

## CHAPTER 378

**AN ACT** concerning tourism, amending and supplementing P.L.1977, c.225 (C.34:1A-45 et seq.) and amending P.L.1998, c.44.

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

1. Section 2 of P.L.1977, c.225 (C.34:1A-46) is amended to read as follows:

C.34:1A-46 Legislative findings and declarations.

2. The Legislature hereby finds and declares that:

- a. Increased revenues for this State and more employment opportunities for its citizens will result from the proper promotion throughout the United States and the world of the many tourist attractions which New Jersey has to offer to vacationers and travelers.

- b. Such proper promotion--and the desired expansion of tourism in New Jersey--will be enhanced by the formulation of a master plan for the development of the tourist industry throughout New Jersey.

- c. The objective of State policy through its programs, agencies, and resources shall be to provide an optimum of satisfaction and high-quality service to visitors, to protect the natural beauty of New Jersey, and to sustain, promote, and expand the economic health of the tourist industry in a manner and to the extent compatible with such goals.

- d. To implement this policy, the Commerce, Economic Growth and Tourism Commission shall create advertisements for use on television, radio, the Internet and in print, to promote the State's diverse appeal to prospective national and international vacationers and travelers as part of its advertising, public relations, and marketing campaign. In addition, as required pursuant to section 9 of P.L.1977, c.225 (C.34:1A-53), the Division of Travel and Tourism shall annually review the 10-year master plan developed pursuant to section 8 of P.L.1977, c.225 (C.34:1A-52) by the director of the division with the assistance of the New Jersey Tourism Policy Council, and submit a report to the Governor and Legislature containing an evaluation of the preceding year's activities and developments in tourism and the revisions recommended in the master plan.

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

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

C.34:1A-47 Definitions.

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

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

"Council" means the New Jersey Tourism Policy Council.

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

"Division" means the Division of Travel and Tourism in the New Jersey Commerce, Economic Growth and Tourism Commission.

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

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

"Tourist industry" means the industry consisting of private and public organizations which directly or indirectly provide services and products to nonresidents and residents who travel to

and in New Jersey for recreation and pleasure.

3. Section 4 of P.L.1977, c.225 (C.34:1A-48) is amended to read as follows:

C.34:1A-48 New Jersey Commerce Economic Growth and Tourism Commission.

4. There is hereby established in the New Jersey Commerce, Economic Growth and Tourism Commission ("commission") the Division of Travel and Tourism. The division shall be under the supervision of a director, who shall be a person qualified by training and experience to direct the work of such division. The director shall be appointed by the Governor after consultation with the council and with the advice and consent of the Senate. The director shall serve during the term of office of the Governor appointing the director and until the director's successor is appointed and qualified. The director shall receive such salary as shall be provided by law and shall devote the director's entire time and attention to the duties of the director's office and shall not, while in office, engage in any other gainful pursuit. The Governor may remove the director from office for cause, upon notice and opportunity to be heard.

4. Section 7 of P.L.1977, c.225 (C.34:1A-51) is amended to read as follows:

C.34:1A-51 New Jersey Tourism Policy Council.

7. a. There is created in the division the New Jersey Tourism Policy Council which shall consist of 23 members:

(1) Two members of the Senate, who shall serve as ex officio, non-voting members to be appointed by the President thereof, not more than one of whom shall be of the same political party, and two members of the General Assembly, who shall serve as ex officio, non-voting members to be appointed by the Speaker thereof, not more than one of whom shall be of the same political party;

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

One representative of the lodging sector;

One representative of the food service sector;

One representative of the eco-tourism sector;

One representative of the cultural arts sector;

One representative of the convention and visitor bureaus or tour/receptive services sectors;

One representative of the entertainment or amusement sector;

One representative of the outdoor recreation sector;

One representative of the historical community; and

One representative of a Statewide travel and tourism association representing the various sectors of the tourism industry;

(3) The Chief Executive Officer and Secretary of the commission, who shall serve ex officio as a voting member and chair of the council;

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

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

b. (1) The public members of the council shall be appointed to three-year terms, except that public members initially appointed on or after the effective date of P.L.2005, c.378, representing the lodging, food service, and eco-tourism sectors shall be appointed to a two-year term, and

public members representing the cultural arts and outdoor recreation sectors and the historical community shall be appointed to a one-year term. Public members shall serve until their successors are appointed and qualified. Vacancies occurring other than by expiration of term shall be filled for the unexpired term only.

