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RWH/JA

P.L.2017, CHAPTER 25, *approved February 10, 2017*
Assembly, No. 3333 (*First Reprint*)

1 **AN ACT** concerning microenterprise development, amending
2 P.L.1992, c.48 and P.L.1992, c.43, 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. Section 4 of P.L.1992, c.48 (C.34:15B-38) is amended to
9 read as follows:

10 4. a. No individual shall receive employment and training
11 services paid for with federal job training funds other than
12 counseling unless the individual first receives counseling pursuant
13 to this section. The counseling shall be provided by a job counselor
14 hired and employed by the State pursuant to Title 11A, Civil
15 Service, of the New Jersey Statutes, or hired and employed by a
16 political subdivision of the State, or be provided by a qualified job
17 counselor hired and employed by a non-profit organization which
18 began functioning as the One Stop Career Center operator with the
19 written consent of the chief elected official and the commissioner
20 prior to the effective date of P.L.2004, c.39 (C.34:1A-1.2 et al.), or
21 be provided by a qualified job counselor hired and employed by an
22 approved community-based or faith-based organization to provide
23 counseling which the organization entered into an agreement to
24 provide before the effective date of P.L.2004, c.39 (C.34:1A-1.2 et
25 al.), or be provided by a qualified business counselor hired and
26 employed by an approved community-based or faith-based
27 organization to provide counseling for individuals seeking to
28 embark upon a microenterprise self-employment venture. The
29 purpose of any job counseling provided pursuant to this section is to
30 assist each individual in obtaining the employment and training
31 services most likely to enable the individual to obtain employment
32 providing self-sufficiency for the individual and also to provide the
33 individual with the greatest opportunity for long-range career
34 advancement with high levels of productivity and earning power.
35 The purpose of any business counseling provided pursuant to this
36 section is to assist each individual seeking to embark upon a
37 microenterprise self-employment venture with counseling by
38 qualified business counselors determined to be necessary and

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ACE committee amendments adopted September 8, 2016.

1 appropriate for the success of the microenterprise self-employment
2 venture. The counseling shall include:

3 (1) Testing and assessment of the individual's job skills and
4 aptitudes, including the individual's literacy skills and other basic
5 skills. Basic skills testing and assessment shall be provided to the
6 individual unless information is provided regarding the individual's
7 educational background and occupational or professional
8 experience which clearly demonstrates that the individual's basic
9 skill level meets the standards established pursuant to section 14 of
10 P.L.1989, c.293 (C.34:15C-11) or unless the individual is already
11 participating in a remedial instruction program which meets those
12 standards;

13 (2) An evaluation by a qualified job counselor of what remedial
14 instruction, or by a qualified business counselor of what
15 microenterprise self-employment training, if any, is determined to
16 be necessary for the individual to advance in his current career or
17 occupation, or microenterprise self-employment venture, or to
18 succeed in any particular occupational training which the individual
19 would undertake under the program, provided that the remedial
20 instruction shall be at a level not lower than that needed to meet the
21 standards established pursuant to section 14 of P.L.1989,
22 c.293 (C.34:15C-11);

23 (3) The provision of information to the individual regarding the
24 labor demand occupations, including the information about the
25 wage levels in those occupations, the profitability of self-employed
26 microentrepreneurs in those occupations, and information regarding
27 the effectiveness of approved service providers of occupational
28 training or microenterprise training in labor demand occupations
29 which the individual is considering, including a consumer report
30 card on service providers showing the long-term success of former
31 trainees of each provider in obtaining permanent employment, or
32 establishing a microenterprise self-employed business and
33 increasing earnings over one or more time periods following the
34 completion or other termination of training, including a period of
35 two years following the completion or other termination of training;

36 (4) The timely provision of information to the individual
37 regarding the services and benefits available to the individual, and
38 all actions required of the individual to obtain the services and
39 benefits, under programs supported by federal job training funds or
40 the provisions of P.L.1992, c.47 (C.43:21-57 et al.), and the
41 provision to the individual of a written statement of the individual's
42 rights and responsibilities with respect to programs for which the
43 individual is eligible, which includes a full disclosure to the
44 individual of his right to obtain the services most likely to enable
45 the individual to obtain employment providing self-sufficiency and
46 the individual's right not to be denied employment and training
47 services for any of the reasons indicated in section 5 of P.L.1992,
48 c.48 (C.34:15B-39), including the individual's right not to be denied

1 training services because the individual already has identifiable
2 vocational skills, if those existing skills are for employment with a
3 level of earnings lower than the level of self-sufficiency;

4 (5) Discussion with the counselor of the results of the testing
5 and evaluation; and

6 (6) The development of a written Employability Development
7 Plan identifying the training and employment services or other
8 workforce investment services, including any needed remedial
9 instruction, to be provided to the individual.

10 b. Federal job training funds shall be used to provide training
11 and employment services, microenterprise self-employment
12 training, or other workforce investment services to an individual
13 identified in an Employability Development Plan developed
14 pursuant to this section only if the counselor who evaluates the
15 individual pursuant to this section determines that the individual
16 can reasonably be expected to successfully complete the training
17 and instruction identified in the plan.

18 c. All information regarding an individual applicant or trainee
19 which is obtained or compiled in connection with the testing,
20 assessment and evaluation and which may be identified with the
21 individual shall be confidential and shall not be released to an entity
22 other than the individual, the counselor, the department, the
23 commission or partners of the One-Stop system as necessary for
24 them to provide training and employment services or other
25 workforce investment services to the individual, unless the
26 individual provides written permission to the department for the
27 release of the information or the information is used solely for
28 program evaluation.

29 (cf: P.L.2005, c.354, s.3)

30

31 2. Section 7 of P.L.1992, c.43 (C.34:15D-7) is amended to read
32 as follows:

33 7. Counseling shall be made available by the department to
34 each qualified displaced worker or qualified disadvantaged worker
35 applying to participate in the Workforce Development Partnership
36 program and, in the case of a qualified disadvantaged worker who is
37 a recipient of, or eligible for, benefits under the Work First New
38 Jersey Program, to participate in the Workforce Development
39 Partnership program or in any of those employment-directed
40 workforce development programs or activities transferred to the
41 Department of Labor and Workforce Development pursuant to
42 section 2 of P.L.2004, c.39 (C.34:1A-1.3) which provide
43 employment and training services as defined in section 3 of
44 P.L.1992, c.43 (C.34:15D-3), including the services indicated in
45 paragraphs (11) through (16) of subsection b. of section 2 of
46 P.L.2004, c.39 (C.34:1A-1.3). Counseling may also be made
47 available to a qualified employed worker who seeks remedial
48 instruction or is selected to participate in a customized training

1 program, if the worker's employer requests the counseling. The
2 counseling shall be provided by a job counselor hired and employed
3 by the State pursuant to Title 11A, Civil Service, of the New Jersey
4 Statutes, or hired and employed by a political subdivision of the
5 State, or be provided by a qualified job counselor hired and
6 employed by a non-profit organization which began functioning as
7 the One Stop Career Center operator with the written consent of the
8 chief elected official and the commissioner prior to the effective
9 date of P.L.2004, c.39 (C.34:1A-1.2 et al.), or be provided by a
10 qualified job counselor hired and employed by an approved
11 community-based or faith-based organization to provide counseling
12 which the organization entered into an agreement to provide before
13 the effective date of P.L.2004, c.39 (C.34:1A-1.2 et al.), or be
14 provided by a qualified business counselor hired and employed by
15 an approved community-based or faith-based organization to
16 provide counseling for individuals seeking to embark upon a
17 microenterprise self-employment venture. In the case of a qualified
18 disadvantaged worker who is a recipient of, or is eligible for,
19 benefits under the Work First New Jersey Program, the counseling
20 provided pursuant to this section shall be the counseling for the
21 provision of employment and training services either under the
22 Workforce Development Partnership program or under programs or
23 activities transferred to the Department of Labor and Workforce
24 Development pursuant to section 2 of P.L.2004, c.39 (C.34:1A-1.3),
25 but the counseling provided pursuant to this section shall be
26 provided in conjunction and in coordination with counseling
27 provided in connection with any services, other than training and
28 employment services, made available to the disadvantaged worker
29 under programs or activities transferred to the Department of Labor
30 and Workforce Development pursuant to section 2 of P.L.2004,
31 c.39 (C.34:1A-1.3). The purpose of any job counseling made
32 available pursuant to this section is to assist each worker in
33 obtaining the employment and training services most likely to
34 enable the worker to obtain employment providing self-sufficiency
35 for the worker and also to provide the worker with the greatest
36 opportunity for long-range career advancement with high levels of
37 productivity and earning power. The purpose of any business
38 counseling provided pursuant to this section is to assist each
39 individual seeking to embark upon a microenterprise self-
40 employment venture with counseling by qualified business
41 counselors determined to be necessary and appropriate for the
42 success of the microenterprise self-employment venture. The
43 counseling shall include:
44 a. Testing and assessment of the worker's job skills and
45 aptitudes, including the worker's literacy skills and other basic
46 skills. Basic skills testing and assessment shall be provided to the
47 worker unless information is provided regarding the worker's
48 educational background and occupational or professional

1 experience which clearly demonstrates that the worker's basic skill
2 level meets the standards established pursuant to section 14 of
3 P.L.1989, c.293 (C.34:15C-11) or unless the worker is already
4 participating in a remedial instruction program which meets those
5 standards;

6 b. An evaluation by a qualified job counselor of what remedial
7 instruction, or by a qualified business counselor of what
8 microenterprise self-employment training, if any, is determined to
9 be necessary for the worker to advance in his current career or
10 occupation, or microenterprise self-employment venture, or to
11 succeed in any particular occupational training which the worker
12 would undertake under the program, provided that the remedial
13 instruction shall be at a level not lower than that needed to meet the
14 standards established pursuant to section 14 of P.L.1989,
15 c.293 (C.34:15C-11);

16 c. The provision to the worker of information regarding any of
17 the labor demand occupations for which training meets the
18 requirements of section 4 of **【this act】** P.L.1992, c.43 (C.34:15D-4)
19 in the worker's case, including information about the wage levels in
20 those occupations, the profitability of self-employed
21 microentrepreneurs in those occupations, and information regarding
22 the effectiveness of approved service providers of occupational
23 training, or microenterprise training, in occupations which the
24 worker is considering, including a consumer report card on service
25 providers showing the long-term success of former trainees of each
26 provider in obtaining permanent employment, or establishing a self-
27 employed microenterprise business, and increasing earnings over
28 one or more time periods following the completion or other
29 termination of training, including a period of two years following
30 the completion or other termination of training;

31 d. The timely provision of information to the worker regarding
32 the services and benefits available to the worker, and all actions
33 required of the worker to obtain the services and benefits, under the
34 provisions of **【this act】** P.L.1992, c.43 (C.34:15D-1 et seq.) and
35 P.L.1992, c.47 (C.43:21-57 et al.), and under the Work First New
36 Jersey program in the case of a qualified disadvantaged worker
37 receiving or eligible for benefits under that program; and the
38 provision to the worker of a written statement of the worker's rights
39 and responsibilities with respect to programs for which the worker
40 is eligible, which includes a full disclosure to the worker of the
41 worker's right to obtain the services most likely to enable the
42 worker to obtain employment providing self-sufficiency and the
43 workers' right not to be denied training services for any of the
44 reasons indicated in subsection d. of section 6 of P.L.1992,
45 c.43 (C.34:15D-6), including the worker's right not to be denied
46 training services because the worker already has identifiable
47 occupational skills, if those existing skills are for employment with
48 a level of earnings lower than the level of self-sufficiency;

- 1 e. Discussion with the counselor of the results of the testing
2 and evaluation; and
- 3 f. The development of a written Employability Development
4 Plan identifying the training, employment and other workforce
5 investment services, including any needed remedial instruction, to
6 be provided to the worker pursuant to this act. In the case of a
7 qualified disadvantaged worker, the Employability Development
8 Plan will be, to the greatest extent possible while remaining in
9 compliance with any applicable federal requirements, coordinated
10 and made consistent with any individual responsibility plan
11 developed for the worker under the Work First New Jersey
12 program. In the case of a qualified disadvantaged worker who is or
13 was receiving, or who is eligible for but not receiving, benefits
14 under the Work First New Jersey program, and who does not have a
15 marketable bachelor's degree, the counselor may approve, as part of
16 the workers' Employability Development Plan, the replacement of
17 Work First New Jersey program benefits by Supplemental
18 Workforce Development Benefits paid to the disadvantaged worker
19 for full-time educational activity without, or with insufficient, other
20 work activity from available resources for employment-directed and
21 workforce development programs and activities transferred from the
22 Department of Human Services pursuant to section 2 of P.L.2004,
23 c.39 (C.34:1A-1.3) or from the account of the Workforce
24 Development Partnership Fund reserved for qualified disadvantaged
25 workers pursuant to subsection b. of section 9 of P.L.1992,
26 c.43 (C.34:15D-9), for any period of time for which the counselor
27 determines that:
- 28 (1) Full-time remedial instruction to obtain a high school
29 diploma or G.E.D. or full-time **[post secondary]** post-secondary
30 education in a two-year or four-year degree-granting educational
31 program with a course of study related to work, even if the duration
32 of the full-time education is longer than two years, is the training
33 and employment service that is most likely to enable the worker to
34 obtain employment providing self-sufficiency;
- 35 (2) The worker has responsibility during that period of time for
36 the care of dependent children or other family members unable to
37 care for themselves the magnitude of which, if added to the full-
38 time instructional or educational activities indicated in paragraph
39 (1) of this subsection, make it likely that any additional work
40 activity will jeopardize the success of the instructional or
41 educational activity; and
- 42 (3) Providing Work First New Jersey program benefits to the
43 worker during that period of time for the full-time instructional or
44 educational activity without, or with insufficient, work activities
45 would result in a loss of benefits for the worker pursuant to section
46 9 of P.L.1997, c.38 (C.44:10-63) or would be counted toward the
47 maximum limit of 60 cumulative months of Work First New Jersey

1 program benefits provided to the worker pursuant to section 2 of
2 P.L.1997, c.37 (C.44:10-72).

