underlined thus is new matter.

1 Legislature containing an evaluation of the preceding year's  
2 activities and developments in tourism and the revisions  
3 recommended in the master plan.

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

19

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

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

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

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

28 "Department" means the Department of State.

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

31 "Division" means the Division of Travel and Tourism in the  
32 [New Jersey Commerce, Economic Growth and Tourism  
33 Commission] Department of State.

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

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

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

46 (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  
2 read 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;

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

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

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

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

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

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

45 (2) The term of appointment, as a member of the council, of an  
46 elected local official appointed pursuant to paragraph 4 of  
47 subsection a. of this section shall be the same as the term of office,

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

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

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

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

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

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

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

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

30

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

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

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

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

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

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

1   **【commission】** division for tourism promotion to the Governor, the  
2   President of the Senate, the Speaker of the General Assembly, the  
3   Senate Wagering, Tourism and Historic Preservation Committee  
4   and the Assembly Tourism and Gaming Committee, or their  
5   successors. The report shall include, but not be limited to, the  
6   following information:

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

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

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

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

1 Commerce and Economic Growth Commission】 Department of  
2 State, in consultation with the Pinelands Commission as it affects  
3 the pinelands area designated pursuant to section 10 of P.L.1979,  
4 c.111 (C.13:18A-11), and in consultation with the Highlands Water  
5 Protection and Planning Council as it affects the Highlands Region  
6 designated pursuant to section 7 of P.L.2004, c.120 (C.13:20-7),  
7 shall establish a natural resources inventory, using the Geographic  
8 Information System, for the purpose of encouraging ecologically  
9 based tourism and recreation in New Jersey. This inventory shall  
10 contain information on New Jersey's natural, historic, and  
11 recreational resources, and shall include, to the greatest extent  
12 possible, but need not be limited to, federal, State, county and local  
13 parks, wildlife management areas, hatcheries, natural areas, historic  
14 sites, State forests, recreational areas, ecological and biological  
15 study sites, reservoirs, marinas, boat launches, campgrounds,  
16 waterfront access points, winter sports recreation areas, and national  
17 wildlife refuges.  
18 (cf: P.L.2004, c.120, s.48)

19

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

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

41 b. The New Jersey legislative and administrative agency  
42 members of the committee, and the members from Rutgers  
43 University and the Stevens Institute of Technology, or their  
44 designees, shall serve ex officio. The private citizen member of the  
45 committee appointed by the Governor of New Jersey shall serve at  
46 the pleasure of the Governor. Vacancies in the appointed positions

1 on the committee shall be filled in the same manner as the original  
2 appointments were made.

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

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

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

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

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

33 (cf: P.L.1993, c.57, s.3)  
34

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

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

40 a. the Secretary of State or designee;

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

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

45 (2) New Jersey Historical Commission;

46 (3) New Jersey Council of the Humanities;

47 (4) New Jersey Public Broadcasting Commission;

- 1 (5) Martin Luther King Commemorative Commission;
- 2 (6) Amistad Commission;
- 3 (7) Department of Education;
- 4 (8) **【Office】** Division of Travel and Tourism, **【New Jersey**  
5 **Commerce and Economic Growth Commission】** Department of  
6 State;
- 7 (9) Department of Community Affairs;
- 8 (10) Department of Transportation;
- 9 (11) Department of State, Office of Faith-based Initiatives; and
- 10 (12) any other State agency or instrumentality partnering,  
11 assisting or supporting the purposes of the foundation.

12 The State partner members of the board of trustees appointed  
13 pursuant to this subsection shall serve at the pleasure of the  
14 Secretary of State.

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

23 Five of the public members shall be appointed by the Secretary  
24 of State upon formation and incorporation of the foundation.  
25 Thereafter, at least four more public members shall be elected by  
26 the nonprofit cultural organizations which become members of the  
27 foundation, and the remaining public members shall be nominated  
28 by a nominating committee of the board of trustees and appointed  
29 by the board of trustees.

30 The term of office of each public member shall be three years,  
31 with each member continuing to serve upon expiration of the term  
32 until replaced. Three of the initial public members appointed by the  
33 Secretary of State and two of the public members initially elected  
34 by member organizations shall serve initial terms of two years.

35 Vacancies shall be filled and replacements made as provided in  
36 the bylaws of the foundation.

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

38

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

41 28. The center shall be managed by a Steering Committee  
42 comprised of the Commissioners of Community Affairs, Education,  
43 Health and Senior Services, Human Services, and Labor and  
44 Workforce Development; the Executive Directors of the  
45 Commission on Higher Education **【and】**, the State Employment and  
46 Training Commission; the **【Secretary and Chief】** Executive  
47 Officer **】** Director of the New Jersey Commerce **【**, Economic

1 Growth and Tourism] Commission; the Director of the Division of  
2 Vocational Rehabilitation Services; a director or member of a  
3 Workforce Investment Board as designated by the Executive  
4 Director of the State Employment and Training Commission; and a  
5 One-Stop Career Center operator as designated by the  
6 Commissioner of Labor and Workforce Development. The  
7 committee shall set policy for the operation of the center and shall  
8 have the authority to increase membership of the committee, as it  
9 deems necessary, to carry out the purposes of sections 25 through  
10 29 of P.L.2005, c.354 (C.34:1A-86 through C.34:1A-88).

11 (cf: P.L.2005, c.354, s.28)

12

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

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

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

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

4 The Governor shall appoint three alternate members of the  
5 authority, of which one alternate member (who shall not be a  
6 legislator) shall be appointed by the Governor upon the  
7 recommendation of the Senate President, and one alternate member  
8 (who shall not be a legislator) shall be appointed by the Governor  
9 upon the recommendation of the Speaker of the General Assembly;  
10 and one alternate member shall be appointed by the Governor, all  
11 for terms of three years. The chairperson may authorize an  
12 alternate member, in order of appointment, to exercise all of the  
13 powers, duties and responsibilities of such member, including, but  
14 not limited to, the right to vote on matters before the authority.

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

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

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 such  
44 hearing. Each member before entering upon his duties shall take  
45 and subscribe an oath to perform the duties of the office faithfully,  
46 impartially and justly to the best of his ability. A record of such  
47 oaths shall be filed in the office of the Secretary of State.

