

B U S I N E S S V O I C E



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Property Tax Measures Go to Gov with 10-20% Credits and Tax-Increase Cap

The Senate on January 29 gave final legislative approval to property tax reform bills that would give tax credits to property owners, cap property tax increases, create a State comptroller position to monitor spending, and encourage towns to consolidate and share services. The measures now go to Governor Jon Corzine.

With final passage of these measures, the property tax reform effort that began over the summer is nearing an end. From the beginning, NJBIA urged legislators to focus on reducing local government spending because that is the driving force behind New Jersey's highest-in-the-nation property taxes. Although NJBIA had pushed for stronger cost controls, the Association supports these bills because they would improve the current system somewhat.

Also, NJBIA is pleased the Legislature did not shift the property tax burden onto business by further raising business taxes or removing the uniformity clause to the New Jersey State Constitution. That clause requires that business and residential property be taxed at the same rate. Here is a look at the measures that have been sent to the Governor.

A-1 (Roberts, McKeon)/S-20 (Codey, Kenny) would cap annual property tax increases at 4 percent a year and provide tax credits of 10 to 20 percent to homeowners with annual household incomes under \$250,000. Homeowners with incomes under \$100,000 will get a 20 percent tax credit, those who earn \$100,000

to \$150,000, a 15 percent credit, and those who earn \$150,000 to \$250,000, a 10 percent credit. The maximum credit is \$2,000. The measure provides local governments with numerous exemptions to the tax cap. For example, exemptions can be given for reductions in State aid or increased debt and interest payments. Importantly, the bill would also allow local governments to negotiate health insurance premium cost-sharing arrangements with employees enrolled in the State Health Benefits Plan.

A-2 (Watson Coleman, Burzichelli)/S-15 (Kenny) would establish the Office of the State Comptroller to audit State spending and contracts. The comptroller also would review local independent audits, but conduct a local audit only if an independent audit uncovers material deficiencies. As originally conceived, the comptroller was to conduct regular audits of local governments with budgets of at least \$100 million per year. That provision has been removed from the bill.

A-15 (Wisniewski, Gordon)/S-12 (Smith, Sweeney) would *(cont'd on page 3)*

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During his recent State of the State address, Governor Jon Corzine focused on property tax reform.

Legislative Update

Business May Be Forced to Provide Public Access to All Tidal Waterways So People Can Fish and Swim

The NJ Department of Environmental Protection (DEP) has proposed regulations that would force businesses along all New Jersey tidal waterways, like rivers, to provide waterway access and recreational facilities to the public. The new regulations suggest that the DEP believes the public wants to fish and swim near factories, refineries, and other industrial facilities and, therefore, should be provided with access and ameni-

ties, including bathroom facilities. In cases where it is not feasible to provide the public with access, businesses would be required to pay to create access and provide facilities elsewhere.

NJBIA strongly opposes this rule change. In comments submitted to the Department, NJBIA said the proposed regulations represent a dramatic expansion of the current requirements. Originally, the rules were intended to provide the

public access to beaches, not to rivers or back bays fronted by factories or utilities. If the rule is approved, industrial facilities, manufacturing facilities, chemical plants, marinas, refineries and utilities that apply for any coastal permit would be required to provide public access and bathrooms. For more information, contact Dave Brogan at ext. 236 or dbrogan@njbja.org.

Senate OKs Prevailing Wage Extension to BEIP Recipients

The Senate recently approved legislation that would force all businesses receiving Business Employment Incentive Program (BEIP) grants to pay prevailing wages on their construction projects. NJBIA strongly opposes the bill, S-2247 (Sweeney). Prevailing wages drive up the cost of construction projects by 10 to 25 percent, forcing contractors to pay union-scale wages even if they don't employ union workers. S-2247 would force any company that receives a BEIP grant to pay prevailing wages on construction projects they undertake themselves. If the company occupies 55 percent of a property, its landlord or developer would have to pay prevailing wages for construction projects on that property. For many employers, paying prevailing wages would outweigh the financial advantages received from BEIP grants. For more information, contact Art Maurice at ext. 247, or amaurice@njbja.org.

New IDs a Must for Truckers, Port Workers

Beginning in March, truck drivers, port employees, and anyone else who needs unescorted access to port facilities will be required to undergo a background check and obtain a new identification card from the US Transportation Security Administration (TSA). Enhanced port security is a post-9/11 priority of the federal government. Applicants will undergo a comprehensive background check that looks at criminal history records, terrorist watch lists, immigration status, and outstanding warrants. ID cards will cost between \$139 and \$159 and be valid for five years. Workers with current, comparable background checks, such as those conducted for a HAZMAT endorsement to a commercial driver's license, will pay a discounted fee of \$107 to \$127. For more information, visit the TSA Web site at www.tsa.gov/what_we_do/layers/twic/index.shtm.