3 With respect to the use of the funds deposited during any fiscal
4 year in the account of the Workforce Development Partnership
5 Fund reserved for qualified disadvantaged workers pursuant to
6 subsection b. of section 9 of P.L.1992, c.43 (C.34:15D-9), first
7 priority shall be given for the payment of Supplemental Workforce
8 Development Benefits pursuant to this subsection. Not more than
9 1,500 qualified disadvantaged workers shall receive Supplemental
10 Workforce Development Benefits pursuant to this subsection at any
11 one time. With respect to using available resources for
12 employment-directed and workforce development programs and
13 activities transferred from the Department of Human Services
14 pursuant to section 2 of P.L.2004, c.39 (C.34:1A-1.3) for
15 Supplemental Workforce Development Benefits, no federal funds
16 which are part of those resources may be used for Supplemental
17 Workforce Development Benefits which result in the imposition of
18 conditions of participation other than those established by this
19 subsection. If federal funds are used for childcare costs of a
20 participant, the Department of Human Services may transfer the
21 funds to the Child Care and Development Block Grant, as permitted
22 by law and as needed to permit the use of the federal funds while
23 preventing any loss of benefits to the participant and preventing the
24 childcare time from being counted toward the participant's
25 maximum limit of 60 cumulative months of Work First New Jersey
26 program benefits. The counselor shall assist in facilitating the use,
27 to the maximum extent possible, of Pell grants or other available
28 educational grants to pay for tuition and other educational costs of a
29 recipient of Supplemental Workforce Development Benefits
30 provided pursuant to this section. The requirements for receiving
31 Supplemental Workforce Development Benefits may include work-
32 site experience which will enhance the participant's employability
33 in the participant's field, provided that the required sum of class
34 hours for a full-time class schedule, hours of study time at not less
35 than one and one half times class time, and hours of work-site
36 experience, shall not exceed 40 hours per week and that the
37 commissioner shall adopt regulations for reasonable adjustments in
38 participation requirements for good cause, including verifiable
39 needs related to physical or mental health problems, illness,
40 accident or death or serious personal or family problems that
41 necessitate reduced participation, provided further that no
42 individual shall receive Supplemental Workforce Development
43 Benefits for a period of more than five years. The commissioner
44 shall adopt regulations setting standards for satisfactory academic
45 progress for continued participation. Participation may not be
46 denied for any of the reasons which subsection d. of section 6 of
47 P.L.1992, c.43 (C.34:15D-6) prohibits from being used to deny
48 training grants. For the purposes of this section, "Work First New

1 Jersey benefits" means benefits for which a worker and the worker's
2 family would be eligible if the worker was participating in the Work
3 First New Jersey program or any successor program to the Work
4 First New Jersey program.

5 Counseling made available at the request of an employer
6 participating in a customized training program may include only
7 those components requested by the employer.

8 All information regarding a worker applicant or trainee which is
9 obtained or compiled in connection with the testing, assessment and
10 evaluation and which may be identified with the worker shall be
11 confidential and shall not be released to an entity other than the
12 worker, the counselor, the department or partners of the One-Stop
13 system as necessary for them to provide training and employment
14 services or other workforce investment services to the individual,
15 unless the worker provides written permission to the department for
16 the release of the information or the information is used solely for
17 program evaluation.

18 (cf: P.L.2005, c.354, s.23)

19

20 3. (New section) a. In its determination of qualified projects
21 proposed by nonprofit organizations, pursuant to section 6 of
22 P.L.2001, c.415 (C.52:27D-495), ¹【for the purpose of those
23 nonprofit organizations receiving a tax credit certificate pursuant to
24 P.L.2001, c.415 (C.52:27D-490 et seq.),】¹ the Department of
25 Community Affairs shall give emphasis to project applications that
26 involve the development or expansion of a microenterprise, benefit
27 low and moderate income neighborhoods, and improve the quality
28 of life for neighborhood residents.

29 b. As used in this section, "microenterprise" means a
30 commercial enterprise that has five or fewer employees, one or
31 more of whom owns the enterprise.

32

33 4. This act shall take effect immediately.

34

35

36

37

38 Establishes microenterprise training program and assistance for
39 microentrepreneurs; gives priority status to projects involving
40 microenterprises under Neighborhood Revitalization Tax Credit
41 Program.

ASSEMBLY, No. 3333

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED FEBRUARY 22, 2016

Sponsored by:

Assemblyman TROY SINGLETON

District 7 (Burlington)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblywoman SHEILA Y. OLIVER

District 34 (Essex and Passaic)

SYNOPSIS

Establishes microenterprise training program and assistance for microentrepreneurs; gives priority status to projects involving microenterprises under Neighborhood Revitalization Tax Credit Program.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/9/2016)

1 AN ACT concerning microenterprise development, amending
2 P.L.1992, c.48 and P.L.1992, c.43, 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. Section 4 of P.L.1992, c.48 (C.34:15B-38) is amended to
9 read as follows:

10 4. a. No individual shall receive employment and training
11 services paid for with federal job training funds other than
12 counseling unless the individual first receives counseling pursuant
13 to this section. The counseling shall be provided by a job counselor
14 hired and employed by the State pursuant to Title 11A, Civil
15 Service, of the New Jersey Statutes, or hired and employed by a
16 political subdivision of the State, or be provided by a qualified job
17 counselor hired and employed by a non-profit organization which
18 began functioning as the One Stop Career Center operator with the
19 written consent of the chief elected official and the commissioner
20 prior to the effective date of P.L.2004, c.39 (C.34:1A-1.2 et al.), or
21 be provided by a qualified job counselor hired and employed by an
22 approved community-based or faith-based organization to provide
23 counseling which the organization entered into an agreement to
24 provide before the effective date of P.L.2004, c.39 (C.34:1A-1.2 et
25 al.), or be provided by a qualified business counselor hired and
26 employed by an approved community-based or faith-based
27 organization to provide counseling for individuals seeking to
28 embark upon a microenterprise self-employment venture. The
29 purpose of any job counseling provided pursuant to this section is to
30 assist each individual in obtaining the employment and training
31 services most likely to enable the individual to obtain employment
32 providing self-sufficiency for the individual and also to provide the
33 individual with the greatest opportunity for long-range career
34 advancement with high levels of productivity and earning power.
35 The purpose of any business counseling provided pursuant to this
36 section is to assist each individual seeking to embark upon a
37 microenterprise self-employment venture with counseling by
38 qualified business counselors determined to be necessary and
39 appropriate for the success of the microenterprise self-employment
40 venture. The counseling shall include:

41 (1) Testing and assessment of the individual's job skills and
42 aptitudes, including the individual's literacy skills and other basic
43 skills. Basic skills testing and assessment shall be provided to the
44 individual unless information is provided regarding the individual's
45 educational background and occupational or professional

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 experience which clearly demonstrates that the individual's basic
2 skill level meets the standards established pursuant to section 14 of
3 P.L.1989, c.293 (C.34:15C-11) or unless the individual is already
4 participating in a remedial instruction program which meets those
5 standards;

6 (2) An evaluation by a qualified job counselor of what remedial
7 instruction, or by a qualified business counselor of what
8 microenterprise self-employment training, if any, is determined to
9 be necessary for the individual to advance in his current career or
10 occupation, or microenterprise self-employment venture, or to
11 succeed in any particular occupational training which the individual
12 would undertake under the program, provided that the remedial
13 instruction shall be at a level not lower than that needed to meet the
14 standards established pursuant to section 14 of P.L.1989,
15 c.293 (C.34:15C-11);

16 (3) The provision of information to the individual regarding the
17 labor demand occupations, including the information about the
18 wage levels in those occupations, the profitability of self-employed
19 microentrepreneurs in those occupations, and information regarding
20 the effectiveness of approved service providers of occupational
21 training or microenterprise training in labor demand occupations
22 which the individual is considering, including a consumer report
23 card on service providers showing the long-term success of former
24 trainees of each provider in obtaining permanent employment, or
25 establishing a microenterprise self-employed business and
26 increasing earnings over one or more time periods following the
27 completion or other termination of training, including a period of
28 two years following the completion or other termination of training;

29 (4) The timely provision of information to the individual
30 regarding the services and benefits available to the individual, and
31 all actions required of the individual to obtain the services and
32 benefits, under programs supported by federal job training funds or
33 the provisions of P.L.1992, c.47 (C.43:21-57 et al.), and the
34 provision to the individual of a written statement of the individual's
35 rights and responsibilities with respect to programs for which the
36 individual is eligible, which includes a full disclosure to the
37 individual of his right to obtain the services most likely to enable
38 the individual to obtain employment providing self-sufficiency and
39 the individual's right not to be denied employment and training
40 services for any of the reasons indicated in section 5 of P.L.1992,
41 c.48 (C.34:15B-39), including the individual's right not to be denied
42 training services because the individual already has identifiable
43 vocational skills, if those existing skills are for employment with a
44 level of earnings lower than the level of self-sufficiency;

45 (5) Discussion with the counselor of the results of the testing
46 and evaluation; and

47 (6) The development of a written Employability Development
48 Plan identifying the training and employment services or other

1 workforce investment services, including any needed remedial
2 instruction, to be provided to the individual.

3 b. Federal job training funds shall be used to provide training
4 and employment services, microenterprise self-employment
5 training, or other workforce investment services to an individual
6 identified in an Employability Development Plan developed
7 pursuant to this section only if the counselor who evaluates the
8 individual pursuant to this section determines that the individual
9 can reasonably be expected to successfully complete the training
10 and instruction identified in the plan.

11 c. All information regarding an individual applicant or trainee
12 which is obtained or compiled in connection with the testing,
13 assessment and evaluation and which may be identified with the
14 individual shall be confidential and shall not be released to an entity
15 other than the individual, the counselor, the department, the
16 commission or partners of the One-Stop system as necessary for
17 them to provide training and employment services or other
18 workforce investment services to the individual, unless the
19 individual provides written permission to the department for the
20 release of the information or the information is used solely for
21 program evaluation.

22 (cf: P.L.2005, c.354, s.3)

23

24 2. Section 7 of P.L.1992, c.43 (C.34:15D-7) is amended to read
25 as follows:

26 7. Counseling shall be made available by the department to
27 each qualified displaced worker or qualified disadvantaged worker
28 applying to participate in the Workforce Development Partnership
29 program and, in the case of a qualified disadvantaged worker who is
30 a recipient of, or eligible for, benefits under the Work First New
31 Jersey Program, to participate in the Workforce Development
32 Partnership program or in any of those employment-directed
33 workforce development programs or activities transferred to the
34 Department of Labor and Workforce Development pursuant to
35 section 2 of P.L.2004, c.39 (C.34:1A-1.3) which provide
36 employment and training services as defined in section 3 of
37 P.L.1992, c.43 (C.34:15D-3), including the services indicated in
38 paragraphs (11) through (16) of subsection b. of section 2 of
39 P.L.2004, c.39 (C.34:1A-1.3). Counseling may also be made
40 available to a qualified employed worker who seeks remedial
41 instruction or is selected to participate in a customized training
42 program, if the worker's employer requests the counseling. The
43 counseling shall be provided by a job counselor hired and employed
44 by the State pursuant to Title 11A, Civil Service, of the New Jersey
45 Statutes, or hired and employed by a political subdivision of the
46 State, or be provided by a qualified job counselor hired and
47 employed by a non-profit organization which began functioning as
48 the One Stop Career Center operator with the written consent of the

1 chief elected official and the commissioner prior to the effective
2 date of P.L.2004, c.39 (C.34:1A-1.2 et al.), or be provided by a
3 qualified job counselor hired and employed by an approved
4 community-based or faith-based organization to provide counseling
5 which the organization entered into an agreement to provide before
6 the effective date of P.L.2004, c.39 (C.34:1A-1.2 et al.), or be
7 provided by a qualified business counselor hired and employed by
8 an approved community-based or faith-based organization to
9 provide counseling for individuals seeking to embark upon a
10 microenterprise self-employment venture. In the case of a qualified
11 disadvantaged worker who is a recipient of, or is eligible for,
12 benefits under the Work First New Jersey Program, the counseling
13 provided pursuant to this section shall be the counseling for the
14 provision of employment and training services either under the
15 Workforce Development Partnership program or under programs or
16 activities transferred to the Department of Labor and Workforce
17 Development pursuant to section 2 of P.L.2004, c.39 (C.34:1A-1.3),
18 but the counseling provided pursuant to this section shall be
19 provided in conjunction and in coordination with counseling
20 provided in connection with any services, other than training and
21 employment services, made available to the disadvantaged worker
22 under programs or activities transferred to the Department of Labor
23 and Workforce Development pursuant to section 2 of P.L.2004,
24 c.39 (C.34:1A-1.3). The purpose of any job counseling made
25 available pursuant to this section is to assist each worker in
26 obtaining the employment and training services most likely to
27 enable the worker to obtain employment providing self-sufficiency
28 for the worker and also to provide the worker with the greatest
29 opportunity for long-range career advancement with high levels of
30 productivity and earning power. The purpose of any business
31 counseling provided pursuant to this section is to assist each
32 individual seeking to embark upon a microenterprise self-
33 employment venture with counseling by qualified business
34 counselors determined to be necessary and appropriate for the
35 success of the microenterprise self-employment venture. The
36 counseling shall include:

37 a. Testing and assessment of the worker's job skills and
38 aptitudes, including the worker's literacy skills and other basic
39 skills. Basic skills testing and assessment shall be provided to the
40 worker unless information is provided regarding the worker's
41 educational background and occupational or professional
42 experience which clearly demonstrates that the worker's basic skill
43 level meets the standards established pursuant to section 14 of
44 P.L.1989, c.293 (C.34:15C-11) or unless the worker is already
45 participating in a remedial instruction program which meets those
46 standards;

47 b. An evaluation by a qualified job counselor of what remedial
48 instruction, or by a qualified business counselor of what

1 microenterprise self-employment training, if any, is determined to
2 be necessary for the worker to advance in his current career or
3 occupation, or microenterprise self-employment venture, or to
4 succeed in any particular occupational training which the worker
5 would undertake under the program, provided that the remedial
6 instruction shall be at a level not lower than that needed to meet the
7 standards established pursuant to section 14 of P.L.1989,
8 c.293 (C.34:15C-11);

9 c. The provision to the worker of information regarding any of
10 the labor demand occupations for which training meets the
11 requirements of section 4 of **[this act]** P.L.1992, c.43 (C.34:15D-4)
12 in the worker's case, including information about the wage levels in
13 those occupations, the profitability of self-employed
14 microentrepreneurs in those occupations, and information regarding
15 the effectiveness of approved service providers of occupational
16 training, or microenterprise training, in occupations which the
17 worker is considering, including a consumer report card on service
18 providers showing the long-term success of former trainees of each
19 provider in obtaining permanent employment, or establishing a self-
20 employed microenterprise business, and increasing earnings over
21 one or more time periods following the completion or other
22 termination of training, including a period of two years following
23 the completion or other termination of training;

24 d. The timely provision of information to the worker regarding
25 the services and benefits available to the worker, and all actions
26 required of the worker to obtain the services and benefits, under the
27 provisions of **[this act]** P.L.1992, c.43 (C.34:15D-1 et seq.) and
28 P.L.1992, c.47 (C.43:21-57 et al.), and under the Work First New
29 Jersey program in the case of a qualified disadvantaged worker
30 receiving or eligible for benefits under that program; and the
31 provision to the worker of a written statement of the worker's rights
32 and responsibilities with respect to programs for which the worker
33 is eligible, which includes a full disclosure to the worker of the
34 worker's right to obtain the services most likely to enable the
35 worker to obtain employment providing self-sufficiency and the
36 workers' right not to be denied training services for any of the
37 reasons indicated in subsection d. of section 6 of P.L.1992,
38 c.43 (C.34:15D-6), including the worker's right not to be denied
39 training services because the worker already has identifiable
40 occupational skills, if those existing skills are for employment with
41 a level of earnings lower than the level of self-sufficiency;

42 e. Discussion with the counselor of the results of the testing
43 and evaluation; and

44 f. The development of a written Employability Development
45 Plan identifying the training, employment and other workforce
46 investment services, including any needed remedial instruction, to
47 be provided to the worker pursuant to this act. In the case of a
48 qualified disadvantaged worker, the Employability Development

1 Plan will be, to the greatest extent possible while remaining in
2 compliance with any applicable federal requirements, coordinated
3 and made consistent with any individual responsibility plan
4 developed for the worker under the Work First New Jersey
5 program. In the case of a qualified disadvantaged worker who is or
6 was receiving, or who is eligible for but not receiving, benefits
7 under the Work First New Jersey program, and who does not have a
8 marketable bachelor's degree, the counselor may approve, as part of
9 the workers' Employability Development Plan, the replacement of
10 Work First New Jersey program benefits by Supplemental
11 Workforce Development Benefits paid to the disadvantaged worker
12 for full-time educational activity without, or with insufficient, other
13 work activity from available resources for employment-directed and
14 workforce development programs and activities transferred from the
15 Department of Human Services pursuant to section 2 of P.L.2004,
16 c.39 (C.34:1A-1.3) or from the account of the Workforce
17 Development Partnership Fund reserved for qualified disadvantaged
18 workers pursuant to subsection b. of section 9 of P.L.1992,
19 c.43 (C.34:15D-9), for any period of time for which the counselor
20 determines that:

21 (1) Full-time remedial instruction to obtain a high school
22 diploma or G.E.D. or full-time **【post secondary】** post-secondary
23 education in a two-year or four-year degree-granting educational
24 program with a course of study related to work, even if the duration
25 of the full-time education is longer than two years, is the training
26 and employment service that is most likely to enable the worker to
27 obtain employment providing self-sufficiency;

28 (2) The worker has responsibility during that period of time for
29 the care of dependent children or other family members unable to
30 care for themselves the magnitude of which, if added to the full-
31 time instructional or educational activities indicated in paragraph
32 (1) of this subsection, make it likely that any additional work
33 activity will jeopardize the success of the instructional or
34 educational activity; and

35 (3) Providing Work First New Jersey program benefits to the
36 worker during that period of time for the full-time instructional or
37 educational activity without, or with insufficient, work activities
38 would result in a loss of benefits for the worker pursuant to section
39 9 of P.L.1997, c.38 (C.44:10-63) or would be counted toward the
40 maximum limit of 60 cumulative months of Work First New Jersey
41 program benefits provided to the worker pursuant to section 2 of
42 P.L.1997, c.37 (C.44:10-72).

43 With respect to the use of the funds deposited during any fiscal
44 year in the account of the Workforce Development Partnership
45 Fund reserved for qualified disadvantaged workers pursuant to
46 subsection b. of section 9 of P.L.1992, c.43 (C.34:15D-9), first
47 priority shall be given for the payment of Supplemental Workforce
48 Development Benefits pursuant to this subsection. Not more than

1 1,500 qualified disadvantaged workers shall receive Supplemental
2 Workforce Development Benefits pursuant to this subsection at any
3 one time. With respect to using available resources for
4 employment-directed and workforce development programs and
5 activities transferred from the Department of Human Services
6 pursuant to section 2 of P.L.2004, c.39 (C.34:1A-1.3) for
7 Supplemental Workforce Development Benefits, no federal funds
8 which are part of those resources may be used for Supplemental
9 Workforce Development Benefits which result in the imposition of
10 conditions of participation other than those established by this
11 subsection. If federal funds are used for childcare costs of a
12 participant, the Department of Human Services may transfer the
13 funds to the Child Care and Development Block Grant, as permitted
14 by law and as needed to permit the use of the federal funds while
15 preventing any loss of benefits to the participant and preventing the
16 childcare time from being counted toward the participant's
17 maximum limit of 60 cumulative months of Work First New Jersey
18 program benefits. The counselor shall assist in facilitating the use,
19 to the maximum extent possible, of Pell grants or other available
20 educational grants to pay for tuition and other educational costs of a
21 recipient of Supplemental Workforce Development Benefits
22 provided pursuant to this section. The requirements for receiving
23 Supplemental Workforce Development Benefits may include work-
24 site experience which will enhance the participant's employability
25 in the participant's field, provided that the required sum of class
26 hours for a full-time class schedule, hours of study time at not less
27 than one and one half times class time, and hours of work-site
28 experience, shall not exceed 40 hours per week and that the
29 commissioner shall adopt regulations for reasonable adjustments in
30 participation requirements for good cause, including verifiable
31 needs related to physical or mental health problems, illness,
32 accident or death or serious personal or family problems that
33 necessitate reduced participation, provided further that no
34 individual shall receive Supplemental Workforce Development
35 Benefits for a period of more than five years. The commissioner
36 shall adopt regulations setting standards for satisfactory academic
37 progress for continued participation. Participation may not be
38 denied for any of the reasons which subsection d. of section 6 of
39 P.L.1992, c.43 (C.34:15D-6) prohibits from being used to deny
40 training grants. For the purposes of this section, "Work First New
41 Jersey benefits" means benefits for which a worker and the worker's
42 family would be eligible if the worker was participating in the Work
43 First New Jersey program or any successor program to the Work
44 First New Jersey program.

45 Counseling made available at the request of an employer
46 participating in a customized training program may include only
47 those components requested by the employer.

1 All information regarding a worker applicant or trainee which is
2 obtained or compiled in connection with the testing, assessment and
3 evaluation and which may be identified with the worker shall be
4 confidential and shall not be released to an entity other than the
5 worker, the counselor, the department or partners of the One-Stop
6 system as necessary for them to provide training and employment
7 services or other workforce investment services to the individual,
8 unless the worker provides written permission to the department for
9 the release of the information or the information is used solely for
10 program evaluation.

11 (cf: P.L.2005, c.354, s.23)

12

13 3. (New section) a. In its determination of qualified projects
14 proposed by nonprofit organizations, pursuant to section 6 of
15 P.L.2001, c.415 (C.52:27D-495), for the purpose of those nonprofit
16 organizations receiving a tax credit certificate pursuant to P.L.2001,
17 c.415 (C.52:27D-490 et seq.), the Department of Community
18 Affairs shall give emphasis to project applications that involve the
19 development or expansion of a microenterprise, benefit low and
20 moderate income neighborhoods, and improve the quality of life for
21 neighborhood residents.

22 b. As used in this section, "microenterprise" means a
23 commercial enterprise that has five or fewer employees, one or
24 more of whom owns the enterprise.

25

26 4. This act shall take effect immediately.

27

28

29

STATEMENT

30

31 This bill provides assistance for certain individuals who own or
32 are starting a microenterprise business. A microenterprise is a
33 commercial enterprise that has five or fewer employees, one or
34 more of whom owns the enterprise.

35 The bill amends the counseling requirements to be offered at One
36 Stop Career Centers to include an evaluation of an individual's
37 ability to engage in self-employment training, information about
38 self-employment training opportunities, and information about the
39 success of past participants in such training. The bill clarifies that
40 individuals seeking to embark upon microenterprise self-
41 employment ventures will be counseled by qualified business
42 counselors rather than qualified job counselors.

43 Further, the bill requires the Department of Community Affairs
44 to give emphasis to project applications that involve the
45 development or expansion of a microenterprise, benefit low and
46 moderate income neighborhoods, and improve the quality of life for
47 neighborhood residents when the department determines whether
48 projects proposed for eligibility by nonprofit organizations under

A3333 SINGLETON, MUKHERJI

10

- 1 the Neighborhood Revitalization Tax Credit Program qualify to
- 2 receive tax credits under that program.

ASSEMBLY COMMERCE AND ECONOMIC DEVELOPMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3333

STATE OF NEW JERSEY

DATED: SEPTEMBER 8, 2016

The Assembly Commerce and Economic Development Committee reports favorably and with committee amendments Assembly Bill No. 3333.

This bill, as amended by the committee, provides assistance for individuals who own or are starting a microenterprise business. A microenterprise is a commercial enterprise that has five or fewer employees, one or more of whom owns the enterprise.

The bill, as amended, modifies requirements for counseling offered at One Stop Career Centers to provide people who want to start a microenterprise with appropriate counseling by qualified business counselors. Counseling would include an evaluation of an individual's ability to engage in self-employment training, information about self-employment training opportunities, and information about the success of past participants in such training. The bill provides opportunities for counseling by qualified business counselors and by qualified job counselors.

The bill, as amended, requires the Department of Community Affairs (DCA), when determining the eligibility of projects under the Neighborhood Revitalization Tax Credit Program, to give emphasis to project applications that involve the development or expansion of a microenterprise, benefit low and moderate income neighborhoods, and improve the quality of life for neighborhood residents.

COMMITTEE AMENDMENTS:

The committee amended the bill to correct language that inaccurately indicated that nonprofit organizations receive tax credits under the Neighborhood Revitalization Tax Credit Program, and to make the bill identical to Senate Bill No. 1509 (2R).

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 3333

STATE OF NEW JERSEY 217th LEGISLATURE

DATED: NOVEMBER 28, 2016

SUMMARY

- Synopsis:** Establishes microenterprise training program and assistance for microentrepreneurs; gives priority status to projects involving microenterprises under Neighborhood Tax Credit Program.
- Type of Impact:** No impact on State and local finances.
- Agencies Affected:** Department of Community Affairs and the Department of Labor and Workforce Development

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Finances	No Impact – See comments below		
Local Finances	No Impact – See comments below		

- The Office of Legislative Services concludes that the enactment of Assembly Bill No. 3333 (1R) will have no impact on State and local finances.
- Adding self-employment counseling and training to the services provided at One Stop Career Centers will have no fiscal impact. The amount of time and resources that counselors spend with each client is expected to remain the same. The new counseling activities provided, when appropriate, will replace other forms of employment counseling which are less relevant to these particular clients.
- The bill does not increase the amount of tax credits available through the Neighborhood Revitalization Tax Credit Program (NRTC) but it does require the Department of Community Affairs to emphasize certain elements of an NRTC project application. This may cause tax credits to be distributed differently among eligible projects.

BILL DESCRIPTION

Assembly Bill No. 3333 (1R) of 2016 provides assistance for individuals, who own, or are starting, a microenterprise business. A microenterprise is a commercial enterprise that has five or fewer employees, one or more of whom own the enterprise. The bill modifies requirements for counseling offered at One Stop Career Centers to provide people who want to start a microenterprise with appropriate counseling by qualified business counselors. Counseling would include an evaluation of an individual's ability to engage in self-employment training opportunities, and information about the success of past participants in such training. The bill provides opportunities for counseling by qualified business counselors and by qualified job counselors.

