

[First Reprint]

ASSEMBLY, No. 3549

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED MARCH 5, 2018

Sponsored by:

Assemblywoman ELIANA PINTOR MARIN

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Assemblyman RAJ MUKHERJI

District 33 (Hudson)

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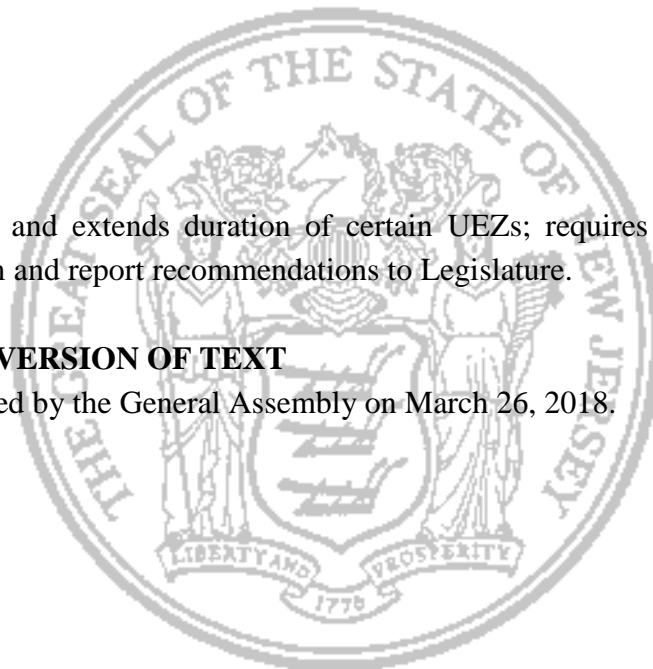
Assemblyman Chiaravalloti, Assemblywoman Quijano, Assemblymen Karabinchak, Burzichelli, Assemblywomen McKnight, Tucker, Assemblyman Holley, Assemblywomen Timberlake, Reynolds-Jackson, Assemblyman Houghtaling and Assemblywoman Downey

SYNOPSIS

Reinstates and extends duration of certain UEZs; requires DCA to study UEZ program and report recommendations to Legislature.

CURRENT VERSION OF TEXT

As amended by the General Assembly on March 26, 2018.



(Sponsorship Updated As Of: 4/13/2018)

1 AN ACT concerning urban enterprise zones, amending P.L.1983,
2 c.303 and P.L.2001, c.347, and supplementing Title 52 of the
3 Revised Statutes.

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

7
8 1. Section 7 of P.L.1983, c.303 (C.52:27H-66) is amended to
9 read as follows:

10 7. The authority shall designate enterprise zones from among
11 those areas of qualifying municipalities determined to be eligible
12 pursuant to P.L.1983, **[s.]** c.303 (C.52:27H-60 et seq.). No more
13 than 32 enterprise zones shall be in effect at any one time. No more
14 than one enterprise zone shall be designated in any one
15 municipality. **[Except as otherwise provided by section 11 of**
16 **P.L.2001, c.347 (C.52:27H-66.6), any designation granted shall be**
17 **for a period of 20 years, beginning with the year in which a zone is**
18 **eligible for an exemption to the extent of 50% of the tax imposed**
19 **under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et**
20 **seq.), and shall not be renewed at the end of that period.]** In
21 designating enterprise zones the authority shall seek to avoid
22 excessive geographic concentration of zones in any particular
23 region of the State. At least six of the 10 additional enterprise
24 zones authorized pursuant to section 3 of P.L.1993, c.367 shall be
25 located in counties in which enterprise zones have not previously
26 been designated and shall be designated within 90 days of the date
27 of the submittal of an application and zone development plan. The
28 authority shall accept applications within 90 days of the effective
29 date of P.L.1993, c.367. Notwithstanding the provisions of
30 P.L.1983, c.303 (C.52:27H-60 et seq.) to the contrary, the six
31 additional enterprise zones to be designated by the authority
32 pursuant to the criteria for priority consideration in this section shall
33 be entitled to an exemption to the extent of **[50%]** 50 percent of the
34 tax imposed under the "Sales and Use Tax Act," P.L.1966, c.30
35 (C.54:32B-1 et seq.). The following criteria shall be utilized in
36 according priority consideration for designation of these zones by
37 the authority:

38 a. One zone shall be located in a county of the second class
39 with a population greater than 595,000 and less than 675,000
40 according to the latest federal decennial census and shall be located
41 in the qualifying municipality in that county with the highest annual
42 average number of unemployed persons and the highest average
43 annual unemployment rate for the 1992 calendar year according to

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:

¹Assembly floor amendments adopted March 26, 2018.

