

## CHAPTER 27

**AN ACT** abolishing the New Jersey Commerce Commission, establishing the Division of Business Assistance, Marketing, and International Trade in the New Jersey Economic Development Authority, transferring the functions, powers and duties of the commission and other State entities to the division, and revising various parts of the statutory law.

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

C.34:1B-210 Findings, declarations relative to abolishing the New Jersey Commerce Commission.

1. The Legislature finds and declares that:

a. It is the policy of the State of New Jersey to stimulate economic growth and development by efforts that are efficient and coordinated across all sectors, departments, and agencies.

b. The State's efforts to deliver effective economic growth and development assistance and improve the New Jersey economy currently flow through a number of different programs, enacted and amended incrementally over time, which are administered by a number of different entities.

c. Greater coordination of the State's economic development efforts will achieve benefits, including short- and long-term budget savings during this period of unprecedented fiscal challenges facing the State, as well as enhancements to the effectiveness of the State's economic growth and development efforts.

d. By consolidating the New Jersey Commerce Commission and transferring its primary functions to the Division of Business Assistance, Marketing, and International Trade in the New Jersey Economic Development Authority, the coordination of these related but distinct functions will be advanced.

e. Such consolidation will enhance the work of the Division of Business Assistance, Marketing, and International Trade, which markets New Jersey and the opportunities in this State to the business community of the nation and the world, and the New Jersey Economic Development Authority, which provides financing on specific business projects, by improving cooperation and coordination among the agencies charged with these separate functions.

f. Further, the State's economic development activities will be improved by consolidating the New Jersey Development Authority for Small Businesses, Minorities and Women's Enterprises into the New Jersey Economic Development Authority, which can deliver the financial and other assistance needed for such businesses and enterprises, and by consolidating other economic development entities.

g. State efforts to classify businesses that are small or minority- or women-owned to participate in State purchasing and procurement processes also will be more effective if the registration and certification programs of the New Jersey Commerce Commission are placed directly within the Department of the Treasury, which serves as the procurement agency of the State.

C.34:1B-211 Definitions relative to C.34:1B-210 et seq.

2. For purposes of sections 1 through 26 of P.L.2008, c.27 (C.34:1B-210 et seq.), the following terms shall have the meaning indicated:

"Authority" means the New Jersey Economic Development Authority established by P.L.1974, c.80 (C.34:1B-1 et seq.).

“Authority board” means the board of directors of the New Jersey Economic Development Authority established pursuant to P.L.1974, c.80 (C.34:1B-1 et seq.).

“Director” means the Director of the Division of Business Assistance, Marketing, and International Trade.

“Division” means the Division of Business Assistance, Marketing, and International Trade established by this act.

C.34:1B-212 New Jersey Commerce Commission abolished.

3. a. The New Jersey Commerce Commission created by P.L.1998, c.44 (C.52:27C-61 et al.) as a body corporate and politic and allocated in, but not of, the Department of the Treasury, is abolished and all of its functions, powers, and duties, except as otherwise provided in this act, are continued and transferred to the Division of Business Assistance, Marketing, and International Trade in the New Jersey Economic Development Authority.

b. The functions, powers, and duties of the New Jersey Commerce Commission not specifically allocated under this act are continued and are transferred to the New Jersey Economic Development Authority, to be allocated within the authority as determined by the authority board.

c. Except as otherwise provided in this act, whenever, in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the New Jersey Commerce Commission, Board of Directors of the New Jersey Commerce Commission, the Commerce, Economic Growth and Tourism Commission, the Commerce and Economic Growth Commission, the Department of Commerce and Economic Development, the Commissioner of the Department of Commerce and Economic Development, or the Chief Executive Officer and Secretary of the Commerce and Economic Growth Commission, the same shall mean and refer to the division.

C.34:1B-213 Disposition of Executive Director, employees of New Jersey Commerce Commission.

