

# ASSEMBLY, No. 4337

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED NOVEMBER 21, 2011

**Sponsored by:**

**Assemblyman ALBERT COUTINHO**

**District 29 (Essex and Union)**

**Assemblyman TROY SINGLETON**

**District 7 (Burlington and Camden)**

**Co-Sponsored by:**

**Assemblyman Benson, Senators Madden, Oroho and Greenstein**

**SYNOPSIS**

Creates New Jersey Business Action Center; requires center to provide competitive intelligence information to certain businesses.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 1/10/2012)

1 AN ACT creating the New Jersey Business Action Center, amending  
2 P.L.1974, c.80 (C.34:1B-1 et seq.) and supplementing Title 52 of  
3 the Revised Statutes.

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

7  
8 1. (New section) As used in sections 1 through 10 of P.L. ,  
9 c. (C. ) (pending before the Legislature as this bill):

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

12 “Division” means the Division of Business Assistance,  
13 Marketing, and International Trade established by P.L.2008, c.27  
14 (c.34:1B-210 et al.), also known as the Business Retention and  
15 Attraction Division or BRAD.

16 “Center” means the New Jersey Business Action Center  
17 established by section 2 of P.L. , c. (C. ) (pending before the  
18 Legislature as this bill).

19  
20 2. (New section) a. In order to improve efficiency, achieve  
21 savings, and enhance the productivity of the State’s interaction with  
22 the private sector, there is hereby established the New Jersey  
23 Business Action Center in the Department of State.

24 b. The center shall act as the State’s liaison to the business  
25 community and provide information and guidance, to the extent that  
26 is feasible and that it is capable, on the following subject areas:

27 (1) State financial and incentive programs;

28 (2) State taxes incurred by New Jersey businesses;

29 (3) Permits, licenses, certificates, and other governmental-  
30 approvals needed by a business that is issued by any New Jersey  
31 municipality or county, the State, or federal government;

32 (4) State regulations;

33 (5) Real property available for purchase or lease for commercial  
34 purposes;

35 (6) International trade;

36 (7) Staffing, training, and available customized workforce  
37 development programs offered;

38 (8) Construction projects within New Jersey and the  
39 surrounding states; and

40 (9) Any other subject that the center determines would be  
41 valuable to businesses.

42 c. (1) The center, upon request and free of charge, shall  
43 provide individualized competitive intelligence information to  
44 businesses that have fewer than 100 employees and are located  
45 within the State. The center may partner with organizations in the

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

Matter underlined thus is new matter.

1 State to provide individualized competitive intelligence  
2 information.

3 (2) The information provided shall be based upon the needs of  
4 the requesting business and may include, but shall not be limited to,  
5 information about competitors and their strategies, industry trends  
6 and forecasts, market size and sales, financial analysis, business  
7 planning, strategic planning, market demographics and  
8 psychographics, market research reports, potential market niches,  
9 prospective partners and resources, and marketing lists and leads.  
10 Information addressing the needs of requesting businesses may be  
11 provided in the form of personalized counseling or management  
12 consulting.

13 (3) All requests for competitive intelligence information made  
14 to the center shall be considered confidential and the center, or any  
15 organization that is partnered with the center to provide competitive  
16 intelligence information, shall not disclose any non-public  
17 proprietary information about the requesting business obtained  
18 while assisting that business to any other business or private entity.  
19 Both the center and any organization that is partnered with the  
20 center to provide competitive intelligence information shall not  
21 provide any non-public proprietary information to businesses  
22 requesting competitive intelligence information. No action may be  
23 brought against the State, or any agency or instrumentality thereof,  
24 for relief in connection with the center's provision of competitive  
25 intelligence information under this section.

26 (4) The center may develop an internship program to assist in  
27 providing requesting businesses with competitive intelligence  
28 information. Whenever possible, the center may hire interns that  
29 have a bachelor or greater degree in business or a related field,  
30 which may include, but not be limited to, finance, accounting,  
31 economics, and any other field deemed related by the Executive  
32 Director of the center.

