## LEGISLATIVE HISTORY CHECKLIST Compiled by the NJ State Law Library

(Global Export Network)

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LAWS OF:

1993

CHAPTER: 197

BILL NO:

A112

SPONSOR(S)

Gibson and others

DATE INTRODUCED:

February 18, 1993

COMMITTEE:

ASSEMBLY:

Economic and Community Development

SENATE:

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AMENDED DURING PASSAGE:

First reprint enacted

Yes Amendments during passage

denoted by superscript

numbers

DATE OF PASSAGE:

ASSEMBLY:

March 8, 1993

SENATE:

June 10, 1993

DATE OF APPROVAL:

July 23, 1993

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT:

Yes

COMMITTEE STATEMENT:

ASSEMBLY:

Yes

Joint Legislative Committee

on Economic Recovery

statement -- attached

SENATE:

No

FISCAL NOTE:

No

VETO MESSAGE:

No

MESSAGE ON SIGNING:

HO YES

FOLLOWING WERE PRINTED:

REPORTS:

No

**HEARINGS:** 

Yes

974.90

New Jersey. Legislature. Joint Leglislative Committee on Economic

E19

Recovery.

1993 V.3 Committee meeting, held 4-21-93, Elizabeth, NJ, 1993.

See newspaper clippings--attachedL

"Jersey trade booster established," 7-24-93, Star Ledger.

"Florio signs export expansion bill," 7-24-93, Asbury Park Press.

KBG:pp

## [FIRST REPRINT] ASSEMBLY, No. 112

### STATE OF NEW JERSEY

#### **INTRODUCED FEBRUARY 18, 1993**

By Assemblymen GIBSON, GEIST, Lustbader, Assemblywoman Ogden, Assemblymen Azzolina, Cottrell, LoBiondo, Mikulak, Assemblywoman Vandervalk, Assemblyman Singer, Assemblywoman Anderson, Assemblymen Hartmann, Kavanaugh, Sosa, DiGaetano, Shinn, Assemblywoman Weber, Assemblymen Felice, Russo, Corodemus, Martin, DeCroce, Rocco, Assemblywoman Haines, Assemblyman Wolfe, Assemblywoman Heck and Assemblyman Nickles

1 AN ACT concerning the New Jersey Economic Development Authority and supplementing chapter 1B of Title 34 of the Revised Statutes.

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

- 1. This act shall be known and may be cited as the "New Jersey Global Export Network Act."
  - 2. The Legislature finds and determines that:
- a. The rapid change in global political and economic events and the effects thereof on the economy of the United States in general, and New Jersey in particular, require this State to expand its role in the promotion of international trade and the exportation of New Jersey products and services;
- Businesses located in this State currently export approximately \$8 billion in goods and services, and increased promotion of the exportation of products produced by New Jersey businesses has been shown to have a positive effect upon the overall economy by creating new jobs, promoting market diversification, aiding in the development of new product ideas and sources of supply, and expanding the market share of local businesses:
- c. The New Jersey Economic Development Authority should financial increased assistance to small~ medium-sized businesses located in New Jersey which may have difficulty commencing or enhancing their export activities due to limitations on the availability of loan funds from financial institutions, and the existing export working capital loan and loan program of the authority should be guarantee supplemented;
- d. The activities of the State in promoting the export of New Jersey goods and services in the global marketplace have taken on greater significance in light of the possible approval by the United States Congress of federal implementing legislation for the North American Free Trade Agreement (NAFTA) with Canada and Mexico, the continuing negotiations on the General Agreement on Tariffs and Trade (GATT). Uruguay Round of

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

Multi-Lateral Trade Negotiations, and the rapid progress toward European Community integration, which will provide new opportunities for American businesses to engage in fair competition in service markets of foreign countries;