1 the estimate by the State Department of Labor and Workforce
2 Development;

3 b. Two zones shall be located in a county of the second class
4 with a population greater than 445,000 and less than 455,000
5 according to the latest federal decennial census, one of which shall
6 be located in the qualifying municipality in that county with the
7 highest annual average number of unemployed persons and the
8 highest average annual unemployment rate for the 1992 calendar
9 year according to the estimate by the State Department of Labor and
10 Workforce Development, and one of which shall be located in the
11 qualifying municipality in that county with the second highest
12 annual average number of unemployed persons and the second
13 highest average annual unemployment rate for the 1992 calendar
14 year according to the estimate by the State Department of Labor and
15 Workforce Development;

16 c. One zone shall be located in a county of the third class with
17 a population greater than 84,000 and less than 92,000 according to
18 the latest federal decennial census and shall be located in the
19 qualifying municipality in that county with the highest annual
20 average number of unemployed persons and the highest average
21 annual unemployment rate for the 1992 calendar year according to
22 the estimate by the State Department of Labor and Workforce
23 Development;

24 d. One zone shall be located within two noncontiguous
25 qualifying municipalities but comprised of not more than two
26 noncontiguous areas each having a continuous border, if:

27 (1) both municipalities are located in the same county which
28 shall be a county of the fifth class with a population greater than
29 500,000 and less than 555,000 according to the latest federal
30 decennial census;

31 (2) the two municipalities submit a joint application and zone
32 development plan; and

33 (3) each of the municipalities has a population greater than
34 16,000 and less than 30,000 and a population density of more than
35 5,000 persons per square mile, according to the latest federal
36 decennial census; and

37 e. One zone shall be located within a municipality having a
38 population greater than 38,000 and less than 46,000 according to
39 the latest federal decennial census if the municipality is located
40 within a county of the fifth class with a population greater than
41 340,000 and less than 440,000 according to the latest federal
42 decennial census.

43 (cf: P.L.2004, c.75, s.2)

44

45 2. Section 11 of P.L.2001, c.347 (C.52:27H-66.6) is amended
46 to read as follows:

47 11. a. Notwithstanding the provisions of any law, rule,
48 regulation, or order to the contrary, the designation of an enterprise

1 zone by the authority pursuant to P.L.1983, c.303 (C.52:27H-60 et
2 seq.), which is located in a municipality in which the annual
3 average of unemployed persons is equal to or greater than 2,000, or
4 the municipal average annual unemployment rate exceeds the State
5 average annual unemployment rate, or an enterprise zone which is
6 located in a municipality contiguous to a municipality in which an
7 enterprise zone is designated pursuant to P.L.1983, c.303
8 (C.52:27H-60 et seq.) and in which the annual average of
9 unemployed persons is equal to or greater than 2,000 or the
10 municipal average annual unemployment rate exceeds the State
11 average annual unemployment rate, shall, following the expiration
12 of the third five-year period during which the State shall have
13 collected reduced rate revenues within the zone as provided in
14 subsection c. of section 21 of P.L.1983, c.303 (C.52:27H-80), be
15 extended by the authority **【, on a one-time basis,】** for a period of 16
16 years, within 90 days after the effective date of P.L.2001, c.347
17 (C.52:27H-66.2 et al.), or within 90 days after the expiration of that
18 third five-year period, whichever is later.

19 b. During the 90-day period provided for in subsection a. of
20 this section, the authority shall notify all qualified businesses in the
21 enterprise zone that the benefits authorized by sections 16 through
22 20 of P.L.1983, c.303 (C.52:27H-75 through C.52:27H-79) shall be
23 extended to qualified businesses in the enterprise zone commencing
24 with the designation of the extended enterprise zone and continuing
25 as long as a zone retains its designation as an extended enterprise
26 zone.