33 d. The center shall work in conjunction with in-State academic  
34 institutions and local and State agencies or non-profit entities to  
35 develop and promote training programs and seminars designed to  
36 support the growth and expansion of New Jersey businesses.

37 e. The center shall be under the supervision of an Executive  
38 Director, appointed by the Secretary of State, who shall report to  
39 the Secretary of State. The Executive Director shall be a person  
40 qualified by training and experience to direct the work of the center.  
41 The Executive Director shall serve at the pleasure of the Secretary  
42 of State and shall receive such compensation as may be provided by  
43 law.

44

45 3. (New section) a. The Division of Business Assistance,  
46 Marketing and International Trade in the authority is abolished, and  
47 all of its functions, powers, and duties, except as otherwise  
48 provided in P.L. , c. (C. ) (pending before the Legislature as

1 this bill), are continued and transferred to the center in the  
2 Department of State.

3 b. Except as otherwise provided in P.L. , c. (C. )  
4 (pending before the Legislature as this bill), whenever, in any law,  
5 rule, regulation, order, reorganization plan, contract, document,  
6 judicial or administrative proceeding, or otherwise, reference is  
7 made to the division, the same shall mean and refer to the center.

8  
9 4. (New section) a. The office of the director of the division is  
10 abolished and the term of that office shall terminate on the effective  
11 date of P.L. , c. (C. ) (pending before the Legislature as this  
12 bill).

13 b. Employees of the division who are employed by the  
14 authority on the date of enactment of P.L. , c. (pending before  
15 the Legislature as this bill) are continued and transferred to the  
16 center. Such transfers shall be consistent with the “State Agency  
17 Transfer Act.” P.L.1971, c.375 (C.52:14D-1 et seq.).

18 c. Nothing contained in P.L. , c. (C. ) (pending before  
19 the Legislature as this bill) shall be construed to alter the  
20 representation status, bargaining rights, and bargained-for items and  
21 conditions of employment, or lack thereof, of any division  
22 employee in office or employment on the effective date of P.L. ,  
23 c. (C. ) (pending before the Legislature as this bill), nor shall  
24 the establishment of the center and its placement in the Department  
25 of State alter such conditions for employees of the division in office  
26 or employment on that effective date, except as specifically  
27 provided herein.

28  
29 5. (New section) a. The functions, powers, and duties of the  
30 director of the division, except as otherwise provided, are continued  
31 and transferred to the executive director of the center.

32 b. Whenever, in any law, rule, regulation, order, contract,  
33 document, judicial or administrative proceeding, or otherwise,  
34 reference is made to the director of the division, the same shall  
35 mean and refer to the executive director of the center.

36  
37 6. (New section) a. The functions, powers, and duties of the  
38 division to serve as a member of the board of agencies and to  
39 provide administrative assistance to agencies are continued and are  
40 transferred to the center unless otherwise provided by P.L. ,  
41 c. (C. ) (pending before the Legislature as this bill).

42 b. Notwithstanding the provisions of any law, rule, regulation,  
43 or order to the contrary, the functions, powers, and duties of the  
44 division and director of the division except as otherwise provided in  
45 P.L. , c. (C. ) (pending before the Legislature as this bill), are  
46 transferred to the center and the executive director of the center  
47 respectively, with regard to the council, commission, committee,  
48 task force, or other organization established by executive order.

1       7. Section 5 of P.L.1974, c.80 (C.34:1B-5) is amended to read  
2 as follows:

3       5. The authority shall have the following powers:

4       a. To adopt bylaws for the regulation of its affairs and the  
5 conduct of its business;

6       b. To adopt and have a seal and to alter the same at pleasure;

7       c. To sue and be sued;

8       d. To acquire in the name of the authority by purchase or  
9 otherwise, on such terms and conditions and such manner as it may  
10 deem proper, or by the exercise of the power of eminent domain in  
11 the manner provided by the "Eminent Domain Act of 1971,"  
12 P.L.1971, c.361 (C.20:3-1 et seq.), any lands or interests therein or  
13 other property which it may determine is reasonably necessary for  
14 any project; provided, however, that the authority in connection  
15 with any project shall not take by exercise of the power of eminent  
16 domain any real property except upon consent thereto given by  
17 resolution of the governing body of the municipality in which such  
18 real property is located; and provided further that the authority shall  
19 be limited in its exercise of the power of eminent domain in  
20 connection with any project in qualifying municipalities as defined  
21 under the provisions of P.L.1978, c.14 (C.52:27D-178 et seq.), or to  
22 municipalities which had a population, according to the latest  
23 federal decennial census, in excess of 10,000;

