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SYNOPSIS

Expands powers and duties of State Chief Diversity Officer to promote diversity in State government and public contracting.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on June 11, 2020, with amendments.

(Sponsorship Updated As Of: 6/21/2021)

1 AN ACT concerning the powers and duties of the State Chief
2 Diversity Officer and amending P.L.2017, c.95 ¹and P.L.1950,
3 c.270¹.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. Section 1 of P.L.2017, c.95 (C.52:32-18.1) is amended to
9 read as follows:

10 1. a. There is established in the [Division of Purchase and
11 Property in the] State Department of the Treasury the State Office
12 of Diversity and Inclusion. The purpose of the office shall be to
13 lead New Jersey's efforts to promote diversity in State government
14 so that it is reflective of the State's population and to increase
15 utilization of minority-owned and women-owned business
16 enterprises in the State's public contracting process.

17 b. The office shall be headed by a Chief Diversity Officer who
18 shall be appointed by the Governor.

19 c. It shall be the duty of the Chief Diversity Officer to:

20 (1) advise the Governor on Statewide policies and procedures
21 related to workforce diversity and minority-owned and women-
22 owned business enterprise programs;

23 (2) develop, administer, and implement a Statewide strategic
24 diversity and inclusion plan designed to provide accountability,
25 measure performance, and centralize processes and procedures
26 across State agencies, colleges, and universities;

27 (3) establish quarterly meetings with heads of State agencies,
28 colleges, and universities to review and advise on diversity training,
29 outreach, and utilization of minority-owned and women-owned
30 business enterprises;

31 (4) collaborate with the Governor's director of appointments
32 and the head of each Executive Branch department to ensure
33 diversity in recruitment for senior level positions;

34 (5) collaborate with the head of each principal department in the
35 Executive Branch to appoint a diversity officer for each department
36 who shall be charged with identifying diverse workforce talent;

37 (6) develop and implement a training curriculum that provides
38 for core competencies in diversity, equity, and inclusion;

39 (7) monitor the State's public contracting process for the
40 purpose of compiling information on the awarding of contracts to
41 minority-owned and women-owned business enterprises, the total
42 value of all contracts and the percentage of the value of those
43 contracts awarded to minority-owned and women-owned business
44 enterprises[.];

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:

¹Senate SBA committee amendments adopted June 11, 2020.

1 (8) establish goals for participation of minority-owned and
2 women-owned business enterprises based on best estimates of
3 market availability without set-asides or quotas;

4 (9) receive reports from dedicated procurement officers across
5 State agencies, colleges, and universities charged with
6 implementation of minority-owned and women-owned business
7 enterprise goals for purposes of compiling an annual report to the
8 Governor evaluating attainment of such goals;

9 (10) oversee the implementation and utilization of a Statewide
10 software system that monitors and tracks State agency, college, and
11 university minority-owned and women-owned business enterprise
12 spending in real time, provides analysis of agency utilization goals,
13 and alerts agencies when current spending patterns are projected to
14 not reach those goals;

15 (11) ensure that State procurement solicitation documents set
16 forth minority-owned and women-owned business enterprise goals
17 and require that State agencies, colleges, and universities provide
18 lists of known minority-owned and women owned business
19 enterprise subcontractors to parties seeking such information;

20 (12) establish protocols and practices for State agencies,
21 colleges, and universities to conduct outreach efforts to minority-
22 owned and women-owned business enterprises;

23 (13) ensure that the State Department of the Treasury sets
24 reasonable goals for working with minority and women fiscal
25 agents as defined in section 2 of P.L.2001, c.286 (C.52:18A-8.1a);
26 and

27 (14) ensure that State fiduciary entities develop programs to
28 provide financing or access to capital for minority-owned and
29 women owned business enterprises.

30 For purposes of this section, "State agency" means any principal
31 department in the Executive Branch and any division, board,
32 bureau, office, commission, or other instrumentality within or
33 created by a principal department, and any independent State
34 authority, commission, or instrumentality.

35 ~~(cf: P.L.2017, c.95, s.1)~~

36
37 ¹**[2.** Section 5 of P.L.1950, c.270 (C.52:18A-83) is amended to
38 read as follows:

39 5. a. There is hereby established in the Division of Investment
40 a State Investment Council which shall consist of **[16]**~~17~~ members.

