

**SENATE, No. 299**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Senator JOSEPH PENNACCHIO**

**District 26 (Essex, Morris and Passaic)**

**SYNOPSIS**

Establishes NJ Fusion Technology Industry Commission.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT establishing the New Jersey Fusion Technology Industry  
2 Commission, and supplementing Title 52 of the Revised Statutes.

3

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

6

7 1. For purposes of P.L. , c. (C. ) (pending before the  
8 Legislature as this bill):

9 "Advanced technology center" means outstanding programs or  
10 departments at New Jersey's public institutions of higher education  
11 and private institutions of higher education, which are provided  
12 substantial and concentrated financial support to promote their  
13 development into national-level bases for innovative fusion energy  
14 and technology research.

15 "Business incubation facilities" means facilities that provide  
16 space and technical assistance to a targeted network of fusion  
17 energy and technology developmental businesses, consisting of  
18 low-cost space, for short-term occupancy, to new companies  
19 employing selected technologies congruent with the development of  
20 fusion technologies by the State's public institutions of higher  
21 education and private institutions of higher education.

22 "Commission" means the New Jersey Fusion Technology  
23 Industry Commission established pursuant to section 2 of P.L. ,  
24 c. (C. ) (pending before the Legislature as this bill).

25 "Innovation partnership grants" means matching grants to  
26 academic researchers performing applied research in emerging  
27 fusion technologies at the State's public institutions of higher  
28 education and private institutions of higher education, which are of  
29 strategic importance to the New Jersey fusion economy, under  
30 regulations adopted by the commission pursuant to the  
31 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
32 1 et seq.).

33 "Private institution of higher education" means independent  
34 colleges or universities incorporated and located in New Jersey,  
35 which by virtue of law or character or license, are nonprofit  
36 educational institutions authorized to grant academic degrees and  
37 which provide a level of education which is equivalent to the  
38 education provided by the State's public institutions of higher  
39 education as attested by the receipt of and continuation of regional  
40 accreditation by the Middle States Association of Colleges and  
41 Schools, and which are eligible to receive State aid.

42 "Public institution of higher education" means Rutgers, The State  
43 University, the State colleges, the New Jersey Institute of  
44 Technology, Rowan University, Montclair State University, the  
45 county colleges and any other public university or college now or  
46 hereafter established or authorized by law.

47 "Technology extension services" means programs to accelerate  
48 the application and transfer of technological innovation by the

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1 State's public institutions of higher education and private  
2 institutions of higher education to existing fusion technology  
3 industry, specifically to work with the State's businesses to adapt  
4 these innovations to the requirements of commercial application.  
5

6 2. The New Jersey Fusion Technology Industry Commission is  
7 created and established in the Executive Branch of the State  
8 Government. For the purposes of complying with the provisions of  
9 Article V, Section IV, paragraph 1 of the New Jersey Constitution,  
10 the commission is allocated within the Department of the Treasury,  
11 but notwithstanding this allocation, the commission shall be  
12 independent of any supervision or control by the department or by  
13 any board or officer thereof.  
14

15 3. a. The commission shall consist of the following eleven  
16 members:

17 (1) two public members to be appointed by the Governor, with  
18 each having a background in a field of fusion energy, plasma  
19 physics, or physics, or in a business related to fusion technology or  
20 fusion energy;

21 (2) one public member to be appointed by the Governor upon  
22 the recommendation of the President of the Senate, one public  
23 member to be appointed by the Governor upon the recommendation  
24 of the Speaker of the General Assembly, one public member  
25 appointed by the Governor upon the recommendation of the Senate  
26 Minority Leader, and one public member appointed by the  
27 Governor upon the recommendation of the Assembly Minority  
28 Leader, with each having a background in a field of fusion energy,  
29 plasma physics, or physics, or in a business related to fusion  
30 technology or energy;

31 (3) the Secretary of Higher Education, ex officio, or the  
32 secretary's duly authorized representative;

33 (4) the chair of the Commission on Science, Innovation and  
34 Technology designated pursuant to section 7 of P.L.1985, c.102  
35 (C.52:9X-6), ex officio, or the chair's duly authorized  
36 representative;

37 (5) the Executive Director of the New Jersey Economic  
38 Development Authority, ex officio, or the executive director's duly  
39 authorized representative; and

40 (6) two presidents or departmental administrators from the  
41 State's public institutions of higher education or private institutions  
42 of higher education, who shall be appointed annually by the  
43 Governor and who shall serve as non-voting members.