Assembly Bill No. 3333 (1R) requires the Department of Community Affairs (DCA), when determining the eligibility of projects under the NRTC Program, to give emphasis to project applications that involve the development or expansion of a microenterprise, benefit low and moderate income neighborhoods, and improve the quality of life for neighborhood residents.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services concludes that Assembly Bill No. 3333 (1R) is not expected to produce any new State or local expenditures. Adding self-employment counseling and training to the services provided at One Stop Career Centers will have no fiscal impact. The amount of time and resources that counselors spend with each client is expected to remain the same. The new counseling activities provided, when appropriate, will replace other forms of employment counseling which are less relevant to these particular clients. The One Stop Career Centers are supported by federal funds distributed pursuant to the "Workforce Innovation and Opportunity Act," (Pub.L.113-128), through the Temporary Assistance to Needy Families and through the Supplemental Nutritional Assistance Program. State support for One Stop Career Centers is provided through the Supplemental Workforce Fund for Basic Skills.

Section 3 of Assembly Bill No. 3333 (1R), which supplements the "Neighborhood Revitalization State Tax Credit Act," P.L.2001, c.415 (C.52:27D-490 et seq.), would also have no impact on State and local expenditures. That section does not affect the total amount of tax credits available through the program, which is capped at \$10 million per fiscal year. That section requires the DCA to give emphasis to NRTC applications that involve the development or expansion of a microenterprise, benefit low- and moderate-income neighborhoods, and improve the quality of life for neighborhood residents. State regulations governing the NRTC require at least 50 percent of the households in an eligible neighborhood to be of low- and moderate-income and at least 25 percent of the households in an eligible neighborhood to be of low-income. Requiring the DCA to emphasize these elements of an NRTC application may cause tax credits to be allocated differently among eligible projects.

Section 6 of P.L.2001, c.415 (C.52:27D-495) requires the Department of Community Affairs to determine whether a project proposed by a nonprofit organization qualifies for assistance for

which a tax credit will be granted. A project qualifies for assistance if it meets all of the following standards: (1) the project consists of neighborhood preservation and revitalization activities; (2) the project is reasonably designed to accomplish its intended purpose and it would further the purposes of a neighborhood preservation and revitalization plan; (3) the nonprofit organization demonstrates that it has the capacity to carry out the activities; (4) the nonprofit organization provides adequate assurances that the assistance will be expended for exclusively for the proposed activities; and (5) housing and economic development activities make up at least 60 percent of the total cost of the neighborhood preservation and revitalization activities in the proposed project.

The NRTC provides a 100 percent tax credit against various State taxes to businesses that invest in the revitalization of low- and moderate-income neighborhoods in eligible municipalities. Sixty percent of the tax credit funds must be used for activities related to the development of housing and economic development. The remaining balance may be used for complementary activities such as the provision of assistance to small businesses, removing barriers to self-sufficiency, and promoting the integration of mixed-income neighborhoods.

Section: Local Government

*Analyst: Scott A. Brodsky
Senior Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE, No. 1509

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED FEBRUARY 16, 2016

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

SYNOPSIS

Establishes microenterprise training program and assistance for micro entrepreneurs.

CURRENT VERSION OF TEXT

As introduced.



S1509 TURNER

2

1 AN ACT concerning microenterprise development and amending
2 various sections of the statutory law and supplementing Title 52
3 of the Revised Statutes.

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

7
8 1. Section 4 of P.L.1992, c.48 (C.34:15B-38) is amended to
9 read as follows:

10 4. a. No individual shall receive employment and training
11 services paid for with federal job training funds other than
12 counseling unless the individual first receives counseling pursuant
13 to this section. The counseling shall be provided by a job counselor
14 hired and employed by the State pursuant to Title 11A, Civil
15 Service, of the New Jersey Statutes, or hired and employed by a
16 political subdivision of the State, or be provided by a qualified job
17 counselor hired and employed by a non-profit organization which
18 began functioning as the One Stop Career Center operator with the
19 written consent of the chief elected official and the commissioner
20 prior to the effective date of P.L.2004, c.39 (C.34:1A-1.2 et al.), or
21 be provided by a qualified job counselor hired and employed by an
22 approved community-based or faith-based organization to provide
23 counseling which the organization entered into an agreement to
24 provide before the effective date of P.L.2004, c.39 (C.34:1A-1.2 et
25 al.), or be provided by a qualified business counselor hired and
26 employed by an approved community-based or faith-based
27 organization to provide counseling for individuals seeking to
28 embark upon a microenterprise self-employment venture. The
29 purpose of any job counseling provided pursuant to this section is to
30 assist each individual in obtaining the employment and training
31 services most likely to enable the individual to obtain employment
32 providing self-sufficiency for the individual and also to provide the
33 individual with the greatest opportunity for long-range career
34 advancement with high levels of productivity and earning power.
35 The purpose of any business counseling provided pursuant to this
36 section is to assist each individual seeking to embark upon a
37 microenterprise self-employment venture with counseling by
38 qualified business counselors determined to be necessary and
39 appropriate for the success of the microenterprise self-employment
40 venture. The counseling shall include:

41 (1) Testing and assessment of the individual's job skills and
42 aptitudes, including the individual's literacy skills and other basic
43 skills. Basic skills testing and assessment shall be provided to the
44 individual unless information is provided regarding the individual's
45 educational background and occupational or professional

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 experience which clearly demonstrates that the individual's basic
2 skill level meets the standards established pursuant to section 14 of
3 P.L.1989, c.293 (C.34:15C-11) or unless the individual is already
4 participating in a remedial instruction program which meets those
5 standards;

6 (2) An evaluation by a qualified job counselor of what remedial
7 instruction, or by a qualified business counselor of what
8 microenterprise self-employment training, if any, is determined to
9 be necessary for the individual to advance in his current career or
10 occupation, or microenterprise self-employment venture, or to
11 succeed in any particular occupational training which the individual
12 would undertake under the program, provided that the remedial
13 instruction shall be at a level not lower than that needed to meet the
14 standards established pursuant to section 14 of P.L.1989, c.293
15 (C.34:15C-11);

16 (3) The provision of information to the individual regarding the
17 labor demand occupations, including the information about the
18 wage levels in those occupations, the profitability of self-employed
19 microentrepreneurs in those occupations, and information regarding
20 the effectiveness of approved service providers of occupational
21 training or microenterprise training in labor demand occupations
22 which the individual is considering, including a consumer report
23 card on service providers showing the long-term success of former
24 trainees of each provider in obtaining permanent employment, or
25 establishing a microenterprise self-employed business and
26 increasing earnings over one or more time periods following the
27 completion or other termination of training, including a period of
28 two years following the completion or other termination of training;

29 (4) The timely provision of information to the individual
30 regarding the services and benefits available to the individual, and
31 all actions required of the individual to obtain the services and
32 benefits, under programs supported by federal job training funds or
33 the provisions of P.L.1992, c.47 (C.43:21-57 et al.), and the
34 provision to the individual of a written statement of the individual's
35 rights and responsibilities with respect to programs for which the
36 individual is eligible, which includes a full disclosure to the
37 individual of his right to obtain the services most likely to enable
38 the individual to obtain employment providing self-sufficiency and
39 the individual's right not to be denied employment and training
40 services for any of the reasons indicated in section 5 of P.L.1992,
41 c.48 (C.34:15B-39), including the individual's right not to be denied
42 training services because the individual already has identifiable
43 vocational skills, if those existing skills are for employment with a
44 level of earnings lower than the level of self-sufficiency;

45 (5) Discussion with the counselor of the results of the testing
46 and evaluation; and

47 (6) The development of a written Employability Development
48 Plan identifying the training and employment services or other

1 workforce investment services, including any needed remedial
2 instruction, to be provided to the individual.

3 b. Federal job training funds shall be used to provide training
4 and employment services, microenterprise self-employment
5 training, or other workforce investment services to an individual
6 identified in an Employability Development Plan developed
7 pursuant to this section only if the counselor who evaluates the
8 individual pursuant to this section determines that the individual
9 can reasonably be expected to successfully complete the training
10 and instruction identified in the plan.

11 c. All information regarding an individual applicant or trainee
12 which is obtained or compiled in connection with the testing,
13 assessment and evaluation and which may be identified with the
14 individual shall be confidential and shall not be released to an entity
15 other than the individual, the counselor, the department, the
16 commission or partners of the One-Stop system as necessary for
17 them to provide training and employment services or other
18 workforce investment services to the individual, unless the
19 individual provides written permission to the department for the
20 release of the information or the information is used solely for
21 program evaluation.

22 (cf: P.L.2005, c.354, s.3)

23

24 2. Section 7 of P.L.1992, c.43 (C.34:15D-7) is amended to read
25 as follows:

26 7. Counseling shall be made available by the department to
27 each qualified displaced worker or qualified disadvantaged worker
28 applying to participate in the Workforce Development Partnership
29 program and, in the case of a qualified disadvantaged worker who is
30 a recipient of, or eligible for, benefits under the Work First New
31 Jersey Program, to participate in the Workforce Development
32 Partnership program or in any of those employment-directed
33 workforce development programs or activities transferred to the
34 Department of Labor and Workforce Development pursuant to
35 section 2 of P.L.2004, c.39 (C.34:1A-1.3) which provide
36 employment and training services as defined in section 3 of
37 P.L.1992, c.43 (C.34:15D-3), including the services indicated in
38 paragraphs (11) through (16) of subsection b. of section 2 of
39 P.L.2004, c.39 (C.34:1A-1.3). Counseling may also be made
40 available to a qualified employed worker who seeks remedial
41 instruction or is selected to participate in a customized training
42 program, if the worker's employer requests the counseling. The
43 counseling shall be provided by a job counselor hired and employed
44 by the State pursuant to Title 11A, Civil Service, of the New Jersey
45 Statutes, or hired and employed by a political subdivision of the
46 State, or be provided by a qualified job counselor hired and
47 employed by a non-profit organization which began functioning as
48 the One Stop Career Center operator with the written consent of the

1 chief elected official and the commissioner prior to the effective
2 date of P.L.2004, c.39 (C.34:1A-1.2 et al.), or be provided by a
3 qualified job counselor hired and employed by an approved
4 community-based or faith-based organization to provide counseling
5 which the organization entered into an agreement to provide before
6 the effective date of P.L.2004, c.39 (C.34:1A-1.2 et al.), or be
7 provided by a qualified business counselor hired and employed by
8 an approved community-based or faith-based organization to
9 provide counseling for individuals seeking to embark upon a
10 microenterprise self-employment venture. In the case of a qualified
11 disadvantaged worker who is a recipient of, or is eligible for,
12 benefits under the Work First New Jersey Program, the counseling
13 provided pursuant to this section shall be the counseling for the
14 provision of employment and training services either under the
15 Workforce Development Partnership program or under programs or
16 activities transferred to the Department of Labor and Workforce
17 Development pursuant to section 2 of P.L.2004, c.39 (C.34:1A-1.3),
18 but the counseling provided pursuant to this section shall be
19 provided in conjunction and in coordination with counseling
20 provided in connection with any services, other than training and
21 employment services, made available to the disadvantaged worker
22 under programs or activities transferred to the Department of Labor
23 and Workforce Development pursuant to section 2 of P.L.2004, c.39
24 (C.34:1A-1.3). The purpose of any job counseling made available
25 pursuant to this section is to assist each worker in obtaining the
26 employment and training services most likely to enable the worker
27 to obtain employment providing self-sufficiency for the worker and
28 also to provide the worker with the greatest opportunity for long-
29 range career advancement with high levels of productivity and
30 earning power. The purpose of any business counseling provided
31 pursuant to this section is to assist each individual seeking to
32 embark upon a microenterprise self-employment venture with
33 counseling by qualified business counselors determined to be
34 necessary and appropriate for the success of the microenterprise
35 self-employment venture. The counseling shall include:
36 a. Testing and assessment of the worker's job skills and
37 aptitudes, including the worker's literacy skills and other basic
38 skills. Basic skills testing and assessment shall be provided to the
39 worker unless information is provided regarding the worker's
40 educational background and occupational or professional
41 experience which clearly demonstrates that the worker's basic skill
42 level meets the standards established pursuant to section 14 of
43 P.L.1989, c.293 (C.34:15C-11) or unless the worker is already
44 participating in a remedial instruction program which meets those
45 standards;
46 b. An evaluation by a qualified job counselor of what remedial
47 instruction, or by a qualified business counselor of what
48 microenterprise self-employment training, if any, is determined to

1 be necessary for the worker to advance in his current career or
2 occupation, or microenterprise self-employment venture, or to
3 succeed in any particular occupational training which the worker
4 would undertake under the program, provided that the remedial
5 instruction shall be at a level not lower than that needed to meet the
6 standards established pursuant to section 14 of P.L.1989, c.293
7 (C.34:15C-11);

8 c. The provision to the worker of information regarding any of
9 the labor demand occupations for which training meets the
10 requirements of section 4 of **【this act】** P.L.1992, c.43 (C.34:15D-4)
11 in the worker's case, including information about the wage levels in
12 those occupations, the profitability of self-employed
13 microentrepreneurs in those occupations, and information regarding
14 the effectiveness of approved service providers of occupational
15 training, or microenterprise training, in occupations which the
16 worker is considering, including a consumer report card on service
17 providers showing the long-term success of former trainees of each
18 provider in obtaining permanent employment, or establishing a self-
19 employed microenterprise business, and increasing earnings over
20 one or more time periods following the completion or other
21 termination of training, including a period of two years following
22 the completion or other termination of training;