- e. In light of the European Community's program to establish a single internal market having largely been accomplished, with over 90% of the regulations having been adopted to remove trade barriers and other restrictions on the movement of goods, services and capital within the 12 European Community countries, the European Community markets offer dramatically increased opportunities for export trade by New Jersey firms;
- f. The State's export trade with Mexico can be further enhanced through increased emphasis on the export potential of the State's industrial sector in the fields of analytical and laboratory equipment, electronics, plastics, health and medical equipment, high-tech industries and transfer of technology to the manufacturing sector;
- g. The emergence of new export markets in the Republics of the former Soviet Union provides increased opportunities for New Jersey firms to export products and services that are in high demand in these areas, especially in the fields of environmental technology, pharmaceuticals, medical technology, food processing and telecommunications; and
- h. Given the importance to New Jersey of exporting more of the State's goods and services to foreign markets, it is in the public interest to establish a supplemental program with the active participation of New Jersey banks to offer New Jersey businesses export finance assistance for fixed asset needs or loans for working capital, to authorize the Economic Development Authority to solicit the participation of certain financial institutions in support thereof, to utilize moneys made available for such purposes pursuant to the "Economic Recovery Fund Act," and other programs administered by the authority, and to thereby promote New Jersey's role in the expanding global marketplace.
  - 3. As used in this act:
- "Authority" means the New Jersey Economic Development Authority established pursuant to section 4 of P.L.1974, c.80 (C.34:1B-4).
- "Eligible export business" means a small—or medium—sized business which has its principal place of business located in this State and is engaged in the provision of goods or services to foreign export markets. The authority shall promulgate by rule a detailed definition which shall set forth the criteria to be used to determine eligibility for the program pursuant to the provisions of this act.
- "Fixed assets" means any real property, interests in real property, plants, equipment, and other assets commonly accepted as fixed assets.
- 50 "Participating bank" means a bank as defined pursuant to 51 section 1 of P.L.1948, c.67 (C.17:9A-1) deemed eligible by the 52 authority for participation in the program.
  - "Program" means the "New Jersey Global Export Network Program" established by the authority pursuant to section 4 of

this act.

"Working capital" means those liquid capital assets other than fixed assets.

- 4. The New Jersey Economic Development Authority shall, in consultation with the Division of International Trade and the Division of Economic Development in the Department of Commerce and Economic Development, establish the "New Jersey Global Export Network Program," to assist ¹[small-and medium sized] eligible export¹ businesses to expand their role in the exportation of New Jersey products and services. ¹The authority shall give priority consideration to eligible export businesses utilizing locally produced materials and supplies to add at least 50% of the value to the products or services. As used in this section, "locally produced materials and supplies" means articles, materials and supplies produced or manufactured in this State.¹ The activities of the program shall be deemed to be supplementary to, and not in lieu of, the powers of the authority prescribed by law.
- 5. a. In order to effectuate the purposes of the program, the authority shall establish and maintain a special non-lapsing revolving fund to be known as the "Global Export Network Assistance Fund," hereinafter the "network assistance fund," which shall be credited with: (1) an amount <sup>1</sup>[not less than \$5] million] from the Economic Recovery Fund established pursuant to section 4 of P.L.1992, c.16 (C.34:1B-7.13) 1 which the authority determines is necessary to effectively implement the program, within the limits of funding available from the Economic Recovery Fund, based upon the response to the program by eligible export businesses and participating banks<sup>1</sup>; (2) any moneys that shall be received by the authority from the repayment of the moneys in the network assistance fund used to provide direct loans or revolving credit lines pursuant to this act and interest thereon; and (3) other moneys of the authority, including but not limited to, any moneys available from other business loan programs administered by the authority which it determines to deposit therein.
- b. The authority may use the moneys in the network assistance fund established pursuant to this section for:
- (1) funding direct loans or revolving lines of credit agreements for eligible export businesses for the production of goods and services for export, and guaranteeing up to 25% of the loans or lines of credit provided by participating banks, in accordance with section 7 of this act;
- (2) making payments in fulfillment of the terms of any direct loans, revolving lines of credit agreements, or guarantee agreements, entered into pursuant to section 7 of this act; and
- (3) defraying the administrative costs of the authority in carrying out the purposes and provisions of this act.
- c. The portion of the direct loans or lines of credit provided by participating banks may be guaranteed by the authority pursuant to section 7 of this act only if an eligible export business has qualified therefor by demonstrating to the satisfaction of the authority that the eligible export business has the ability to develop new or expanded export activities, with particular emphasis on products or services which will be in high demand as a result of the expected approval of the North American Free

Trade Agreement (NAFTA) <sup>1</sup>[and] , <sup>1</sup> the General Agreement on Trade and Tariffs (GATT) <sup>1</sup>and the European Community (EC) integration <sup>1</sup>, and that the eligible export business has sufficient ability, reputation and credit-worthiness.

<sup>1</sup>[e. No] <u>d. The maximum amount and term of the</u><sup>1</sup> loan, line of credit or guarantee made pursuant to this act shall <sup>1</sup>[be made for an amount to exceed \$1 million, or for a period of more than ten years; except that the authority may, by regulation, provide for cases in which unforseen economic changes or physical obstacles may warrant an extension] <u>be determined by the authority</u><sup>1</sup>.