24       e. To enter into contracts with a person upon such terms and  
25 conditions as the authority shall determine to be reasonable,  
26 including, but not limited to, reimbursement for the planning,  
27 designing, financing, construction, reconstruction, improvement,  
28 equipping, furnishing, operation and maintenance of the project and  
29 to pay or compromise any claims arising therefrom;

30       f. To establish and maintain reserve and insurance funds with  
31 respect to the financing of the project or the school facilities project  
32 and any project financed pursuant to the "Municipal Rehabilitation  
33 and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et  
34 al.);

35       g. To sell, convey or lease to any person all or any portion of a  
36 project for such consideration and upon such terms as the authority  
37 may determine to be reasonable;

38       h. To mortgage, pledge or assign or otherwise encumber all or  
39 any portion of a project, or revenues, whenever it shall find such  
40 action to be in furtherance of the purposes of this act, P.L.2000,  
41 c.72 (C.18A:7G-1 et al.), the "Municipal Rehabilitation and  
42 Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.),  
43 P.L.2007, c.137 (C.52:18A-235 et al.), and sections 3 through 18 of  
44 P.L.2009, c.90 (C.52:27D-489c et al.);

45       i. To grant options to purchase or renew a lease for any of its  
46 projects on such terms as the authority may determine to be  
47 reasonable;

- 1       j. To contract for and to accept any gifts or grants or loans of  
2 funds or property or financial or other aid in any form from the  
3 United States of America or any agency or instrumentality thereof,  
4 or from the State or any agency, instrumentality or political  
5 subdivision thereof, or from any other source and to comply,  
6 subject to the provisions of P.L.1974, c.80 (C.34:1B-1 et seq.),  
7 section 6 of P.L.2001, c.401 (C.34:1B-4.1), P.L.2000, c.72  
8 (C.18A:7G-1 et al.), the "Municipal Rehabilitation and Economic  
9 Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), and  
10 P.L.2007, c.137 (C.52:18A-235 et al.), with the terms and  
11 conditions thereof;
- 12       k. In connection with any action undertaken by the authority in  
13 the performance of its duties and any application for assistance or  
14 commitments therefore and modifications thereof, to require and  
15 collect such fees and charges as the authority shall determine to be  
16 reasonable, including but not limited to fees and charges for the  
17 authority's administrative, organizational, insurance, operating,  
18 legal, and other expenses;
- 19       l. To adopt, amend and repeal regulations to carry out the  
20 provisions of P.L.1974, c.80 (C.34:1B-1 et seq.), section 6 of  
21 P.L.2001, c.401 (C.34:1B-4.1), P.L.2000, c.72 (C.18A:7G-1 et al.),  
22 the "Municipal Rehabilitation and Economic Recovery Act,"  
23 P.L.2002, c.43 (C.52:27BBB-1 et al.), and P.L.2007, c.137  
24 (C.52:18A-235 et al.);
- 25       m. To acquire, purchase, manage and operate, hold and dispose  
26 of real and personal property or interests therein, take assignments  
27 of rentals and leases and make and enter into all contracts, leases,  
28 agreements and arrangements necessary or incidental to the  
29 performance of its duties;
- 30       n. To purchase, acquire and take assignments of notes,  
31 mortgages and other forms of security and evidences of  
32 indebtedness;
- 33       o. To purchase, acquire, attach, seize, accept or take title to any  
34 project or school facilities project by conveyance or by foreclosure,  
35 and sell, lease, manage or operate any project or school facilities  
36 project for a use specified in this act, P.L.2000, c.72 (C.18A:7G-1  
37 et al.), the "Municipal Rehabilitation and Economic Recovery Act,"  
38 P.L.2002, c.43 (C.52:27BBB-1 et al.), P.L.2007, c.137 (C.52:18A-  
39 235 et al.), and sections 3 through 18 of P.L.2009, c.90 (C.52:27D-  
40 489c et al.);
- 41       p. To borrow money and to issue bonds of the authority and to  
42 provide for the rights of the holders thereof, as provided in  
43 P.L.1974, c.80 (C.34:1B-1 et seq.), section 6 of P.L.2001, c.401  
44 (C.34:1B-4.1), P.L.2000, c.72 (C.18A:7G-1 et al.), the "Municipal  
45 Rehabilitation and Economic Recovery Act," P.L.2002, c.43  
46 (C.52:27BBB-1 et al.), P.L.2007, c.137 (C.52:18A-235 et al.), and  
47 sections 3 through 18 of P.L.2009, c.90 (C.52:27D-489c et al.);