23 d. The timely provision of information to the worker regarding
24 the services and benefits available to the worker, and all actions
25 required of the worker to obtain the services and benefits, under the
26 provisions of **【this act】** P.L.1992, c.43 (C.34:15D-1 et seq.) and
27 P.L.1992, c.47 (C.43:21-57 et al.), and under the Work First New
28 Jersey program in the case of a qualified disadvantaged worker
29 receiving or eligible for benefits under that program; and the
30 provision to the worker of a written statement of the worker's rights
31 and responsibilities with respect to programs for which the worker
32 is eligible, which includes a full disclosure to the worker of the
33 worker's right to obtain the services most likely to enable the
34 worker to obtain employment providing self-sufficiency and the
35 workers' right not to be denied training services for any of the
36 reasons indicated in subsection d. of section 6 of P.L.1992, c.43
37 (C.34:15D-6), including the worker's right not to be denied training
38 services because the worker already has identifiable occupational
39 skills, if those existing skills are for employment with a level of
40 earnings lower than the level of self-sufficiency;

41 e. Discussion with the counselor of the results of the testing
42 and evaluation; and

43 f. The development of a written Employability Development
44 Plan identifying the training, employment and other workforce
45 investment services, including any needed remedial instruction, to
46 be provided to the worker pursuant to this act. In the case of a
47 qualified disadvantaged worker, the Employability Development
48 Plan will be, to the greatest extent possible while remaining in

1 compliance with any applicable federal requirements, coordinated
2 and made consistent with any individual responsibility plan
3 developed for the worker under the Work First New Jersey
4 program. In the case of a qualified disadvantaged worker who is or
5 was receiving, or who is eligible for but not receiving, benefits
6 under the Work First New Jersey program, and who does not have a
7 marketable bachelor's degree, the counselor may approve, as part of
8 the workers' Employability Development Plan, the replacement of
9 Work First New Jersey program benefits by Supplemental
10 Workforce Development Benefits paid to the disadvantaged worker
11 for full-time educational activity without, or with insufficient, other
12 work activity from available resources for employment-directed and
13 workforce development programs and activities transferred from the
14 Department of Human Services pursuant to section 2 of P.L.2004,
15 c.39 (C.34:1A-1.3) or from the account of the Workforce
16 Development Partnership Fund reserved for qualified disadvantaged
17 workers pursuant to subsection b. of section 9 of P.L.1992, c.43
18 (C.34:15D-9), for any period of time for which the counselor
19 determines that:

20 (1) Full-time remedial instruction to obtain a high school
21 diploma or G.E.D. or full-time post secondary education in a two-
22 year or four-year degree-granting educational program with a
23 course of study related to work, even if the duration of the full-time
24 education is longer than two years, is the training and employment
25 service that is most likely to enable the worker to obtain
26 employment providing self-sufficiency;

27 (2) The worker has responsibility during that period of time for
28 the care of dependent children or other family members unable to
29 care for themselves the magnitude of which, if added to the full-
30 time instructional or educational activities indicated in paragraph
31 (1) of this subsection, make it likely that any additional work
32 activity will jeopardize the success of the instructional or
33 educational activity; and

34 (3) Providing Work First New Jersey program benefits to the
35 worker during that period of time for the full-time instructional or
36 educational activity without, or with insufficient, work activities
37 would result in a loss of benefits for the worker pursuant to section
38 9 of P.L.1997, c.38 (C.44:10-63) or would be counted toward the
39 maximum limit of 60 cumulative months of Work First New Jersey
40 program benefits provided to the worker pursuant to section 2 of
41 P.L.1997, c.37 (C.44:10-72).

42 With respect to the use of the funds deposited during any fiscal
43 year in the account of the Workforce Development Partnership
44 Fund reserved for qualified disadvantaged workers pursuant to
45 subsection b. of section 9 of P.L.1992, c.43 (C.34:15D-9), first
46 priority shall be given for the payment of Supplemental Workforce
47 Development Benefits pursuant to this subsection. Not more than
48 1,500 qualified disadvantaged workers shall receive Supplemental

1 Workforce Development Benefits pursuant to this subsection at any
2 one time. With respect to using available resources for
3 employment-directed and workforce development programs and
4 activities transferred from the Department of Human Services
5 pursuant to section 2 of P.L.2004, c.39 (C.34:1A-1.3) for
6 Supplemental Workforce Development Benefits, no federal funds
7 which are part of those resources may be used for Supplemental
8 Workforce Development Benefits which result in the imposition of
9 conditions of participation other than those established by this
10 subsection. If federal funds are used for childcare costs of a
11 participant, the Department of Human Services may transfer the
12 funds to the Child Care and Development Block Grant, as permitted
13 by law and as needed to permit the use of the federal funds while
14 preventing any loss of benefits to the participant and preventing the
15 childcare time from being counted toward the participant's
16 maximum limit of 60 cumulative months of Work First New Jersey
17 program benefits. The counselor shall assist in facilitating the use,
18 to the maximum extent possible, of Pell grants or other available
19 educational grants to pay for tuition and other educational costs of a
20 recipient of Supplemental Workforce Development Benefits
21 provided pursuant to this section. The requirements for receiving
22 Supplemental Workforce Development Benefits may include work-
23 site experience which will enhance the participant's employability
24 in the participant's field, provided that the required sum of class
25 hours for a full-time class schedule, hours of study time at not less
26 than one and one half times class time, and hours of work-site
27 experience, shall not exceed 40 hours per week and that the
28 commissioner shall adopt regulations for reasonable adjustments in
29 participation requirements for good cause, including verifiable
30 needs related to physical or mental health problems, illness,
31 accident or death or serious personal or family problems that
32 necessitate reduced participation, provided further that no
33 individual shall receive Supplemental Workforce Development
34 Benefits for a period of more than five years. The commissioner
35 shall adopt regulations setting standards for satisfactory academic
36 progress for continued participation. Participation may not be
37 denied for any of the reasons which subsection d. of section 6 of
38 P.L.1992, c.43 (C.34:15D-6) prohibits from being used to deny
39 training grants. For the purposes of this section, "Work First New
40 Jersey benefits" means benefits for which a worker and the worker's
41 family would be eligible if the worker was participating in the Work
42 First New Jersey program or any successor program to the Work
43 First New Jersey program.

44 Counseling made available at the request of an employer
45 participating in a customized training program may include only
46 those components requested by the employer.

47 All information regarding a worker applicant or trainee which is
48 obtained or compiled in connection with the testing, assessment and

1 evaluation and which may be identified with the worker shall be
2 confidential and shall not be released to an entity other than the
3 worker, the counselor, the department or partners of the One-Stop
4 system as necessary for them to provide training and employment
5 services or other workforce investment services to the individual,
6 unless the worker provides written permission to the department for
7 the release of the information or the information is used solely for
8 program evaluation.

9 (cf: P.L.2005, c.354, s.23)

10

11 3. Section 3 of P.L.1997, c.38 (C.44:10-57) is amended to read
12 as follows:

13 3. As used in this act:

14 "Alternative work experience" means unpaid work and training
15 only with a public, private nonprofit or private charitable employer
16 that provides a recipient with the experience necessary to adjust to,
17 and learn how to function in, an employment setting and the
18 opportunity to combine that experience with education and job
19 training. An alternative work experience participant shall not be
20 assigned to work for a private, for profit employer.

21 "Applicant" means an applicant for benefits provided by the
22 Work First New Jersey program.

23 "Assistance unit" means: a single person without dependent
24 children; a couple without dependent children; dependent children
25 only; or a person or couple with one or more dependent children
26 who are legally or blood-related, or who is their legal guardian, and
27 who live together as a household unit.

28 "Benefits" means any assistance provided to needy persons and
29 their dependent children and needy single persons and couples
30 without dependent children under the Work First New Jersey
31 program.

32 "Case management" means the provision of certain services to
33 Work First New Jersey recipients, which shall include an
34 assessment and development of an individual responsibility plan.

35 "Commissioner" means the Commissioner of Human Services.

36 "Community work experience" means unpaid work and training
37 only with a public, private nonprofit or private charitable employer
38 provided to a recipient when, and to the extent, that such experience
39 is necessary to enable the recipient to adjust to, and learn how to
40 function in, an employment setting. A community work experience
41 participant shall not be assigned to work for a private, for profit
42 employer.

43 "County agency" means the county agency that was
44 administering the aid to families with dependent children program
45 at the time the federal "Personal Responsibility and Work
46 Opportunity Reconciliation Act of 1996," Pub.L.104-193, was
47 enacted and which, upon the enactment of P.L.1997, c.38 (C.44:10-

1 55 et seq.) shall also administer the Work First New Jersey program
2 in that county.

3 "Dependent child" means a child:

4 a. under the age of 18;

5 b. under the age of 19 and a full-time student in a secondary
6 school or an equivalent level of vocational or technical training, if,
7 before the student attains age 19, the student may reasonably be
8 expected to complete the student's program of secondary school or
9 training; or

10 c. under the age of 21 and enrolled in a special education
11 program, who is living in New Jersey with the child's natural or
12 adoptive parent or legal guardian, or with a relative designated by
13 the commissioner in a place of residence maintained by the relative
14 as the relative's home.

15 "Eligible alien" means one of the following:

16 a. a qualified alien admitted to the United States prior to
17 August 22, 1996, who is eligible for means-tested, federally funded
18 public benefits pursuant to federal law;

19 b. a refugee, asylee, or person granted withholding of
20 deportation under federal law for the person's first five years after
21 receiving that classification in the United States pursuant to federal
22 law;

23 c. a qualified alien who is a veteran of, or on active duty in, the
24 armed forces of the United States, or the spouse or dependent child
25 of that person pursuant to federal law;

26 d. a recipient of refugee and entrant assistance activities or a
27 Cuban or Haitian entrant pursuant to federal law;

28 e. a legal permanent resident alien who has worked 40
29 qualifying quarters of coverage as defined under Title II of the
30 federal Social Security Act; except that, for any period after
31 December 31, 1996, a quarter during which an individual received
32 means-tested, federally funded public benefits shall not count
33 toward the total number of quarters;

34 f. a qualified alien admitted to the United States on or after
35 August 22, 1996, who has lived in the United States for at least five
36 years and is eligible for means-tested, federally funded public
37 benefits pursuant to federal law ; or

38 g. a qualified alien who has been battered or subjected to
39 extreme cruelty in the United States by a spouse, parent or a
40 member of the spouse or parent's family residing in the same
41 household as the alien, or a qualified alien whose child has been
42 battered or subjected to extreme cruelty in the United States by a
43 spouse or parent of the alien, without the active participation of the
44 alien, or by a member of the spouse or parent's family residing in
45 the same household as the alien. In either case, the spouse or parent
46 shall have consented or acquiesced to the battery or cruelty and
47 there shall be a substantial connection between the battery or
48 cruelty and the need for benefits to be provided. The provisions of

1 this subsection shall not apply to an alien during any period in
2 which the individual responsible for the battery or cruelty resides in
3 the same household or assistance unit as the individual subjected to
4 the battery or cruelty. Benefits shall be provided to the extent and
5 for the period of time that the alien or alien's child is eligible for the
6 program.

7 For the purposes of this section, "qualified alien" is defined
8 pursuant to the provisions of section 431 of Title IV of Pub.L.104-
9 193.

10 "Full-time post-secondary student" means a student enrolled for
11 a minimum of 12 credit hours in a post-secondary school.

12 "Income" means, but is not limited to, commissions, salaries,
13 self-employed earnings, child support and alimony payments,
14 interest and dividend earnings, wages, receipts, unemployment
15 compensation, any legal or equitable interest or entitlement owed
16 that was acquired by a cause of action, suit, claim or counterclaim,
17 insurance benefits, temporary disability claims, estate income,
18 trusts, federal income tax refunds, State income tax refunds,
19 homestead rebates, lottery prizes, casino and racetrack winnings,
20 annuities, retirement benefits, veterans' benefits, union benefits, or
21 other sources that may be defined as income by the commissioner;
22 except that in the event that individual development accounts for
23 recipients are established by regulation of the commissioner, any
24 interest or dividend earnings from such an account shall not be
25 considered income.

26 "Legal guardian" means a person who exercises continuing
27 control over the person or property, or both, of a child, including
28 any specific right of control over an aspect of the child's
29 upbringing, pursuant to a court order.

30 "Program" means the Work First New Jersey program
31 established pursuant to this act.

32 "Recipient" means a recipient of benefits under the Work First
33 New Jersey program.

34 "Resources" means all real and personal property as defined by
35 the commissioner; except that in the event that individual
36 development accounts for recipients are established by regulation of
37 the commissioner, all funds in such an account, up to the limit
38 determined by the commissioner, including any interest or dividend
39 earnings from such an account, shall not be considered to be a
40 resource.

41 "Title IV-D" means the provisions of Title IV-D of the federal
42 Social Security Act governing paternity establishment and child
43 support enforcement activities and requirements.

44 "Work activity" includes, but is not limited to, the following, as
45 defined by regulation of the commissioner: employment; on-the-job
46 training; job search and job readiness assistance; vocational
47 educational training; microenterprise self-employment training; job
48 skills training related directly to employment; community work

1 experience; alternative work experience; self-employment;
2 supportive work; community service programs, including the
3 provision of child care as a community service project; in the case
4 of teenage parents or recipients under the age of 19 who are
5 expected to graduate or complete their course of study by their 19th
6 birthday, satisfactory attendance at a secondary school or in a
7 course of study leading to a certificate of general equivalence; and
8 education that is necessary for employment in the case of a person
9 who has not received a high school diploma or a certificate of high
10 school equivalency, a course of study leading to a certificate of
11 general equivalence, or post-secondary education, when combined
12 with community work experience participation or another work
13 activity approved by the commissioner, including employment.