- 6. The authority shall establish sufficient reserves and liquid reserves, aside from those moneys required to provide a sufficient and actuarially sound basis for its pledges contained in any loan, line of credit or guarantee agreement entered into pursuant to this act.
- 7. The authority shall enter into agreements with participating banks to use the moneys from the network assistance fund to provide up to 25% of the direct loans or revolving lines of credit for fixed asset needs and working capital of eligible exporting businesses. The agreements shall further provide that the balance of the loans or lines of credit for financing the fixed asset needs and working capital of eligible export businesses shall come from participating banks. The authority may also use moneys from the network assistance fund to guarantee up to 25% of the portion of the loans or lines of credit to be provided by the participating banks in those cases where the authority determines that such a guarantee is necessary for an agreement authorized by this section. The agreements shall also provide for any other terms or conditions which the authority and the participating banks stipulate to as being necessary or desirable to make loans, and extend lines of credit, guarantee loans and otherwise effectuate the purpose of the program.
- 8. The authority shall, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations governing the making of loans, extending of credit and the issuance of guarantees pursuant to this act.
- <sup>19.</sup> In addition to the duties of the authority required under section 6 of P.L.1983, c.303 (C.52:27H-65), the authority shall also prepare a report within a reasonable time after the end of one year following the effective date of this act. The report shall include, but not be limited to, a description of the demand for the New Jersey Global Export Network Program from eligible export businesses and participating banks, the efforts made by the authority to promote the program, the total amount of export loans, lines of credit or guarantees issued by the authority pursuant to the program and an assessment of the effectiveness of the program in meeting the goals of this act. The authority shall submit its report to the Governor and the Legislature, including any recommendations for legislation to improve the effectiveness of the program.<sup>1</sup>

<sup>1</sup>[9.] 10.<sup>1</sup> This act shall take effect immediately.

- 7. The authority shall enter into agreements with participating banks to use the moneys from the network assistance fund to provide up to 25% of the direct loans or revolving lines of credit for fixed asset needs and working capital of eligible exporting The agreements shall further provide that the balance of the loans or lines of credit for financing the fixed asset needs and working capital of eligible export businesses shall come from participating banks. The authority may also use moneys from the network assistance fund to guarantee up to 25% of the portion of the loans or lines of credit to be provided by the participating banks in those cases where the authority determines that such a guarantee is necessary for an agreement authorized by this section. The agreements shall also provide for any other terms or conditions which the authority and the participating banks stipulate to as being necessary or desirable to make loans, and extend lines of credit, guarantee loans and otherwise effectuate the purpose of the program.
- 8. The authority shall, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations governing the making of loans, extending of credit and the issuance of guarantees pursuant to this act.
  - 9. This act shall take effect immediately.

#### **STATEMENT**

This bill establishes a "New Jersey Global Export Network Program" in the New Jersey Economic Development Authority to promote the growth and expansion of New Jersey businesses engaged in the export of goods and services. The program is intended to provide access to funding which might otherwise not be available to small— and medium—sized businesses for export financing transactions by directing the authority to make direct loans and to extend revolving lines of credit, in conjunction with a consortium of participating banks, to eligible export businesses for fixed asset needs and working capital.

The bill establishes a special non-lapsing revolving fund, the "Global Export Network Assistance Fund" (the network assistance fund), which shall be credited with \$5 million from the Economic Recovery Fund, established pursuant to section 4 of P.L.1992, c.16 (C.34:1B-7.13), together with other available moneys including, but not limited to, moneys in the business loan programs administered by the authority, which the authority determines to deposit therein.

The bill establishes a means to leverage the moneys in the network assistance fund through a public/private partnership between the Economic Development Authority and participating banks whereby up to 25% of the loan or revolving credit needed for fixed assets and working capital of eligible export businesses would be provided by the fund with the balance of the loan or revolving credit to be provided by participating banks. In order to provide additional incentive for participation by banks in this program to assist the small— and medium-sized businesses involved in export of New Jersey products and services, the bill

also authorizes the authority to use the moneys in the network assistance fund to guarantee up to 25% of the portion of the loan or revolving credit line provided by participating banks.

It is the intent of this legislation to establish the New Jersey Global Export Network Program as a means of assisting small-and medium-sized businesses within the State's leading industry sectors to enter the export markets that will flow from NAFTA, GATT-Uruguay Round, and EC integration in order for New Jersey firms to benefit from the market opportunities created as a result of these international developments and agreements.