41 (1) Each of the following agencies, namely, the Board of
42 Trustees of the Public Employees' Retirement System, and the
43 Board of Trustees of the Teachers' Pension and Annuity Fund, shall
44 designate one board member elected to serve on the board, to serve
45 as a member of the State Investment Council herein established.
46 The Chief Justice of the New Jersey Supreme Court shall designate
47 one member of the Retired Judges Association of New Jersey to
48 serve as a member of the State Investment Council herein

1 established. The three members of the council so designated shall
2 serve as such for a period of three years from the date of their
3 designation and until their respective successors are in like manner
4 designated.

5 (2) Eight of the members of the State Investment Council shall
6 be appointed by the Governor, with the advice and consent of the
7 Senate, for a term of five years and shall serve until the member's
8 successor is appointed and has qualified. Of the initial members
9 appointed following the effective date of P.L.2011, c.78, one shall
10 serve for an initial period of three years, and one shall serve for an
11 initial period of two years.

12 (3) One member of the State Investment Council shall be
13 appointed by the Governor from among three persons nominated
14 jointly by the President of the Senate and the Speaker of the
15 General Assembly and shall serve for a term of five years and until
16 the member's successor is appointed and has qualified.

17 (4) Two members of the State Investment Council shall be
18 appointed by the Governor from among six persons nominated by
19 the Public Employee Committee of the New Jersey State AFL-CIO
20 and shall serve for a term of five years and until the member's
21 successor is appointed and has qualified. If the persons nominated
22 are not acceptable to the Governor for appointment, the Governor
23 may request submission of new nominees.

24 (5) One member of the State Investment Council shall be
25 appointed by the Governor from among three persons nominated by
26 the New Jersey Education Association and shall serve for a term of
27 three years and until the member's successor is appointed and has
28 qualified. If the persons nominated are not acceptable to the
29 Governor for appointment, the Governor may request submission of
30 new nominees.

31 (6) One member of the State Investment Council shall be
32 appointed by the Governor from among three persons nominated by
33 the State Troopers Fraternal Association and shall serve for a term
34 of three years and until the member's successor is appointed and has
35 qualified. If the persons nominated are not acceptable to the
36 Governor for appointment, the Governor may request submission of
37 new nominees.

38 (7) One member of the State Investment Council shall be the
39 Chief Diversity Officer, ex officio, who was appointed in
40 accordance with section 1 of P.L.2017, c.95 (C.52:32-18.1).

41 The four members appointed pursuant to paragraphs (4), (5) and
42 (6) of this subsection by the Governor to the council shall be
43 qualified by training, experience or long-term interest in the direct
44 management, analysis, supervision or investment of assets, and this
45 training, experience or long-term interest shall have been
46 supplemented by academic training in the fields of economics,
47 business, law, finance or actuarial science or by actual employment
48 in those fields.

1 At least seven of the nine members appointed pursuant to
2 paragraphs (2) and (3) of this subsection by the Governor to the
3 council shall be qualified by training and experience in the direct
4 management, analysis, supervision or investment of assets, which
5 training and experience shall have been acquired through academic
6 training or through actual employment in those fields.

7 b. No member of the State Investment Council shall hold any
8 office, position or employment in any political party nor shall any
9 such member benefit directly or indirectly from any transaction
10 made by the Director of the Division of Investment provided for
11 herein.

12 The members of the council shall elect annually from their
13 number a chairman of such council. Any member of the council so
14 elected shall serve as such chairman for a term of one year and until
15 a successor is, in like manner, elected. The chairman of the council
16 shall be its presiding officer.

17 The members of the council shall serve without compensation
18 but shall be reimbursed for necessary expenses incurred in the
19 performance of their duties as approved by the chairman of the
20 council. The members of the council shall be required to file the
21 same annual financial disclosure statements as those required to be
22 filed by members of other State boards and commissions who are
23 not compensated for their services, as such statements shall be
24 required by law or executive order of the Governor. The financial
25 disclosure statements of council members shall be made available to
26 the public in the same manner as the statements of members of
27 other State boards and commissions are made available to the
28 public.

29 Each member of the council, except the member appointed from
30 among persons nominated by the President of the Senate and the
31 Speaker of the General Assembly, may be removed from office by
32 the Governor, for cause, upon notice and opportunity to be heard at
33 a public hearing. Any vacancy in the membership of the council
34 occurring other than by expiration of term shall be filled in the same
35 manner as the original appointment, but for the unexpired term
36 only.

37 c. The terms of the members of the council serving pursuant to
38 paragraph (1) of subsection a. of this section and serving on the
39 effective date of P.L.2011, c.78 are terminated as of that effective
40 date. A member terminated pursuant to this subsection shall be
41 eligible for reappointment.

42 (cf: P.L.2019, c.435, s.1)]¹

43
44 ¹[3.] 2.¹ This act shall take effect immediately.