27 c. Notwithstanding **【any other】** the provisions of any law, rule,
28 or regulation to the contrary, 90 days after the expiration of the
29 period provided for in subsection c. of section 21 of P.L.1983, c.303
30 (C.52:27H-80), except as provided in subsection b. of section 6 of
31 P.L.1996, c.124 (C.13:1E-116.6), and after first depositing 10
32 percent of the gross amount of all revenues received from the
33 taxation of retail sales made by certified vendors from business
34 locations in an extended enterprise zone designated pursuant to
35 subsection a. of this section, to which this exemption shall apply
36 into the account created in the name of the authority in the
37 enterprise zone assistance fund established pursuant to section 29 of
38 P.L.1983, c.303 (C.52:27H-88), the remaining 90 percent shall be
39 deposited immediately upon collection by the Department of the
40 Treasury, as follows:

41 (1) In the first five-year period, during which the State shall
42 have collected reduced rate revenues within the extended enterprise
43 zone, **【all such】** those revenues shall be deposited in the enterprise
44 zone assistance fund **【created pursuant to section 29 of P.L.1983,**
45 **c.303 (C.52:27H-88)】**;

46 (2) In the second five-year period during which the State shall
47 have collected reduced rate revenues within the extended enterprise

1 zone, 66 **[2/3%]** and 2/3 percent of **[all]** those revenues shall be
2 deposited in the enterprise zone assistance fund, and 33 **[1/3%]** and
3 1/3 percent shall be deposited in the General Fund;

4 (3) In the third five-year period during which the State shall
5 have collected reduced rate revenues within the extended enterprise
6 zone, 33 **[1/3%]** and 1/3 percent of **[all]** those revenues shall be
7 deposited in the enterprise zone assistance fund, and 66 **[2/3%]** and
8 2/3 percent shall be deposited in the General Fund;

9 (4) In the **[final]** sixteenth year during which the State shall
10 have collected reduced rate revenues within the extended enterprise
11 zone, but not to exceed the life of the enterprise zone, **[all]** those
12 revenues shall be deposited in the General Fund.

13 The revenues required to be deposited in the enterprise zone
14 assistance fund **[under]** pursuant to this section shall be used for
15 the purposes of **[that]** the enterprise zone assistance fund and for
16 the uses prescribed in section 29 of P.L.1983, c.303 (C.52:27H-88),
17 subject to annual appropriations being made for those purposes and
18 uses.

19 d. The designation as an extended enterprise zone pursuant to
20 this section shall terminate if the authority determines that the
21 municipality in which the zone is located fails to meet the criteria of
22 subsection a. of this section for three consecutive years. Any
23 enterprise zone which loses its designation as an extended
24 enterprise zone pursuant to this subsection shall be eligible to re-
25 apply to the authority for designation as an extended enterprise zone
26 pursuant to the provisions of P.L.1983, c.303 (C.52:27H-60 et seq.).
27 If the authority approves its application, an urban enterprise zone
28 designation may be extended to the applicant in accordance with the
29 schedules set forth in P.L.1983, c.303 (C.52:27H-60 et seq.),
30 beginning at the point where the enterprise zone was located on
31 **[such]** those schedules on the effective date of P.L.2001, c.347
32 (C.52:27H-66.2 et al.).
33 (cf: P.L.2001, c.347, s.11)
34

35 ¹**[3.** (New section) a. Notwithstanding the provisions of any
36 law, rule, or regulation to the contrary, the duration of each
37 enterprise zone that was designated prior to the effective date of
38 P.L. , c. (C.) (pending before the Legislature as this bill), is
39 hereby extended on a one-time basis for a period of 10 years,
40 beginning 90 days after the effective date of P.L. , c. (C.)
41 (pending before the Legislature as this bill), and expiring 10 years
42 thereafter. This extension shall occur notwithstanding the extension
43 provided for in section 11 of P.L.2001, c.347 (C.52:27H-66.6).

44 b. The authority shall notify all qualified businesses in the
45 enterprise zones extended pursuant to subsection a. of this section
46 that the benefits authorized by sections 16 through 20 of P.L.1983,

1 c.303 (C.52:27H-75 through C.52:27H-79) have been extended to
2 qualified businesses in the enterprise zones for a period of 10 years.

3 c. Notwithstanding the provisions of any law, rule, or
4 regulation to the contrary, after first depositing 10 percent of the
5 gross amount of all revenues received from the taxation of retail
6 sales made by certified vendors from business locations in an
7 enterprise zone into the account created in the name of the authority
8 in the enterprise zone assistance fund, the remaining 90 percent
9 shall be deposited immediately upon collection by the Department
10 of the Treasury throughout the 10-year extension period, where 50
11 percent of those remaining reduced rate revenues shall be deposited
12 in the enterprise zone assistance fund and 50 percent of those
13 remaining reduced rate revenues shall be deposited in the General
14 Fund.