GETTING THE FULL BENEFIT

Spotlight on NJBIA Member Benefits

NJBIA Fast Facts

NJBIA's Fast Facts, available only to NJBIA members, help your company stay in compliance with new State regulations and avoid legal problems. Featured among our current Fast Facts are briefs to help you comply with New Jersey's recent Domestic Partnership Act and Identity Theft Prevention Act. You will also find a "how to" guide on buying health insurance for your business. Order your Fast Facts online now at www.njbja.org/fast_facts.asp.

WORKPLACE REPORT

Labor-Management News for New Jersey Employers

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New Jersey Business & Industry Association

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Paid Family Leave Mandate Affecting All NJ Employers Wins Senate Panel Approval

Despite New Jersey's sluggish economy and poor business climate, no shortage of anti-business legislation has been moving through the State Legislature. The most recent employer mandate to surface is paid family leave.

The Senate Labor Committee voted 3-1 earlier this month to release the bill despite heated opposition from New Jersey employers. Forty-five business owners showed up in Trenton to testify against the bill, and employers sent more than 5,000 messages to key legislators and the Governor opposing the measure.

S-2249 (Sweeney, Buono), would allow every employee in the State to take 12 weeks of paid leave off every year. The bill would be funded through an increase in the employee's share of Temporary Disability Insurance (TDI) payroll taxes. Although proponents claim that businesses will see no adverse financial impact, employers have good reason to be concerned.

Only a single state in the nation has a paid leave law. California's paid family leave program has been in existence since 2004 and is much different than the current New Jersey legislation. The California program provides six weeks of leave. S-2249 provides a staggering 12 weeks.

Businesses already have programs that allow employees to balance the responsibilities of work and family. Sick and vacation time, flexible scheduling, and work-from-home arrangements assist employees with family needs without severely damaging productivity. These policies vary from company to company because each company has different needs. Paid family leave would put an end to such common sense policies.

The legislation will impose a one-size-fits-all mandate on every business, whether

it's a corner store with two employees or a large hospital or manufacturer with 2,000. Unlike existing unpaid leave laws, this bill has no exemption for small businesses with 1-49 workers. **Hundreds of thousands of small businesses that have never had to cope with unpaid leave mandates suddenly will face the prospect of having key workers out for up to three months at a time.** They will have to hire and train temporary workers or burden other employees with additional workloads. Many small employers say this mandate could make it very difficult for them to operate.

Employers with 50 or more workers will face not only increased costs but also considerable confusion over how the legislation will impact the current unpaid leave laws. S-2249 is in direct conflict with the federal Family and Medical Leave Act (FMLA) and the NJ Family Leave Act (NJFLA) in several areas. For example, S-2249 allows employees to take intermittent leave at any time for 12 weeks. Both the FMLA and the NJFLA authorize intermittent leave, but allow the employer to decide when it is appropriate. Similarly, the bill prohibits employers from requiring employees to use more than two weeks of sick leave and vacation time prior to becoming eligible for paid leave. The existing unpaid leave laws expressly permit employers to require the use of all paid time off for leaves. All of this would be a source of great confusion to employers and employees alike.

Finally, a paid leave mandate would have a profoundly negative impact on New Jersey's business climate. New Jersey created only 15,900 private-sector jobs in 2006. This is less than half the jobs created the year before. Private-sector employment is also growing three times slower in New Jersey than in the nation as a whole. Addi-

(cont'd. on pg. W2)

Employment Watch

Weak Job Growth Plagues NJ Economy

(See page W3)

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New State ELEC Rules Will Clarify How Businesses With Contracts Must Disclose Campaign Contributions

The Election Law Enforcement Commission (ELEC) has proposed regulations (See 37 N.J.R.4661(a)) that require businesses with State or local contracts to disclose certain campaign contributions. These proposed regulations are in response to the enactment of P.L. 2005, c. 271 which, in addition to authorizing local governments to adopt their own more stringent pay-to-play laws, also provides for this additional disclosure by business entities. The proposed regulations only require the disclosure of "reportable" (i.e. \$300 or more) campaign contributions. The proposal requires two types of disclosures.