- 1       d. A chairperson shall be appointed by the Governor from the  
2 public members. The members of the authority shall elect from  
3 their remaining number a vice chairperson and a treasurer thereof.  
4 The authority shall employ an executive director who shall be its  
5 secretary and chief executive officer. The powers of the authority  
6 shall be vested in the members thereof in office from time to time  
7 and seven members of the authority shall constitute a quorum at any  
8 meeting thereof; provided, however, that the public member  
9 designated by the State Economic Recovery Board pursuant to the  
10 "Municipal Rehabilitation and Economic Recovery Act," P.L.2002,  
11 c.43 (C.52:27BBB-1 et al.) shall not count toward the quorum.  
12 Action may be taken and motions and resolutions adopted by the  
13 authority at any meeting thereof by the affirmative vote of at least  
14 seven members of the authority. No vacancy in the membership of  
15 the authority shall impair the right of a quorum of the members to  
16 exercise all the powers and perform all the duties of the authority.
- 17       e. Each member of the authority shall execute a bond to be  
18 conditioned upon the faithful performance of the duties of such  
19 member in such form and amount as may be prescribed by the  
20 Director of the Division of Budget and Accounting in the  
21 Department of the Treasury. Such bonds shall be filed in the office  
22 of the Secretary of State. At all times thereafter the members and  
23 treasurer of the authority shall maintain such bonds in full force and  
24 effect. All costs of such bonds shall be borne by the authority.
- 25       f. The members of the authority shall serve without  
26 compensation, but the authority shall reimburse its members for  
27 actual expenses necessarily incurred in the discharge of their duties.  
28 Notwithstanding the provisions of any other law, no officer or  
29 employee of the State shall be deemed to have forfeited or shall  
30 forfeit any office or employment or any benefits or emoluments  
31 thereof by reason of the acceptance of the office of ex officio  
32 member of the authority or any services therein.
- 33       g. Each ex officio member of the authority may designate an  
34 officer or employee of the member's department to represent the  
35 member at meetings of the authority, and each such designee may  
36 lawfully vote and otherwise act on behalf of the member for whom  
37 the person constitutes the designee. Any such designation shall be  
38 in writing delivered to the authority and shall continue in effect  
39 until revoked or amended by writing delivered to the authority.
- 40       h. The authority may be dissolved by act of the Legislature on  
41 condition that the authority has no debts or obligations outstanding  
42 or that provision has been made for the payment or retirement of  
43 such debts or obligations. Upon any such dissolution of the  
44 authority, all property, funds and assets thereof shall be vested in  
45 the State.
- 46       i. A true copy of the minutes of every meeting of the authority  
47 shall be forthwith delivered by and under the certification of the

1 secretary thereof to the Governor. No action taken at such meeting  
2 by the authority shall have force or effect until 10 days, Saturdays,  
3 Sundays, and public holidays excepted, after the copy of the  
4 minutes shall have been so delivered, unless during such 10-day  
5 period the Governor shall approve the same in which case such  
6 action shall become effective upon such approval. If, in that 10-day  
7 period, the Governor returns such copy of the minutes with veto of  
8 any action taken by the authority or any member thereof at such  
9 meeting, such action shall be null and void and of no effect. The  
10 powers conferred in this subsection i. upon the Governor shall be  
11 exercised with due regard for the rights of the holders of bonds and  
12 notes of the authority at any time outstanding, and nothing in, or  
13 done pursuant to, this subsection i. shall in any way limit, restrict or  
14 alter the obligation or powers of the authority or any representative  
15 or officer of the authority to carry out and perform in every detail  
16 each and every covenant, agreement or contract at any time made or  
17 entered into by or on behalf of the authority with respect to its  
18 bonds or notes or for the benefit, protection or security of the  
19 holders thereof.

20 j. On or before March 31 in each year, the authority shall make  
21 an annual report of its activities for the preceding calendar year to  
22 the Governor and the Legislature. Each such report shall set forth a  
23 complete operating and financial statement covering the authority's  
24 operations during the year. The authority shall cause an audit of its  
25 books and accounts to be made at least once in each year by  
26 certified public accountants and cause a copy thereof to be filed  
27 with the Secretary of State and the Director of the Division of  
28 Budget and Accounting in the Department of the Treasury.

29 k. The Director of the Division of Budget and Accounting in  
30 the Department of the Treasury and the director's legally authorized  
31 representatives are hereby authorized and empowered from time to  
32 time to examine the accounts, books and records of the authority  
33 including its receipts, disbursements, contracts, sinking funds,  
34 investments and any other matters relating thereto and to its  
35 financial standing.

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

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

41  
42 14. Section 2 of P.L.1996, c.25 (C.34:1B-113) is amended to  
43 read as follows:

44 2. As used in this act:

45 "Advanced computing" means a technology used in the  
46 designing and developing of computing hardware and software,  
47 including innovations in designing the full spectrum of hardware

1 from hand-held calculators to super computers, and peripheral  
2 equipment;

3 "Advanced computing 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 computing for the purpose of developing or providing  
7 products or processes for specific commercial or public purposes;

8 "Advanced materials" means materials with engineered  
9 properties created through the development of specialized  
10 processing and synthesis technology, including ceramics, high  
11 value-added metals, electronic materials, composites, polymers, and  
12 biomaterials;

13 "Advanced materials company" means a person with  
14 headquarters or base of operations located in New Jersey and  
15 engaged in the research, development, production, or provision of  
16 advanced materials for the purpose of developing or providing  
17 products or processes for specific commercial or public purposes;

18 "Biotechnology" means the continually expanding body of  
19 fundamental knowledge about the functioning of biological systems  
20 from the macro level to the molecular and sub-atomic levels, as  
21 well as novel products, services, technologies and sub-technologies  
22 developed as a result of insights gained from research advances  
23 which add to that body of fundamental knowledge;

24 "Biotechnology company" means a person with headquarters or  
25 base of operations located in New Jersey and engaged in the  
26 research, development, production, or provision or biotechnology  
27 for the purpose of developing or providing products or processes for  
28 specific commercial or public purposes, including, but not limited  
29 to, medical, pharmaceutical, nutritional, and other health-related  
30 purposes, agricultural purposes, and environmental purposes, or a  
31 person with headquarters or base of operations located in New  
32 Jersey and engaged in providing services or products necessary for  
33 such research, development, production, or provision;

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

42 "Commissioner" means the **【Chief】 Executive 【Officer and**  
43 **Secretary】** Director of the New Jersey Commerce **【and Economic**  
44 **Growth】** Commission;

45 "Department" means the New Jersey Commerce **【and Economic**  
46 **Growth】** Commission;

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

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

16      "Designated industry" means a business engaged in the field of  
17      biotechnology, pharmaceuticals, manufacturing, financial services  
18      or transportation and logistics, advanced computing, advanced  
19      materials, electronic device technology, environmental technology  
20      or medical device technology;

