

P.L.2015, CHAPTER 194, *approved January 11, 2016*  
Senate, No. 3232 (*First Reprint*)

1 AN ACT authorizing certain tax credits under the Business  
2 Employment Incentive Program and amending <sup>1</sup>and  
3 supplementing<sup>1</sup> P.L.1996, c.26.  
4

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

8 1. Section 2 of P.L.1996, c.26 (C.34:1B-125) is amended to  
9 read as follows:

10 2. As used in sections 1 through 17 of P.L.1996, c.26  
11 (C.34:1B-124 et seq.) and in sections 9 through 11 of P.L.2003,  
12 c.166 (C.34:1B-139.1 through C.34:1B-139.3), unless a different  
13 meaning clearly appears from the context:

14 "Advanced computing" means a technology used in the  
15 designing and developing of computing hardware and software,  
16 including innovations in designing the full spectrum of hardware  
17 from hand-held calculators to super computers, and peripheral  
18 equipment **【;】**.

19 "Advanced computing company" means a person, whose  
20 headquarters or base of operations is located in New Jersey,  
21 engaged in the research, development, production, or provision of  
22 advanced computing for the purpose of developing or providing  
23 products or processes for specific commercial or public purposes  
24 **【;】**.

25 "Advanced materials" means materials with engineered  
26 properties created through the development of specialized  
27 processing and synthesis technology, including ceramics, high  
28 value-added metals, electronic materials, composites, polymers, and  
29 biomaterials **【;】**.

30 "Advanced materials company" means a person, whose  
31 headquarters or base of operations is located in New Jersey,  
32 engaged in the research, development, production, or provision of  
33 advanced materials for the purpose of developing or providing  
34 products or processes for specific commercial or public purposes  
35 **【;】**.

36 "Application year" means the grant year for which an eligible  
37 partnership submits the information required under section 8 of  
38 P.L.1996, c.26 (C.34:1B-131);

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SBA committee amendments adopted December 10, 2015.

1 "Authority" means the New Jersey Economic Development  
2 Authority created pursuant to section 4 of P.L.1974, c.80  
3 **[(C.34:1B-1 et seq.);] (C.34:1B-4).**

4 "Base years" means the first two complete calendar years  
5 following the effective date of an agreement **[:].**

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

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

22 "Bonds means bonds, notes, or other obligations issued by the  
23 authority pursuant to **[this act;] P.L.1996, c.26 (C.34:1B-124 et**  
24 **seq.).**

25 "Business" means a corporation; sole proprietorship; partnership;  
26 corporation that has made an election under Subchapter S of  
27 Chapter One of Subtitle A of the Internal Revenue Code of 1986, or  
28 any other business entity through which income flows as a  
29 distributive share to its owners; limited liability company; nonprofit  
30 corporation; or any other form of business organization located  
31 either within or outside this State. A grant received under **[this act]**  
32 **P.L.1996, c.26 (C.34:1B-124 et seq.)** by a partnership, Subchapter  
33 S-Corporation, or other **[such]** business entity shall be apportioned  
34 among the persons to whom the income or profit of the partnership,  
35 Subchapter S-Corporation, or other entity is distributed, in the same  
36 proportions as those in which the income or profit is distributed **[:].**

37 "Business employment incentive agreement" or "agreement"  
38 means the written agreement between the authority and a business  
39 proposing a project in this State in accordance with the provisions  
40 of **[this act] P.L.1996, c.26 (C.34:1B-124 et seq.)** which establishes  
41 the terms and conditions of a grant to be awarded pursuant to **[this**  
42 **act;] P.L.1996, c.26 (C.34:1B-124 et seq.).**

43 **["Department" means the New Jersey Commerce and Economic**  
44 **Growth Commission;]**

45 "Designated industry" means a business engaged in the field of  
46 biotechnology, pharmaceuticals, financial services **[or],**  
47 transportation and logistics, advanced computing, advanced

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

3 "Director" means the Director of the Division of Taxation **;**.

4 "Division" means the Division of Taxation in the Department of  
5 the Treasury **;**.

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

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

17 "Eligible partnership" means a partnership or limited liability  
18 company that is qualified to receive a grant as established in **[this**  
19 **act;** P.L.1996, c.26 (C.34:1B-124 et seq.).