44 b. In the selection of the six public members, a strong effort  
45 shall be made to appoint women and minorities to the commission.

46 c. The commission members who are not presidents or  
47 departmental administrators from the State's public institutions of

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1 higher education and private institutions of higher education have a  
2 right to vote on the various matters considered by the commission.

3

4 4. a. The terms of the public members of the commission  
5 appointed by the Governor shall be for five years or until their  
6 successors are appointed, except that of the appointments first made  
7 to the commission under P.L. , c. (C. ) (pending before the  
8 Legislature as this bill), one shall serve for three years or until a  
9 successor is appointed, one shall serve for four years or until a  
10 successor is appointed, and two shall serve for five years or until  
11 their successors are appointed, as determined by the Governor. Any  
12 vacancy shall be filled in the same manner as the original  
13 appointment, but only for the balance of the unexpired term. The  
14 commission members shall serve without compensation, but shall  
15 be reimbursed for necessary expenses incurred in the performance  
16 of their duties, within the limits of funds appropriated or otherwise  
17 made available to the commission for its purposes.

18 b. Each member appointed by the Governor may be removed  
19 from office by the Governor, for cause, after a public hearing, and  
20 may be suspended by the Governor pending the completion of the  
21 hearing. Each member, before entering upon the member's duties,  
22 shall take and subscribe an oath to perform the duties of the office  
23 faithfully, impartially, and justly to the best of the member's ability.  
24 A record of these oaths shall be filed in the office of the Secretary  
25 of State.

26 c. The Governor shall designate the chair of the commission  
27 from among the public members appointed by the Governor.

28

29 5. a. The commission shall appoint an executive director, who  
30 shall serve at the pleasure of the commission and who shall receive  
31 compensation as set by the commission.

32 b. The executive director shall be responsible for the selection  
33 of properly qualified staff members of the commission. Staff  
34 members shall have strong backgrounds in science, innovation, and  
35 technology, preferably related to fusion technology, as well as in  
36 economic development.

37

38 6. The commission shall:

39 a. be responsible for the development and oversight of policies  
40 and programs to aid in the development fusion energy and  
41 technology in New Jersey;

42 b. ensure that the programs in fusion energy and technology  
43 development are adequately funded to achieve their stated goals;

44 c. stimulate academic-industrial collaboration through such  
45 mechanisms as advanced technology centers, innovation partnership  
46 grants, business incubation facilities, and technology extension  
47 services;

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- 1 d. plan and assist in the establishment of new advanced  
2 technology centers, business incubation facilities, and technology  
3 extension services and adopt rules and regulations regarding the  
4 operation of these activities;
- 5 e. coordinate activities of the advanced technology centers,  
6 business incubation facilities, and technology extension services in  
7 conjunction with designated public and private institutions of higher  
8 education;
- 9 f. recommend funding levels, determine eligible fields, and  
10 supervise the process of making awards for innovation partnership  
11 grants;
- 12 g. continue to identify and support research opportunities at  
13 New Jersey academic institutions and other institutions that can  
14 advance economic development and employment;
- 15 h. encourage and coordinate activities to help entrepreneurs  
16 and institutions;
- 17 i. monitor changes in national and international economic  
18 conditions which might justify a recommendation of a reorientation  
19 of the State's fusion energy and technology programs;
- 20 j. adopt rules and regulations pursuant to the "Administrative  
21 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate  
22 the provisions of P.L. , c. (C. ) (pending before the  
23 Legislature as this bill);
- 24 k. adopt, amend, and repeal bylaws for the regulation of its  
25 affairs and the conduct of its business;
- 26 l. adopt and have a seal and alter the same at its pleasure;
- 27 m. have the authority to sue and be sued;
- 28 n. have the authority to conduct meetings and public hearings  
29 in connection with the purposes of P.L. , c. (C. ) (pending  
30 before the Legislature as this bill);
- 31 o. have the authority to enter into contracts, public and private,  
32 with a person upon those terms and conditions as the commission  
33 determines to be reasonable and to effectuate the purposes of  
34 P.L. , c. (C. ) (pending before the Legislature as this bill);
- 35 p. employ consultants and specialists in fusion energy and  
36 technology and any other employees as may be required in the  
37 judgment of the commission to effectuate the purposes of  
38 P.L. , c. (C. ) (pending before the Legislature as this bill);
- 39 q. receive and disburse funds from non-State sources including  
40 but not limited to federal funds; and
- 41 r. have the authority to do any and all things necessary or  
42 convenient to carry out its purposes and exercise the powers granted  
43 in P.L. , c. (C. ) (pending before the Legislature as this  
44 bill).
- 45
- 46 7. The commission shall annually report to the Governor and,  
47 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the  
48 Legislature. Each report shall set forth a complete operating and

