

CHAPTER 45**DEVELOPMENT OF SMALL BUSINESSES AND
WOMEN AND MINORITY BUSINESSES****Authority**

N.J.S.A. 52:18A-30(d), 52:27H-21.15 and 52:27H-21.24;
P.L. 2008, c. 27; and Executive Order No. 34 (2006).

Source and Effective Date

R.2009 d.131, effective April 20, 2009.
See: 40 N.J.R. 5554(a), 41 N.J.R. 1885(a).

Chapter Expiration Date

Chapter 45, Development of Small Businesses and Women and Minority Businesses, expires on April 20, 2014.

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

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 9, Development of Small Businesses and Women and Minority Businesses, expired on March 3, 2009. See: 40 N.J.R. 5554(a).

Pursuant to P.L. 2008, c. 27, expired Chapter 9 of Title 12A, Development of Small Businesses and Women and Minority Businesses, was recodified as Chapter 45 of Title 17 and adopted as new rules by R.2009 d.131, effective April 20, 2009. See: Source and Effective Date. See, also, section annotations.

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**SUBCHAPTER 1. SERVICES TO SMALL BUSINESSES
AND WOMEN AND MINORITY BUSINESSES****17:45-1.1 Applicability and scope**

(a) The rules in this subchapter are promulgated by the Division of Minority and Women Business Development in the Department of the Treasury (the Division) to implement P.L. 1987, c. 55 (the Act), an Act to establish within the Commerce and Economic Growth Commission a Division of Development for Small Businesses and Women and Minority Businesses and P.L. 2008, c. 27, which abolishes the Commerce Commission and in section 18 transfers the functions, powers, and duties of the Division of Development for Small Businesses and Women's and Minority Businesses to the Department of the Treasury. These rules are promulgated pursuant to N.J.S.A. 52:27H-21.15, 52:18A-30(d), and 52:27H-21.24, and P.L. 2008, c. 27.

(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) Under the Act and P.L. 2008, c. 27, the Division may 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) Under P.L. 2008, c. 27, the office and term of the Director of the Division for the Development of Small Businesses and Women and Minority Business terminated July 1, 2008; the functions, powers, and duties of that division are continued and transferred to the Department of the Treasury to be administered within that department as the Treasurer so determines. The State Treasurer has determined to administer those functions, powers and duties in the Division. P.L. 2008, c. 27 also abolished the New Jersey Development Authority for Small Businesses, Minorities' and Women's Enterprises and continued and transferred its functions, powers, and duties to the New Jersey Economic Development Authority (the Authority).

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).

Recodified from N.J.A.C. 12A:9-1.1 and amended by R.2009 d.131, effective April 20, 2009.

See: 40 N.J.R. 5554(a), 41 N.J.R. 1885(a).

Rewrote (a); in (c), substituted "Under the Act and P.L. 2008, c. 27," for "The Act provides that"; "may" for "shall"; "State" for "state" three times, and "Federal" for "federal" two times; and rewrote (d).

17:45-1.2 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 Economic Development Authority, established by P.L. 1974, c. 80 (N.J.S.A. 34:1B-1 et seq.).

"Department" means the Department of the Treasury.

"Director" means the head of the Division of Minority and Women Business Development in the Department of the Treasury.

"Division" means the Division of Minority and Women Business Development in the Department of the Treasury. The Division has been allocated the authority by the State Treasurer to register vendors for the New Jersey Set-Aside program and/or certify businesses under the Uniform Certification Act for State programs.

"Eligible businesses" means a minority and/or women business certified by the Division 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.

"Small business" means a sole proprietorship, partnership, or corporation which is a size and type as defined by the Department of the Treasury.

"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".

Recodified from N.J.A.C. 12A:9-1.2 and amended by R.2009 d.131, effective April 20, 2009.

See: 40 N.J.R. 5554(a), 41 N.J.R. 1885(a).

In definition "Authority", substituted "Economic Development Authority, established by P.L. 1974, c. 80 (N.J.S.A. 34:1B-1 et seq.," for "Development Authority for Small Businesses and Minority and Women Enterprises"; deleted definitions "CAU", "Commission" and "Secretary"; added definition "Department"; rewrote definitions "Director" and "Division"; in definition "Eligible businesses", substituted "by the division" for "and/or registered by CAU"; and in definition "Small business", substituted "Department of the Treasury" for "Secretary".

17:45-1.3 Nature of Division service

The Division may provide such services to small businesses, minority and women businesses as enumerated by the Act, P.L. 2008, c. 27, Executive Order No. 34 (2005), and other authority consistent with 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 Division 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.

Recodified from N.J.A.C. 12A:9-1.3 and amended by R.2009 d.131, effective April 20, 2009.

See: 40 N.J.R. 5554(a), 41 N.J.R. 1885(a).

Substituted "may" for "shall" and "Division" for "Commission", and inserted "P.L. 2008, c. 27, Executive Order No. 34 (2005), and other authority consistent with the Act".