

LEGISLATIVE HISTORY CHECKLIST

NJSA: 52:27H-21.25 to 52:27H-21.29 (Businesses-- small, minority and women-owned-- establish grant program for local development)

CHAPTER 56

Laws Of: 1987

Bill No: S2303

Sponsor(s): Lynch

Date Introduced: June 16, 1986

Committee: Assembly: -----

Senate: State Government, Federal and Interstate Relations and Veterans' Affairs

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: Assembly: December 18, 1986

Senate: October 9, 1986

Date of Approval: March 2, 1987

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly No

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

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56  
[OFFICIAL COPY REPRINT]

SENATE, No. 2303

STATE OF NEW JERSEY

INTRODUCED JUNE 16, 1986

By Senator LYNCH

Referred to Committee on State Government and Federal and  
Interstate Relations and Veterans Affairs

AN ACT **[**establishing a**]** *providing* financial assistance **[**grant  
program for**]** *to county and municipal pilot programs*  
**[**counties and municipalities engaged in**]** assisting the promo-  
tion and development of small, minority and women-owned  
businesses, supplementing Title 34 of the Revised Statutes and  
making an appropriation.

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

1 1. The Legislature finds and declares that:

2 a. The economy of our State is vitally dependent upon the  
3 health and stability of the small and independent businesses in  
4 the State. The Legislature finds further that the future welfare  
5 of the State depends on the continued existence and development  
6 of these same small and independent businesses. It is, therefore,  
7 the declared policy of the Legislature to assist, counsel, aid and  
8 protect small and independent business development in the fur-  
9 therance of the general welfare.

10 b. Historically, businesses owned by minority group members  
11 and women have been small establishments offering products and  
12 services, and their participation in the nation's business com-  
13 munity has been disproportionate to their numbers in society  
14 as a whole.

15 c. The opportunity for full participation in our free enterprise  
16 system by minority group members and women is essential if  
17 social and economic justice for them is to be attained, and the  
18 functioning of our economy improved.

**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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Assembly amendments adopted December 15, 1986.

19 d. The role of government at the national and State levels in  
 20 encouraging the development of small businesses, as well as busi-  
 21 nesses owned by minority group members and women, has been  
 22 recognized and is developing at a rapid pace with technical and  
 23 financial assistance, contract procurement, contract set-asides and  
 24 other programs designed to encourage development.

25 e. In addition to the national and State governments' role in  
 26 providing assistance, local levels of government have a unique  
 27 opportunity and responsibility in encouraging the development  
 28 of such businesses within their jurisdictions, and for coordinat-  
 29 ing local assistance with assistance and certification procedures  
 30 provided at the national and State levels of government.

31 f. The Legislature, therefore, declares that in order to aid  
 32 local units of government in \*~~providing~~\* *establishing pilot*  
 33 *projects to provide*\* development and coordination assistance to  
 34 small, minority and women-owned businesses within their jurisdic-  
 35 tions, the Commissioner of the Department of Commerce and  
 36 Economic Development shall be authorized to make grants of  
 37 financial assistance to county and municipal units of government;  
 38 *that the making of those grants to county and municipal govern-*  
 39 *ments shall be regarded as a compliment to the State's program to*  
 40 *directly assist small, minority and women's businesses;*\* that the  
 41 authority and powers conferred hereunder and the expenditure of  
 42 public moneys as provided herein are in service of a valid public  
 43 purpose; and that the enactment of the provisions hereinafter set  
 44 forth is in the public interest and for the public benefit and good  
 45 and is so declared as a matter of express legislative determination.

1 2. As used in this act:

2 a. "Commissioner" means the Commissioner of the Depart-  
 3 ment of Commerce and Economic Development or his designated  
 4 representative, which may be the New Jersey Economic Develop-  
 5 ment Authority.

6 b. "Minority" means a person who is:

7 (1) Black, which is a person having origins in any of the  
 8 black racial groups in Africa; or

9 (2) Hispanic, which is a person of Spanish or Portuguese  
 10 culture, with origins in Mexico, South or Central America,  
 11 or the Caribbean Islands regardless of race; or

12 (3) Asian American, which is a person having origins in  
 13 any of the original peoples of the Far East, Southeast Asia,  
 14 Indian Subcontinent, Hawaii, or the Pacific Islands; or

15 (4) American Indian or Alaskan native, which is a person  
 16 having origins in any of the original peoples of North  
 17 America.

18 c. "Minority business" means a business which is:

19 (1) A sole proprietorship, owned and controlled by a  
 20 minority;

21 (2) A partnership or joint venture owned and controlled  
 22 by minorities in which at least 51% of the ownership interest  
 23 is held by minorities and the management and daily business  
 24 operations of which are controlled by one or more of the  
 25 \***[minority group members]**\* *minorities*\* who own it; or

26 (3) A corporation or other entity whose management and  
 27 daily business operations are controlled by one or more  
 28 minorities who own it, and which is at least 51% owned by  
 29 one or more minorities, or, if stock is issued, at least 51%  
 30 of the stock is owned by one or more minorities.

31 d. "Small business" means a business which is of a size and  
 32 type defined by the commissioner.