21      "Designated urban center" means an urban center designated in  
22      the State Development and Redevelopment Plan adopted by the  
23      State Planning Commission;

24      "Electronic device technology" means a technology involving  
25      microelectronics, semiconductors, electronic equipment, and  
26      instrumentation, radio frequency, microwave, and millimeter  
27      electronics, and optical and optic-related electrical devices, or data  
28      and digital communications and imaging devices;

29      "Electronic device technology company" means a person with  
30      headquarters or base of operations located in New Jersey and  
31      engaged in the research, development, production, or provision of  
32      electronic device technology for the purpose of developing or  
33      providing products or processes for specific commercial or public  
34      purposes;

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

42      "Full-time employee" means a person who is employed for  
43      consideration for at least thirty-five hours a week, or who renders  
44      any other standard of service generally accepted by custom or  
45      practice as full-time employment, whose wages are subject to  
46      withholding as provided in the "New Jersey Gross Income Tax  
47      Act," N.J.S.54A:1-1 et seq., and who is determined by the

1 commissioner to be employed in a permanent position according  
2 to criteria as the **【commissioner】** Board of Directors of the  
3 New Jersey Commerce Commission may prescribe. "Full-time  
4 employee" shall not include any person who works as an  
5 independent contractor or on a consulting basis for the business.  
6 "Full-time employee" shall not include a child, grandchild, parent,  
7 or spouse of an individual who has direct or indirect ownership of at  
8 least 5% of the profits, capital, or value of the business;

9 "Headquarters" of a business means the single location that  
10 serves as the national administrative center of the business, at which  
11 the primary office of the chief executive officer or chief operating  
12 officer of the business, as well as the offices of the management  
13 officials responsible for key businesswide functions such as  
14 finance, legal, marketing, and human resources, are located;

15 "High-technology business" means an advanced computing  
16 company, advanced materials company, electronic device  
17 technology company, environmental technology company or  
18 medical device technology company;

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

23 "Medical device technology company" means a person with  
24 headquarters or base of operations located in New Jersey and  
25 engaged in the research, development, production, or provision of  
26 medical device technology for the purpose of developing or  
27 providing products or processes for specific commercial or public  
28 purposes;

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

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

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

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

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

6 "Retained full-time job" means an eligible position that currently  
7 exists in New Jersey and is filled by a full-time employee but  
8 which, because of a relocation by the business, is at risk of being  
9 lost to another state or country. For the purposes of determining a  
10 number of retained full-time jobs, the eligible positions of the  
11 members of a "controlled group of corporations" as defined  
12 pursuant to section 1563 of the federal Internal Revenue Code of  
13 1986, 26 U.S.C. s.1563, shall be considered the eligible positions of  
14 a single employer; and

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

20  
21 15. Section 3 of P.L.1996, c.25 (C.34:1B-114) is amended to  
22 read as follows:

23 3. The Business Retention and Relocation Assistance Grant  
24 Program is hereby established as a program under the jurisdiction of  
25 the New Jersey Commerce **[and Economic Growth]** Commission  
26 and shall be administered by the **[Chief Executive Officer and**  
27 **Secretary of the]** New Jersey Commerce **[and Economic Growth]**  
28 Commission. The purpose of the program is to encourage economic  
29 development and job creation and to preserve jobs that currently  
30 exist in New Jersey but which are in danger of being relocated to  
31 premises outside of the State. To implement that purpose, and to  
32 the extent that funding for the program is available, the program  
33 may provide grants of tax credits but in no case shall the amount of  
34 an individual grant of tax credits exceed 80% of the projected State  
35 tax revenues from the retained full-time jobs covered by the project  
36 agreement of an applicant for a grant of tax credits.

37 (cf: P.L.2004, c.65, s.3)

38  
39 16. Section 19 of P.L.2004, c.65 (C.34:1B-185) is amended to  
40 read as follows:

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

44 "Eligible property" means machinery, equipment, furniture and  
45 furnishings, fixtures, and building materials, but "eligible property"  
46 shall not include "motor vehicles" as defined pursuant to section 2  
47 of P.L.1966, c.30 (C.54:32B-2), parts with a useful life of one year

1 or less, or tools or supplies used in connection with the eligible  
2 property;

3 "Headquarters" means the single location that serves as the  
4 national administrative center of a business, at which the primary  
5 office of the chief executive officer or chief operating officer of the  
6 business, as well as the offices of the management officials  
7 responsible for key businesswide functions such as finance, legal,  
8 marketing, and human resources, are located;

9 "Life sciences business" means a business engaged principally in  
10 the production of medical equipment, ophthalmic goods, medical or  
11 dental instruments, diagnostic substances, biopharmaceutical  
12 products; or physical and biological research; or biotechnology;

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

24 **["Secretary" means the Chief Executive Officer and Secretary of**  
25 **the New Jersey Commerce and Economic Growth Commission.]**  
26 (cf: P.L.2004, c.65, s.19)  
27

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

30 20. The **["secretary"]** New Jersey Commerce Commission shall  
31 establish and administer a program to approve the issuance of sales  
32 and use tax exemption certificates to qualifying businesses as  
33 specified in sections 19 through 22 of P.L.2004, c.65 (C.34:1B-185  
34 through C.34:1B-188). The receipts from the certificate holder's  
35 purchase of eligible property located or placed at the business  
36 location covered by the project approval within the period  
37 established pursuant to the terms and conditions of the project  
38 approval for the approved business location shall be exempt from  
39 the tax imposed under the "Sales and Use Tax Act," P.L.1966, c.30  
40 (C.54:32B-1 et seq.).  
41 (cf: P.L.2004, c.65, s.20)  
42

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

45 21. a. A business seeking to participate in the sales and use tax  
46 exemption certificate program established pursuant to sections 19  
47 through 22 of P.L.2004, c.65 (C.34:1B-185 through C.34:1B-188)

1 shall submit a project application to the [secretary] New Jersey  
2 Commerce Commission in such form as required by the [secretary]  
3 New Jersey Commerce Commission.

4 b. The location for the project shall be situated in designated  
5 Planning Area 1 or 2, as defined in the State Development and  
6 Redevelopment Plan adopted by the State Planning Commission;  
7 provided however, that a business project involving the renovation  
8 or expansion of an existing facility that is not located in designated  
9 Planning Area 1 or 2 may be eligible to participate in the program,  
10 at the determination of the secretary, if all other applicable criteria  
11 are satisfied.

