

[First Reprint]

**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)**

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**District 11 (Monmouth)**

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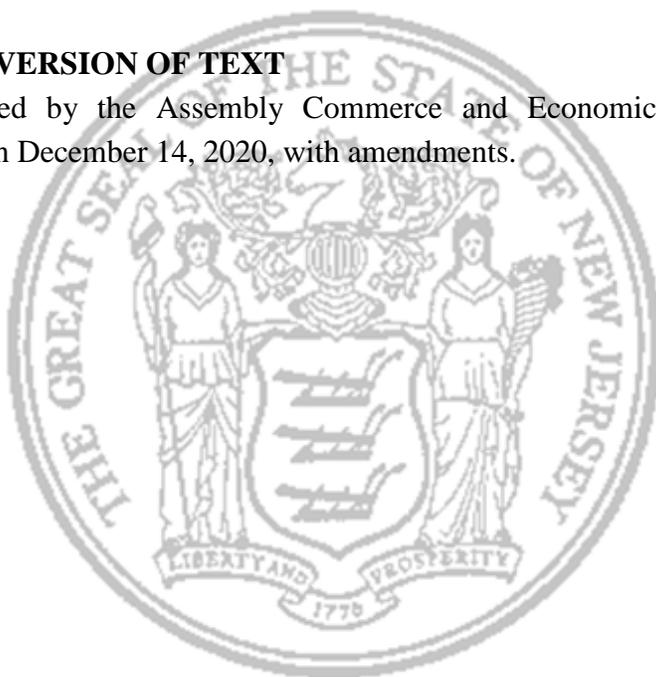
**Assemblywoman Mosquera**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As reported by the Assembly Commerce and Economic Development Committee on December 14, 2020, with amendments.



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 <sup>1</sup>**【between \$600,000 and】** not  
23 more than<sup>1</sup> \$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

**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.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup>Assembly ACE committee amendments adopted December 14, 2020.

1 customized services tailored to the needs of the qualified second-  
2 stage growth business, including, but not limited to:

3 (a) a review of the qualified second-stage growth business's  
4 core strategies, including threats and opportunities, business  
5 strategy, and niche markets;

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

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

17 (2) The Business Action center may provide customized  
18 services addressing the needs of a requesting qualified second-stage  
19 growth business, pursuant to paragraph (1) of this subsection, in the  
20 form of personalized counseling or management consulting. The  
21 center may partner with business assistance organizations in the  
22 State to provide customized services pursuant to paragraph (1) of  
23 this subsection.

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

37 c. (1) There is appropriated from the General Fund to the  
38 department monies as shall be necessary to effectuate the purposes  
39 of P.L. , c. (C. ) (pending before the Legislature as this  
40 bill).

41 (2) The center may to seek and accept gifts, grants, or donations  
42 from private or public sources for funding the costs of the  
43 customized services provided pursuant to subsection b. of this  
44 section, except that the center may not accept a gift, grant, or  
45 donation that is subject to conditions that are inconsistent with any  
46 other law of this State.

47 d. The center shall report annually to the Governor and,  
48 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the

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1 Legislature on the functioning of the program and meeting the  
2 needs of qualified second-stage growth businesses. The report shall  
3 include, but not be limited to, the number and locations of  
4 participating qualified second-stage growth businesses, the number  
5 of jobs created or maintained by participating qualified second-  
6 stage growth businesses, the amount of any capital investment made  
7 by participating qualified second-stage growth businesses as a result  
8 of participation in the program, and the type and amount of any  
9 financial assistance given to participating qualified second-stage  
10 growth businesses.

11

12 3. This act shall take effect immediately.