

CHAPTER 9

DEVELOPMENT OF SMALL BUSINESSES AND
WOMEN AND MINORITY BUSINESSES

Authority

N.J.S.A. 52:27H-6f; P.L. 1987, c.55, specifically section 9; 52:27C-71(q), 52:27C-73(a), (f) and (h), and 52:27H-21.24.

Source and Effective Date

R.2003 d.380, effective September 4, 2003.
See: 35 N.J.R. 1831(c), 35 N.J.R. 4734(c).

Chapter Expiration Date

Chapter 9, Development of Small Businesses and Women and Minority Businesses, expires on September 4, 2008.

Chapter Historical Note

Chapter 9, Development of Small Businesses and Women and Minority Businesses, was adopted as R.1988 d.95, effective March 7, 1988. See: 19 N.J.R. 2377(b), 20 N.J.R. 534(a). The Executive Order No. 66(1978) expiration date for Chapter 9 was extended by gubernatorial waiver from March 7, 1993 to May 30, 1993. See: 25 N.J.R. 1335(c).

Pursuant to Executive Order No. 66(1978), Chapter 9, Development of Small Businesses and Women and Minority Business, was readopted as R.1993 d.309, effective May 28, 1993. See: 25 N.J.R. 1752(a), 25 N.J.R. 2689(a).

Pursuant to Executive Order No. 66(1978), Chapter 9, Development of Small Businesses and Women and Minority Businesses, was readopted as R.1998 d.312, effective May 22, 1998. See: 30 N.J.R. 1399(a), 30 N.J.R. 2236(a).

Chapter 9, Development of Small Business and Women and Minority Business, was readopted as R.2003 d.380, effective September 4, 2003. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. SERVICES TO SMALL
BUSINESSES AND WOMEN AND MINORITY
BUSINESSES

12A:9-1.1 Applicability and scope

(a) The rules in this subchapter are promulgated by the Commerce and Economic Growth Commission to implement P.L. 1987, c.55, an Act to establish within the Commerce and Economic Growth Commission a Division of Development for Small Businesses and Women and Minority Businesses. These rules are promulgated pursuant to the Commission's authority under N.J.S.A. 52:27C-71(q); 52:27C-73(a), (f) and (h); and 52:27H-21.24.

(b) The Act provides for consolidation, in the interest of efficiency, of the State's service to small businesses and women and minority businesses.

(c) The Act provides that the Division shall provide certain services to small businesses and women and minority businesses those services being: the establishment of a loan referral and packaging program; a compiled list of qualified professionals in specific areas of expertise; to coordinate managerial and technical assistance programs in the state; establish internship programs; serve as liaison on behalf of businesses with the agencies and departments of the state, federal, and local governments; provide assistance in obtaining legal counsel; provide financial analysis and accounting assistance; provide assistance in obtaining insurance; provide assistance in arranging contracts with franchisees; provide assistance in arranging for loans from commercial banks; assist in negotiating license agreements; assist in procuring bonding; make referrals to private consultants, institutions, and other business services; assist in finding sources of financing from federal, state and local sources; provide a central resource for eligible businesses in their dealings with various levels of governments; initiate and encourage education programs for eligible businesses; and establish a uniform procedure for certification of minority and women businesses.

(d) The Act also provides for the establishment of the office of the Director of the Division for the Development of Small Businesses and Women and Minority Businesses, and the Office of Women Business Enterprise.

Amended by R.2003 d.380, effective October 6, 2003.
See: 35 N.J.R. 1831(c), 35 N.J.R. 4734(c).

Rewrote (a).

12A:9-1.2 Definitions

The words and terms used in this subchapter shall have the following meanings unless the context clearly indicates otherwise:

“Authority” means the New Jersey Development Authority for Small Businesses and Minority and Women Enterprises.

“CAU” means the Certification and Approvals Unit which has sole authority in the Division to register vendors for the New Jersey Set-Aside program and/or certify businesses under the Uniform Certification Act for State programs.

“Commission” means the Commerce and Economic Growth Commission.

“Director” means the Director of the Division of Development for Small Businesses and Women and Minority Businesses.

“Division” means the Division of Development for Small Businesses and Women and Minority Businesses.

“Eligible businesses” means a minority and/or women business certified and/or registered by CAU or a small business registered by the Division and/or determined to be eligible to receive assistance and/or to participate in various State programs.

“Minority” means a person who is:

1. Black, which is a person having origins in any of the black racial groups of Africa;
2. Hispanic, which is a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean islands, regardless of race;
3. Asian American, which is a person having origins in any of the original people of the Far East, Southeast Asia, the Indian subcontinent, Hawaii, or the Pacific Islands; or
4. American Indian or Alaskan native, which is a person having origins in any of the original peoples of North America.

“Minority business” means a business which is at least 51 percent owned, operated and controlled by a minority or group of minorities and whose ownership is responsible for the daily as well as long term management decisions of the business.

“Secretary” means the Chief Executive Officer and Secretary of the Commerce and Economic Growth Commission.

“Small business” means a sole proprietorship, partnership, or corporation which is a size and type as defined by the Secretary.

“Women” means all women regardless of race.

“Women business” means a business which is at least 51 percent owned, operated, and controlled by a woman or group of women and whose ownership is responsible for a daily as well as long term management decision of the business.

Amended by R.2003 d.380, effective October 6, 2003.
See: 35 N.J.R. 1831(c), 35 N.J.R. 4734(c).

Deleted “Commissioner” and “DCED”; added “Commission” and “Secretary”; in “Small business” substituted “Secretary” for “Commissioner”.

12A:9-1.3 Nature of Division service

The Division shall provide such services to small businesses, minority and women businesses as enumerated by the Act. Where specified, these services shall be subject to standards of Federal programs and be coordinated with the Authority. Services shall be limited in their scope to prevent the Commission from incurring adverse liability and to ensure that the services do not compete with those private businesses traditionally providing services to the enumerated businesses.

Amended by R.2003 d.380, effective October 6, 2003.

See: 35 N.J.R. 1831(c), 35 N.J.R. 4734(c).

Substituted “Commission” for “Department” in the third sentence.

12A:9-1.4 Loan referral and packaging

(a) The Division shall develop a loan referral and packaging program for small businesses, minority and women businesses which shall be subject to standards established by the Authority.

(b) The Division shall make referrals to private sector sources for loans without prejudice to those sources.

1. The referrals shall, where market conditions permit, include a minimum of three private source referrals.
2. The Division shall not directly involve itself in negotiations between the referred business and the private sector financing source.
3. The Division may, based on market conditions and needs, negotiate with private sector financing sources to provide loan packages or programs.

12A:9-1.5 Qualified professional listing

(a) The Division shall compile a list of qualified professionals who can or have provided services to small businesses, minority and women businesses. This list of qualified professionals shall include:

1. Accountants;
2. Financial specialists;