1       q. To extend credit or make loans to any person for the  
2 planning, designing, acquiring, constructing, reconstructing,  
3 improving, equipping and furnishing of a project or school facilities  
4 project, which credits or loans may be secured by loan and security  
5 agreements, mortgages, leases and any other instruments, upon such  
6 terms and conditions as the authority shall deem reasonable,  
7 including provision for the establishment and maintenance of  
8 reserve and insurance funds, and to require the inclusion in any  
9 mortgage, lease, contract, loan and security agreement or other  
10 instrument, of such provisions for the construction, use, operation  
11 and maintenance and financing of a project or school facilities  
12 project as the authority may deem necessary or desirable;

13       r. To guarantee up to 90% of the amount of a loan to a person,  
14 if the proceeds of the loan are to be applied to the purchase and  
15 installation, in a building devoted to industrial or commercial  
16 purposes, or in an office building, of an energy improvement  
17 system;

18       s. To employ consulting engineers, architects, attorneys, real  
19 estate counselors, appraisers, and such other consultants and  
20 employees as may be required in the judgment of the redevelopment  
21 utility to carry out the purposes of P.L.1974, c.80 (C.34:1B-1 et  
22 seq.), section 6 of P.L.2001, c.401 (C.34:1B-4.1), P.L.2000, c.72  
23 (C.18A:7G-1 et al.), the "Municipal Rehabilitation and Economic  
24 Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), P.L.2007,  
25 c.137 (C.52:18A-235 et al.), and sections 3 through 18 of P.L.2009,  
26 c.90 (C.52:27D-489c et al.), and to fix and pay their compensation  
27 from funds available to the redevelopment utility therefor, all  
28 without regard to the provisions of Title 11A of the New Jersey  
29 Statutes;

30       t. To do and perform any acts and things authorized by  
31 P.L.1974, c.80 (C.34:1B-1 et seq.), section 6 of P.L.2001, c.401  
32 (C.34:1B-4.1), P.L.2000, c.72 (C.18A:7G-1 et al.), the "Municipal  
33 Rehabilitation and Economic Recovery Act," P.L.2002, c.43  
34 (C.52:27BBB-1 et al.), P.L.2007, c.137 (C.52:18A-235 et al.), and  
35 sections 3 through 18 of P.L.2009, c.90 (C.52:27D-489c et al.),  
36 under, through or by means of its own officers, agents and  
37 employees, or by contract with any person;

38       u. To procure insurance against any losses in connection with  
39 its property, operations or assets in such amounts and from such  
40 insurers as it deems desirable;

41       v. To do any and all things necessary or convenient to carry out  
42 its purposes and exercise the powers given and granted in P.L.1974,  
43 c.80 (C.34:1B-1 et seq.), section 6 of P.L.2001, c.401 (C.34:1B-  
44 4.1), P.L.2000, c.72 (C.18A:7G-1 et al.), the "Municipal  
45 Rehabilitation and Economic Recovery Act," P.L.2002, c.43  
46 (C.52:27BBB-1 et al.), P.L.2007, c.137 (C.52:18A-235 et al.), and  
47 sections 3 through 18 of P.L.2009, c.90 (C.52:27D-489c et al.);