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

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

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

30 (2) the business is a life sciences business or a manufacturing  
31 facility and the project is: constructing one or more new research  
32 and development facilities, constructing one or more new  
33 manufacturing facilities in this State, or relocating to a new  
34 headquarters in this State that will employ 250 or more full-time  
35 employees;

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

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

40 (b) be predominately a new manufacturing facility;

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

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

44 provided, that the new or substantially rehabilitated facility will  
45 house a minimum of 250 full-time employees. For the purposes of  
46 this subparagraph, "predominantly" means a majority of the  
47 employees housed in the new facility are engaged in that activity, or

1 a majority of the square footage of the new facility is used in that  
2 activity; or a majority of the total value of the investment made will  
3 be employed in that activity; or other measures of activity as may  
4 determined by the secretary that demonstrate that a critical  
5 concentration of research and development, manufacturing, or both,  
6 will occur at the new facility; or

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

10 d. For the purposes of determining a number of full-time  
11 employees pursuant to subsection c. of this section, the full-time  
12 employees of the members of a "controlled group of corporations"  
13 as defined pursuant to section 1563 of the federal Internal Revenue  
14 Code of 1986, 26 U.S.C. s.1563, shall be considered the employees  
15 of a single employer.

16 e. A project may be completed in up to two phases provided  
17 that it will be the national headquarters of a life sciences or  
18 manufacturing company, and will include a significant research and  
19 development, a significant manufacturing facility, or combination  
20 thereof if : (1) the first completed phase will house at least 200 full-  
21 time employees and the second phase will house at least 100  
22 additional employees; and (2) the project is pre-approved for phases  
23 and that all phases are completed within 30 months of project  
24 approval.

25 f. Upon approval of a project, the **【secretary】** Executive  
26 Director of the New Jersey Commerce Commission shall notify the  
27 Director of the Division of Taxation in the Department of the  
28 Treasury of the terms and conditions of the project approval and the  
29 director shall issue a certificate of exemption pursuant to the terms  
30 and conditions of the project approval. In general, the sales and use  
31 tax exemption certificate provided by sections 19 through 22 of  
32 P.L.2004, c.65 (C.34:1B-185 through C.34:1B-188) should not  
33 apply to purchases initiated by the business after the date that the  
34 temporary certificate of occupancy is issued, or in cases where no  
35 temporary certificate of occupancy is issued should not apply to  
36 purchases initiated by the business more than one year from the  
37 project commencement date; however, the duration of the certificate  
38 of exemption shall be pursuant to the terms and conditions of the  
39 project approval.

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

41  
42 19. Section 22 of P.L.2004, c.65 (C.34:1B-188) is amended to  
43 read as follows:

44 22. The **【secretary】** New Jersey Commerce Commission shall,  
45 after consultation with the Director of the Division of Taxation in  
46 the Department of the Treasury, adopt rules and regulations  
47 pursuant to the "Administrative Procedure Act," P.L.1968, c.410

1 (C.52:14B-1 et seq.) necessary to govern the proper conduct and  
2 operation of the program consistent with the provisions of sections  
3 19 through 22 of P.L.2004, c.65 (C.34:1B-185 through C.34:1B-  
4 188).

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

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

9 9. The commission shall:

10 a. Issue the New Jersey Unified Workforce Investment Plan  
11 pursuant to the provisions of the Workforce Investment Act of  
12 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 10 of  
13 this act;

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

17 c. Act to ensure the full participation of Workforce Investment  
18 Boards in the planning and supervision of local workforce  
19 investment systems. The commission shall be responsible to  
20 oversee and develop appropriate standards to ensure Workforce  
21 Investment Board compliance with State and federal law, the State  
22 plan, and other relevant requirements regarding membership,  
23 staffing, meetings, and functions;

24 d. Foster and coordinate initiatives of the Department of  
25 Education and Commission on Higher Education to enhance the  
26 contributions of public schools and institutions of higher education  
27 to the implementation of the State workforce investment policy;

28 e. Examine federal and State laws and regulations to assess  
29 whether those laws and regulations present barriers to achieving any  
30 of the goals of this act. The commission shall, from time to time as  
31 it deems appropriate, issue to the Governor and the Legislature  
32 reports on its findings, including recommendations for changes in  
33 State or federal laws or regulations concerning workforce  
34 investment programs or services, including, when appropriate,  
35 recommendations to merge other State advisory structures and  
36 functions into the commission;

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

40 g. Have the authority to enter into agreements with the head of  
41 each State department or commission which administers or funds  
42 education, employment or training programs, including, but not  
43 limited to, the Departments of Labor and Workforce Development,  
44 Community Affairs, Education, and Human Services and the  
45 Commission on Higher Education, the New Jersey Commerce [,  
46 Economic Growth and Tourism] Commission, and the Juvenile  
47 Justice Commission, which agreements are for the purpose of

1 assigning planning, policy guidance and oversight functions to each  
2 Workforce Investment Board with respect to any workforce  
3 investment program funded or administered by the State department  
4 or commission within the Workforce Investment Board's respective  
5 labor market area or local area, as the case may be; and

6 h. Establish guidelines to be used by the Workforce Investment  
7 Boards in performing the planning, policy guidance, and oversight  
8 functions assigned to the boards under any agreement reached by  
9 the commission with a department or commission pursuant to  
10 subsection g. of this section. The commission shall approve all  
11 local Workforce Investment Board plans that meet the criteria  
12 established by the commission for the establishment of One-Stop  
13 systems. The Department of Labor and Workforce Development  
14 shall approve the operational portion of the plans for programs  
15 administered by the department.

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

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

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

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

33 b. The 27-member council shall consist of the following ex  
34 officio members: the Commissioners of Labor and Workforce  
35 Development, Human Services, Education, Community Affairs and  
36 Corrections, the **【Secretary and Chief】 Executive 【Officer】**  
37 **Director** of the New Jersey Commerce **【, Economic Growth and**  
38 **Tourism】** Commission, the Executive Director of the Commission  
39 on Higher Education, and the Executive Director of the State  
40 Employment and Training Commission. The council shall also  
41 include one member of the Senate appointed by the President  
42 thereof and one member of the General Assembly appointed by the  
43 Speaker thereof, who shall serve during the two-year legislative  
44 session in which the appointment is made and who shall not be of  
45 the same political party; and 17 public members as follows: five  
46 public members appointed by the Governor including a member of  
47 a Workforce Investment Board literacy committee, a State or

1 national adult education expert and three representatives of the  
2 business community, at least one of whom shall represent a small  
3 business; six public members appointed by the President of the  
4 Senate including a student or former student who received adult  
5 literacy services and a representative from each of the following: a  
6 county college, a four-year institution of higher education, the State  
7 Library or a local library, a Department of Education-funded adult  
8 education provider of adult basic education programs, general  
9 educational development programs or English as a second language  
10 programs and a community-based organization which is an adult  
11 education provider; and six public members appointed by the  
12 Speaker of the General Assembly including a representative from  
13 each of the following: a vocational school providing adult academic  
14 education programs, a trade union, the New Jersey Network, the  
15 New Jersey Association of Lifelong Learning, the Literacy  
16 Volunteers of America and the New Jersey Education Association.