20 "Eligible position" is a new full-time position created by a  
21 business in New Jersey or transferred from another state by the  
22 business under the terms and conditions set forth in **[this act]**  
23 P.L.1996, c.26 (C.34:1B-124 et seq.) during the base years or in  
24 subsequent years of a grant. In determining if positions are eligible  
25 positions, the authority shall give greater consideration to positions  
26 that average at least 1.5 times the minimum hourly wage during the  
27 term of an agreement authorized pursuant to **[this act]** P.L.1996,  
28 c.26 (C.34:1B-124 et seq.). For grants awarded on or after July 1,  
29 2003, eligible position includes only a position for which a business  
30 provides employee health benefits under a group health plan as  
31 defined under section 14 of P.L.1997, c.146 (C.17B:27-54), a health  
32 benefits plan as defined under section 1 of P.L.1992, c.162  
33 (C.17B:27A-17), or a policy or contract of health insurance  
34 covering more than one person issued pursuant to Article 2 of Title  
35 17B of the New Jersey Statutes. **["Eligible"]** An "eligible position"  
36 shall also **[includes]** include all current and future partners or  
37 members of a partnership or limited liability company created by a  
38 business in New Jersey or transferred from another state by the  
39 business pursuant to the conditions set forth in **[this act]** P.L.1996,  
40 c.26 (C.34:1B-124 et seq.) during the base years or in subsequent  
41 years of a grant. An "eligible position" shall also include a position  
42 occupied by a resident of this State whose position is relocated to  
43 this State from another state but who does not qualify as a "new  
44 employee" because prior to relocation **[his]** the resident's wages or  
45 **[his]** the resident's distributive share of income from a gain, from a  
46 loss or deduction, or **[his]** the resident's guaranteed payments or

1 any combination thereof, prior to the relocation, were not subject to  
2 income taxes imposed by the state or municipality in which the  
3 position was previously located. An "eligible position" shall also  
4 include a position occupied by a resident of another State whose  
5 position is relocated to this State but whose income is not subject to  
6 the New Jersey gross income tax pursuant to the "New Jersey Gross  
7 Income Tax Act," N.J.S.54A:1-1 et seq. An "eligible position" shall  
8 not include any position located within New Jersey, which, within a  
9 period either three months prior to the business' application for a  
10 grant under **[this act]** P.L.1996, c.26 (C.34:1B-124 et seq.) or six  
11 months after the date of application, ceases to exist or be located  
12 within New Jersey **[;]**.

13 "Employment incentive" means the amount of a grant, either in  
14 cash or in tax credits, determined pursuant to subsection a. of  
15 section 6 of **[this act;]** P.L.1996, c.26 (C.34:1B-129).

16 "Environmental technology" means assessment and prevention of  
17 threats or damage to human health or the environment,  
18 environmental cleanup, or the development of alternative energy  
19 sources **[;]**.

20 "Environmental technology company" means a person, whose  
21 headquarters or base of operations is located in New Jersey,  
22 engaged in the research, development, production, or provision of  
23 environmental technology for the purpose of developing or  
24 providing products or processes for specific commercial or public  
25 purposes **[;]**.

26 "Estimated tax" means an amount calculated for a partner in an  
27 eligible position equal to **[6.37%]** 6.37 percent of the lesser of  
28 **[(i)]**: a. the amount of the partner's net income from the eligible  
29 partnership that is sourced to New Jersey as reflected in Column B  
30 of the partner's Schedule NJK-1 of the application year less the  
31 amount of the partner's net income from the eligible partnership that  
32 is sourced to New Jersey as reflected in column B of the partner's  
33 Schedule NJK-1 in the foundation year **[;]**; or **[(ii)]** b. the net of all  
34 items of partnership income upon which tax has been paid as  
35 reflected on the partner's New Jersey Gross Income Tax return in  
36 the application year **[;]**.

37 "Foundation year" means the year immediately prior to the  
38 creation of the eligible position **[;]**.