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

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

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

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

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

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

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

5. Notwithstanding the provisions of any other law to the contrary, the term of office of any of the public members of the New Jersey Tourism Advisory Council serving on the effective date of P.L.2005, c.378 (C.34:1A-53.1 et al.) shall cease as of that effective date and the resulting vacancies shall be filled in the manner provided by section 7 of P.L.1977, c.225 (C.34:1A-51). However, a public member whose term of office has ceased pursuant to this section shall continue in office until a successor is appointed and qualified.

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

C.34:1A-53 Powers and duties of division.

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

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

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

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

d. Attempt to reconcile and balance the activities and accommodations of the tourist with the daily pursuits and lifestyles of the residents;

e. Develop an understanding among all citizens of the role of tourism in New Jersey, both in terms of its economic and social importance and the problems it presents, through appropriate formal and informal learning experiences;

f. Cooperate with the Department of Education to promote throughout the educational

system of New Jersey an awareness of New Jersey history and culture;

g. Ensure that the growth of the tourist industry is consistent with the attainment of economic, social, physical, and environmental objectives in any State plan and county plans that are adopted;

h. Continuously monitor and evaluate the social costs of growth of the tourist industry against the social benefits;

i. Emphasize in the State's tourism promotional efforts the high quality of the State's natural and cultural features;

j. Promote the tourist industry through such activities as Visitors Bureaus and similar county and municipal agencies, and assure that the tourist industry contributes its fair share of the cost of such promotion;

k. Request and receive from any department, division, board, bureau, commission, or other agency of the State, or any political subdivision or public authority thereof, such assistance and data as may be necessary to enable the division to carry out its responsibilities under this act;

l. In consultation with the council, review annually and, if necessary, revise or update the 10-year master plan developed pursuant to section 8 of P.L.1977, c.225 (C.34:1A-52), and submit a report to the Governor and the Legislature containing an evaluation of the preceding year's activities and developments in tourism and the revisions recommended in the master plan;

m. At the direction of the council, operate the commission's Travel and Tourism Cooperative Marketing Campaign Program; and

n. Establish and operate the commission's Travel and Tourism Advertising and Promotion Program.

7. Section 10 of P.L.1977, c.225 (C.34:1A-54) is amended to read as follows:

C.34:1A-54 Duties of council.

10. The council shall:

a. Aid the division in the formulation and updating of the 10-year master plan developed pursuant to section 8 of P.L.1977, c.225 (C.34:1A-52) and the annual review thereof;

b. Consider all matters referred to it by the Chief Executive Officer and Secretary of the commission;

c. Make recommendations to the division on any matter relating to tourism and the tourist industry in New Jersey and to those objectives and responsibilities specified in sections 8 and 9 of P.L.1977, c.225 (C.34:1A-52 and C.34:1A-53);

d. Direct the division to review the spending of funds by the regional tourism councils and provide comments and recommendations to such councils on the spending of funds when appropriate;

e. Direct the division to encourage the development of local marketing organizations, including but not limited to destination marketing organizations and convention and visitor bureaus;

f. Direct the division to ensure that a recipient of funding by the commission for tourism promotion is in compliance with all terms of the funding agreement, and that the recipient's promotional message is consistent with the promotional message for the State established by the Chief Executive Officer and Secretary of the commission;

g. Direct the division on the operation of the commission's Travel and Tourism Cooperative Marketing Campaign Program;

h. Commission the New Jersey Center for Hospitality and Tourism at Richard Stockton College of New Jersey to conduct an annual survey and analysis of New Jersey's tourism industry for the purpose of providing data to improve the effectiveness of tourism promotion. The council shall direct the division to make the survey and analysis results available to tourism groups throughout the State. In a year during which the New Jersey Center for Hospitality and Tourism is unable or unavailable to conduct the survey and analysis, the council shall choose another entity to conduct the survey and analysis for that year; and

i. Perform other duties as assigned by the Chief Executive Officer and Secretary of the commission.

C.34:1A-53.1 Reports required from division.

8. In addition to the powers and duties of the division as provided in section 9 of P.L.1977, c.225 (C.34:1A-53), the division shall submit a report no later than January 31 and July 31 of every year on the tourism marketing campaigns of the commission and the expenditure of funds appropriated to the commission for tourism promotion to the Governor, the President of the Senate, the Speaker of the General Assembly, the Senate Wagering, Tourism and Historic Preservation Committee and the Assembly Tourism and Gaming Committee, or their successors. The report shall include, but not be limited to, the following information:

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

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

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

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

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

C.52:27C-61 Short title.

1. This act shall be known and may be cited as the "New Jersey Commerce, Economic Growth and Tourism Commission Act."

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

C.52:27C-62 Findings, declarations relative to New Jersey Commerce, Economic Growth and Tourism Commission.