14 (cf: PL.1997, c.38, s.3)

15

16 4. (New section) a. The Commissioner of Community Affairs
17 shall allocate not less than \$500,000 per year of United States
18 Housing and Urban Development non-entitlement Community
19 Development Block Grant funds to eligible small cities and counties
20 for the purpose of providing microenterprise grants and loans to
21 individuals who are developing or own a microenterprise. The
22 commissioner shall condition the award of funds for this purpose
23 upon the recipient's distribution of the amounts awarded to a
24 nonprofit community organization selected as a qualified
25 microenterprise grant and loan program administrator.

26 b. The commissioner shall establish a program for selecting
27 nonprofit community organizations as qualified microenterprise
28 grant and loan program administrators. The factors that the
29 commissioner shall consider in selecting a nonprofit community
30 organization as a qualified microenterprise grant and loan program
31 administrator shall include but not be limited to:

32 (1) the experience of the organization in administering loan and
33 grant programs,

34 (2) the experience of the organization in administering
35 microenterprise development and training activities,

36 (3) the ability of the organization to meet the objectives of the
37 Community Development Block Grant program through a
38 microenterprise lending and grant program,

39 (4) the capacity of the organization to effectively manage block
40 grant funds, and

41 (5) the ability of the organization to serve as an educational and
42 developmental resource for loan and grant recipients.

43 c. As used in this section, "microenterprise" means a
44 commercial enterprise that has five or fewer employees, one or
45 more of whom owns the enterprise.

46

47 5. This act shall take effect immediately.

STATEMENT

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This bill requires an electric public utility (utility) to submit to the Board of Public Utilities (board) a plan for the utility’s response to a major emergency event, which shall require the utility to: 1) properly train each municipal emergency management coordinator (coordinator) and any public works employee, or other employee of a municipality designated by the governing body of a municipality located within the utility’s operating area, to receive the necessary certification under any applicable industry code or national electric industry practice, to move a disconnected, above-ground distribution line impeding vehicular traffic and protect the line from doing harm to life or property, and to provide those municipal employees with any necessary equipment to move and protect the distribution line and communicate on a real-time, two-way basis, with the utility, until a utility employee reattaches the distribution line; 2) indemnify, and if requested by the municipality, defend the municipality and those designated municipal employees against all claims made by any person for injuries or damages that may be caused or sustained by those designated municipal employees, during the course, or as a result, of moving a disconnected, above-ground distribution line impeding vehicular traffic and protecting the line from doing harm to life or property; and 3) reimburse a municipality, as applicable, at a rate of no less than half of those designated municipal employees’ hourly wage rate, or the cost of the provision of services by any employee who is a volunteer equal to the rate for volunteer services under any applicable assistance program administered by the federal government, for the amount of time spent by the those designated municipal employees in moving and protecting the distribution line.

The bill requires any plan submitted by a utility to be subject to board review and approval. In the event that the board disapproves a plan, the board shall provide the utility, in writing, its reasons for disapproval. If the board fails to approve or disapprove of the plan within 60 days of receipt of the plan, it shall be considered approved by the board. Each utility shall file a copy of an approved plan with the board.

[Corrected Copy]

SENATE, No. 1509

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED FEBRUARY 16, 2016

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

SYNOPSIS

Establishes microenterprise training program and assistance for micro entrepreneurs.

CURRENT VERSION OF TEXT

As introduced.



S1509 TURNER

2

1 AN ACT concerning microenterprise development and amending
2 various sections of the statutory law and supplementing Title 52
3 of the Revised Statutes.

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

7
8 1. Section 4 of P.L.1992, c.48 (C.34:15B-38) is amended to
9 read as follows:

10 4. a. No individual shall receive employment and training
11 services paid for with federal job training funds other than
12 counseling unless the individual first receives counseling pursuant
13 to this section. The counseling shall be provided by a job counselor
14 hired and employed by the State pursuant to Title 11A, Civil
15 Service, of the New Jersey Statutes, or hired and employed by a
16 political subdivision of the State, or be provided by a qualified job
17 counselor hired and employed by a non-profit organization which
18 began functioning as the One Stop Career Center operator with the
19 written consent of the chief elected official and the commissioner
20 prior to the effective date of P.L.2004, c.39 (C.34:1A-1.2 et al.), or
21 be provided by a qualified job counselor hired and employed by an
22 approved community-based or faith-based organization to provide
23 counseling which the organization entered into an agreement to
24 provide before the effective date of P.L.2004, c.39 (C.34:1A-1.2 et
25 al.), or be provided by a qualified business counselor hired and
26 employed by an approved community-based or faith-based
27 organization to provide counseling for individuals seeking to
28 embark upon a microenterprise self-employment venture. The
29 purpose of any job counseling provided pursuant to this section is to
30 assist each individual in obtaining the employment and training
31 services most likely to enable the individual to obtain employment
32 providing self-sufficiency for the individual and also to provide the
33 individual with the greatest opportunity for long-range career
34 advancement with high levels of productivity and earning power.
35 The purpose of any business counseling provided pursuant to this
36 section is to assist each individual seeking to embark upon a
37 microenterprise self-employment venture with counseling by
38 qualified business counselors determined to be necessary and
39 appropriate for the success of the microenterprise self-employment
40 venture. The counseling shall include:

41 (1) Testing and assessment of the individual's job skills and
42 aptitudes, including the individual's literacy skills and other basic
43 skills. Basic skills testing and assessment shall be provided to the
44 individual unless information is provided regarding the individual's
45 educational background and occupational or professional

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 experience which clearly demonstrates that the individual's basic
2 skill level meets the standards established pursuant to section 14 of
3 P.L.1989, c.293 (C.34:15C-11) or unless the individual is already
4 participating in a remedial instruction program which meets those
5 standards;

6 (2) An evaluation by a qualified job counselor of what remedial
7 instruction, or by a qualified business counselor of what
8 microenterprise self-employment training, if any, is determined to
9 be necessary for the individual to advance in his current career or
10 occupation, or microenterprise self-employment venture, or to
11 succeed in any particular occupational training which the individual
12 would undertake under the program, provided that the remedial
13 instruction shall be at a level not lower than that needed to meet the
14 standards established pursuant to section 14 of P.L.1989, c.293
15 (C.34:15C-11);

16 (3) The provision of information to the individual regarding the
17 labor demand occupations, including the information about the
18 wage levels in those occupations, the profitability of self-employed
19 microentrepreneurs in those occupations, and information regarding
20 the effectiveness of approved service providers of occupational
21 training or microenterprise training in labor demand occupations
22 which the individual is considering, including a consumer report
23 card on service providers showing the long-term success of former
24 trainees of each provider in obtaining permanent employment, or
25 establishing a microenterprise self-employed business and
26 increasing earnings over one or more time periods following the
27 completion or other termination of training, including a period of
28 two years following the completion or other termination of training;

29 (4) The timely provision of information to the individual
30 regarding the services and benefits available to the individual, and
31 all actions required of the individual to obtain the services and
32 benefits, under programs supported by federal job training funds or
33 the provisions of P.L.1992, c.47 (C.43:21-57 et al.), and the
34 provision to the individual of a written statement of the individual's
35 rights and responsibilities with respect to programs for which the
36 individual is eligible, which includes a full disclosure to the
37 individual of his right to obtain the services most likely to enable
38 the individual to obtain employment providing self-sufficiency and
39 the individual's right not to be denied employment and training
40 services for any of the reasons indicated in section 5 of P.L.1992,
41 c.48 (C.34:15B-39), including the individual's right not to be denied
42 training services because the individual already has identifiable
43 vocational skills, if those existing skills are for employment with a
44 level of earnings lower than the level of self-sufficiency;

45 (5) Discussion with the counselor of the results of the testing
46 and evaluation; and

47 (6) The development of a written Employability Development
48 Plan identifying the training and employment services or other

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1 workforce investment services, including any needed remedial
2 instruction, to be provided to the individual.

3 b. Federal job training funds shall be used to provide training
4 and employment services, microenterprise self-employment
5 training, or other workforce investment services to an individual
6 identified in an Employability Development Plan developed
7 pursuant to this section only if the counselor who evaluates the
8 individual pursuant to this section determines that the individual
9 can reasonably be expected to successfully complete the training
10 and instruction identified in the plan.

11 c. All information regarding an individual applicant or trainee
12 which is obtained or compiled in connection with the testing,
13 assessment and evaluation and which may be identified with the
14 individual shall be confidential and shall not be released to an entity
15 other than the individual, the counselor, the department, the
16 commission or partners of the One-Stop system as necessary for
17 them to provide training and employment services or other
18 workforce investment services to the individual, unless the
19 individual provides written permission to the department for the
20 release of the information or the information is used solely for
21 program evaluation.

22 (cf: P.L.2005, c.354, s.3)

23

24 2. Section 7 of P.L.1992, c.43 (C.34:15D-7) is amended to read
25 as follows:

26 7. Counseling shall be made available by the department to
27 each qualified displaced worker or qualified disadvantaged worker
28 applying to participate in the Workforce Development Partnership
29 program and, in the case of a qualified disadvantaged worker who is
30 a recipient of, or eligible for, benefits under the Work First New
31 Jersey Program, to participate in the Workforce Development
32 Partnership program or in any of those employment-directed
33 workforce development programs or activities transferred to the
34 Department of Labor and Workforce Development pursuant to
35 section 2 of P.L.2004, c.39 (C.34:1A-1.3) which provide
36 employment and training services as defined in section 3 of
37 P.L.1992, c.43 (C.34:15D-3), including the services indicated in
38 paragraphs (11) through (16) of subsection b. of section 2 of
39 P.L.2004, c.39 (C.34:1A-1.3). Counseling may also be made
40 available to a qualified employed worker who seeks remedial
41 instruction or is selected to participate in a customized training
42 program, if the worker's employer requests the counseling. The
43 counseling shall be provided by a job counselor hired and employed
44 by the State pursuant to Title 11A, Civil Service, of the New Jersey
45 Statutes, or hired and employed by a political subdivision of the
46 State, or be provided by a qualified job counselor hired and
47 employed by a non-profit organization which began functioning as
48 the One Stop Career Center operator with the written consent of the

1 chief elected official and the commissioner prior to the effective
2 date of P.L.2004, c.39 (C.34:1A-1.2 et al.), or be provided by a
3 qualified job counselor hired and employed by an approved
4 community-based or faith-based organization to provide counseling
5 which the organization entered into an agreement to provide before
6 the effective date of P.L.2004, c.39 (C.34:1A-1.2 et al.), or be
7 provided by a qualified business counselor hired and employed by
8 an approved community-based or faith-based organization to
9 provide counseling for individuals seeking to embark upon a
10 microenterprise self-employment venture. In the case of a qualified
11 disadvantaged worker who is a recipient of, or is eligible for,
12 benefits under the Work First New Jersey Program, the counseling
13 provided pursuant to this section shall be the counseling for the
14 provision of employment and training services either under the
15 Workforce Development Partnership program or under programs or
16 activities transferred to the Department of Labor and Workforce
17 Development pursuant to section 2 of P.L.2004, c.39 (C.34:1A-1.3),
18 but the counseling provided pursuant to this section shall be
19 provided in conjunction and in coordination with counseling
20 provided in connection with any services, other than training and
21 employment services, made available to the disadvantaged worker
22 under programs or activities transferred to the Department of Labor
23 and Workforce Development pursuant to section 2 of P.L.2004, c.39
24 (C.34:1A-1.3). The purpose of any job counseling made available
25 pursuant to this section is to assist each worker in obtaining the
26 employment and training services most likely to enable the worker
27 to obtain employment providing self-sufficiency for the worker and
28 also to provide the worker with the greatest opportunity for long-
29 range career advancement with high levels of productivity and
30 earning power. The purpose of any business counseling provided
31 pursuant to this section is to assist each individual seeking to
32 embark upon a microenterprise self-employment venture with
33 counseling by qualified business counselors determined to be
34 necessary and appropriate for the success of the microenterprise
35 self-employment venture. The counseling shall include:
36 a. Testing and assessment of the worker's job skills and
37 aptitudes, including the worker's literacy skills and other basic
38 skills. Basic skills testing and assessment shall be provided to the
39 worker unless information is provided regarding the worker's
40 educational background and occupational or professional
41 experience which clearly demonstrates that the worker's basic skill
42 level meets the standards established pursuant to section 14 of
43 P.L.1989, c.293 (C.34:15C-11) or unless the worker is already
44 participating in a remedial instruction program which meets those
45 standards;
46 b. An evaluation by a qualified job counselor of what remedial
47 instruction, or by a qualified business counselor of what
48 microenterprise self-employment training, if any, is determined to

1 be necessary for the worker to advance in his current career or
2 occupation, or microenterprise self-employment venture, or to
3 succeed in any particular occupational training which the worker
4 would undertake under the program, provided that the remedial
5 instruction shall be at a level not lower than that needed to meet the
6 standards established pursuant to section 14 of P.L.1989, c.293
7 (C.34:15C-11);

8 c. The provision to the worker of information regarding any of
9 the labor demand occupations for which training meets the
10 requirements of section 4 of **【this act】** P.L.1992, c.43 (C.34:15D-4)
11 in the worker's case, including information about the wage levels in
12 those occupations, the profitability of self-employed
13 microentrepreneurs in those occupations, and information regarding
14 the effectiveness of approved service providers of occupational
15 training, or microenterprise training, in occupations which the
16 worker is considering, including a consumer report card on service
17 providers showing the long-term success of former trainees of each
18 provider in obtaining permanent employment, or establishing a self-
19 employed microenterprise business, and increasing earnings over
20 one or more time periods following the completion or other
21 termination of training, including a period of two years following
22 the completion or other termination of training;