4. With respect to the Executive Director and employees of the New Jersey Commerce Commission:

a. Notwithstanding the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.), the office and term of the Executive Director of the New Jersey Commerce Commission, established by section 31 of P.L.2007, c.253 (C.52:27C-71.1), shall terminate not later than ninety days following the effective date of this act.

b. Employees of the New Jersey Commerce Commission who are employed by the Commission on the date of enactment of P.L.2008, c.27 (C.34:1B-210 et al.) are continued and transferred to the division, except for: (1) employees assigned to perform the work of the Urban Enterprise Zone Authority who may be transferred to the Department of the Treasury; or (2) employees who are transferred as otherwise specified in this act. Such transfers shall be consistent with the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.). Nothing contained in this act shall be construed to alter the representation status, bargaining rights and bargained-for terms and conditions of employment, or lack thereof, of any New Jersey Commerce Commission employee in office or employment on the effective date of this act, nor shall the establishment of the division and its placement in the authority alter such conditions for employees of the authority in office or employment on that effective date, except as specifically provided herein.

C.34:1B-214 Regulations continued.

5. Except as otherwise provided in this act, regulations of the New Jersey Commerce Commission shall continue in effect until amended or repealed pursuant to law.

C.34:1B-215 Division of Business Assistance, Marketing, and International Trade established.

6. a. In order to improve efficiency, achieve savings, and enhance the productivity of the State's interaction with the private sector, there is hereby established in the New Jersey Economic Development Authority the Division of Business Assistance, Marketing, and International Trade. To preserve the independence of the financing functions of the authority, notwithstanding this allocation, the division shall maintain a budget separate from the authority which shall be funded through annual appropriation by the Legislature from the General Fund.

b. The division shall be under the supervision of a director, appointed by the Governor, who shall be employed by and report to the Executive Director of the New Jersey Economic Development Authority. The director shall be a person qualified by training and experience to direct the work of the division.

c. The functions, powers, and duties of the board of directors of the New Jersey Commerce Commission are continued and are transferred to the authority board except as otherwise provided in this act.

C.34:1B-216 Transfer of function, powers, duties of Executive Director.

7. a. The functions, powers, and duties of the Executive Director of the New Jersey Commerce Commission, established pursuant to section 31 of P.L.2007, c.253 (C.52:27C-71.1), except as otherwise provided, are continued and transferred to the Director of the Division of Business Assistance, Marketing, and International Trade.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Executive Director of the New Jersey Commerce Commission, the same shall mean and refer to the director of the division.

C.34:1B-217 Transfer of functions, powers, duties of Office of Marketing and Communications.

8. a. The functions, powers, and duties of the Office of Marketing and Communications in the New Jersey Commerce Commission are continued and are transferred to the Division of Business Assistance, Marketing, and International Trade.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Office of Marketing and Communications in the New Jersey Commerce Commission, the same shall mean and refer to the division.

C.34:1B-218 Transfer of functions, powers, duties of Office of Business Advocacy.

9. a. The functions, powers, and duties of the Office of Business Advocacy in the New Jersey Commerce Commission are continued and are transferred to the Division of Business Assistance, Marketing, and International Trade.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Office of Business Advocacy in the New Jersey Commerce Commission, the same shall mean and refer to the division.

C.34:1B-219 Transfer of certain functions, powers, duties of New Jersey Commerce Commission.

10. a. The functions, powers, and duties of the New Jersey Commerce Commission regarding those business retention and relocation assistance programs that include the Business Retention and Relocation Act Grant Program established by section 3 of P.L.1996, c.25 (C.34:1B-114), the Business Retention and Relocation Act Tax Credit Certificate Transfer Program established by section 17 of P.L.2004, c.65 (C.34:1B-120.2), the Sales Tax Exemption Program established by sections 19 through 22 of P.L.2004, c.65 (C.34:1B-185 through 34:1B-188), and the Urban Enterprise Zone Energy Sales Tax Exemption Program established by section 23 of P.L.2004, c.65 (C.52:27H-87.1), except as otherwise provided, are continued and transferred to the New Jersey Economic Development Authority to be administered within that authority as the Authority Board so determines.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Business Retention and Relocation Act Grant Program, Business Retention and Relocation Act Tax Credit Certificate Transfer Program, Sales Tax Exemption Program or Urban Enterprise Zone Energy Sales Tax Exemption Program in the New Jersey Commerce Commission, the same shall mean and refer to the authority.

C.34:1B-220 Transfer of Energy Sales Tax Exemption Program for certain counties.