2. The Legislature finds and declares that:

a. New Jersey is in a fierce competition for jobs and businesses, not only with other states, but throughout the world; and

b. The State must do all it can to increase opportunities for New Jersey citizens to enjoy economic success and prosperity; and

c. To attract business, New Jersey must think and act like a business, by utilizing the best available personnel, without consideration of political affiliation, selected on the basis of the skills, ability and experience, needed to provide enhanced customer service, and by responding to the needs of the business community with flexibility and agility; and

d. Commerce and economic development are priorities for New Jersey because success in

these endeavors means the creation of jobs for our citizens. As such, commerce and economic development deserve a unique and dynamic role in our State government; and

e. Because we soon will be entering the 21st century, New Jersey must now boldly transform its economic development mission to be market driven, mobile and responsive enough to the future's challenges to empower New Jersey to undertake new commercial and economic ventures as the economic engine of the Northeast; and

f. The State and its citizens will benefit from a more sharply focused economic development vision, in which the State's efforts are coordinated under one organization, the New Jersey Commerce, Economic Growth and Tourism Commission, that coordinates economic development activities for the State with all related entities, including, but not limited to, the New Jersey Economic Development Authority, the New Jersey Commission on Science and Technology, the New Jersey Urban Enterprise Zone Authority, the Motion Picture and Television Development Commission, and the New Jersey Development Authority for Small Businesses, Minorities' and Women's Enterprises; and

g. Just as the Legislature 25 years ago could not have predicted the technological and business changes that have taken place since then, this Legislature recognizes that it, too, cannot predict the future and must, therefore, ensure that the Commerce, Economic Growth and Tourism Commission has the agility and ability to retool its focus and priorities to ensure the State's capability to respond to the technological and business changes yet to come; and

h. Economic growth and prosperity are still the number one priorities for our citizens, and by creating an innovative and independent economic development entity, the New Jersey Commerce, Economic Growth and Tourism Commission, the Legislature reaffirms that it is also a priority of government; and

i. The board of directors of the commission appointed pursuant to this act should assist the Chief Executive Officer and Secretary of the commission appointed pursuant to this act in assuring that persons appointed to the staff of the commission, because they will no longer be in the classified civil service pursuant to Title 11A of the New Jersey Statutes, will be selected on the basis of qualification and professional and technical competence, avoiding political considerations to the maximum extent possible; and

j. The New Jersey Commerce, Economic Growth and Tourism Commission promotes economic vitality and builds a foundation for world economic leadership in the 21st century and stimulates dynamic economic growth by providing resources and services to citizens, businesses and institutions, in partnership with other government agencies and the private sector, to create jobs. Because of the crucial importance tourism plays in New Jersey's economy, the commission is therefore charged with the mandate to increase tourism through promotional, informational, educational, and developmental programs. These initiatives are to be designed to maintain and increase New Jersey's standing as a premier national and international travel destination by nurturing, expanding and attracting industry, commerce, and tourism, in order to achieve the highest quality of life and ensure economic security for all our citizens.

11. Section 3 of P.L.1998, c.44 (C.52:27C-63) is amended to read as follows:

C.52:27C-63 "New Jersey Commerce, Economic Growth and Tourism Commission."

3. There is established a body corporate and politic, with corporate succession, to be known as the "New Jersey Commerce, Economic Growth and Tourism Commission" (hereinafter "the commission").

The commission shall be established in the Executive Branch of the State Government and for the purposes of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the commission is allocated, in but not of, the Department of the Treasury, but notwithstanding this allocation, the commission shall be independent of any supervision and control by the department or by any board or officer thereof.

12. Section 5 of P.L.1998, c.44 (C.52:27C-65) is amended to read as follows:

C.52:27C-65 Appropriations, moneys continued.

5. All appropriations and other moneys available and to become available to any department, division, bureau, board, commission, or other entity or agency, the functions, powers and duties of which have been assigned or transferred to the Department of Commerce and Economic Development, are hereby continued in the commission, except as herein otherwise provided, and shall be available for the objects and purposes for which such moneys are appropriated subject to any terms, restrictions, limitations, or other requirements imposed by State or federal law. Nothing herein shall alter the provisions of section 4 of P.L.1983, c.190 (C.34:1B-39). Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Department of Commerce and Economic Development or the New Jersey Commerce and Economic Growth Commission, the same shall mean and refer to the "New Jersey Commerce, Economic Growth and Tourism Commission" in but not of the Department of the Treasury.

13. This act shall take effect immediately; sections 1 through 12 shall remain inoperative until the 90th day after enactment, but the New Jersey Commerce and Economic Growth Commission may take such anticipatory administrative action in advance as shall be necessary for the implementation of the act.

Approved January 12, 2006.