23 d. The timely provision of information to the worker regarding
24 the services and benefits available to the worker, and all actions
25 required of the worker to obtain the services and benefits, under the
26 provisions of **【this act】** P.L.1992, c.43 (C.34:15D-1 et seq.) and
27 P.L.1992, c.47 (C.43:21-57 et al.), and under the Work First New
28 Jersey program in the case of a qualified disadvantaged worker
29 receiving or eligible for benefits under that program; and the
30 provision to the worker of a written statement of the worker's rights
31 and responsibilities with respect to programs for which the worker
32 is eligible, which includes a full disclosure to the worker of the
33 worker's right to obtain the services most likely to enable the
34 worker to obtain employment providing self-sufficiency and the
35 workers' right not to be denied training services for any of the
36 reasons indicated in subsection d. of section 6 of P.L.1992, c.43
37 (C.34:15D-6), including the worker's right not to be denied training
38 services because the worker already has identifiable occupational
39 skills, if those existing skills are for employment with a level of
40 earnings lower than the level of self-sufficiency;

41 e. Discussion with the counselor of the results of the testing
42 and evaluation; and

43 f. The development of a written Employability Development
44 Plan identifying the training, employment and other workforce
45 investment services, including any needed remedial instruction, to
46 be provided to the worker pursuant to this act. In the case of a
47 qualified disadvantaged worker, the Employability Development
48 Plan will be, to the greatest extent possible while remaining in

1 compliance with any applicable federal requirements, coordinated
2 and made consistent with any individual responsibility plan
3 developed for the worker under the Work First New Jersey
4 program. In the case of a qualified disadvantaged worker who is or
5 was receiving, or who is eligible for but not receiving, benefits
6 under the Work First New Jersey program, and who does not have a
7 marketable bachelor's degree, the counselor may approve, as part of
8 the workers' Employability Development Plan, the replacement of
9 Work First New Jersey program benefits by Supplemental
10 Workforce Development Benefits paid to the disadvantaged worker
11 for full-time educational activity without, or with insufficient, other
12 work activity from available resources for employment-directed and
13 workforce development programs and activities transferred from the
14 Department of Human Services pursuant to section 2 of P.L.2004,
15 c.39 (C.34:1A-1.3) or from the account of the Workforce
16 Development Partnership Fund reserved for qualified disadvantaged
17 workers pursuant to subsection b. of section 9 of P.L.1992, c.43
18 (C.34:15D-9), for any period of time for which the counselor
19 determines that:

20 (1) Full-time remedial instruction to obtain a high school
21 diploma or G.E.D. or full-time post secondary education in a two-
22 year or four-year degree-granting educational program with a
23 course of study related to work, even if the duration of the full-time
24 education is longer than two years, is the training and employment
25 service that is most likely to enable the worker to obtain
26 employment providing self-sufficiency;

27 (2) The worker has responsibility during that period of time for
28 the care of dependent children or other family members unable to
29 care for themselves the magnitude of which, if added to the full-
30 time instructional or educational activities indicated in paragraph
31 (1) of this subsection, make it likely that any additional work
32 activity will jeopardize the success of the instructional or
33 educational activity; and

34 (3) Providing Work First New Jersey program benefits to the
35 worker during that period of time for the full-time instructional or
36 educational activity without, or with insufficient, work activities
37 would result in a loss of benefits for the worker pursuant to section
38 9 of P.L.1997, c.38 (C.44:10-63) or would be counted toward the
39 maximum limit of 60 cumulative months of Work First New Jersey
40 program benefits provided to the worker pursuant to section 2 of
41 P.L.1997, c.37 (C.44:10-72).

42 With respect to the use of the funds deposited during any fiscal
43 year in the account of the Workforce Development Partnership
44 Fund reserved for qualified disadvantaged workers pursuant to
45 subsection b. of section 9 of P.L.1992, c.43 (C.34:15D-9), first
46 priority shall be given for the payment of Supplemental Workforce
47 Development Benefits pursuant to this subsection. Not more than
48 1,500 qualified disadvantaged workers shall receive Supplemental

1 Workforce Development Benefits pursuant to this subsection at any
2 one time. With respect to using available resources for
3 employment-directed and workforce development programs and
4 activities transferred from the Department of Human Services
5 pursuant to section 2 of P.L.2004, c.39 (C.34:1A-1.3) for
6 Supplemental Workforce Development Benefits, no federal funds
7 which are part of those resources may be used for Supplemental
8 Workforce Development Benefits which result in the imposition of
9 conditions of participation other than those established by this
10 subsection. If federal funds are used for childcare costs of a
11 participant, the Department of Human Services may transfer the
12 funds to the Child Care and Development Block Grant, as permitted
13 by law and as needed to permit the use of the federal funds while
14 preventing any loss of benefits to the participant and preventing the
15 childcare time from being counted toward the participant's
16 maximum limit of 60 cumulative months of Work First New Jersey
17 program benefits. The counselor shall assist in facilitating the use,
18 to the maximum extent possible, of Pell grants or other available
19 educational grants to pay for tuition and other educational costs of a
20 recipient of Supplemental Workforce Development Benefits
21 provided pursuant to this section. The requirements for receiving
22 Supplemental Workforce Development Benefits may include work-
23 site experience which will enhance the participant's employability
24 in the participant's field, provided that the required sum of class
25 hours for a full-time class schedule, hours of study time at not less
26 than one and one half times class time, and hours of work-site
27 experience, shall not exceed 40 hours per week and that the
28 commissioner shall adopt regulations for reasonable adjustments in
29 participation requirements for good cause, including verifiable
30 needs related to physical or mental health problems, illness,
31 accident or death or serious personal or family problems that
32 necessitate reduced participation, provided further that no
33 individual shall receive Supplemental Workforce Development
34 Benefits for a period of more than five years. The commissioner
35 shall adopt regulations setting standards for satisfactory academic
36 progress for continued participation. Participation may not be
37 denied for any of the reasons which subsection d. of section 6 of
38 P.L.1992, c.43 (C.34:15D-6) prohibits from being used to deny
39 training grants. For the purposes of this section, "Work First New
40 Jersey benefits" means benefits for which a worker and the worker's
41 family would be eligible if the worker was participating in the Work
42 First New Jersey program or any successor program to the Work
43 First New Jersey program.

44 Counseling made available at the request of an employer
45 participating in a customized training program may include only
46 those components requested by the employer.

47 All information regarding a worker applicant or trainee which is
48 obtained or compiled in connection with the testing, assessment and

1 evaluation and which may be identified with the worker shall be
2 confidential and shall not be released to an entity other than the
3 worker, the counselor, the department or partners of the One-Stop
4 system as necessary for them to provide training and employment
5 services or other workforce investment services to the individual,
6 unless the worker provides written permission to the department for
7 the release of the information or the information is used solely for
8 program evaluation.

9 (cf: P.L.2005, c.354, s.23)

10

11 3. Section 3 of P.L.1997, c.38 (C.44:10-57) is amended to read
12 as follows:

13 3. As used in this act:

14 "Alternative work experience" means unpaid work and training
15 only with a public, private nonprofit or private charitable employer
16 that provides a recipient with the experience necessary to adjust to,
17 and learn how to function in, an employment setting and the
18 opportunity to combine that experience with education and job
19 training. An alternative work experience participant shall not be
20 assigned to work for a private, for profit employer.

21 "Applicant" means an applicant for benefits provided by the
22 Work First New Jersey program.

23 "Assistance unit" means: a single person without dependent
24 children; a couple without dependent children; dependent children
25 only; or a person or couple with one or more dependent children
26 who are legally or blood-related, or who is their legal guardian, and
27 who live together as a household unit.

28 "Benefits" means any assistance provided to needy persons and
29 their dependent children and needy single persons and couples
30 without dependent children under the Work First New Jersey
31 program.

32 "Case management" means the provision of certain services to
33 Work First New Jersey recipients, which shall include an
34 assessment and development of an individual responsibility plan.

35 "Commissioner" means the Commissioner of Human Services.

36 "Community work experience" means unpaid work and training
37 only with a public, private nonprofit or private charitable employer
38 provided to a recipient when, and to the extent, that such experience
39 is necessary to enable the recipient to adjust to, and learn how to
40 function in, an employment setting. A community work experience
41 participant shall not be assigned to work for a private, for profit
42 employer.

43 "County agency" means the county agency that was
44 administering the aid to families with dependent children program
45 at the time the federal "Personal Responsibility and Work
46 Opportunity Reconciliation Act of 1996," Pub.L.104-193, was
47 enacted and which, upon the enactment of P.L.1997, c.38 (C.44:10-

1 55 et seq.) shall also administer the Work First New Jersey program
2 in that county.

3 "Dependent child" means a child:

4 a. under the age of 18;

5 b. under the age of 19 and a full-time student in a secondary
6 school or an equivalent level of vocational or technical training, if,
7 before the student attains age 19, the student may reasonably be
8 expected to complete the student's program of secondary school or
9 training; or

10 c. under the age of 21 and enrolled in a special education
11 program, who is living in New Jersey with the child's natural or
12 adoptive parent or legal guardian, or with a relative designated by
13 the commissioner in a place of residence maintained by the relative
14 as the relative's home.

15 "Eligible alien" means one of the following:

16 a. a qualified alien admitted to the United States prior to
17 August 22, 1996, who is eligible for means-tested, federally funded
18 public benefits pursuant to federal law;

19 b. a refugee, asylee, or person granted withholding of
20 deportation under federal law for the person's first five years after
21 receiving that classification in the United States pursuant to federal
22 law;

23 c. a qualified alien who is a veteran of, or on active duty in, the
24 armed forces of the United States, or the spouse or dependent child
25 of that person pursuant to federal law;

26 d. a recipient of refugee and entrant assistance activities or a
27 Cuban or Haitian entrant pursuant to federal law;

28 e. a legal permanent resident alien who has worked 40
29 qualifying quarters of coverage as defined under Title II of the
30 federal Social Security Act; except that, for any period after
31 December 31, 1996, a quarter during which an individual received
32 means-tested, federally funded public benefits shall not count
33 toward the total number of quarters;

34 f. a qualified alien admitted to the United States on or after
35 August 22, 1996, who has lived in the United States for at least five
36 years and is eligible for means-tested, federally funded public
37 benefits pursuant to federal law ; or

38 g. a qualified alien who has been battered or subjected to
39 extreme cruelty in the United States by a spouse, parent or a
40 member of the spouse or parent's family residing in the same
41 household as the alien, or a qualified alien whose child has been
42 battered or subjected to extreme cruelty in the United States by a
43 spouse or parent of the alien, without the active participation of the
44 alien, or by a member of the spouse or parent's family residing in
45 the same household as the alien. In either case, the spouse or parent
46 shall have consented or acquiesced to the battery or cruelty and
47 there shall be a substantial connection between the battery or
48 cruelty and the need for benefits to be provided. The provisions of

1 this subsection shall not apply to an alien during any period in
2 which the individual responsible for the battery or cruelty resides in
3 the same household or assistance unit as the individual subjected to
4 the battery or cruelty. Benefits shall be provided to the extent and
5 for the period of time that the alien or alien's child is eligible for the
6 program.

7 For the purposes of this section, "qualified alien" is defined
8 pursuant to the provisions of section 431 of Title IV of Pub.L.104-
9 193.

10 "Full-time post-secondary student" means a student enrolled for
11 a minimum of 12 credit hours in a post-secondary school.

12 "Income" means, but is not limited to, commissions, salaries,
13 self-employed earnings, child support and alimony payments,
14 interest and dividend earnings, wages, receipts, unemployment
15 compensation, any legal or equitable interest or entitlement owed
16 that was acquired by a cause of action, suit, claim or counterclaim,
17 insurance benefits, temporary disability claims, estate income,
18 trusts, federal income tax refunds, State income tax refunds,
19 homestead rebates, lottery prizes, casino and racetrack winnings,
20 annuities, retirement benefits, veterans' benefits, union benefits, or
21 other sources that may be defined as income by the commissioner;
22 except that in the event that individual development accounts for
23 recipients are established by regulation of the commissioner, any
24 interest or dividend earnings from such an account shall not be
25 considered income.

26 "Legal guardian" means a person who exercises continuing
27 control over the person or property, or both, of a child, including
28 any specific right of control over an aspect of the child's
29 upbringing, pursuant to a court order.

30 "Program" means the Work First New Jersey program
31 established pursuant to this act.

32 "Recipient" means a recipient of benefits under the Work First
33 New Jersey program.

34 "Resources" means all real and personal property as defined by
35 the commissioner; except that in the event that individual
36 development accounts for recipients are established by regulation of
37 the commissioner, all funds in such an account, up to the limit
38 determined by the commissioner, including any interest or dividend
39 earnings from such an account, shall not be considered to be a
40 resource.

41 "Title IV-D" means the provisions of Title IV-D of the federal
42 Social Security Act governing paternity establishment and child
43 support enforcement activities and requirements.