11. a. The functions, powers, and duties of the New Jersey Commerce Commission for the Energy Sales Tax Exemption Program for Certain Counties, established by subsection c. of section 1 of P.L.2005, c.374 (C.52:27H-87.1) as amended, except as otherwise provided, are continued and are transferred to the New Jersey Economic Development Authority to be administered within that authority as the authority board so determines.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Energy Sales Tax Exemption Program for Certain Counties in the New Jersey Commerce Commission, the same shall mean and refer to the authority.

C.34:1B-221 Transfer of Brownfields Reimbursement Program.

12. a. The functions, powers, and duties of the New Jersey Commerce Commission for the Brownfields Reimbursement Program, established by sections 34 through 39 of P.L.1997, c.278 (C.58:10B-26 through 58:10B-31), except as otherwise provided, are continued and are transferred to the New Jersey Economic Development Authority to be administered within that authority as the authority board so determines. The authority shall, after consultation with the Director of the Division of Taxation in the Department of the Treasury, adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to govern the proper conduct and operation of the program.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Brownfields Reimbursement Program in the New Jersey Commerce Commission, the same shall mean and refer to the authority.

C.34:1B-222 Transfer of Municipal Landfill Closure and Remediation Reimbursement Program.

13. a. The functions, powers, and duties of the New Jersey Commerce Commission for the Municipal Landfill Closure and Remediation Reimbursement Program established by P.L.1996, c.124 (C.13:1E-116.1 through 13:1E-116.7), except as otherwise provided, are continued and are transferred to the New Jersey Economic Development Authority to be administered within that authority as the authority board so determines. The authority shall, after consultation with the Director of the Division of Taxation in the Department of the Treasury, adopt rules and regulations pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to govern the proper conduct and operation of the program.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Municipal Landfill Closure and Remediation Reimbursement Program in the New Jersey Commerce Commission, the same shall mean and refer to the authority.

C.34:1B-223 Transfer of New Jersey Economic Development Site Program.

14. a. The functions, powers, and duties of the New Jersey Commerce Commission for the New Jersey Economic Development Site Program, established by P.L.1996, c.70, P.L.1997, c.97 (C.34:1B-140 through 34:1B-143), and section 31 of P.L.1998, c.44 (C.52:27C-91), except as otherwise provided, are continued and are transferred to the Division of Business Assistance, Marketing, and International Trade.

b. Whenever, in any law, rule, regulation, order, contract, reorganization plan, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the New Jersey Economic Development Site Program in the New Jersey Commerce Commission, the same shall mean and refer to the division.

C.34:1B-224 Transfer of Urban Transit Hub Tax Credit Program.

15. a. The functions, powers, and duties of the New Jersey Commerce Commission relating to the Urban Transit Hub Tax Credit Program established by P.L.2007, c.346 (C.34:1B-207 through 34:1B-209), except as otherwise provided, are continued and are transferred to the New Jersey Economic Development Authority to be administered within that authority as the authority board so determines.

b. Whenever, in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Urban Transit Hub Tax Credit Program in the New Jersey Commerce Commission, the same shall mean and refer to the authority.

C.34:1B-225 Transfer of New Jersey Urban Enterprise Zone Authority, Office of Urban Enterprise Zone Authority.

16. a. The New Jersey Urban Enterprise Zone Authority in the New Jersey Commerce Commission, transferred to the Department of the Treasury pursuant to subsection a. of section 28 of P.L.1998, c.44 (C.52:27C-88), and the Office of Urban Enterprise Zone Authority in the New Jersey Commerce Commission which provides services necessary and incidental to the New Jersey Urban Enterprise Zone Authority pursuant to subsection d. of section 28 of P.L.1998, c.44 (C.52:27C-88), together with their respective functions, powers, and duties, are continued and are transferred to the Department of Community Affairs, provided however, that the authority shall be in, but not of, that department.

b. Whenever, in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the New

Jersey Urban Enterprise Zone Authority or the Office of Urban Enterprise Zone Authority in the Department of the Treasury or the New Jersey Commerce Commission, the same shall mean and refer to the Department of Community Affairs.

C.34:1B-226 Transfer of Division of International Trade and Protocol.