First, the proposal requires businesses to disclose contributions prior to the award of a contract of \$17,500 or more with a public entity. Specifically, a business must provide a state or local unit with a list of contributions attributed to the business at least ten days prior to the award of the contract. The list must include the name of each political party committee, legislative leadership committee, continuing political committee, and candidate or joint candidate committee, as well as the date and amount of the contribution.

Second, the proposed regulations require a business that has received an aggregate of \$50,000 or more in contracts with any public entity to file an annual report with ELEC. The annual report must include the name of the business entity, the name of each public entity from which the business received a contract, the amount of the contract, the date of the contract and a description of the goods, services, equipment or property sold to the

public entity. In addition, the annual report must also provide a list of the campaign contributions attributed to the business.

For both types of disclosures, a covered business must include contributions made by the business as well as contributions from the following:

1. A person or other business entity having an interest in the business entity;
2. A principal, partner, officer, director or trustee of the business entity;
3. The spouse of a principal, partner, officer, director or trustee of the business entity;
4. A subsidiary directly or indirectly controlled by the business entity; and
5. A continuing political committee (PAC) organized under section 527 of the Internal Revenue Code that is directly or indirectly controlled by the business entity.

While supportive of the goal of the proposed regulations, NJBIA submitted comments requesting alterations. As proposed, these regulations would require a business to disclose the contributions of spouses of employees, PACs and other entities that have no direct bearing on the business or the award of the contract. This could have a chilling effect on nonprofit businesses and generally increase the record keeping burdens on businesses. NJBIA urges all businesses to review their contracts with public entities as well as any campaign contributions made by the business, officers, spouses,

subsidiaries or PACs controlled directly or indirectly by the business. It is anticipated that ELEC may act on these proposed regulations shortly.

For more information contact John Rogers at jrogers@njbja.org or at ext. 209.

Family Leave *(cont'd. fr. pg. W1)*

tionally, New Jersey continuously ranks near the bottom of the leading business climate surveys. We rank 48th for business taxes, 41st for small business taxes and 41st for utility costs. Other reports rank New Jersey as the worst state for small business and the 43rd least competitive state in the nation. In fact, NJBIA's own 2007 Business Outlook Survey found that only 17 percent of New Jersey employers now believe the State is a good place for business expansion, a record low.

This bill will add to our poor business reputation and continue to slow New Jersey's economic progress.

HR 101: A Primer for Managing Human Resources Friday, March 9, 2007

This seminar on the fundamentals of managing your human resources will run from 8:30 a.m. to 12:30 p.m. at the Sheraton in Eatontown, NJ, near exit 105 of the Garden State Parkway. The cost is \$109 per person for NJBIA members, \$139 for nonmembers. For more information or to register, contact Alex Hollywood at 609-393-7707, ext. 252.

2006 Legislative Wrap Up

Laws about Employee Outreach, Same-Sex Couples And Other Issues Will Impact Your Workplace in '07

As 2007 gets underway, New Jersey employers should be mindful of several State laws enacted last year that will impact their workplace.

- **P.L. 2006, c. 53**, the Worker Freedom from Intimidation Act, prohibits employers from requiring employees to attend any meeting or participate in any communication intended to communicate the employer's views about "religious or political matters."

The law covers all full and part-time employees in both the private and public sectors. Employers should consider instituting company wide policies regarding meetings and e-mails. For example, employers may wish to include disclaimers in e-mails and materials regarding charitable fundraising to remind employees that they need not participate in these activities.

- **P.L. 2006, c. 103**, allows same sex couples to enter into civil unions. The court-directed law requires that civil union couples be given the same rights and privileges as married couples. Employers should review their HR policies and handbooks to ensure that civil union couples are being treated equally. Examples of areas to review include bereavement policies, holiday party invitations, proofs required to enroll in health benefits, and State Family Leave Act policies.

- **P.L. 2006, c. 100** amends New Jersey's law against discrimination to include transgender individuals to the list of classifications protected by the law. As with

gender discrimination, employers are prohibited from discriminating against employees undergoing sexual identity changes or operations.

- **Other New Laws:** New Jersey's minimum wage increased on October 1, 2006, from \$6.15 an hour to \$7.15. The Minimum Wage Study Commission will make recommendations to the Legislature by Dec. 31, 2007, about the need for a future increase.

The Conscientious Employee Protection Act requires employers with 10 or more employees to

annually distribute a notice to their employees in a conspicuous location about the protections of this "whistleblower" law. The notice is available on the Department of Labor & Workforce Development's web page at www.state.nj.us/labor/.

