

ASSEMBLY, No. 2748

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 27, 1997

By Assemblyman O'TOOLE

1 AN ACT concerning affirmative action programs and supplementing
2 Title 10 of the Revised Statutes.

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

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7 1. Notwithstanding the provisions of any other law to the contrary,
8 any public or private entity which, on the effective date of this act, is
9 required or authorized by law to grant a preference in the awarding of
10 any benefit, including but not limited to, hiring, promotion, admission
11 to an education program, or the awarding of a contract, on the basis
12 of race, ethnicity, national origin or gender shall cease to provide that
13 preference and shall instead grant that preference to persons who for
14 a continuous period of at least six months during the three years
15 preceding awarding of the benefit were economically disadvantaged,
16 as defined in 29 U.S.C. § 1503.

17 Nothing contained in this act shall be construed as allowing
18 discrimination against any person on the basis of race, ethnicity,
19 national origin or gender.

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21 2. This act shall take effect immediately.

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STATEMENT

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26 This bill provides that any public or private entity which is required
27 or authorized by existing law to grant a preference in the awarding of
28 any benefit, including but not limited to hiring, promotion, admission
29 to an education program, or the awarding of a contract, on the basis
30 of race, ethnicity, national origin or gender shall cease to provide that
31 preference and shall instead grant that preference to persons who for
32 a continuous period of at least six months during the three years
33 preceding awarding of the benefit were "economically disadvantaged,"
34 as defined in the federal Job Training Partnership Act. Under the
35 federal law, "economically disadvantaged" individuals include
36 recipients of welfare or food stamps, persons with incomes below the
37 poverty line, persons who are homeless, certain persons in foster care

1 and low-income persons with disabilities. The bill's purpose is to
2 replace a policy which is inherently discriminatory with one which
3 directs assistance to individuals having the greatest economic need.
4 It would not allow discrimination against any person because of race,
5 ethnicity, national origin or gender.

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10 Replaces preference based upon race, ethnicity, national origin or
11 gender in affirmative action programs with preference for persons who
12 are economically disadvantaged.