17. a. The functions, powers, and duties of the New Jersey Commerce Commission relating to the international trade functions of the Division of International Trade, established by section 23 of P.L.1981, c.122 (C.52:27H-22), and supplemented by sections 1 and 2 of P.L.1985, c.160 (C.52:27H-22.1 and 52:27H-22.2), sections 1 through 3 of P.L.1987, c.303 (C.52:27H-22.2a through 52:27H-22.2c), sections 1 through 3 of P.L.1987, c.334 (C.52:27H-22.4 through 52:27H-22.6), and sections 1 through 8 of P.L.1995, c.275 (C.52:27H-22.7 through 52:27H-22.14), and most recently known as the Office of International Trade and Protocol, except as otherwise provided, are continued and are transferred to the Division of Business Assistance, Marketing, and International Trade. The office and term of the Director of the Division of International Trade shall terminate upon the effective date of this act.

b. Whenever, in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Division of International Trade or the Office of International Trade and Protocol in the New Jersey Commerce Commission, the same shall mean and refer to the division.

C.34:1B-227 Transfer of Division of Development for Small Businesses and Women's and Minority Businesses.

18. a. The functions, powers, and duties of the Division of Development for Small Businesses and Women's and Minority Businesses, presently known as the Office of Business Services in the New Jersey Commerce Commission, created by section 3 of P.L.1987, c.55 (C.52:27H-21.9), except as otherwise provided, are continued and are transferred to the Department of the Treasury to be administered within that department as the Treasurer so determines. The office and term of the director of the Division of Development for Small Businesses and Women's and Minority Businesses, established by law, shall terminate upon the effective date of this act. Any employees of the Commission who are assigned to perform the work of the Office of Business Services may be transferred to the Department of the Treasury subject to the protections set forth in subsection b. of section 4 of this act.

b. Whenever, in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Division of Development for Small Businesses and Women's and Minority Businesses, more recently known as the Office of Business Services, or the Director of that office, in the New Jersey Commerce Commission, the same shall mean and refer to the State Treasurer.

C.34:1B-228 Transfer of authority to appoint certain executive directors.

19. a. The functions, powers, and duties of the New Jersey Commerce Commission to appoint executive directors of the New Jersey Economic Development Authority, established pursuant to P.L.1974, c.80 (C.34:1B-1 et seq.), and the New Jersey Commission on Science and Technology, established pursuant to P.L.1985, c.102 (C.52:9X-1 et seq.) are continued and are transferred to the Governor. Each such executive director shall be employed by and report to the board of the respective agency and shall receive such compensation as shall be fixed by the board of the respective agency.

b. The functions, powers, and duties of the New Jersey Commerce Commission to serve as a member of the board of agencies and to provide administrative assistance to agencies are transferred to the Division of Business Assistance, Marketing, and International Trade unless otherwise provided by this act.

c. Notwithstanding the provisions of any law, rule, regulation, or order to the contrary, the functions, powers, and duties of the New Jersey Commerce Commission and the executive director of the New Jersey Commerce Commission are transferred to the New Jersey Economic Development Authority and the Executive Director of the New Jersey Economic Development Authority, respectively, with regard to the following statutorily established boards, councils, commissions, authorities, and other organizations:

(1) State Employment and Training Commission, established pursuant to section 5 of P.L.1989, c.293 (C.34:15C-2);

(2) State Council for Adult Literacy Education Services, established pursuant to section 2 of P.L.1999, c.107 (C.34:15C-18);

(3) Council on Armed Forces and Veterans' Affairs, established pursuant to P.L.1983, c.61 (C.52:27H-45 et seq.) and transferred to and established in the Department of Military and Veterans' Affairs, pursuant to section 2 of P.L.1992, c.86 (C.38A:3-16);

(4) The Foundation for Technology Advancement, authorized to be established pursuant to section 1 of P.L.2005, c.373 (C.52:27C-96);

(5) The Main Street New Jersey Advisory Board, established pursuant to section 5 of P.L.2001, c.238 (C.52:27D-456);

(6) The Brownfields Redevelopment Task Force, established pursuant to section 5 of P.L.1997, c.278 (C.58:10B-23);

(7) The Fort Monmouth Economic Revitalization Planning Authority, established pursuant to section 4 of P.L.2006, c.16 (C.52:27I-4);