15 The "New Jersey Global Export Network Act."

#### ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

## [FIRST REPRINT] ASSEMBLY, No. 112

## STATE OF NEW JERSEY

DATED: MARCH 4, 1993

The Assembly Appropriations Committee reports favorably Assembly Bill 112 (1R).

Assembly Bill No. 112 (1R) establishes a "New Jersey Global Export Network Program" in the New Jersey Economic Development Authority (EDA) to promote the growth and expansion of New Jersey businesses engaged in the export of products and services. The program is intended to provide funding to small and medium-sized businesses for export financing transactions by directing EDA to make direct loans and extend revolving lines of credit, in conjunction with a consortium of participating banks, to eligible export businesses for fixed asset needs and working capital.

#### **FISCAL IMPACT**:

The bill establishes a special non-lapsing revolving fund, the "Global Export Network Assistance Fund" which shall be credited with an amount from the Economic Recovery Fund, established pursuant to section 4 of P.L.1992, c.16 (C.34:1B-7.13), as EDA shall determine is necessary to effectively implement the program based upon demand by eligible export businesses and bank participation. The network assistance fund shall also be credited with other available moneys including, but not limited to, moneys in the business loan programs administered by EDA.

The bill establishes a means to leverage moneys in the fund through a public/private partnership between EDA and participating banks whereby up to 25% of the loan or revolving credit needed would be provided by the fund with the balance of the loan or revolving credit to be provided by participating banks.

## ASSEMBLY ECONOMIC AND COMMUNITY DEVELOPMENT, AGRICULTURE AND TOURISM COMMITTEE

STATEMENT TO

## ASSEMBLY, No. 112

with Assembly committee amendments

### STATE OF NEW JERSEY

DATED: FEBRUARY 22, 1993

The Assembly Economic and Community Development, Agriculture and Tourism Committee reports favorably Assembly Bill No. 112 with committee amendments.

As amended, this bill establishes a "New Jersey Global Export Network Program" in the New Jersey Economic Development Authority to promote the growth and expansion of New Jersey businesses engaged in the export of products and services where at least 50% of the value of the products and services are added in this State. The program is intended to provide access to funding which might otherwise not be available to small—and medium—sized businesses for export financing transactions by directing the authority to make direct loans and to extend revolving lines of credit, in conjunction with a consortium of participating banks, to eligible export businesses for fixed asset needs and working capital.

The bill establishes a special non-lapsing revolving fund, the "Global Export Network Assistance Fund" (the network assistance fund), which shall be credited with such amount from the Economic Recovery Fund, established pursuant to section 4 of P.L.1992, c.16 (C.34:1B-7.13), as the authority shall determine is necessary to effectively implement the program based upon demand by eligible export businesses and bank participation. The network assistance fund shall also be credited with other available moneys including, but not limited to, moneys in the business loan programs administered by the authority, which the authority determines to deposit therein.

The bill establishes a means to leverage the moneys in the network assistance fund through a public/private partnership between the Economic Development Authority and participating banks whereby up to 25% of the loan or revolving credit needed for fixed assets and working capital of eligible export businesses would be provided by the fund with the balance of the loan or revolving credit to be provided by participating banks.

In order to provide additional incentive for participation by banks in this program to assist the small- and medium-sized businesses involved in export of New Jersey products and services, the bill also authorizes the authority to use the moneys in the network assistance fund to guarantee up to 25% of the portion of the loan or revolving credit line provided by participating banks.

The bill requires the authority to report back to the Legislature within a reasonable time after the end of one year following the effective date of the bill on the status of the program and any recommendations for legislation to better effectuate the goals of the program.

The committee adopted amendments to direct the authority to give priority consideration to eligible export businesses which add at least 50% of the value of products or services using locally produced materials and supplies. The committee also adopted amendments to give the authority greater flexibility in determining the amount of moneys to be allocated for the program from the Economic Recovery Fund based upon the demand for the program from eligible export businesses and participating banks. In addition, the committee amended the bill to give the authority discretion to determine the maximum amount and term of loan, line of credit or guarantee to be issued under the program and to require the authority to report to the Governor and the Legislature on the status of the program after one year following the effective date.

It is the intent of this legislation to establish the New Jersey Global Export Network Program as a means of assisting small—and medium—sized businesses within the State's leading industry sectors to enter the export markets that will flow from NAFTA, GATT—Uruguay Round, and EC integration in order for New Jersey firms to benefit from the market opportunities created as a result of these international developments and agreements.