33 \***[e.]**\* "Woman" or "women" means a female or females, regard-  
 34 less of race.\*

35 \***[f.]**\* *e.*\* "Women's business" means a business which is:

36 (1) A sole proprietorship owned and controlled by a woman;  
 37 \***[or]**\*

38 (2) A partnership or joint venture owned and controlled  
 39 by women in which at least 51% of the ownership is held  
 40 by women and the management and daily business operations  
 41 of which are controlled by one or more women who own it; or

42 (3) A corporation or other entity whose management and  
 43 daily business operations are controlled by one or more  
 44 women who own it, and which is at least 51% owned by  
 45 women, or, if stock is issued, at least 51% of the stock is  
 45A owned by one or more women.

46 \***[g.]**\* *f.*\* "Grantee" means a county or municipality who has  
 47 received a grant under this act.

48 \***[h.]**\* *g.*\* "Technical assistance" means aiding the establish-  
 49 ment, development and promotion of small, minority and \***[women-**  
 50 owned]\* *women's*\* businesses operating within the grantee's  
 51 jurisdiction by means that will be defined by the commissioner  
 52 under the provisions of the act.

53 \***[i.]**\* *h.*\* "Certification assistance" means aiding \***[small,]**\*  
 54 minority and \***[women-owned]**\* *women's*\* businesses within the  
 55 grantee's jurisdiction in becoming certified, under State regulations,  
 56 to be eligible to bid on public contracts\***[, apply for assistance,]**\*

57 or otherwise represent themselves as a \***["small business,"]**\*  
 58 "minority business" or "women's business" under any program  
 59 conducted by public agencies for which such certification is so  
 60 required. Certification assistance also covers the cost to the grantee  
 61 of integrating and standardizing existing local government certifi-  
 62 cation procedures with State certification standards and procedures.

1 3. The commissioner is authorized to consider and approve an  
 2 application for a financial assistance grant of State funds from  
 3 any county or municipality for the purpose of paying up to 50  
 4 percent of the cost of \***[providing]**\* *a pilot program to provide\**  
 5 technical or certification assistance to small, minority and women-  
 6 owned businesses within the grantee's jurisdiction. *\*The commis-*  
 7 *sioner may approve any one or more of the applications based on*  
 8 *such criteria as he deems appropriate and shall not be required to*  
 9 *provide a grant to every applicant.\** Any application for a grant  
 10 shall include such information and documentation as the commis-  
 10A sioner may require to insure that any financial assistance approved  
 10B pursuant to the provisions of this section will further the purpose  
 10C and intent of this act.

11 Any application to the commissioner for a financial assistance  
 12 grant pursuant to the provisions of this section shall include the  
 13 following:

14 a. A detailed budget for the services for which grant support  
 15 is being applied;

16 b. Evidence of the availability to the grantee of otherwise un-  
 17 encumbered and uncommitted funds sufficient to finance that por-  
 18 tion of the services which is not to be funded from the grant;

19 c. Any other information and documentation as the commis-  
 20 sioner may require to insure that any grant approved pursuant  
 21 to the provisions of this section will as effectively as possible  
 22 further the purpose and intent of this act.

1 4. The commissioner is authorized to require any periodic re-  
 2 ports necessary to ascertain the progress of any activity supported  
 3 directly or indirectly by a grant of financial assistance pursuant  
 4 to the provisions of this act, and further to ascertain the extent  
 5 of compliance with any contract for a grant. *\*The commissioner*  
 6 *shall submit to the Legislature, not more than 12 months following*  
 7 *the effective date of this act, a report evaluating the effectiveness*  
 8 *of the pilot programs which receive financial assistance pursuant*  
 9 *to the provisions of this act. The report shall include recommenda-*  
 10 *tions concerning the appropriateness of continued State funding*  
 11 *for the county and municipal programs of technical or certification*  
 12 *assistance.\**

1 5. The commissioner shall issue and promulgate rules and regu-  
2 lations in accordance with the provisions of the "Administrative  
3 Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.) as are  
4 necessary and appropriate to carry out the purposes of this act,  
5 and may revise, repeal or amend them from time to time as he  
6 may deem necessary.

1 6. There is appropriated to the Department of Commerce and  
2 Economic Development the sum of \$95,000.00 from the General  
3 Fund for the purpose of providing financial assistance grants  
4 under the provisions of this act.

1 7. This act shall take effect immediately.

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#### ECONOMIC DEVELOPMENT

Establishes grant program for local development of small, minor-  
ity and women-owned businesses and appropriates \$95,000 to  
Dept. of Commerce and Economic Development.

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## STATEMENT

This bill establishes a grant program in the Department of Commerce and Economic Development that would provide up to 50 percent of the cost to a county or municipality for local efforts that are designed to encourage and develop the growth and success of small, minority and women-owned businesses within its jurisdiction. Grant funding could also be applied to the cost of integrating and standardizing existing, local small, minority and women-owned business certification criteria with State certification regulations.

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## ECONOMIC DEVELOPMENT

Establishes grant program for local development of small, minority and women-owned businesses and appropriates \$95,000 to Dept. of Commerce and Economic Development.

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SENATE STATE GOVERNMENT AND FEDERAL AND  
INTERSTATE RELATIONS AND VETERANS AFFAIRS  
COMMITTEE

STATEMENT TO

**SENATE, No. 2303**

**STATE OF NEW JERSEY**

DATED: OCTOBER 2, 1986

The Senate State Government Committee reports favorably Senate Bill No. 2303.

This bill establishes a grant program in the Department of Commerce and Economic Development to fund county and municipal efforts in providing technical or certification assistance to small, minority and women-owned businesses. The State funded grant may pay up to 50% of the cost of providing such assistance.

The bill appropriates \$95,000.00 to the department for the purpose of providing financial assistance grants.