17 c. The public members shall serve for terms of three years, but  
18 of the public members first appointed, six shall serve a term of three  
19 years, six shall serve a term of two years and five shall serve a term  
20 of one year. Each member shall hold office for the term of  
21 appointment and until his successor is appointed and qualified. A  
22 member appointed to fill a vacancy occurring in the membership of  
23 the board for any reason other than the expiration of the term shall  
24 have a term of appointment for the unexpired term only. All  
25 vacancies shall be filled in the same manner as the original  
26 appointment. A member may be appointed for any number of  
27 successive terms. A member may be removed from office by the  
28 Governor, for cause, after a hearing and may be suspended by the  
29 Governor pending the completion of the hearing.

30 d. The members shall select annually a chairperson and a vice-  
31 chairperson, who shall be nongovernmental members of the council,  
32 and shall appoint an executive director. The executive director  
33 shall report to the chairperson of the council and be responsible for  
34 administering the daily operations of the council. The executive  
35 director shall serve in the State unclassified service. The council  
36 may call to its assistance and avail itself of the services of the  
37 employees of any State, county or municipal department, board,  
38 bureau, commission or agency as it may require and as may be  
39 available to it for its purposes.

40 e. Members of the council shall serve without compensation,  
41 but may be reimbursed for necessary expenses incurred in the  
42 performance of their duties as members, within the limits of funds  
43 appropriated or otherwise made available to the council for its  
44 purposes. Actions may be taken and motions and resolutions may  
45 be adopted by the council by an affirmative vote of a majority of  
46 the members.

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

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

3       2. The Council on Armed Forces and Veterans' Affairs  
4 established in the Department of Commerce and Economic  
5 Development pursuant to P.L.1983, c.61 (C.52:27H-45 et seq.) is  
6 hereby transferred to and established in the Department of Military  
7 and Veterans' Affairs. The council shall consist of 22 members:  
8 two to be appointed by the President of the Senate from the  
9 members thereof, no more than one of whom shall be from the same  
10 political party; two to be appointed by the Speaker of the General  
11 Assembly from the members thereof, no more than one of whom  
12 shall be from the same political party; the Adjutant General of the  
13 Department of Military and Veterans' Affairs, the **【Chief】**  
14 Executive **【Officer and Secretary】** Director of the New Jersey  
15 Commerce **【and Economic Growth】** Commission, the  
16 Commissioner of Education, the Commissioner of Environmental  
17 Protection, the Commissioner of Transportation, the State  
18 Treasurer, the Commissioner of Community Affairs, the  
19 Commissioner of Labor and Workforce Development, and the Chair  
20 of the New Jersey Commission on Higher Education, or their  
21 designees; and nine public members to be appointed by the  
22 Governor, with the advice and consent of the Senate. Eight of the  
23 public members shall be representatives of the community and  
24 business support groups for New Jersey's military installations and  
25 the United States Coast Guard training center. Each public member  
26 shall serve for a term of three years from the date of the member's  
27 appointment and until the member's successor is appointed and  
28 qualified. Vacancies resulting from causes other than by expiration  
29 of term shall be filled for the unexpired term only and shall be filled  
30 in the same manner as the original appointments were made.  
31 (cf: P.L.2005, c.40, s.1)

32  
33       23. Section 1 of P.L.1974, c.55 (C.52:14-15.107) is amended to  
34 read as follows:

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

41       Title  
42       Agriculture Department  
43       Secretary of Agriculture  
44       Children and Families Department  
45       Commissioner of Children and Families  
46       Community Affairs Department  
47       Commissioner of Community Affairs

1 Corrections Department  
 2 Commissioner of Corrections  
 3 Education Department  
 4 Commissioner of Education  
 5 Environmental Protection Department  
 6 Commissioner of Environmental Protection  
 7 Health and Senior Services Department  
 8 Commissioner of Health and Senior  
 9 Services  
 10 Human Services Department  
 11 Commissioner of Human Services  
 12 Banking and Insurance Department  
 13 Commissioner of Banking and Insurance  
 14 Labor and Workforce Development Department  
 15 Commissioner of Labor and Workforce Development  
 16 Law and Public Safety Department  
 17 Attorney General  
 18 Military and Veterans' Affairs Department  
 19 Adjutant General  
 20 Personnel Department  
 21 Commissioner of Personnel  
 22 State Department  
 23 Secretary of State  
 24 Transportation Department  
 25 Commissioner of Transportation  
 26 Treasury Department  
 27 State Treasurer  
 28 Members, Board of Public Utilities  
 29 Public Advocate Department  
 30 Public Advocate

31 **【Notwithstanding the provisions of this section to the contrary,**  
 32 **the Chief Executive Officer and Secretary of the New Jersey**  
 33 **Commerce and Economic Growth Commission shall receive such**  
 34 **salary as shall be fixed by the Governor pursuant to subsection b. of**  
 35 **section 8 of P.L.1998, c.44 (C.52:27C-68).】**  
 36 (cf: P.L.2006, c.47, s.189)  
 37

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

40 1. This act shall be known and may be cited as the "New Jersey  
 41 Commerce **【, Economic Growth and Tourism】** Commission Act."  
 42 (cf: P.L.2005, c.378, s.9)  
 43

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

46 2. The Legislature finds and declares that:

- 1       a. New Jersey is in a fierce competition for jobs and
- 2 businesses, not only with other states, but throughout the world; and
- 3       b. The State must do all it can to increase opportunities for
- 4 New Jersey citizens to enjoy economic success and prosperity; and
- 5       c. To attract business, New Jersey must think and act like a
- 6 business, by utilizing the best available personnel, without
- 7 consideration of political affiliation, selected on the basis of the
- 8 skills, ability and experience, needed to provide enhanced customer
- 9 service, and by responding to the needs of the business community
- 10 with flexibility and agility; and
- 11       d. Commerce and economic development are priorities for New
- 12 Jersey because success in these endeavors means the creation of
- 13 jobs for our citizens. As such, commerce and economic
- 14 development deserve a unique and dynamic role in our State
- 15 government; and
- 16       e. Because we soon will be entering the 21st century, New
- 17 Jersey must now boldly transform its economic development
- 18 mission to be market driven, mobile and responsive enough to the
- 19 future's challenges to empower New Jersey to undertake new
- 20 commercial and economic ventures as the economic engine of the
- 21 Northeast; and
- 22       f. The State and its citizens will benefit from a more sharply
- 23 focused economic development vision, in which the State's efforts
- 24 are coordinated under one organization, the New Jersey Commerce
- 25 [ , Economic Growth and Tourism] Commission, that coordinates
- 26 economic development activities for the State with all related
- 27 entities, including, but not limited to, the New Jersey Economic
- 28 Development Authority, the New Jersey Commission on Science
- 29 and Technology, the New Jersey Urban Enterprise Zone Authority,
- 30 the Motion Picture and Television Development Commission, and
- 31 the New Jersey Development Authority for Small Businesses,
- 32 Minorities' and Women's Enterprises; and
- 33       g. Just as the Legislature 25 years ago could not have predicted
- 34 the technological and business changes that have taken place since
- 35 then, this Legislature recognizes that it, too, cannot predict the
- 36 future and must, therefore, ensure that the New Jersey Commerce [ ,
- 37 Economic Growth and Tourism] Commission has the agility and
- 38 ability to retool its focus and priorities to ensure the State's
- 39 capability to respond to the technological and business changes yet
- 40 to come; and
- 41       h. Economic growth and prosperity are still the number one
- 42 priorities for our citizens, and by creating an innovative and
- 43 independent economic development entity, the New Jersey
- 44 Commerce [ , Economic Growth and Tourism] Commission, the
- 45 Legislature reaffirms that it is also a priority of government; and
- 46       i. The board of directors of the commission appointed pursuant
- 47 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.

1 Employees of the commission shall be enrolled in the Public  
2 Employees' Retirement System and shall be eligible to participate in  
3 the State Health Benefits Program established pursuant to the "New  
4 Jersey State Health Benefits Program Act," P.L.1961, c.49  
5 (C.52:14-17.25 et seq.). The commission may elect to provide  
6 health benefits for its employees through private insurance policies,  
7 hospital and medical service corporations, health maintenance  
8 organizations, or any other manner available for the provision of  
9 health benefits, provided that the types of benefits shall not provide  
10 less coverage than those benefits provided to other State employees.

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

15

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

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

20 a. The Governor, who shall be the Chair of the commission.  
21 The Governor may be represented by an official designee, whose  
22 name shall be filed with the commission.

23 b. The [Chief Executive Officer and Secretary of the  
24 commission, who shall hold cabinet-level rank and who shall be  
25 appointed by the Governor with the advice and consent of the  
26 Senate. The Chief Executive Officer and Secretary of the  
27 commission shall serve at the pleasure of the Governor during the  
28 Governor's term of office and until a successor is appointed and  
29 qualified, and shall receive such salary as shall be fixed by the  
30 Governor. The Chief Executive Officer and Secretary shall serve as  
31 an ex officio voting member of the commission and may be  
32 represented by an official designee, whose name shall be filed with  
33 the commission.

34 The person in office as the Commissioner of the Department of  
35 Commerce and Economic Development on the effective date of this  
36 act shall hold the office of the Chief Executive Officer and  
37 Secretary of the commission without the advice and consent of the  
38 Senate and shall serve at the pleasure of the Governor during the  
39 Governor's term of office and until a successor is appointed and  
40 qualified.

41 Whenever, in any law, rule, regulation, order, contract,  
42 document, judicial or administrative proceeding or otherwise,  
43 reference is made to the Commissioner of the Department of  
44 Commerce and Economic Development, the same shall mean and  
45 refer to the Chief Executive Officer and Secretary of the "New  
46 Jersey Commerce and Economic Growth Commission." State

1 Treasurer who shall serve ex-officio and may be represented by an  
2 official designee, whose name shall be filed with the commission.

3 c. One commissioner from each of the following departments  
4 who shall serve ex-officio: the Department of Environmental  
5 Protection; the Department of Labor and the Department of  
6 Transportation. These commissioners may be represented by an  
7 official designee, whose name shall be filed with the commission.

8 d. The chairman of the New Jersey Commission on Higher  
9 Education, who shall serve ex officio. This chairman may be  
10 represented by an official designee, whose name shall be filed with  
11 the commission.

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

26 f. Two additional members who shall be appointed by, and  
27 serve at the pleasure of, the Governor. The Governor is authorized  
28 to appoint one member upon the recommendation of the President  
29 of the Senate and one member upon the recommendation of the  
30 Speaker of the General Assembly.

31 g. One member of the Senate, to be appointed by the President  
32 of the Senate, and one member of the General Assembly, to be  
33 appointed by the Speaker of the General Assembly. These members  
34 are non-voting, advisory members, appointed solely for the purpose  
35 of developing and facilitating legislation to assist the commission in  
36 fulfilling its statutory mission, and may not exercise any of the  
37 executive powers delegated to the commission by law.

38 h. Any vacancies in the appointed membership of the  
39 commission occurring other than by expiration of term shall be  
40 filled in the same manner as the original appointment, but for the  
41 unexpired term only.

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

43  
44 31. (New section) The commission shall be under the  
45 supervision of an Executive Director, who shall receive such salary  
46 as shall be fixed by the commission and who shall be a person

1 qualified by training and experience to direct the work of the  
2 commission.

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 or the Chief Executive  
7 Officer and Secretary of the commission, the same shall mean and  
8 refer to the "New Jersey Commerce Commission."  
9

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

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

15 a. Administer the work of the commission;

16 b. Appoint and remove officers and other personnel employed  
17 within the commission, except as herein otherwise specifically  
18 provided;

19 c. Have authority to organize and maintain an administrative  
20 office and to assign to employment therein such secretarial, clerical  
21 and other assistants in the commission as the **【Chief】** Executive  
22 **【Officer and Secretary】** Director and the internal operations of the  
23 commission may require;

24 d. Perform, exercise and discharge the functions, powers and  
25 duties of the commission through such offices as may be established  
26 by this act or otherwise by law;

27 e. Organize the work of the commission in such organizational  
28 units, not inconsistent with the provisions of this act, as the **【Chief】**  
29 Executive **【Officer and Secretary】** Director may determine to be  
30 necessary for the efficient and effective operation of the  
31 commission;

32 f. **【Formulate and adopt rules and regulations for the efficient**  
33 **conduct of the work and general administration of the commission,**  
34 **its officers, and employees;】** (Deleted by amendment, P.L. \_\_, c. \_\_)  
35 (pending before the Legislature as this bill)