15 d. The revenues required to be deposited in the enterprise zone
16 assistance fund pursuant to subsection c. of this section shall be
17 used for the purposes of the enterprise zone assistance fund and for
18 the uses prescribed in section 29 of P.L.1983, c.303 (C.52:27H-88),
19 subject to annual appropriations being made for those purposes and
20 uses.】¹

21

22 ¹3. (New section) a. The Department of Community Affairs
23 shall study the Urban Enterprise Zone program and submit to the
24 Legislature a report and recommendations as to whether the
25 program shall continue as is, be amended, or expire. The
26 department may enter into an agreement with a third party,
27 including but not limited to a public institution of higher education
28 in the State or an independent consulting firm, to conduct the study
29 and prepare the report. The Commissioner of Community Affairs,
30 after consulting with the State Treasurer, and prior to the first day
31 of the twelfth month next following the date of enactment of
32 P.L. , c. (C.) (pending before the Legislature as this bill),
33 shall submit to the Legislature the report on the Urban Enterprise
34 Zone program and the department's recommendations as to whether
35 the program shall be continued, as it exists on the effective date of
36 P.L. , c. (C.) (pending before the Legislature as this bill),
37 be continued with specific recommended changes, or be
38 reconstituted.

39 b. The study, report, and recommendations required pursuant to
40 subsection a. of this section shall include, but not be limited to, an
41 assessment of the following aspects of the Urban Enterprise Zone
42 program:

43 (1) the adequacy of past funding for urban enterprise zones in
44 furthering the goals of the “New Jersey Urban Enterprise Zones
45 Act”;

46 (2) whether changes are needed to address future funding for
47 urban enterprise zones in furthering these goals;

1 (3) whether the criteria established for eligibility to assist
2 fiscally distressed municipalities is appropriate; and

3 (4) what parameters shall be established to keep urban
4 enterprise zone municipalities competitive while providing a
5 sufficient return on State investment.

6 c. The New Jersey Urban Enterprise Zone Authority shall fund
7 the cost of conducting the study and preparing the report on the
8 Urban Enterprise Zone program from the account maintained,
9 pursuant to section 29 of P.L.1983, c.303 (C.52:27H-88), in the
10 name of the authority in the enterprise zone assistance fund.

11 d. (1) Notwithstanding the provisions of any law, rule,
12 regulation, or order to the contrary, each enterprise zone that
13 expired prior to the effective date of P.L. , c. (C.) (pending
14 before the Legislature as this bill) is hereby reinstated until
15 December 31, 2023.

16 (2) Notwithstanding the provisions of any law, rule, regulation,
17 or order to the contrary, the duration of each enterprise zone that is
18 scheduled to expire prior to December 31, 2023 is hereby extended
19 until December 31, 2023.

20 (3) Any extension or reinstatement granted pursuant to this
21 subsection shall occur notwithstanding the extension provided for in
22 section 11 of P.L.2001, c.347 (C.52:27H-66.6).

23 e. As necessary, the authority shall notify all qualified
24 businesses in the enterprise zones reinstated or extended pursuant to
25 subsection d. of this section that the benefits authorized by sections
26 16 through 20 of P.L.1983, c.303 (C.52:27H-75 through C.52:27H-
27 79) have been reinstated or extended to qualified businesses in the
28 enterprise zones until December 31, 2023.

29 f. Notwithstanding the provisions of any law, rule, regulation,
30 or order to the contrary, all reduced-rate revenues collected within
31 an enterprise zone which is reinstated or extended pursuant to
32 subsection d. of this section shall be deposited into the General
33 Fund. ¹

34
35 4. Section 29 of P.L.1983, c.303 (C.52:27H-88) is amended to
36 read as follows:

37 29. a. There is created an enterprise zone assistance fund to be
38 held by the State Treasurer, which shall be the repository for all
39 moneys required to be deposited therein under section 21 of P.L.1983,
40 c.303 (C.52:27H-80) or moneys appropriated annually to the fund. All
41 moneys deposited in the fund shall be held and disbursed in the
42 amounts necessary to fulfill the purposes of this section and subject to
43 the requirements hereinafter prescribed. The State Treasurer may
44 invest and reinvest any moneys in the fund, or any portion thereof, in
45 legal obligations of the United States or of the State or of any political
46 subdivision thereof. Any income from, interest on, or increment to
47 moneys so invested or reinvested shall be included in the fund.