1       w. To construct, reconstruct, rehabilitate, improve, alter, equip,  
2 maintain or repair or provide for the construction, reconstruction,  
3 improvement, alteration, equipping or maintenance or repair of any  
4 development property and lot, award and enter into construction  
5 contracts, purchase orders and other contracts with respect thereto,  
6 upon such terms and conditions as the authority shall determine to  
7 be reasonable, including, but not limited to, reimbursement for the  
8 planning, designing, financing, construction, reconstruction,  
9 improvement, equipping, furnishing, operation and maintenance of  
10 any such development property and the settlement of any claims  
11 arising there from and the establishment and maintenance of reserve  
12 funds with respect to the financing of such development property;

13       x. When authorized by the governing body of a municipality  
14 exercising jurisdiction over an urban growth zone, to construct,  
15 cause to be constructed or to provide financial assistance to projects  
16 in an urban growth zone which shall be exempt from the terms and  
17 requirements of the land use ordinances and regulations, including,  
18 but not limited to, the master plan and zoning ordinances, of such  
19 municipality;

20       y. To enter into business employment incentive agreements as  
21 provided in the "Business Employment Incentive Program Act,"  
22 P.L.1996, c.26 (C.34:1B-124 et al.);

23       z. To enter into agreements or contracts, execute instruments,  
24 and do and perform all acts or things necessary, convenient or  
25 desirable for the purposes of the redevelopment utility to carry out  
26 any power expressly provided pursuant to P.L.1974, c.80 (C.34:1B-  
27 1 et seq.), P.L.2000, c.72 (C.18A:7G-1 et al.), and P.L.2007, c.137  
28 (C.52:18A-235 et al.), including, but not limited to, entering into  
29 contracts with the State Treasurer, the Commissioner of Education,  
30 districts, the New Jersey Schools Development Authority, and any  
31 other entity which may be required in order to carry out the  
32 provisions of P.L.2000, c.72 (C.18A:7G-1 et al.), P.L.2007, c.137  
33 (C.52:18A-235 et al.), and sections 3 through 18 of P.L.2009, c.90  
34 (C.52:27D-489c et al.);

35       aa. (Deleted by amendment, P.L.2007, c.137);

36       bb. To make and contract to make loans to local units to finance  
37 the cost of school facilities projects and to acquire and contract to  
38 acquire bonds, notes or other obligations issued or to be issued by  
39 local units to evidence the loans, all in accordance with the  
40 provisions of P.L.2000, c.72 (C.18A:7G-1 et al.), and P.L.2007,  
41 c.137 (C.52:18A-235 et al.);

42       cc. Subject to any agreement with holders of its bonds issued to  
43 finance a project or school facilities project, obtain as security or to  
44 provide liquidity for payment of all or any part of the principal of  
45 and interest and premium on the bonds of the authority or for the  
46 purchase upon tender or otherwise of the bonds, lines of credit,  
47 letters of credit, reimbursement agreements, interest rate exchange  
48 agreements, currency exchange agreements, interest rate floors or



1 caps, options, puts or calls to hedge payment, currency, rate, spread  
2 or similar exposure or similar agreements, float agreements,  
3 forward agreements, insurance contract, surety bond, commitment  
4 to purchase or sell bonds, purchase or sale agreement, or  
5 commitments or other contracts or agreements, and other security  
6 agreements or instruments in any amounts and upon any terms as  
7 the authority may determine and pay any fees and expenses required  
8 in connection therewith;

9 dd. To charge to and collect from local units, the State and any  
10 other person, any fees and charges in connection with the  
11 authority's actions undertaken with respect to school facilities  
12 projects, including, but not limited to, fees and charges for the  
13 authority's administrative, organization, insurance, operating and  
14 other expenses incident to the financing of school facilities projects;