#### JOINT LEGISLATIVE COMMITTEE ON ECONOMIC RECOVERY

STATEMENT TO

## [FIRST REPRINT] ASSEMBLY, No. 112

## STATE OF NEW JERSEY

**DATED: MARCH 12, 1993** 

The Joint Legislative Committee on Economic Recovery reports favorably Assembly Bill No. 112 (1R).

As reported, this bill establishes a "New Jersey Global Export Network Program" in the New Jersey Economic Development Authority to promote the growth and expansion of New Jersey businesses engaged in the export of products and services where at least 50% of the value of the products and services are added in this State. The program is intended to provide access to funding which might otherwise not be available to small—and medium—sized businesses for export financing transactions by directing the authority to make direct loans and to extend revolving lines of credit, in conjunction with a consortium of participating banks, to eligible export businesses for fixed asset needs and working capital.

The bill establishes a special non-lapsing revolving fund, the "Global Export Network Assistance Fund" (the network assistance fund), which shall be credited with such amount from the Economic Recovery Fund, established pursuant to section 4 of P.L.1992, c.16 (C.34:1B-7.13), as the authority shall determine is necessary to effectively implement the program based upon demand by eligible export businesses and bank participation. The network assistance fund shall also be credited with other available moneys including, but not limited to, moneys in the business loan programs administered by the authority, which the authority determines to deposit therein.

The bill establishes a means to leverage the moneys in the network assistance fund through a public/private partnership between the Economic Development Authority and participating banks whereby up to 25% of the loan or revolving credit needed for fixed assets and working capital of eligible export businesses would be provided by the fund with the balance of the loan or revolving credit to be provided by participating banks.

In order to provide additional incentive for participation by banks in this program to assist the small— and medium—sized businesses involved in export of New Jersey products and services, the bill also authorizes the authority to use the moneys in the network assistance fund to guarantee up to 25% of the portion of the loan or revolving credit line provided by participating banks.

The bill requires the authority to report back to the Legislature within a reasonable time after the end of one year following the effective date of the bill on the status of the program and any recommendations for legislation to better effectuate the goals of the program.

The authority is also required to give priority consideration to eligible export businesses which add at least 50% of the value of products or services using locally produced materials and supplies. The authority is given flexibility in determining the amount of moneys to be allocated for the program from the Economic Recovery Fund based upon the demand for the program from eligible export businesses and participating banks. In addition, the bill gives the authority the discretion to determine the maximum amount and term of loan, line of credit or guarantee to be issued under the program and requires the authority to report to the Governor and the Legislature on the status of the program after one year following the effective date.

It is the intent of this legislation to establish the New Jersey Global Export Network Program as a means of assisting small—and medium—sized businesses within the State's leading industry sectors to enter the export markets that will flow from NAFTA, GATT—Uruguay Round, and EC integration in order for New Jersey firms to benefit from the market opportunities created as a result of these international developments and agreements.

This bill is identical to S-1598 reported by the committee with amendments on the same date.

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# OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001 Contact: TRENTON, N.J. 08625 Release:

Jon Shure Audrey Kelly 609-777-2600 Friday, July 23, 1993

GLOBAL EXPORT NETWORK PROGRAM WILL BOOST NJ BUSINESS EFFORTS ABROAD

Gov. Jim Florio today signed legislation that creates the New Jersey Global Export Program as an addition to another highly successful tool for doing business abroad already being operated by the state Economic Development Authority.

The network is designed to provide access to funding which otherwise might not be available to small and medium-sized businesses to help finance export transactions. Under the new law, EDA is directed to make direct loans and extend revolving lines of credit to export businesses in need of fixed assets and working capital.

"Put together with the New Jersey World Wide program already being run by EDA, this is another tool in the hands of dynamic New Jersey businesses," Gov. Florio said. "It's part of our commitment to create every job we can — one day at a time, one job at a time. Without New Jersey's access to capital, we wouldn't have an EDA able to help businesses this way. This is a perfect example of the kinds of steps we've taken to fight back against a devastating national recession and make sure New Jersey entrepreneurs have an edge.

"There are no easy answers or bumper-sticker solutions to build back an economy and create jobs, only the kind of hard work that made this a great state and will keep it a place of hope and opportunity."

New Jersey World Wide created a line of credit that businesses can use to support working capital needs. No taxpayer financing is required for the new program. Funding would come from the Economic Recovery Fund created last year at Governor Florio's suggestion. A-112/ S-1598 was sponsored by Assemblypersons Gibson and Geist, Senator Cafiero, and former Senator Brown.