39 "Full-time employee" means a person who is employed for  
40 consideration for at least 35 hours a week, or who renders any other  
41 standard of service generally accepted by custom or practice as full-  
42 time employment, whose wages are subject to withholding as  
43 provided in the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1  
44 et seq., and who is determined by the authority to be employed in a  
45 permanent position according to criteria it develops, or who is a  
46 partner of an eligible partnership, who works for the partnership for  
47 at least 35 hours a week, or who renders any other standard of

1 service generally accepted by custom or practice as full-time  
2 employment, and whose distributive share of income, gain, loss, or  
3 deduction, or whose guaranteed payments, or any combination  
4 thereof, is subject to the payment of estimated taxes, as provided in  
5 the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq.  
6 "Full-time employee" shall not include any person who works as an  
7 independent contractor or on a consulting basis for the business [;].

8 "Grant" means a business employment incentive grant as  
9 established in [this act;] P.L.1996, c.26 (C.34:1B-124 et seq.).

10 "Medical device technology" means a technology involving any  
11 medical equipment or product [(other], other than a pharmaceutical  
12 [product)] product, that has therapeutic value, diagnostic value, or  
13 both, and is regulated by the federal Food and Drug Administration  
14 [;].

15 "Medical device technology company" means a person, whose  
16 headquarters or base of operations is located in New Jersey,  
17 engaged in the research, development, production, or provision of  
18 medical device technology for the purpose of developing or  
19 providing products or processes for specific commercial or public  
20 purposes [;].

21 "Net income from the eligible partnership" means the net  
22 combination of a partner's distributive share of the eligible  
23 partnership's income, gain, loss, deduction, or guaranteed payments  
24 [;].

25 "New employee" means a full-time employee first employed in  
26 an eligible position on the project which is the subject of an  
27 agreement or who is a partner of an eligible partnership, who works  
28 for the partnership for at least 35 hours a week, or who renders any  
29 other standard of service generally accepted by custom or practice  
30 as full-time employment, and whose distributive share of income,  
31 gain, loss or deduction, or whose guaranteed payments, or any  
32 combination thereof, is subject to the payment of estimated taxes, as  
33 provided in the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1  
34 et seq.; except that [such] a New Jersey resident whose position is  
35 relocated to this State shall not be classified as a "new employee"  
36 unless [his] the employee's wages, or [his] the employee's  
37 distributive share of income from a gain, from a loss or deduction,  
38 or [his] the employee's guaranteed payments or any combination  
39 thereof, prior to the relocation, were subject to income taxes  
40 imposed by the state or municipality in which the position was  
41 previously located. "New employee" may also include an employee  
42 rehired or called back from a layoff during or following the base  
43 years to a vacant position previously held by that employee or to a  
44 new position established during or following the base years. "New  
45 employee" shall not include any employee who was previously  
46 employed in New Jersey by the business or by a related person as  
47 defined in section 2 of P.L.1993, c.170 (C.54:10A-5.5) if the

1 employee is transferred to the business, which is the subject of an  
2 agreement, unless the employee's position at **[his]** the employee's  
3 previous employer is filled by a new employee. "New employee"  
4 also shall not include a child, grandchild, parent, or spouse of an  
5 individual associated with the business who has direct or indirect  
6 ownership of at least **[15%]** 15 percent of the profits, capital, or  
7 value of the business. New employee shall also include an  
8 employee whose position is relocated to this State but whose  
9 income is not subject to the New Jersey gross income tax pursuant  
10 to the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq.  
11 **[;]**

12 "Partner" means a person who is entitled to either a distributive  
13 share of a partnership's income, gain, loss, or deduction, or  
14 guaranteed payments, or any combination thereof, by virtue of  
15 holding an interest in the partnership. "Partner" also includes a  
16 person who is a member of a limited liability company which is  
17 treated as a partnership, as provided in the "New Jersey Gross  
18 Income Tax Act," N.J.S.54A:1-1 et seq. **[;]**

19 "Refunding Bonds" means bonds, notes or other obligations  
20 issued to refinance bonds, notes or other obligations previously  
21 issued by the authority pursuant to the provision of **[this act;]**  
22 P.L.1996, c.26 (C.34:1B-124 et seq.).

23 "Residual withholdings" means for any period of time, the excess  
24 of the estimated cumulative withholdings for all executed  
25 agreements eligible for payments under **[this act]** P.L.1996, c.26  
26 (C.34:1B-124 et seq.) over the cumulative anticipated grant  
27 amounts **[;]**.