The Smoke Free Air Act prohibits employees from smoking within your workplace. Business owners must post, in every public entrance to the facility, a sign which indicates that smoking is prohibited. The signs are available for free at www.nj.gov/health/ctcp/smokefree/nosmoking.shtml.

Health Insurance Mandates Are Pending in NJ Legislature

The following bills, opposed by NJBIA, are pending in the Legislature:

Costly Mental Health Mandate — S-807 (Vitale, Buono)/A-2512 (Gordon, Johnson, Manzo) requires employers with employee health insurance to purchase virtually unlimited coverage for behavioral disorders and substance abuse treatment. Significant mental health treatment coverage already exists, but with reasonable limits and cost-sharing that balance access with affordability. By eliminating cost-sharing, this bill would increase health insurance premiums for employers. S-807 passed the Senate and is pending in the Assembly Appropriations Committee.

Layoff Notification and Penalties — S-472 (Sweeney) & A-1044AcaAaAa (Van Drew) establishes a statewide layoff/closing procedure for businesses with at least 100 employees, requiring them to provide 90 days notice before closing their facilities or laying off of 50 or more employees in any 30-day period. Employers that miss even a single day's notice must pay a week's worth of wages for every year worked by laid-off employees. A-1044 has passed the Assembly and awaits a Senate vote.

Mandatory Health Insurance for Large Employers — S-477 (Sweeney) requires employers with 1,000 or more employees to pay the equivalent of \$3.30 per hour per employee (or about \$6,800 per year) for health insurance. Employers that fail to pay at least this much for employee health insurance coverage must pay the difference as a tax to the State. The bill's definition of employee includes full and part-time employees, as well as independent contractors.

EMPLOYMENT WATCH

Weak Job Growth Plagues NJ Economy in 2006, Economists Forecast More of Same in 2007

As New Jersey trudges through one of its slowest periods of job growth in more than 50 years, area economists say the State can expect more of the same in 2007.

New Jersey saw a net increase of only 15,900 private-sector jobs in 2006, less than half of what it added the year before (see chart) and well off the pace of job growth seen in most other states.

In the current employment expansion, nearly four years long,

average of 1.4 percent.

In spite of slow job growth, New Jersey's unemployment rate actually improved in the fourth quarter of 2006. The rate fell to 4.2 percent in December from 4.5 percent the month before and a two-and-a-half-year high of 5.3 percent in August.

NJBIA President Philip Kirschner noted that while New Jersey ended 2006 with a good month of employment growth, this did

11,400 jobs. The professional and business services sector was another bright spot, adding 9,800 jobs. The leisure and hospitality sector also did well with the addition of 5,900 jobs. Smaller increases were seen in financial activities (1,000) and construction (800).

Declines were seen in manufacturing (-10,800), information (-3,000), and trade, transportation, and utilities (-1,200).

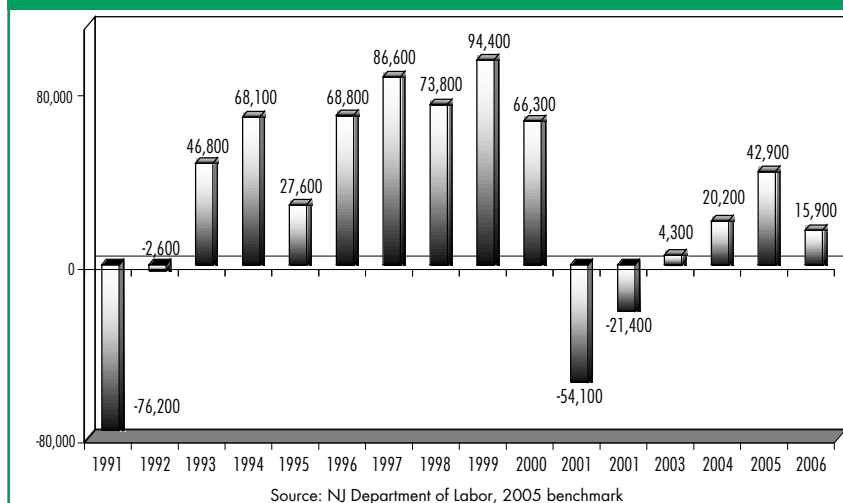
Meanwhile, the public sector accounted for a disproportionate share of overall employment growth in 2006, adding 4,600 jobs. This accounted for 22 percent of the State's overall job growth.