1 The State Treasurer shall maintain separate accounts for each
2 enterprise zone designated under P.L.1983, c.303 (C.52:27H-60 et
3 seq.), and one in the authority's name for the administration of the
4 Urban Enterprise Zone program. The State Treasurer shall credit to
5 each account an amount of the moneys deposited in the fund equal to
6 the amount of revenues collected from the taxation of retail sales made
7 in the zone and appropriated to the enterprise zone assistance fund, or
8 that amount of moneys appropriated to the fund and required to be
9 credited to the enterprise zone account of the qualifying municipality
10 pursuant to section 21 of P.L.1983, c.303 (C.52:27H-80).

11 The State Treasurer shall promulgate the rules and regulations
12 necessary to govern the administration of the fund for the purposes of
13 this section, which shall include, but not be limited to, regulations
14 requiring the establishment of separate bank accounts for funds
15 credited to the enterprise zone account of each municipality from the
16 enterprise zone assistance fund, commonly known as "first generation
17 funds," and funds generated from the repayments of loans to
18 individuals and businesses from the enterprise zone account of each
19 municipality and the proceeds from the sale of properties and
20 equipment acquired through the enterprise zone program, commonly
21 known as "second generation funds," and the review, compilation, and
22 monitoring of second generation fund quarterly reports submitted by
23 each enterprise zone.

24 Any individual, including an individual who is not directly
25 employed by a municipality, with the authority to administer, allocate
26 or approve the use of zone assistance funds is subject to the "Local
27 Government Ethics Law," P.L.1991, c.29 (C.40A:9-22.1 et seq.),
28 unless the individual is a State employee or a special State officer.

29 b. The enterprise zone assistance fund shall be used for the
30 purpose of assisting qualifying municipalities in which enterprise
31 zones are designated in undertaking **【public improvements,】** economic
32 development projects **【and in upgrading eligible municipal services】**
33 in designated enterprise zones.

34 c. The governing body of a qualifying municipality in which an
35 enterprise zone is designated and the zone development corporation
36 created or designated by the municipality for that enterprise zone may,
37 by resolution jointly adopted after public hearing, propose to undertake
38 **【a】** an economic development project **【for the public improvement of**
39 **the enterprise zone or to increase eligible municipal services】** in the
40 enterprise zone, and to fund that project **【or increase in eligible**
41 **municipal services】** from moneys deposited in the enterprise zone
42 assistance fund and credited to the account maintained by the State
43 Treasurer for the enterprise zone.

44 The proposal so adopted shall set forth a plan for the project **【or**
45 **for the increase in eligible municipal services】** and shall include:

46 (1) A description of the proposed project **【or of the municipal**
47 **services to be increased】**;

- 1 (2) An estimate of the total project costs **【**, or of the total costs of
2 increasing the municipal services**】**, and an estimate of the amounts of
3 funding necessary annually from the enterprise zone account;
- 4 (3) A statement of any other revenue sources to be used to finance
5 the project **【**or to fund the increase in eligible municipal services**】**;
- 6 (4) A statement of the time necessary to complete the project **【**, or
7 of the time during which the increased municipal services are to be
8 maintained**】**;
- 9 (5) A statement of the manner in which the proposed project **【**or
10 increase in municipal services**】** furthers the municipality's policy and
11 intentions for addressing **【**the**】** economic **【**and social conditions
12 existing**】** development in the **【**area of the**】** enterprise zone as set forth
13 in the zone development plan approved by the authority; and
- 14 (6) A description of the financial and programmatic controls and
15 reporting mechanisms to be used to guarantee that the funds will be
16 spent in accordance with the plan and that the project **【**or increased
17 municipal service**】** will accomplish its purpose.

18 As used in this section, "project" means an activity funded by the
19 zone assistance fund through the qualified municipality and
20 implemented by the zone development corporation, **【**including the
21 purchasing, leasing, condemning, or otherwise acquiring of land or
22 other property, or an interest therein, in the enterprise zone or as
23 necessary for a right-of-way or other easement to or from the
24 enterprise zone; the relocating and moving of persons or businesses
25 displaced by the acquisition of land or property; the rehabilitation and
26 redevelopment of land or property, including demolition, clearance,
27 removal, relocation, renovation, alteration, construction,
28 reconstruction, installation or repair of land or a building, street,
29 highway, alley, utility, service or other structure or improvement**】**
30 which will lead to the creation of new jobs and increased economic
31 activity within the zone **【**; the purchase and installation of closed
32 circuit television surveillance systems or other related equipment and
33 those expenses associated with homeland security and domestic
34 preparedness; the acquisition, construction, reconstruction,
35 rehabilitation, or installation of public facilities and improvements,
36 except buildings and facilities for the general conduct of government
37 and schools;**】** , such as: the establishment of revolving loan **【**or grant**】**
38 programs for qualified businesses in the zone to encourage private
39 investment and job creation, **【**matching grant programs for the
40 establishment or operation of pedestrian malls, special improvement
41 districts and tax increment districts, or other appropriate entity;**】** and
42 marketing, advertising and special event activities that will lead to
43 increased economic activity or encourage private investment and job
44 creation in the zone, but not including the expenditures therefor which
45 are required to be reported pursuant to "The New Jersey Campaign
46 Contributions and Expenditures Reporting Act," P.L.1973, c.83