(8) The South Jersey Transportation Authority, established pursuant to section 4 of P.L.1991, c.252 (C.27:25A-4);

(9) The Aquaculture Advisory Council, established pursuant to section 5 of P.L.1997, c.236 (C.4:27-5);

(10) The Clean Air Council, established pursuant to section 3 of P.L.1967, c.106 (C.26:2C-3.2);

(11) The Community Financial Services Advisory Board, established pursuant to section 3 of P.L.1991, c.294 (C.17:16Q-3); and

(12) The New Jersey Redevelopment Authority, established pursuant to section 4 of P.L.1996, c.62 (C.55:19-23).

d. Notwithstanding the provisions of any law, rule, regulation, or order to the contrary, the functions, powers, and duties of the New Jersey Commerce Commission and the executive director of the New Jersey Commerce Commission, except as otherwise provided in this act, are transferred to the Division and the Director of the Division, respectively, with regard to any council, commission, committee, task force, or other organization established by executive order.

C.34:1B-229 Transfer of tourism-related functions to Department of State.

20. a. The functions, powers, and duties of the New Jersey Commerce Commission, pursuant to P.L.1992, c.165 (C.40:54D-1 et seq.), with respect to a tourism improvement and development authority, established pursuant to section 18 of P.L.1992, c.165 (C.40:54D-18), are continued and are transferred to the Department of State, to be administered within that department as the Secretary so determines. Any employees of the New Jersey Commerce

Commission who are assigned to perform the work of the Tourism Improvement and Development Authority may be transferred to the Department of State subject to the protections set forth in subsection b. of section 4 of this act.

b. Whenever, in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the New Jersey Commerce Commission, the Department of Commerce and Economic Development, or the Commissioner of the Department of Commerce and Economic Development, with respect to a tourism improvement and development authority, the same shall mean and refer to the New Jersey Department of State.

C.34:1B-230 Economic Development Site Task Force abolished.

21. a. The Economic Development Site Task Force, established pursuant to section 6 of P.L.1997, c.97 (C.34:1B-140), in but not of, the Department of the Treasury, is abolished and all of its functions, powers, and duties are continued and transferred to the New Jersey Economic Development Authority to be administered within that authority as the authority board so determines.

b. Except as otherwise provided in this act, whenever in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Economic Development Site Task Force, the same shall mean and refer to the authority.

C.34:1B-231 Dredging Project Facilitation Task Force abolished.

22. a. The Dredging Project Facilitation Task Force, established pursuant to section 3 of P.L.1997, c.97 (C.12:6B-3) in, but not of, the Department of the Treasury, is abolished and all of its functions, powers, and duties are continued and transferred to the Division of Business Assistance, Marketing, and International Trade.

b. Except as otherwise provided in this act, whenever in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Dredging Project Facilitation Task Force, established pursuant to section 3 of P.L.1997, c.97 (C.12:6B-3) in, but not of, the Department of the Treasury, the same shall mean and refer to the division.

C.34:1B-232 Export Finance Company Advisory Council abolished.

23. a. The Export Finance Company Advisory Council, established pursuant to section 7 of P.L.1995, c.209 (C.34:1B-99) in, but not of, the Department of the Treasury, is abolished and all of its functions, powers, and duties are continued and transferred to the Division of Business Assistance, Marketing, and International Trade.

b. Except as otherwise provided in this act, whenever in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Export Finance Company Advisory Council in, but not of, the Department of the Treasury, the same shall mean and refer to the division.

C.34:1B-233 Transfer of Motion Picture and Television Development Commission.

24. a. The Motion Picture and Television Development Commission, established pursuant to section 3 of P.L.1977, c.44 (C.34:1B-24), is transferred in, but not of, the Division of Business Assistance, Marketing, and International Trade in the New Jersey Economic Development Authority, but notwithstanding this transfer, the Motion Picture and Television



Development Commission shall be independent of any supervision and control by the authority or by any board or officer thereof.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Motion Picture and Television Development Commission, the same shall mean and refer to the Motion Picture and Television Development Commission in, but not of, the division.

c. The Division of Business Assistance, Marketing, and International Trade shall provide staff services necessary to support the functions of the Motion Picture and Television Development Commission.

C.34:1B-234 New Jersey Development Authority for Small Businesses, Minorities and Women's Enterprises abolished.