Looking ahead, another year of slow growth is forecast for New Jersey. Nancy Mantell, director of the Rutgers Economic Advisory Service, said in her annual forecast that New Jersey job growth will continue to slow. She expects the State to create one-third fewer jobs in 2007 than it did in 2006.

Mantell said economists are also concerned with the quality of new jobs being created in New Jersey. "The jobs that are being created tend to be lower wage; the jobs being lost tend to be higher wage. It is not a good situation," she said.

Joel Naroff, chief economist with Commerce Bank, said the outlook for the New Jersey economy isn't particularly bright. "If you didn't like 2006, you're not going to like 2007," Naroff said. "I don't see it (the NJ economy) picking up this year. I have hopes for '08 but not for '07."

**NJ Private-Sector Employment
Annual Gains and Losses, 1991-2006**



New Jersey has added an average of just 2,031 private-sector jobs per month, compared with 5,320 per month in the 1990s, according to data published by the NJ Department of Labor and Workforce Development.

New Jersey's rate of job growth has consistently and significantly trailed the nation over the last three years. The addition of 15,900 private-sector jobs in 2006 represented a gain of 0.5 percent. By comparison, private-sector employment grew nationally by an

little to change the State's overall employment picture.

"We ended the year on a positive note with the creation of 2,400 private-sector jobs in December and a falling unemployment rate. This is good news," Kirschner said. "But private-sector job growth for all of 2006 was very weak, and this concerns us."

Looking at some of the most significant job winners and losers in 2006, the education and health services sector enjoyed the largest increase with the addition of

ASK THE EXPERTS!

By Art Maurice, First Vice President Taxation & Economic Devel.



Q- How do you register a business in New Jersey?

A. All businesses, even sole proprietorships, are required to register with the NJ Division of Revenue, even if they will not collect or withhold taxes. There is no registration fee, but an application should be filed at least five business days before you start your business.

Step 1: Register Your Business

All of the information and forms you will need to register your business can be found at www.nj.gov/nj-business/start/ryb/.

You may register the business under your own name, but if you intend to register under a trade name, you will need to take certain steps to secure that name before registration. (See Naming Your Business below.) Once you complete the initial registration form, depending on the type of business you operate, you will need to take one or more additional steps to complete the process.

Step 2: Public Record Filing

If your business is a legal entity, you must file a business formation certificate with the State of New Jersey by completing the "Public Records Filing for New Business." This applies to all profit or non-profit corporations, partnerships, limited partnerships, and limited liability companies. In addition, this registration will authorize an out-of-State entity to conduct business in New Jersey. A \$125 filing fee (\$75 for non-profits) applies

to this filing. General partnerships and sole proprietors are not subject to this step.

Step 3: Tax Registration

Businesses must file Form NJ-REG to be registered for tax/employer purposes. This will provide you with a tax identification number and ensure that you receive the proper returns and notices. Usually, the business federal identification number (FEIN) is used for this purpose. A business with employees must obtain a FEIN. If you do not have a federal identification number for your business, you may apply for a FEIN online by going to www.irs.gov/businesses/small/article/0,,id=102767,00.html. A sole proprietorship or partnership can use the social security number of the owner if there are no employees.

Naming Your Business

If you will be doing business under your own name, you do not need to register a trade name.

If you are starting a sole proprietorship or a general partnership and intend to operate under a trade name or a name that includes the designation "and company" or "& co.," you must register that name with the County Clerk of the county or counties in which you will do business. Visit www.nj.gov/lps/elections/loc_officials_doe.html

If you are starting a corporation, limited-liability company, limited partnership or limited liability partnership, you are required to file a name with the State of New Jersey. You can reserve the business name for use prior to filing your original business certificate with the state.

To reserve a name, you must first determine that the name is available, and then file to hold the name by submitting a paper form, which can be found online at www.state.nj.us/treasury/revenue/dcr/geninfo/corpmn.html#name.

Reserving a business name does not register your business. You will still need to register your business online or on paper as outlined in Step 1 above. Online business registration is not available if you have reserved or registered the business name.

Property Taxes (cont'd fr. pg. 1)

create a commission to recommend consolidation and shared services among the State's 566 municipalities and 186 fire districts. Those recommendations would then be put to a vote in the affected municipalities. If a majority of voters approve the referendum in each municipality, those municipalities would be regionalized as the commission recommended. As originally conceived, the measure was to include provisions that would withhold State aid from municipalities where voters did not approve the commission's recommendations. The final bill contains no financial penalties if a referendum fails.