28 "Schedule NJK-1" means Schedule NJK-1 as the form existed for  
29 taxable year 1997 **[;]**.

30 "Withholdings" means the amount withheld by a business from  
31 the wages of new employees or estimated taxes paid by, or on  
32 behalf of, partners that are new employees, or any combination  
33 thereof, pursuant to the "New Jersey Gross Income Tax Act,"  
34 N.J.S.54A:1-1 et seq., and, if the new employee is an employee  
35 whose position has moved to New Jersey but whose income is not  
36 subject to the New Jersey gross income tax pursuant to  
37 N.J.S.54A:1-1 et seq., the amount of withholding that would occur  
38 if the employee were to move to New Jersey.

39 (cf: P.L.2003, c.166, s.1)

40

41 2. Section 6 of P.L.1996, c.26 (C.34:1B-129) is amended to  
42 read as follows:

43 6. a. The amount of the employment incentive awarded as a  
44 grant **[in]** by the authority shall either be awarded in cash or as a  
45 tax credit. In each case, the amount of the grant shall be not less  
46 than **[10%]** 10 percent and not more than **[50%]** 50 percent of the  
47 withholdings of the business, or not less than **[10%]** 10 percent and

1 not more than **【30%】** 30 percent of the estimated tax of the partners  
2 of an eligible partnership whether paid directly by the partner or by  
3 the eligible partnership on behalf of **【such】** the partner's account, or  
4 any combination thereof, and shall be subject to the provisions of  
5 sections 10 and 11 of **【this act】** P.L.1996, c.26 (C.34:1B-133 and  
6 C.34:1B-134). In no case shall the aggregate amount of the  
7 employment incentive grant awarded pursuant to a business  
8 employment incentive agreement entered into on or after July 1,  
9 2003 exceed an average of \$50,000 for all new employees over the  
10 term of the grant. The employment incentive shall be based on  
11 criteria developed by the authority after considering the following:

- 12 (1) The number of eligible positions to be created;
- 13 (2) The expected duration of those positions;
- 14 (3) The type of contribution the business can make to the long-  
15 term growth of the State's economy;
- 16 (4) The amount of other financial assistance the business will  
17 receive from the State for the project;
- 18 (5) The total dollar investment the business is making in the  
19 project;
- 20 (6) Whether the business is a designated industry;
- 21 (7) Impact of the business on State tax revenues; and
- 22 (8) Such other related factors determined by the authority.

23 b. A business may be eligible to be awarded a grant, either in  
24 cash or in tax credits, of up to **【80%】** 80 percent of the  
25 withholdings of the business or up to **【50%】** 50 percent of the  
26 estimated tax of the partners of an eligible partnership if the grant  
27 promotes smart growth and the goals, strategies, and policies of the  
28 State Development and Redevelopment Plan, established pursuant  
29 to section 5 of P.L.1985, c.398 (C.52:18A-200), as determined by  
30 and based upon criteria promulgated by the authority following  
31 consultation with the **【Department of Community Affairs,】** Office  
32 of **【Smart Growth】** State Planning in the Department of State.

33 c. The term of the grant shall not exceed 10 years.

34 d. At the discretion of the authority, the grant may apply to  
35 new employees or partners in eligible positions created during the  
36 base years, and during the remainder of the term of the grant.

37 e. Within 180 days of the date of enactment of P.L. ,  
38 c. (C. ) (pending before the Legislature as this bill), a  
39 business that was approved for a grant prior to the enactment of the  
40 P.L. , c. (C. ) (pending before the Legislature as this bill),  
41 may direct the authority to convert the grant to a tax credit against  
42 the tax liability otherwise due pursuant to section 5 of P.L.1945,  
43 c.162 (C.54:10A-5), sections 2 and 3 of P.L.1945, c.132 (C.54:18A-  
44 2 and 54:18A-3), section 1 of P.L.1950, c.231 (C.17:32-15), or  
45 N.J.S.17B:23-5. The direction to convert the grant to a tax credit  
46 shall be irrevocable. An approved tax credit shall be issued in the  
47 manner and for the amounts as follows and may only be applied in

1 the tax period for which they are issued and shall not be carried  
2 forward:

3 (1) For grants accrued but not paid during calendar years 2008  
4 through 2013, the tax credit shall be equal to an approved amount  
5 and shall be issued in five installments over a five year period  
6 beginning in the 2017 tax accounting or privilege period of the  
7 business or tax credit transferee in the following percentages: in  
8 year one, 30 percent of the accrued amount; in year two, 30 percent  
9 of the accrued amount; in year three, 20 percent of the accrued  
10 amount; in year four, 10 percent of the accrued amount; in year  
11 five, 10 percent of the accrued amount. To the extent any amount  
12 in this paragraph has not been approved by the authority by the  
13 commencement of State fiscal year 2017, the aggregate tax credit  
14 that would have been issued in State fiscal year 2017 shall be issued  
15 in the year the amount is approved and the five-year period shall  
16 commence in that fiscal year;

17 (2) For a grant accrued but not paid during calendar year 2014,  
18 the tax credit shall be equal to any approved amount and shall be  
19 issued in four equal installments over a four-year period beginning  
20 in the 2019 tax accounting or privilege period of the business or tax  
21 credit transferee;

22 (3) For a grant accrued but not paid during calendar year 2015,  
23 the tax credit shall be equal to any approved amount and shall be  
24 issued in four equal installments over a four-year period beginning  
25 in the 2019 tax accounting or privilege period of the business or tax  
26 credit transferee;

27 (4) For a grant accrued but not paid during calendar year 2016,  
28 the tax credit shall be equal to any approved amount and shall be  
29 issued in three equal installments over a three-year period  
30 beginning in the 2020 tax accounting or privilege period of the  
31 business or tax credit transferee;

32 (5) For a grant accrued but not paid during calendar year 2017,  
33 the tax credit shall be equal to any approved amount and shall be  
34 issued in three equal installments over a three-year period  
35 beginning in the 2020 tax accounting or privilege period of the  
36 business or tax credit transferee;

37 (6) For a grant accrued but not paid during calendar year 2018,  
38 the tax credit shall be equal to any approved amount and shall be  
39 issued in two equal installments over a two-year period beginning  
40 in the 2022 tax accounting or privilege period of the business or tax  
41 credit transferee;

42 (7) For a grant accrued but not paid during calendar year 2019,  
43 the tax credit shall be equal to any approved amount and shall be  
44 issued in two equal installments over a two-year period beginning  
45 in the 2022 tax accounting or privilege period of the business or tax  
46 credit transferee;

47 (8) For a grant accrued but not paid during calendar year 2020,  
48 the tax credit shall be equal to any approved amount and shall be



1 issued in two equal installments over a two-year period beginning  
2 in the 2023 tax accounting or privilege period of the business or tax  
3 credit transferee;

4 (9) For a grant accrued but not paid during calendar year 2021,  
5 the tax credit shall be equal to any approved amount and shall be  
6 issued in two equal installments over a two-year period beginning  
7 in the 2023 tax accounting or privilege period of the business or tax  
8 credit transferee;

9 (10) For a grant accrued but not paid during calendar year 2022,  
10 the tax credit shall be equal to any approved amount and shall be  
11 paid in two equal installments over a two-year period beginning in  
12 the 2023 tax accounting or privilege period of the business or tax  
13 credit transferee;

14 (11) For a grant accrued but not paid during calendar year 2023,  
15 the tax credit shall be equal to any approved amount and shall be  
16 issued in two equal installments over a two-year period beginning  
17 in the 2023 tax accounting or privilege period of the business or tax  
18 credit transferee;

19 (12) For a grant accrued but not paid during calendar year 2024,  
20 the tax credit shall be equal to any approved amount and shall be  
21 issued in the 2025 tax accounting or privilege period of the business  
22 or tax credit transferee; and

23 (13) For a grant accrued but not paid during calendar year 2025,  
24 the tax credit shall be equal to any approved amount and shall be  
25 issued in the 2025 tax accounting or privilege period of the business  
26 or tax credit transferee.

27 f. The amount of the credit allowed pursuant to this section  
28 shall be applied against the tax otherwise due under section 5 of  
29 P.L.1945, c.162 (C.54:10A-5), sections 2 and 3 of P.L.1945, c.132  
30 (C.54:18A-2 and C.54:18A-3), section 1 of P.L.1950, c.231  
31 (C.17:32-15), or N.J.S.17B:23-5, prior to all other credits and  
32 payments. If the credit exceeds the amount of tax liability  
33 otherwise due from a business that pays taxes under section 5 of  
34 P.L.1945, c.162 (C.54:10A-5), that amount of excess shall be an  
35 overpayment for the purposes of R.S.54:49-15, provided, however,  
36 that section 7 of P.L.1992, c.175 (C.54:49-15.1) shall not apply.

