

# ASSEMBLY, No. 996

## STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblywoman JOANN DOWNEY**

**District 11 (Monmouth)**

**Assemblyman ERIC HOUGHTALING**

**District 11 (Monmouth)**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**Co-Sponsored by:**

**Assemblywoman Mosquera**

**SYNOPSIS**

Creates “Economic Gardening Program” in Department of State to provide customized services to certain businesses.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT establishing an “Economic Gardening Program” in the  
2 Department of State and supplementing Title 52 of the Revised  
3 Statutes.

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

7  
8 1. As used in P.L. , c. (C. ) (pending before the  
9 Legislature as this bill):

10 “Authority” means the New Jersey Economic Development  
11 Authority established pursuant to section 4 of P.L.1974, c.80  
12 (C.34:1B-4).

13 “Center” means the Business Action Center, created in the  
14 Department of State pursuant to Reorganization Plan No. 003-2011.

15 “Department” means the Department of State.

16 “Program” means the “Economic Gardening Program”  
17 established pursuant to section 2 of P.L. , c. (C. ) (pending  
18 before the Legislature as this bill).

19 “Qualified second-stage growth business” means a business that:

20 a. has maintained its principal place of business in the State for  
21 at least the last two years;

22 b. has annual revenues totaling between \$600,000 and  
23 \$50,000,000;

24 c. employs at least five but not more than 100 full-time  
25 employees in this State;

26 d. demonstrates growth in annual revenue or jobs, or both, in  
27 two of the last five years;

28 e. delivers products or services to customers outside the  
29 business's local market area or demonstrates the capacity to do so;

30 f. is in a target industry as identified by the center; and

31 g. is organized for profit to perform a lawful, commercial  
32 function.

33

34 2. a. The Business Action Center shall establish an “Economic  
35 Gardening Program.” The program shall consist of customized  
36 services provided by the center, pursuant to subsection b. of this  
37 section, to a qualified second-stage growth business deemed eligible  
38 by the center upon application by a business in a manner established  
39 by the center. The center shall work in conjunction with the  
40 authority and State, local, and private business assistance entities to  
41 develop and promote the program.

42 b. (1) Through the program, the center shall, upon request and  
43 free of charge, provide to a qualified second-stage growth business  
44 customized services tailored to the needs of the qualified second-  
45 stage growth business, including, but not limited to:

46 (a) a review of the qualified second-stage growth business’s  
47 core strategies, including threats and opportunities, business  
48 strategy, and niche markets;

1 (b) qualified second-stage growth business development  
2 opportunities through market research and qualified sales leads,  
3 including, but not limited to, information about competitors and  
4 their strategies, industry trends and forecasts, market size and sales,  
5 financial analysis, business planning, strategic planning, market  
6 demographics, market research reports, potential market niches,  
7 prospective partners and resources, and marketing lists; and

8 (c) guidance to the qualified second-stage growth business on  
9 increasing its visibility and credibility within the market with an  
10 improved Internet presence, and advice on how to best use  
11 technology to connect with customers.

12 (2) Customized services addressing the needs of a requesting  
13 qualified second-stage growth business, pursuant to paragraph (1)  
14 of this subsection, may be provided in the form of personalized  
15 counseling or management consulting. The center may partner with  
16 business assistance organizations in the State to provide customized  
17 services pursuant to paragraph (1) of this subsection.

18 (3) The center, or any organization that is partnered with the  
19 center to provide customized services pursuant to paragraph (2) of  
20 this subsection shall not disclose any non-public proprietary  
21 information about the requesting qualified second-stage growth  
22 business that is obtained while assisting that business to any other  
23 business or private entity. Both the center and any organization that  
24 is partnered with the center to provide customized services pursuant  
25 to paragraph (2) of this subsection shall not provide any non-public  
26 proprietary information to a qualified second-stage growth business  
27 requesting customized services. No action may be brought against  
28 the State, or any agency or instrumentality thereof, for relief in  
29 connection with the center's provision of customized services under  
30 this subsection.

31 c. (1) There is appropriated from the General Fund to the  
32 department monies as shall be necessary to effectuate the purposes  
33 of P.L. , c. (C. ) (pending before the Legislature as this  
34 bill).

35 (2) The center is authorized to seek and accept gifts, grants, or  
36 donations from private or public sources for funding the costs of the  
37 customized services provided pursuant to subsection b. of this  
38 section, except that the center may not accept a gift, grant, or  
39 donation that is subject to conditions that are inconsistent with any  
40 other law of this State.

41 d. The center shall report annually to the Governor and,  
42 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the  
43 Legislature on the functioning of the program and meeting the  
44 needs of qualified second-stage growth businesses. The report shall  
45 include, but not be limited to, the number and locations of  
46 participating qualified second-stage growth businesses, the number  
47 of jobs created or maintained by participating qualified second-  
48 stage growth businesses, the amount of any capital investment made

1 by participating qualified second-stage growth businesses as a result  
2 of participation in the program, and the type and amount of any  
3 financial assistance given to participating qualified second-stage  
4 growth businesses.

5

6 3. This act shall take effect immediately.

7

8

9

#### STATEMENT

10

11 This bill would establish a New Jersey “Economic Gardening  
12 Program.” Economic gardening is an approach to economic growth  
13 and development that provides assistance to existing small businesses  
14 which qualify as “second-stage growth businesses.”

15 Under the bill, a business qualifies as a “second-stage growth  
16 business” if it:

17 • has maintained its principal place of business in New Jersey for  
18 at least the last two years;

19 • has annual revenues totaling between \$600,000 and  
20 \$50,000,000;

21 • employs at least five but not more than 100 full-time  
22 employees;

23 • demonstrates growth in annual revenue or jobs, or both, in two  
24 of the last five years;

25 • delivers products or services to customers outside the business’  
26 local market area or demonstrates the capacity to do so;

27 • is in a target industry; and

28 • is organized for profit to perform a lawful, commercial  
29 function.

30 The bill directs the Business Action Center to establish the  
31 program, and to work in conjunction with the New Jersey Economic  
32 Development Authority and State, local, and private business  
33 assistance entities to develop and promote the program.

34 The program would provide qualified businesses customized  
35 services tailored to their needs in the form of personalized counseling  
36 or management consulting. These services would include:

37 • review of core business strategies,

38 • market research and business development, and

39 • guidance on increasing a business’ visibility and credibility.

40 The bill authorizes the Business Action Center to partner with  
41 business assistance organizations to provide services to qualified  
42 businesses.

43 The bill provides for a General Fund appropriation of an amount  
44 necessary to effectuate the purposes of the bill and allows the Business  
45 Action Center to seek and accept gifts, grants, or donations from  
46 private or public sources for funding the costs of program services.

47 The bill requires the Business Action Center to report on the  
48 program annually to the Governor and the Legislature.