36 g. **【Institute or cause to be instituted such legal proceedings or**  
37 **processes as may be necessary to properly enforce and give effect to**  
38 **any of the powers or duties of the Chief Executive Officer and**  
39 **Secretary or the commission;】** (Deleted by amendment, P.L. \_\_,  
40 c. \_\_) (pending before the Legislature as this bill)

41 h. Make reports of the commission's operations, and such other  
42 reports, as the Governor shall from time to time request or as may  
43 be required by law;

44 i. Coordinate the activities of the commission and the several  
45 organizational units therein, in a manner designed to eliminate  
46 overlapping and duplicative functions;

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

1 which will encourage business attraction, expansion, and retention;  
 2 and] (Deleted by amendment, P.L. , c. )(pending before the  
 3 Legislature as this bill)

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

8  
 9 33. Section 12 of P.L.1998, c.44 (C.52:27C-72) is amended to  
 10 read as follows:

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

19  
 20 34. Section 13 of P.L.1998, c.44 (C.52:27C-73) is amended to  
 21 read as follows:

22 13. The commission shall have perpetual succession and shall  
 23 have the following powers:

24 a. To make, amend and repeal rules and bylaws for its own  
 25 governance and guidance not inconsistent with State and federal  
 26 law;

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

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

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

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

44 f. To exercise all of the powers, functions, and duties  
 45 previously exercised by the Department of Commerce and  
 46 Economic Development, except as herein provided pursuant to this  
 47 act;

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

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

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

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

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

32    (cf: P.L.1998, c.44, s.13)

33  
34    35. Section 19 of P.L.1998, c.44 (C.52:27C-79) is amended to  
35    read as follows:

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

45    b. The commission shall include, in the report required by  
46    subsection a. of this section, a description setting forth information  
47    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. Section 22 of P.L.1998, c.44 (C.52:27C-82) is amended to  
12 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. Section 25 of P.L.1998, c.44 (C.52:27C-85) is amended to  
45 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

1 transferred in but not of the Department of the Treasury, but  
2 notwithstanding this transfer, the New Jersey Commission on  
3 Science and Technology shall be independent of any supervision  
4 and control by the department or by any board or officer thereof.  
5 Notwithstanding the provisions of any law, rule, regulation or order  
6 to the contrary, the **【Chief Executive Officer and Secretary】** Board  
7 of Directors of the New Jersey Commerce Commission shall  
8 appoint the Executive Director of the New Jersey Commission on  
9 Science and Technology.

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

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

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

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

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

29

30 38. Section 26 of P.L.1998, c.44 (C.52:27C-86) is amended to  
31 read as follows:

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

43 b. Whenever, in any law, rule, regulation, order, contract,  
44 document, judicial or administrative proceeding or otherwise,  
45 reference is made to the Motion Picture and Television  
46 Development Commission, the same shall mean and refer to the

1 Motion Picture and Television Development Commission in but not  
2 of the Department of the Treasury.

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

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

13

14 39. Section 2 of P.L.2005, c.373 (C.52:27C-97) is amended to  
15 read as follows:

16 2. The Foundation for Technology Advancement shall be  
17 governed by a 23 member board of trustees who are appointed as  
18 follows:

19 a. The **【Chief】** Executive **【Officer and Secretary】** Director of  
20 the New Jersey Commerce **【and Economic Growth】** Commission;  
21 the Executive Director of the New Jersey Economic Development  
22 Authority; the Executive Director of the New Jersey Commission  
23 on Science and Technology; and the Chief Technology Officer in  
24 the Office of Information Technology; or their designees, all of  
25 whom shall serve ex officio;

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

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

45 Of the public members first appointed, four shall serve for a term  
46 of two years, four for a term of three years, four for a term of four  
47 years, and three for a term of five years.

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

6 The members shall elect a chair and vice chair from the  
7 membership of the board of trustees.

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

9  
10 40. Section 5 of P.L.2001, c.238 (C.52:27D-456) is amended to  
11 read as follows:

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

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

41 The terms of the voluntary members so appointed, after the  
42 initial appointments, shall be three years, and each member may be  
43 reappointed. The terms of initial appointments of the voluntary  
44 members shall be staggered so that the terms of 1/3 of the advisory  
45 board's voluntary members shall expire annually. The advisory  
46 board members who are not State employees shall be entitled to

1 reimbursement of their expenses incurred in connection with their  
2 duties on the advisory board.  
3 (cf: P.L.2005, c.284, s.1)  
4

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

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

9 (1) **【The Chief Executive Officer and Secretary of the New**  
10 **Jersey Commerce and Economic Growth Commission, who shall be**  
11 **chairman of the authority】** a person appointed by the Board of  
12 Directors of the New Jersey Commerce Commission, who shall be  
13 the chair of the authority;

14 (2) The Commissioner of the Department of Community  
15 Affairs;

16 (3) The Commissioner of the Department of Labor and  
17 Workforce Development;

18 (4) The State Treasurer; and

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

31 b. The public members of the authority shall serve for terms of  
32 five years, except that of the members first appointed, one shall  
33 serve for a term of one year, one shall serve for a term of two years,  
34 one shall serve for a term of three years, one shall serve for a term  
35 of four years, and one shall serve for a term of five years. Vacancies  
36 in the public membership shall be filled in the manner of the  
37 original appointments but for the unexpired terms.

38 c. An ex officio member of the authority may, from time to  
39 time, designate in writing to the authority an official within his  
40 respective department to attend and represent the department at the  
41 meetings of the authority from which the ex officio member is  
42 absent, and that designated representative shall be entitled to vote  
43 and otherwise act for the ex officio member at those meetings.

44 (cf: P.L.2001, c.347, s.7)  
45

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

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

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

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

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

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

37       c. (1) Retail sales of energy and utility service to a business  
38 facility located within a county that is designated for the 50% tax  
39 exemption under section 1 of P.L.1993, c.373 (C.54:32B-8.45) are  
40 exempt from the taxes imposed under the "Sales and Use Tax Act,"  
41 P.L.1966, c.30 (C.54:32B-1 et seq.); provided that the business  
42 certifies that it employs at least 50 people at that facility, at least  
43 50% of whom are directly employed in a manufacturing process,  
44 and provided that the energy and utility services are consumed  
45 exclusively at that facility.