1 (C.19:44A-1 et al.) and the costs associated therewith including the
2 costs of [an administrative appraisal,] economic [and environmental]
3 analyses [, environmental remediation, engineering, planning, design,
4 architectural, surveying or other professional or managerial services].

5 [As used in this section, "eligible municipal services" means the
6 hiring of additional policemen or firemen assigned duties in the
7 enterprise zone, or the purchasing or leasing of additional police or
8 fire vehicles, equipment or apparatus to be used for the provision of
9 augmented or upgraded public safety services in the enterprise zone
10 and its immediate vicinities.]

11 d. Upon adoption by the governing body of the qualifying
12 municipality and by the zone development corporation, the proposal
13 shall be sent to the authority for its evaluation and approval. The
14 authority shall approve the proposal if it shall find [:

15 (1) In the case of a project,] that the proposed project furthers the
16 policy and intentions of the zone development plan approved by the
17 authority, and that the estimated annual payments for the project from
18 the enterprise zone account to which the proposal pertains are not
19 likely to result in a deficit in that account [;

20 (2) In the case of an increase in eligible municipal services, that
21 the proposal furthers the policy and intentions of the zone development
22 plan approved by the authority; that the qualifying municipality has
23 furnished satisfactory assurances that the additional policemen or
24 firemen to be hired, or the additional vehicles, equipment or apparatus
25 to be purchased or leased, shall be used to augment or upgrade public
26 safety in the enterprise zone, and shall not be used in other areas of the
27 municipality; that the qualifying municipality shall annually
28 appropriate for the increased eligible municipal services an amount
29 equal to 20% of the amount of annual payments for the eligible
30 municipal services from the enterprise zone account and shall not
31 request for the increased eligible municipal services an amount equal
32 to more than 35% of the amount of annual payments into the enterprise
33 zone account, unless the municipality and the authority have entered
34 into an agreement or agreements to the contrary prior to July 1, 1992;
35 and that the estimated annual payments for the eligible municipal
36 services from the enterprise zone account to which the proposal
37 pertains are not likely to result in a deficit in that account].

38 e. If the authority shall approve the proposal, it shall annually,
39 upon its receipt of a written statement from the governing body of the
40 qualifying municipality and the zone development corporation, certify
41 to the State Treasurer the amount to be paid in that year from the
42 enterprise zone account in the enterprise zone assistance fund with
43 respect to each approved project [or increase in eligible municipal
44 services approved]. The authority may at any time revoke its approval
45 of a project [or an increase in eligible municipal services] if it finds
46 that the annual payments made from the enterprise zone assistance
47 fund are not being used as required by this section.

1 f. Upon certification by the authority of the annual amount to be
2 paid to a qualifying zone with respect to any project [or increase in
3 eligible municipal services], the State Treasurer shall pay in each year
4 to the qualifying municipality from the amounts deposited in the
5 enterprise zone assistance fund the amount so certified, within the
6 limits of the amounts credited to the enterprise zone account of the
7 qualifying municipality.

8 g. An amount not to exceed one-third of the amount deposited in
9 the account created in the name of the authority in the enterprise zone
10 assistance fund shall be used by the authority for the coordination and
11 administration of the program throughout the State, including but not
12 limited to costs for personnel, operating expenses and marketing. The
13 balance of the remaining amount shall be distributed to qualifying
14 municipalities in proportion to each municipality's contribution to the
15 enterprise zone assistance fund for the coordination and administration
16 of the program within the municipality, including but not limited to
17 costs for personnel, operating expenses and marketing.

18 (cf: P.L.2009, c.25, s.1)

19

20 5. This act shall take effect immediately.