44 "Work activity" includes, but is not limited to, the following, as
45 defined by regulation of the commissioner: employment; on-the-job
46 training; job search and job readiness assistance; vocational
47 educational training; microenterprise self-employment training; job
48 skills training related directly to employment; community work

1 experience; alternative work experience; self-employment;
2 supportive work; community service programs, including the
3 provision of child care as a community service project; in the case
4 of teenage parents or recipients under the age of 19 who are
5 expected to graduate or complete their course of study by their 19th
6 birthday, satisfactory attendance at a secondary school or in a
7 course of study leading to a certificate of general equivalence; and
8 education that is necessary for employment in the case of a person
9 who has not received a high school diploma or a certificate of high
10 school equivalency, a course of study leading to a certificate of
11 general equivalence, or post-secondary education, when combined
12 with community work experience participation or another work
13 activity approved by the commissioner, including employment.

14 (cf: PL.1997, c.38, s.3)

15

16 4. (New section) a. The Commissioner of Community Affairs
17 shall allocate not less than \$500,000 per year of United States
18 Housing and Urban Development non-entitlement Community
19 Development Block Grant funds to eligible small cities and counties
20 for the purpose of providing microenterprise grants and loans to
21 individuals who are developing or own a microenterprise. The
22 commissioner shall condition the award of funds for this purpose
23 upon the recipient's distribution of the amounts awarded to a
24 nonprofit community organization selected as a qualified
25 microenterprise grant and loan program administrator.

26 b. The commissioner shall establish a program for selecting
27 nonprofit community organizations as qualified microenterprise
28 grant and loan program administrators. The factors that the
29 commissioner shall consider in selecting a nonprofit community
30 organization as a qualified microenterprise grant and loan program
31 administrator shall include but not be limited to:

32 (1) the experience of the organization in administering loan and
33 grant programs,

34 (2) the experience of the organization in administering
35 microenterprise development and training activities,

36 (3) the ability of the organization to meet the objectives of the
37 Community Development Block Grant program through a
38 microenterprise lending and grant program,

39 (4) the capacity of the organization to effectively manage block
40 grant funds, and

41 (5) the ability of the organization to serve as an educational and
42 developmental resource for loan and grant recipients.

43 c. As used in this section, "microenterprise" means a
44 commercial enterprise that has five or fewer employees, one or
45 more of whom owns the enterprise.

46

47 5. This act shall take effect immediately.

STATEMENT

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47

This bill provides assistance for certain individuals who own or are starting a microenterprise business. A microenterprise is a commercial enterprise that has five or fewer employees, one or more of whom owns the enterprise.

The bill amends the definition of “work activity” under the “Work First New Jersey Act,” P.L.1997, c.38 (C.44:10-55 et seq.), to allow recipients under the federal Temporary Assistance for Needy Families program to meet the work requirement of the program through either microenterprise training or self-employment.

In addition, the bill amends the counseling requirements to be offered at One Stop Career Centers to include an evaluation for microentrepreneurs of an individual’s ability to engage in self-employment training, information about self-employment training opportunities, and information about the success of past participants in such training. The bill clarifies that individuals seeking to embark upon microenterprise self-employment ventures will be counseled by qualified business counselors rather than qualified job counselors.

The bill requires the Commissioner of Community Affairs (commissioner) to allocate not less than \$500,000 per year of United States Housing and Urban Development (HUD) non-entitlement Community Development Block Grant (CDBG) funds to eligible small cities and counties for the purpose of providing microenterprise grants and loans to individuals who are developing or own a microenterprise. The bill requires the commissioner to condition the award of federal funds upon the recipient’s distribution of the amounts awarded to a qualified microenterprise grant and loan program administrator.

The bill requires the commissioner to establish a program for selecting nonprofit community organizations as qualified microenterprise grant and loan program administrators. Under the bill, the commissioner’s selection is to be based on the consideration of certain factors, including:

- 1) the experience of the organization in administering loan and grant programs;
- 2) the experience of the organization in administering microenterprise development and training activities;
- 3) the ability of the organization to meet the objectives of the CDBG program through a microenterprise lending and grant program;
- 4) the capacity of the organization to effectively manage block grant funds, and
- 5) the ability of the organization to serve as an educational and developmental resource for loan and grant recipients.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

SENATE, No. 1509

with committee amendments

STATE OF NEW JERSEY

DATED: JULY 14, 2016

The Senate Economic Growth Committee reports favorably and with committee amendments Senate Bill No. 1509.

As amended and reported, this bill provides assistance for certain individuals who own or are starting a microenterprise business. A microenterprise is a commercial enterprise that has five or fewer employees, one or more of whom owns the enterprise.

The bill amends the counseling requirements to be offered at One Stop Career Centers to include an evaluation of an individual's ability to engage in self-employment training, information about self-employment training opportunities, and information about the success of past participants in such training. The bill clarifies that individuals seeking to embark upon microenterprise self-employment ventures will be counseled by qualified business counselors rather than qualified job counselors.

Further, the bill requires the Department of Community Affairs to give emphasis to project applications that involve the development or expansion of a microenterprise, benefit low and moderate income neighborhoods, and improve the quality of life for neighborhood residents when the department determines whether projects proposed for eligibility by nonprofit organizations under the Neighborhood Revitalization Tax Credit Program qualify to receive tax credits under that program.

The committee amended the bill to replace the program selecting nonprofit community organizations as qualified microenterprise grant and loan program administrators and its \$500,000 per year funding allocation with a provision requiring the Department of Community Affairs (department) to give emphasis to the aforementioned project applications when the department determines whether those projects qualifying under the Neighborhood Revitalization Tax Credit Program receive tax credits under that program. The amendments also remove the definition of "work activity" in the bill as introduced.

STATEMENT TO
[First Reprint]
SENATE, No. 1509

with Senate Floor Amendments
(Proposed by Senator TURNER)

ADOPTED: AUGUST 1, 2016

This Senate floor amendment clarifies that the Department of Community Affairs is to give emphasis to certain business entity project applications cited in the bill seeking Neighborhood Tax Credit Program eligibility. A business entity is eligible for a tax credit certificate under the program if it provides funding for a department-approved project.

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE, No. 1509

STATE OF NEW JERSEY 217th LEGISLATURE

DATED: DECEMBER 21, 2016

SUMMARY

Synopsis: Establishes microenterprise training program and assistance for microentrepreneurs; gives priority status to projects involving microenterprises under Neighborhood Tax Credit Program.

Type of Impact: No impact on State and local finances.

Agencies Affected: Department of Community Affairs and the Department of Labor and Workforce Development

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Finances	No Impact – See comments below		
Local Finances	No Impact – See comments below		

- The Office of Legislative Services concludes that the enactment of Senate Bill No. 1509 (2R) will have no impact on State and local finances.
- Adding self-employment counseling and training to the services provided at One Stop Career Centers will have no fiscal impact. The amount of time and resources that counselors spend with each client is expected to remain the same. The new counseling activities provided, when appropriate, will likely replace other forms of employment counseling which are less relevant to these particular clients.
- The bill does not increase the amount of tax credits available through the Neighborhood Revitalization Tax Credit Program (NRTC) but it does require the Department of Community Affairs to emphasize certain elements of an NRTC project application when determining eligibility for tax credit allocation. This may cause tax credits to be distributed differently among eligible projects.

BILL DESCRIPTION

Senate Bill No. 1509 (2R) of 2016 provides assistance for individuals, who own, or are starting, a microenterprise business. A microenterprise is a commercial enterprise that has five or fewer employees, one or more of whom own the enterprise. The bill modifies requirements for counseling offered at One Stop Career Centers to provide people who want to start a microenterprise with appropriate counseling by qualified business counselors. Counseling would include an evaluation of an individual's ability to engage in self-employment training opportunities, and information about the success of past participants in such training. The bill provides opportunities for counseling by qualified business counselors and by qualified job counselors.

Senate Bill No. 1509 (2R) requires the Department of Community Affairs (DCA), when determining the eligibility of projects under the NRTC Program, to give emphasis to project applications that involve the development or expansion of a microenterprise, benefit low and moderate income neighborhoods, and improve the quality of life for neighborhood residents.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services concludes that Senate Bill No. 1509 (2R) will not increase State or local expenditures. Adding self-employment counseling and training to the services provided at One Stop Career Centers will have no fiscal impact. The amount of time and resources that counselors spend with each client is expected to remain the same. The new counseling activities provided, when appropriate, will likely replace other forms of employment counseling which are less relevant to these particular clients. The One Stop Career Centers are supported by federal funds distributed pursuant to the "Workforce Innovation and Opportunity Act," (Pub.L.113-128), through the Temporary Assistance to Needy Families and through the Supplemental Nutritional Assistance Program. State support for One Stop Career Centers is provided through the Supplemental Workforce Fund for Basic Skills.

Section 3 of Assembly Bill No. 3333 (1R), which supplements the "Neighborhood Revitalization State Tax Credit Act," P.L.2001, c.415 (C.52:27D-490 et seq.), would also have no impact on State and local expenditures. That section does not affect the total amount of tax credits available through the program, which is capped at \$10 million per fiscal year. That section requires the DCA to give emphasis to NRTC applications that involve the development or expansion of a microenterprise, benefit low- and moderate-income neighborhoods, and improve the quality of life for neighborhood residents. State regulations governing the NRTC require at least 50 percent of the households in an eligible neighborhood to be of low- and moderate-income and at least 25 percent of the households in an eligible neighborhood to be of low-income. Requiring the DCA to emphasize these elements when evaluating an NRTC application may cause tax credits to be allocated differently among eligible projects.

Section 6 of P.L.2001, c.415 (C.52:27D-495) requires the DCA to determine whether a project proposed by a nonprofit organization qualifies for assistance for which a tax credit will be granted. A project qualifies for assistance if it meets all of the following standards: (1) the

project consists of neighborhood preservation and revitalization activities; (2) the project is reasonably designed to accomplish its intended purpose and it would further the purposes of a neighborhood preservation and revitalization plan; (3) the nonprofit organization demonstrates that it has the capacity to carry out the activities; (4) the nonprofit organization provides adequate assurances that the assistance will be expended for exclusively for the proposed activities; and (5) housing and economic development activities make up at least 60 percent of the total cost of the neighborhood preservation and revitalization activities in the proposed project.

The NRTC provides a 100 percent tax credit against various State taxes to businesses that invest in the revitalization of low- and moderate-income neighborhoods in eligible municipalities. Sixty percent of the tax credit funds must be used for activities related to the development of housing and economic development. The remaining balance may be used for complementary activities such as the provision of assistance to small businesses, removing barriers to self-sufficiency, and promoting the integration of mixed-income neighborhoods.

Section: Local Government

*Analyst: Scott A. Brodsky
Senior Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Chris Christie Takes Action On Pending Legislation

Friday, February 10, 2017 Tags: [Bill Action](#)



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[Governor's Statement Upon Signing Assembly Bill No. 333 \[pdf 30KB\]](#)

Trenton, NJ – Governor Chris Christie announced that he has taken action on the following legislation:

BILL SIGNINGS:

A-333/S-2300 (Singleton, Quijano, Caputo, Taliaferro, Green, Caride, Houghtaling/Stack, Beck) – w/STATEMENT - Ensures project deadline fairness, enhances transparency, and establishes foreclosure protection and mortgage relief program for certain Superstorm Sandy-impacted homeowners

A-544/S-385 (Pinkin, Lagana, Mazzeo, Mukherji, Houghtaling/Stack, Barnes) - Requires annual notice of assessment on property to contain bolded notice of filing deadline for appeal

A-1668/S-354 (Schaer, Jasey, Johnson, Zwicker, Giblin, Downey, Wimberly/T. Kean) - Establishes New Jersey Commission on Higher Education and Business Partnerships

A-1945/S-1243 (Coughlin, Sumter, Wimberly/Vitale, Cunningham) - Requires AG and county prosecutor to provide notification on website concerning persons indicted or prosecuted for crimes under certain circumstances

A-2199/S-744 (Singleton, Holley, Rodriguez-Gregg, Downey/Beach, Turner) - Establishes veterans' preference for affordable housing in certain housing projects

A-2228/S-2489 (DeAngelo, Lagana, Pinkin, McKnight, Benson/Cruz-Perez, Van Drew) - Includes all disabled veterans in NJT discount program for senior citizens and persons with disabilities

A-2514/S-2178 (DeAngelo, Pinkin, Tucker, Space, Phoebus/Beach, Oroho) - Permits local units of government to enter into shared services agreements with federal military installations located in the State

A-2517/S-2008 (DeAngelo, Andrzejczak, Tucker, Conaway, Land/Beach, Allen) - Provides preference to certain employers applying for workforce development grants

A-2619/S-2409 (Gusciora, Wimberly, Holley, Muoio, Chiaravalloti, Sumter/Vitale, Cruz-Perez) - Requires that certain inmates with detainers be provided access to drug treatment programs

A-3267/S-2519 (Singleton, Webber, Holley, Mukherji, Lampitt, Wimberly, Houghtaling/Vitale) - Provides for voluntary contributions by taxpayers on gross income tax returns to support autism programs

A-3333/S-1509 (Singleton, Mukherji, Oliver, Muoio, Houghtaling/Turner, Cruz-Perez) - Establishes microenterprise training program and assistance for microentrepreneurs; gives priority status to projects involving microenterprises under Neighborhood Revitalization Tax Credit Program

BILLS VETOED:

A-756/S-2046 (Moriarty, Coughlin, Mukherji, Benson/Cruz-Perez) – CONDITIONAL - Regulates use of motor vehicle payment assurance devices

A-4189/S-2670 (Gusciora, Muoio, Mukherji, Pintor Marin, Chiaravalloti, Wimberly/Van Drew, Turner) – CONDITIONAL - Extends duration of first five designated UEZs for two additional years; specifies permissible use of

UEZ funds; requires DCA Commissioner to assess and issue report on UEZ program

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