1 financial statement covering the operations of the commission under  
2 P.L. , c. (C. ) (pending before the Legislature as this bill)  
3 along with legislative and other policy recommendations for  
4 encouraging the development of fusion energy and fusion  
5 technology and the expansion of the fusion industry in this State.

6

7 8. This act shall take effect immediately.

8

9

10 STATEMENT

11

12 This bill establishes the New Jersey Fusion Technology Industry  
13 Commission in the Department of the Treasury (department), but  
14 independent of any supervision or control by the department.

15 The commission is to consist of the following eleven members:  
16 two public members to be appointed by the Governor, one public  
17 member to be appointed by the Governor upon the recommendation  
18 of the President of the Senate, one public member to be appointed  
19 by the Governor upon the recommendation of the Speaker of the  
20 General Assembly, one public member appointed by the Governor  
21 upon the recommendation of the Senate Minority Leader, and one  
22 public member appointed by the Governor upon the  
23 recommendation of the Assembly Minority Leader, with each of  
24 those six public members having a background in a field of fusion  
25 energy, plasma physics, or physics, or in a business related to fusion  
26 technology or energy; the Secretary of Higher Education; the chair  
27 of the Commission on Science, Innovation and Technology; the  
28 Executive Director of the New Jersey Economic Development  
29 Authority; and two presidents or departmental administrators from  
30 the State's public institutions of higher education or private  
31 institutions of higher education, who shall serve as non-voting  
32 members.

33 The terms of the six public members of the commission  
34 appointed by the Governor shall be for five years or until their  
35 successors are appointed, except that of the appointments first made  
36 to the commission are to be staggered. The commission members  
37 are to serve without compensation, but are to be reimbursed for  
38 necessary expenses. The Governor is to designate the chair of the  
39 commission from among the public members, and the commission  
40 is to appoint an executive director. Under the bill, the executive  
41 director is to be responsible for the selection of properly qualified  
42 staff members of the commission.

43 The bill requires the commission to: (1) be responsible for the  
44 development and oversight of policies and programs in fusion  
45 energy and technology development in New Jersey; (2) ensure that  
46 the programs in fusion energy and technology development are  
47 adequately funded to achieve stated goals; (3) stimulate academic-  
48 industrial collaboration; (4) plan and assist in the establishment of

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1 new advanced technology centers, business incubation facilities,  
2 and technology extension services; (5) coordinate activities of the  
3 advanced technology centers, business incubation facilities, and  
4 technology extension services; (6) recommend funding levels,  
5 determine eligible fields, and supervise the process of making  
6 awards for certain grants; (7) continue to identify and to support  
7 research opportunities at New Jersey academic institutions and  
8 other institutions that can advance economic development and  
9 employment; (8) encourage and coordinate activities to help  
10 entrepreneurs and institutions; (9) monitor changes in national and  
11 international economic conditions which might justify a  
12 recommendation of a reorientation of the State's fusion energy and  
13 technology programs; (10) adopt rules and regulations; (11) adopt,  
14 amend, and repeal bylaws; (12) adopt and have a seal; (13) have the  
15 authority to sue and be sued; (14) have the authority to conduct  
16 meetings and public hearings; (15) have the authority to enter into  
17 contracts; (16) employ consultants and specialists in fusion energy  
18 and technology and any employees as may be required, and to fix  
19 and pay their compensation; (17) receive and disburse funds from  
20 non-State sources including but not limited to federal funds; and  
21 (18) do any and all things necessary or convenient to carry out its  
22 purposes and exercise its powers.

23 The commission is required to annually report to the Governor  
24 and the Legislature. Each report is to set forth a complete operating  
25 and financial statement covering the operations of the commission  
26 along with legislative and other policy recommendations for  
27 encouraging the development of fusion technology and the  
28 expansion of the fusion industry in the State.