15 ee. To make loans to refinance solid waste facility bonds  
16 through the issuance of bonds or other obligations and the execution  
17 of any agreements with counties or public authorities to effect the  
18 refunding or rescheduling of solid waste facility bonds, or otherwise  
19 provide for the payment of all or a portion of any series of solid  
20 waste facility bonds. Any county or public authority refunding or  
21 rescheduling its solid waste facility bonds pursuant to this  
22 subsection shall provide for the payment of not less than fifty  
23 percent of the aggregate debt service for the refunded or  
24 rescheduled debt of the particular county or public authority for the  
25 duration of the loan; except that, whenever the solid waste facility  
26 bonds to be refinanced were issued by a public authority and the  
27 county solid waste facility was utilized as a regional county solid  
28 waste facility, as designated in the respective adopted district solid  
29 waste management plans of the participating counties as approved  
30 by the department prior to November 10, 1997, and the utilization  
31 of the facility was established pursuant to tonnage obligations set  
32 forth in their respective interdistrict agreements, the public  
33 authority refunding or rescheduling its solid waste facility bonds  
34 pursuant to this subsection shall provide for the payment of a  
35 percentage of the aggregate debt service for the refunded or  
36 rescheduled debt of the public authority not to exceed the  
37 percentage of the specified tonnage obligation of the host county for  
38 the duration of the loan. Whenever the solid waste facility bonds  
39 are the obligation of a public authority, the relevant county shall  
40 execute a deficiency agreement with the authority, which shall  
41 provide that the county pledges to cover any shortfall and to pay  
42 deficiencies in scheduled repayment obligations of the public  
43 authority. All costs associated with the issuance of bonds pursuant  
44 to this subsection may be paid by the authority from the proceeds of  
45 these bonds. Any county or public authority is hereby authorized to  
46 enter into any agreement with the authority necessary, desirable or  
47 convenient to effectuate the provisions of this subsection.

1 The authority shall not issue bonds or other obligations to effect  
2 the refunding or rescheduling of solid waste facility bonds after  
3 December 31, 2002. The authority may refund its own bonds issued  
4 for the purposes herein at any time;

5 ff. To pool loans for any local government units that are  
6 refunding bonds and do and perform any and all acts or things  
7 necessary, convenient or desirable for the purpose of the authority  
8 to achieve more favorable interest rates and terms for those local  
9 governmental units;

10 gg. To finance projects approved by the board, provide staff  
11 support to the board, oversee and monitor progress on the part of  
12 the board in carrying out the revitalization, economic development  
13 and restoration projects authorized pursuant to the "Municipal  
14 Rehabilitation and Economic Recovery Act," P.L.2002, c.43  
15 (C.52:27BBB-1 et al.) and otherwise fulfilling its responsibilities  
16 pursuant thereto;

17 hh. To offer financial assistance to qualified film production  
18 companies as provided in the "New Jersey Film Production  
19 Assistance Act," P.L.2003, c.182 (C.34:1B-178 et al.); **[ and ]**

20 ii. To finance or develop private or public parking facilities or  
21 structures, which may include the use of solar photovoltaic  
22 equipment, in municipalities qualified to receive State aid pursuant  
23 to the provisions of P.L.1978, c.14 (C.52:27D-178 et seq.) and  
24 municipalities that contain areas designated pursuant to P.L.1985,  
25 c.398 (C.52:18A-196 et al.) as Planning Area 1 (Metropolitan),  
26 Planning Area 2 (Suburban), or a town center, and to provide  
27 appropriate assistance, including but not limited to, extensions of  
28 credit, loans, and guarantees, to municipalities qualified to receive  
29 State aid pursuant to the provisions of P.L.1978, c.14 (C.52:27D-  
30 178 et seq.) and municipalities that contain areas designated  
31 pursuant to P.L.1985, c.398 (C.52:18A-196 et seq.) as Planning  
32 Area 1 (Metropolitan), Planning Area 2 (Suburban), or a town  
33 center, and their agencies and instrumentalities or to private entities  
34 whose projects are located in those municipalities, in order to  
35 facilitate the financing and development of parking facilities or  
36 structures in such municipalities. The authority may serve as the  
37 issuing agent of bonds to finance the undertaking of a project for  
38 the purposes of this subsection; and

39 jj. To enter into partnerships, limited liability companies, or  
40 joint ventures with private developers, banks, or any other public  
41 entity, for the purpose of economic development.