25. a. The New Jersey Development Authority for Small Businesses, Minorities and Women's Enterprises created by section 3 of P.L.1985, c.386 (C.34:1B-49), in but not of the Department of the Treasury, is abolished and all of its functions, powers, and duties are continued and transferred to the New Jersey Economic Development Authority to be allocated within the New Jersey Economic Development Authority as determined by the authority board.

b. Except as otherwise provided in this act, whenever in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the New Jersey Development Authority for Small Businesses, Minorities and Women's Enterprises, the same shall mean and refer to the New Jersey Economic Development Authority.

C.34:1B-235 New Capital Sources Board abolished.

26. a. The New Capital Sources Board, established pursuant to section 4 of P.L.1995, c.293 (C.34:1B-110) in, but not of, the Department of the Treasury, is abolished and all of its functions, powers, and duties are continued and transferred to the New Jersey Economic Development Authority to be allocated within the New Jersey Economic Development Authority as determined by the authority board.

b. Except as otherwise provided in this act, whenever in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the New Capital Sources Board in, but not of, the Department of the Treasury, the same shall mean and refer to the authority.

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

C.34:1B-4 "New Jersey Economic Development Authority."

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

b. The authority shall consist of the Commissioner of Banking and Insurance, the Commissioner of Labor and Workforce Development, the Commissioner of Environmental Protection, an officer or employee of the Executive Branch of State government appointed by

the Governor, and the State Treasurer, who shall be members ex officio, and eight public members appointed by the Governor as follows: two public members (who shall not be legislators) shall be appointed by the Governor upon recommendation of the Senate President; two public members (who shall not be legislators) shall be appointed by the Governor upon recommendation of the Speaker of the General Assembly; and four public members shall be appointed by the Governor, all for terms of three years. In addition, a public member of the State Economic Recovery Board established pursuant to section 36 of P.L.2002, c.43 (C.52:27BBB-36) appointed by the board, shall serve as a non-voting, ex officio member of the authority. Each member shall hold office for the term of the member's appointment and until the member's successor shall have been appointed and qualified. A member shall be eligible for reappointment. Any vacancy in the membership occurring other than by expiration of term shall be filled in the same manner as the original appointment but for the unexpired term only. In the event the authority shall by resolution determine to accept the declaration of an urban growth zone by any municipality, the mayor or other chief executive officer of such municipality shall ex officio be a member of the authority for the purpose of participating and voting on all matters pertaining to such urban growth zone.

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

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

The terms of office of the members and alternate members of the authority appointed by the Governor who are serving on July 18, 2000 shall expire upon the appointment by the Governor of eight public members and three alternate members. The initial appointments of the eight public members shall be as follows: the two members appointed upon the recommendation of the President of the Senate and the two members appointed upon the recommendation of the Speaker of the General Assembly shall serve terms of three years; two members shall serve terms of two years; and two members shall serve terms of one year. The initial appointments of the alternate members shall be as follows: the alternate member appointed upon the recommendation of the President of the Senate shall serve a term of three years; the alternate member appointed upon the recommendation of the Speaker of the General Assembly shall serve a term of two years; and one alternate member shall serve a term of one year. No member shall be appointed who is holding elective office.

c. Each member appointed by the Governor may be removed from office by the Governor, for cause, after a public hearing, and may be suspended by the Governor pending the completion of such hearing. Each member before entering upon his duties shall take and subscribe an oath to perform the duties of the office faithfully, impartially and justly to the best of his ability. A record of such oaths shall be filed in the office of the Secretary of State.

d. A chairperson shall be appointed by the Governor from the public members. The members of the authority shall elect from their remaining number a vice chairperson and a treasurer thereof. The authority shall employ an executive director who shall be its secretary and chief executive officer. The powers of the authority shall be vested in the members thereof in office from time to time and seven members of the authority shall constitute a quorum at any meeting thereof; provided, however, that the public member designated by the State Economic Recovery Board pursuant to the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.) shall not count toward the quorum. Action may be taken and motions and resolutions adopted by the authority at any meeting thereof by the affirmative vote of at least seven members of the authority. No vacancy in the membership of the authority shall impair the right of a quorum of the members to exercise all the powers and perform all the duties of the authority.