A-20 (Panter, Pou)/S-14 (Adler, Karcher) would mandate that public officials and employees convicted of bribery or corruption automatically forfeit their pensions.

For more information, contact Christopher Emigholz at cemigholz@njbia.org.

NJBIA Programs & Benefits

Visit *Events and Seminars* at www.njbja.org to register for events online.

FRIDAY, MARCH 9 HR 101: A PRIMER FOR MANAGING HUMAN RESOURCES

This seminar on the fundamentals of managing your human resources is designed for small to mid-size companies. Experienced HR practitioners will present best practices in formulating company policies, hiring and firing workers, managing benefits, and handling employee disputes. Two of New Jersey's top employment lawyers will cover the basics that every company should have in place.

The seminar will run from 8:30 a.m. to 12:30 p.m. at the Sheraton in Eatontown, NJ (near exit 105 of the Garden State Parkway). The cost is \$109 per person for NJBIA members, \$139 for nonmembers. To register, contact Alex Hollywood at 609-393-7707, ext. 262. Contact Sherry Esteves, ext. 219, to become a high profile sponsor.

THURSDAY, MARCH 15 MADE IN NEW JERSEY DAY

If you are a member of NJBIA and your company makes a product in New Jersey, you can showcase it at NJBIA's Made in New Jersey Day event, which will be held on Thursday, March 15, at the State House in Trenton. There is no cost to exhibit! You can also provide a Jersey-made product sample for our New Jersey Sampler Bag. If you would like to be an exhibitor, a Sampler Bag contributor or an event sponsor, contact Stacy Wichner at 609-393-7707, ext. 213, or Sherry Esteves at ext. 219.

MEET THE DECISION MAKERS SERIES 2007

Find out what the Corzine Administration has planned for New Jersey over the next year at our Meet the Decision Makers Series. Hear from Governor Jon Corzine's key advisors and cabinet members. Each breakfast will run from 7:30 a.m. to 10:00 a.m. The cost for each breakfast is \$69 per person for NJBIA members and \$105 for nonmembers. For more information, contact Stacy Wichner at 609-393-7707, ext. 213. Call Sherry Esteves at ext. 219 to become a high visibility sponsor.

Wednesday, April 11 — Forsgate Country Club, Monroe Township
Governor's Top Advisors: **Thomas Shea**, Chief of Staff; **Ken Zimmerman**, Chief Counsel; **Heather Howard**, Policy Counsel.

Tuesday, May 1 — Holiday Inn, East Windsor
Bradley Abelow, State Treasurer.

Wednesday, October 3 — Forsgate Country Club, Monroe Township
Lisa Jackson, Commissioner, NJ Dept. of Environmental Protection.

MEET THE LEGISLATIVE LEADERS SERIES 2007

At these breakfasts, you will hear from legislative leaders who pass the laws that impact your business. Each event will begin at 7:30 a.m. with a full breakfast and a brief overview of NJBIA's legislative agenda, presented by NJBIA Senior Vice President Melanie Willoughby. A panel of legislative leaders from the region will offer their thoughts and answer your questions. Legislators from throughout the region will also be invited to attend, making this a tremendous networking event. The programs will end at 10:00 a.m.

South Jersey

Wednesday, March 28 — The Mansion on Main Street, Voorhees
Invited Panelists: **Louis Greenwald**, Assembly Budget Committee Chairman; **Stephen Sweeney**, Senate Labor Committee Chairman; **Martha Bark**, Senate Republican Conference Leader; and **Francis Bodine**, Assembly Republican Deputy Leader

Central Jersey

Tuesday, April 17 — Forsgate Country Club, Monroe Township
Panelists: **Joseph Vitale**, Senate Health Committee Chairman; **Leonard Lance**, Senate Republican Leader; **John Wisniewski**, Assembly Deputy Speaker; and **Peter Biondi**, Assembly Republican Conference Leader

North Jersey

Wednesday, April 25 — Holiday Inn, Newark
Panelists: **Joseph Doria**, Senate Economic Growth Committee Vice Chairman; **Alex DeCroce**, Assembly Republican Leader; **Tom Kean, Jr.**, Senate Republican Whip; and **Joan Quigley**, Assembly Majority Conference Leader

The cost is \$69 per person, per event for NJBIA members, \$105 for nonmembers. To register, contact Katie Wittkamp at 609-393-7707, ext. 239. Contact Sherry Esteves at ext. 219 to become a high profile event sponsor.