42 (cf: P.L.2010, c.28, s.3)

43  
44 8. Section 14 of P.L.2008, c.27 (C.34:1B-223) is amended to  
45 read as follows:

46 14. a. The functions, powers, and duties of the New Jersey  
47 Commerce Commission for the New Jersey Economic Development  
48 Site Program, established by P.L.1996, c.70, P.L.1997, c.97

1 (C.34:1B-140 through 34:1B-143), and section 31 of P.L.1998, c.44  
2 (C.52:27C-91), except as otherwise provided, are continued and are  
3 transferred to the [Division of Business Assistance, Marketing, and  
4 International Trade] authority.

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

11 (cf: P.L.2008, c.27, s.14)

12  
13 9. Section 19 of P.L.2008, c.27 (C.34:1B-228) is amended to  
14 read as follows:

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

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

31 c. Notwithstanding the provisions of any law, rule, regulation,  
32 or order to the contrary, the functions, powers, and duties of the  
33 New Jersey Commerce Commission and the executive director of  
34 the New Jersey Commerce Commission are transferred to the [New  
35 Jersey Economic Development Authority] Business Action Center  
36 and the Executive Director of the [New Jersey Economic  
37 Development Authority] Business Action Center, respectively, with  
38 regard to the following statutorily established boards, councils,  
39 commissions, authorities, and other organizations:

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

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

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

1 (4) The Foundation for Technology Advancement, authorized to  
2 be established pursuant to section 1 of P.L.2005, c.373 (C.52:27C-  
3 96);

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

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

8 (7) **【The Fort Monmouth Economic Revitalization Planning**  
9 **Authority, established pursuant to section 4 of P.L.2006, c.16**  
10 **(C.52:27I-4);】** (Deleted by amendment, P.L. , c. ) (pending  
11 before the Legislature as this bill)

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

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

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

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

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

23 d. Notwithstanding the provisions of any law, rule, regulation,  
24 or order to the contrary, the functions, powers, and duties of the  
25 New Jersey Commerce Commission and the executive director of  
26 the New Jersey Commerce Commission, except as otherwise  
27 provided in this act, are transferred to the **【Division】** authority and  
28 the Executive Director of the **【Division】** authority, respectively,  
29 with regard to any council, commission, committee, task force, or  
30 other organization established by executive order.

31 (cf: P.L.2008, c.27, s.19)

32  
33 10. Section 22 of P.L.2008, c.27 (C.34:1B-231) is amended to  
34 read as follows:

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

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

47 (cf: P.L.2008, c.27, s.22)



1 business or private entity. The bill prohibits the BAC and  
2 organizations that the BAC refers to small businesses from  
3 providing non-public proprietary information to businesses  
4 requesting competitive intelligence information. The bill provides  
5 that no action may be brought against the State based upon the  
6 BAC's provision of such information. Further, the BAC is  
7 authorized to develop an internship program to help facilitate  
8 providing businesses with individualized competitive intelligence  
9 information.

10 The bill transfers all the powers, functions and responsibilities of  
11 the Business Retention and Attraction Division to the New Jersey  
12 BAC, except the Dredging Project Facilitation Task Force and the  
13 New Jersey Economic Development Site Program, which are to  
14 remain under the auspices of the New Jersey Economic  
15 Development Authority (EDA). Also, the bill provides for the  
16 transfer of several functions, powers and duties of the EDA and the  
17 Executive Director of the EDA to the New Jersey BAC, including  
18 the State Employment and Training Commission, the State Council  
19 for Adult Literacy and Education Services, the Council on Armed  
20 Forces and Veterans' Affairs, the Foundation of Technology  
21 Advancement, the Main Street New Jersey Advisory Board, the  
22 Brownfields Redevelopment Task Force, the South Jersey  
23 Transportation Authority, the Aquaculture Advisory Council, the  
24 Clean Air Council, and the Community Financial Services Advisory  
25 Board. The bill also transfers the Motion Picture and Television  
26 Development Commission to the Department of State. Finally, the  
27 bill authorizes the EDA to enter into partnerships, limited liability  
28 companies or joint ventures with private developers, banks or any  
29 other public entity, for the purpose of economic development.