37 g. A business that does not pay taxes under section 5 of  
38 P.L.1945, c.162 (C.54:10A-5) sections 2 and 3 of P.L.1945, c.132  
39 (C.54:18A-2 and 54:18A-3), section 1 of P.L.1950, c.231 (C.17:32-  
40 15), or N.J.S.17B:23-5 may apply to the executive director of the  
41 authority for a tax credit transfer certificate, covering one or more  
42 years. The tax credit transfer certificate, upon receipt thereof by the  
43 business from the <sup>1</sup>['director and the']<sup>1</sup> executive director of the  
44 authority, may be sold or assigned, in full or in part, in an amount  
45 not less than \$100,000, or the amount of the refundable tax credit  
46 issued if less than \$100,000, of tax credits to any other person that  
47 may have a tax liability pursuant to section 5 of P.L.1945, c.162  
48 (C.54:10A-5), sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and

1 54:18A-3), section 1 of P.L.1950, c.231 (C.17:32-15), or  
2 N.J.S.17B:23-5. The tax credit transfer certificate provided to the  
3 business shall include a statement waiving the business's right to  
4 claim that amount of the credit against the taxes that the business  
5 has elected to sell or assign. The sale or assignment of any amount  
6 of a tax credit transfer certificate allowed under this section shall  
7 not be exchanged for consideration received by the business of less  
8 than <sup>1</sup>【90】 75<sup>1</sup> percent of the transferred credit amount before  
9 considering any further discounting to present value which shall be  
10 permitted. Any amount of a tax credit transfer certificate used by a  
11 purchaser or assignee against a tax liability shall be subject to the  
12 same privileges, limitations, and conditions that apply to the use of  
13 the credit by the business that originally applied for and was  
14 allowed the tax credit, including treating the amount of excess as an  
15 overpayment under subsection f. of this section. The tax credit  
16 transferee may not transfer its tax credit to any other party.

17 (cf: P.L.2003, c.166, s.4)

18  
19 3. Section 15 of P.L.1996, c.26 (C.34:1B-138) is amended to  
20 read as follows:

21 15. The **【New Jersey Commerce and Economic Growth**  
22 **Commission】** authority shall submit a report on the Business  
23 Employment Incentive Program to the Governor **【**, President of the  
24 Senate, and Speaker of the General Assembly**】** and, pursuant to  
25 section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature on or  
26 before October 31 of each year. The report shall include  
27 information on the number of agreements entered into during the  
28 preceding fiscal year, a description of the project under each  
29 agreement, the number of jobs created, new income tax revenue  
30 received from withholdings, amounts awarded as grants and an  
31 update on the status of projects under agreement before the  
32 preceding fiscal year.

33 (cf: P.L.2003, c.166, s.8)

34  
35 <sup>1</sup>4. Notwithstanding any provisions of the “Administrative  
36 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), to the  
37 contrary, the Executive Director of the New Jersey Economic  
38 Development Authority may adopt immediately upon filing with the  
39 Office of Administrative Law such rules and regulations as the  
40 executive director determines to be necessary and appropriate to  
41 effectuate the purposes of P.L. , c. (C. ) (pending before the  
42 Legislature as this bill), which rules and regulations shall be  
43 effective for a period not to exceed 360 calendar days following the  
44 effective date of P.L. , c. (C. ) (pending before the  
45 Legislature as this bill) and may thereafter be amended, adopted, or  
46 readopted by the executive director in accordance with the  
47 requirements of P.L.1968, c.410 (C.52:14B-1 et seq.).<sup>1</sup>

1       <sup>1</sup>**4.5**<sup>1</sup>. This act shall take effect immediately <sup>1</sup>**and be**  
2       operative as of January 1, 2016<sup>1</sup>.

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7       Allows businesses due to receive grant under Business  
8       Employment Incentive Program to receive tax credit instead of  
9       grant.