46       (2) A business facility that meets the requirements of paragraph  
47 (1) of this subsection may file an application for the energy and

1 utility service sales tax exemption with the **【Chief Executive**  
2 **Officer and Secretary of the】** New Jersey Commerce **【, Economic**  
3 **Growth and Tourism】** Commission, **【who】** and the commission  
4 shall promulgate regulations and forms for that purpose. The  
5 **【Chief Executive Officer and Secretary of the】** New Jersey  
6 Commerce **【, Economic Growth and Tourism】** Commission shall  
7 process an application submitted under this paragraph within 20  
8 business days of receipt thereof. An exemption shall commence for  
9 a business upon notice of approval of its application and shall  
10 expire for any year in which the business fails to meet the  
11 requirements of paragraph (1) of this subsection. Upon approval,  
12 the **【Chief】** Executive **【Officer and Secretary】** Director of the New  
13 Jersey Commerce **【, Economic Growth and Tourism】** Commission  
14 shall provide prompt notice to the applicant and also shall provide  
15 prompt notice to the President of the Board of Public Utilities and  
16 to the Director of the Division of Taxation in the Department of the  
17 Treasury. The **【Chief】** Executive **【Officer and Secretary】** Director  
18 of the New Jersey Commerce **【, Economic Growth and Tourism】**  
19 Commission also shall provide the president and the director with  
20 an annual list of all businesses that have been approved under this  
21 subsection.

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

23

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

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

28 (1) Four members appointed by the Governor with the advice  
29 and consent of the Senate, for terms of four years, two of whom  
30 shall be representatives of the private sector with relevant business  
31 experience or background; one of whom shall be an individual who  
32 is knowledgeable in environmental protection, conservation and  
33 land use issues and one of whom shall be a labor representative  
34 with appropriate experience in workforce development and job  
35 training. Preference shall be given to professionals with a  
36 background in technology, finance, or real estate. At least two of  
37 the members shall be residents of Monmouth County. Not more  
38 than two of the members appointed by the Governor shall be  
39 members of the same political party;

40 (2) **【The Chief Executive Officer and Secretary】** A person  
41 appointed by the Board of Directors of the New Jersey Commerce  
42 **【, Economic Growth and Tourism】** Commission, ex officio and  
43 voting;

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

- 1 (a) a member of the board, or  
2 (b) a qualified person, who shall be nominated by the board,  
3 with relevant business experience or background;
- 4 (4) The mayors of Eatontown, Oceanport, and Tinton Falls, ex  
5 officio and voting; and
- 6 (5) A representative of Fort Monmouth, to be appointed by the  
7 Secretary of the United States Department of Defense, who shall be  
8 a non-voting member.
- 9 Each member appointed by the Governor and the member  
10 appointed by the Board of Chosen Freeholders shall hold office for  
11 the term of that member's appointment and until a successor shall  
12 have been appointed and qualified. A member shall be eligible for  
13 reappointment. Any vacancy in the membership occurring other  
14 than by expiration of term shall be filled in the same manner as the  
15 original appointment but for the unexpired term only.
- 16 b. Except for those members designated pursuant to paragraph  
17 (4) of subsection a. of this section and the person appointed by the  
18 Board of Directors of the New Jersey Commerce Commission, each  
19 ex officio member of the authority may designate an employee of  
20 the member's department or office to represent the member at  
21 meetings of the authority. The designee of an ex officio member  
22 may act on behalf of the member. The designation shall be in  
23 writing and shall be delivered to the authority and shall be effective  
24 until revoked or amended in writing to the authority.
- 25 c. Each member appointed by the Governor may be removed  
26 from office by the Governor for cause, after a public hearing, and  
27 may be suspended by the Governor pending the completion of that  
28 hearing. Each such member, before entering the duties of  
29 membership, shall take and subscribe an oath to perform those  
30 duties faithfully, impartially, and justly to the best of the person's  
31 ability. A record of those oaths shall be filed in the office of the  
32 Secretary of State.
- 33 d. The members of the authority shall elect a chairperson and  
34 vice-chairperson from among their members. The chairperson shall  
35 appoint a secretary and treasurer. The powers of the authority shall  
36 be vested in the voting members thereof in office from time to time;  
37 five voting members of the authority shall constitute a quorum, and  
38 the affirmative vote of five members shall be necessary for any  
39 action taken by the authority, except as provided under sections 7  
40 and 14 of P.L.2006, c.16 (C.52:27I-7 and 52:27I-14), or unless the  
41 bylaws of the authority shall require a larger number. No vacancy  
42 in the membership of the authority shall impair the right of a  
43 quorum to exercise all the rights and perform all the duties of the  
44 authority.
- 45 e. The members of the authority shall serve without  
46 compensation, but the authority may, within the limits of funds  
47 appropriated or otherwise made available for such purposes,

- 1 reimburse its members for necessary expenses incurred in the
- 2 discharge of their official duties.
- 3 f. No member, officer, employee or agent of the Fort
- 4 Monmouth Economic Revitalization Planning Authority shall have
- 5 an interest, either directly or indirectly, in any project, employment
- 6 agreement or any contract, sale, purchase, lease, or transfer of real
- 7 or personal property to which the Fort Monmouth Economic
- 8 Revitalization Planning Authority is a party.
- 9 g. The authority may be dissolved by act of the Legislature on
- 10 condition that the authority has no debts or obligations outstanding
- 11 or provision has been made for the payment, retirement,
- 12 termination, or assumption of its debts and obligations. Upon
- 13 dissolution of the authority, all property, funds, and assets thereof
- 14 shall be vested in the State.
- 15 h. A true copy of the minutes of every meeting of the authority
- 16 shall be forthwith delivered by and under the certification of the
- 17 secretary thereof to the Governor. No action taken at such meeting
- 18 by the authority shall have force or effect until 10 days, Saturdays,
- 19 Sundays, and public holidays excepted, after the copy of the
- 20 minutes shall have been so delivered, unless during such 10-day
- 21 period the Governor shall approve the same, in which case such
- 22 action shall become effective upon such approval. If, in that 10-day
- 23 period, the Governor returns such copy of the minutes with veto of
- 24 any action taken by the authority or any member thereof at such
- 25 meeting, such action shall be void.
- 26 i. Any and all proceedings, hearings or meetings of the
- 27 authority or any advisory committees established by the authority
- 28 shall be conducted in conformance with the "Open Public Meetings
- 29 Act," P.L.1975, c.231 (C. 10:4-6 et seq.).
- 30 j. Records of minutes, accounts, bills, vouchers, contracts or
- 31 other papers connected with or used or filed with the authority or
- 32 with any officer or employee acting for or in its behalf are declared
- 33 to be public records, and shall be open to public inspection in
- 34 accordance with P.L.1963, c. 73 (C. 47:1A-1 et seq.).
- 35 (cf: P.L.2006, c.16, s.6)
- 36
- 37 44. This act shall take effect immediately.