

ASSEMBLY, No. 723

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Assemblywoman CLEOPATRA G. TUCKER

District 28 (Essex)

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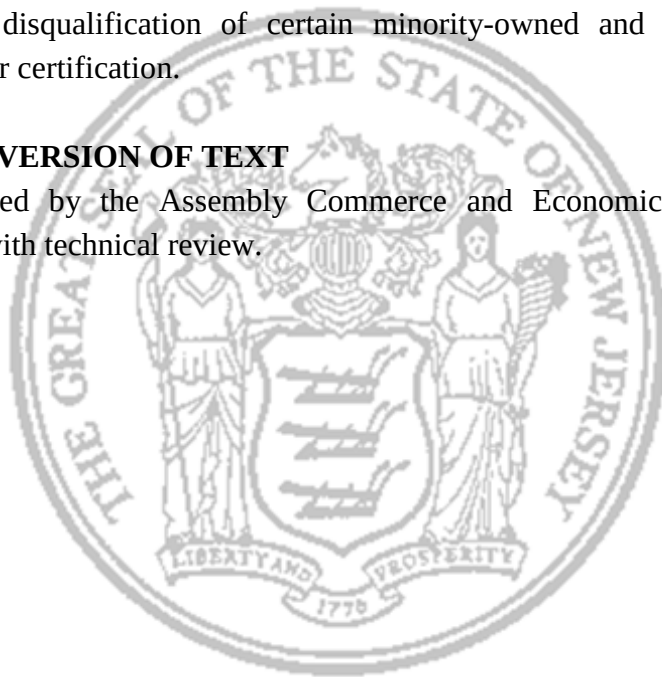
**Assemblywoman Pintor Marin, Assemblyman Chiaravalloti,
Assemblywomen Timberlake, Reynolds-Jackson, Speight, Jimenez,
Vainieri Huttie, Assemblyman Conaway and Assemblywoman Lopez**

SYNOPSIS

Prohibits disqualification of certain minority-owned and women-owned businesses for certification.

CURRENT VERSION OF TEXT

As reported by the Assembly Commerce and Economic Development Committee with technical review.



(Sponsorship Updated As Of: 2/24/2020)

1 **AN ACT** concerning certification of minority-owned and women-
2 owned businesses and amending P.L.1987, c.55.

3

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

6

7 1. Section 5 of P.L.1987, c.55 (C.52:27H-21.11) is amended to
8 read as follows:

9 5. The division shall have the power to:

10 a. Establish a loan referral program and loan packaging
11 program for eligible businesses, using criteria for eligibility which
12 meet the standards established by the authority or which meet the
13 standards established by private sources or by other State or federal
14 programs;

15 b. Compile lists of qualified professionals, including women
16 and minorities in specific areas of expertise, to be disseminated to
17 eligible businesses and to be used in making referrals;

18 c. Use available resources within the State, including, but not
19 limited to, small business development centers, business
20 organizations, academic institutions with business programs, and
21 minority business development offices, to coordinate managerial
22 and technical assistance;

23 d. Establish, in cooperation with institutions of higher
24 education, an internship program for candidates for undergraduate
25 and graduate degrees in business administration and related fields
26 for the purpose of providing assistance to the division, the authority
27 and to businesses which are eligible to receive assistance under this
28 act;

29 e. Provide, consistent with the provisions of this act and in
30 conjunction with, or at the request of, the authority, assistance to
31 eligible businesses, including, but not limited to:

32 (1) Assistance in researching markets or in market analysis;

33 (2) Advice in advertising and marketing;

34 (3) Advice in selecting sales or other distribution channels;

35 (4) Providing information and training with respect to bidding
36 on government contracts;

37 (5) Serving as liaison with the Department of the Treasury and
38 other departments and agencies of State, federal and local
39 government to promote the procurement of contracts for eligible
40 businesses;

41 (6) Assistance in obtaining legal counsel;

42 (7) Providing financial analysis and accounting assistance;

43 (8) Assistance in obtaining appropriate insurance, including
44 benefit packages for employees;

45 (9) Assistance in arranging contracts with franchisers;

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 (10) Assistance in arranging commercial loans made by a State
2 or federally chartered bank, savings bank, or savings and loan
3 association, if, with respect to loans made by State chartered
4 institutions, the loans are made in accordance with the powers
5 conferred on those institutions pursuant to Title 17 of the Revised
6 Statutes, including bridge loans and cash flow loans;

7 (11) Assistance in negotiating license agreements;

8 (12) Assistance in procuring bonding or substitutes therefor;

9 (13) Making referrals to private consultants, institutions, and
10 other providers of services, according to the specific needs of an
11 eligible business;

12 (14) Assistance in finding sources of financing from federal,
13 State, and local sources;

14 (15) Assistance in gaining information about employee training
15 and development programs; and

16 f. Provide a central resource for eligible businesses in their
17 dealing with federal, State, and local governments, including
18 information regarding government regulations or laws which affect
19 eligible businesses;

20 g. Initiate and encourage education programs for eligible
21 businesses;

22 h. Notwithstanding any other provision of law, exercise
23 exclusive authority within the State to establish a uniform
24 procedure for departments, agencies and authorities of the State and
25 of its political subdivisions to certify the eligibility of a business to
26 bid on contracts, or otherwise represent itself as a minority or
27 women's business, except that a minority or women's business
28 engaged in the procurement of materials and supplies that is
29 otherwise eligible for such certification pursuant to this subsection
30 shall not be rendered ineligible therefor solely because the business
31 is not significantly and substantially involved in the production, or
32 does not have evidence of movement, of inventory on hand, in and
33 out of its facility, provided the business:

34 (1) places an order for a product with a distributor or
35 manufacturer;

36 (2) takes possession of the materials or supplies in the order by
37 payment;

38 (3) assumes the risk of ownership of the materials or supplies;
39 and

40 (4) causes the product, materials, or supplies to be shipped to a
41 customer.

42 The division shall be the certifying authority for departments,
43 agencies and authorities of the State, except that when the division's
44 procedure for certification of a business as a minority business or
45 women's business conflicts with a federal certification procedure
46 that affects a State project in which the federal government
47 participates, the federal certification procedure shall take
48 precedence. Public agencies shall identify those projects and shall

1 notify the division. A political subdivision shall have the
2 responsibility of certifying the eligibility of a women's business or
3 minority business to bid on contracts or otherwise represent itself as
4 a women's business or minority business within the political
5 subdivision, except that, if the business is certified by the division
6 to represent itself as being a minority or women's business under
7 State programs, the political subdivision may accept that
8 certification for eligibility of the business under programs of the
9 political subdivision. A political subdivision shall utilize the
10 uniform certification procedure formulated by the division;

11 i. Submit to the Governor and the Legislature an annual report
12 regarding its activities and setting forth recommendations of
13 methods which might be utilized to more efficiently and effectively
14 carry out the purposes of this act, and submit to the commissioner
15 periodic reports on the condition of small businesses, and women's
16 and minority businesses in the State; and

17 j. Provide any other services which it deems necessary or
18 which may be requested by the authority.

19 (cf: P.L.2003, c.189, s.1)

20

21 2. This act shall take effect immediately.