e. Each member of the authority shall execute a bond to be conditioned upon the faithful performance of the duties of such member in such form and amount as may be prescribed by the Director of the Division of Budget and Accounting in the Department of the Treasury. Such bonds shall be filed in the office of the Secretary of State. At all times thereafter the members and treasurer of the authority shall maintain such bonds in full force and effect. All costs of such bonds shall be borne by the authority.

f. The members of the authority shall serve without compensation, but the authority shall reimburse its members for actual expenses necessarily incurred in the discharge of their duties. Notwithstanding the provisions of any other law, no officer or employee of the State shall be deemed to have forfeited or shall forfeit any office or employment or any benefits or emoluments thereof by reason of the acceptance of the office of ex officio member of the authority or any services therein.

g. Each ex officio member of the authority may designate an officer or employee of the member's department to represent the member at meetings of the authority, and each such designee may lawfully vote and otherwise act on behalf of the member for whom the person constitutes the designee. Any such designation shall be in writing delivered to the authority and shall continue in effect until revoked or amended by writing delivered to the authority.

h. The authority may be dissolved by act of the Legislature on condition that the authority has no debts or obligations outstanding or that provision has been made for the payment or retirement of such debts or obligations. Upon any such dissolution of the authority, all property, funds and assets thereof shall be vested in the State.

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

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

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

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

28. Section 6 of P.L.1974, c.80 (C.34:1B-6) is amended to read as follows:

C.34:1B-6 Determinations prior to commitment for assistance.

6. Prior to making any commitment for assistance, the authority shall, by resolution duly adopted, find and determine, on the basis of all information reasonably available to it, that such assistance will tend to maintain or provide gainful employment for the inhabitants of the State, or will reduce the consumption, in a building devoted to industrial or commercial purposes, or in an office building, of nonrenewable sources of energy, or will eliminate and reduce environmental pollution derived from the operation of industry, utilities and commerce, and improve living conditions, and shall serve a public purpose by contributing to the prosperity, health and general welfare of the inhabitants of the State, and will tend to aid and assist in the economic growth, development or redevelopment of the political subdivision wherein it is to be located, and such finding and determination shall be conclusive for all purposes of this act.

The authority shall also find and determine, on the basis of all information reasonably available to it, that such assistance, or any part thereof, used to construct, improve or refinance any pollution control facility as defined by this act will not impair any obligation undertaken by any County Industrial Pollution Control Financing Authority created pursuant to P.L.1973, c.376 (C.40:37C-1 et seq.).

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

C.52:27H-63 New Jersey Enterprise Zone Authority.

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

- (1) The Executive Director of the New Jersey Economic Development Authority, who shall be the chair of the authority;
- (2) The Commissioner of the Department of Community Affairs;
- (3) The Commissioner of the Department of Labor and Workforce Development;
- (4) The State Treasurer; and
- (5) Five public members not holding any other office, position or employment in the State Government, nor any local elective office, who shall be appointed by the Governor

with the advice and consent of the Senate, and who shall be qualified for their appointments by training and experience in the areas of local government finance, economic development and redevelopment, or volunteer civic service and community organization. No more than three public members shall be of the same political party. At least one public member of the authority shall reside within an enterprise zone; however, the provisions of this section shall apply only to members appointed or reappointed after the effective date of P.L.2001, c.347 (C.52:27H-66.2 et al.).

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

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

d. A true copy of the minutes of every meeting of the authority shall be forthwith delivered by and under the certification of the secretary thereof to the Governor. No action taken at such meeting by the authority shall have force or effect until 10 days, Saturdays, Sundays, and public holidays excepted, after the copy of the minutes shall have been so delivered, unless during such 10-day period the Governor shall approve the same, in which case such action shall become effective upon such approval. If, in that 10-day period, the Governor returns such copy of the minutes with veto of any action taken by the authority or any member thereof at such meeting, such action shall be null and void and of no effect.

C.34:1B-236 Authorization, procedure for transfers.

30. All transfers directed by this act shall take place in accordance with the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.), except as provided in this act.

31. This act shall take effect on July 1, 2008 and any actions necessary to implement this act may be taken at any time thereafter. General implementation is to be completed no later than the 90th day following enactment.

Approved June 30, 2008.