

# 52:27C-94

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2004 **CHAPTER:** 141

**NJSA:** 52:27C-94 (NJ Commerce and Economic Growth Commission to issue certain decisions in writing)

**BILL NO:** A634

**SPONSOR(S):** Stender and Diegnan

**DATE INTRODUCED:** Pre-filed

**COMMITTEE:** **ASSEMBLY:** Commerce and Economic Development

**SENATE:** Economic Growth

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:** **ASSEMBLY:** June 24, 2004

**SENATE:** June 17, 2004

**DATE OF APPROVAL:** September 10, 2004

### FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (1<sup>st</sup> reprint enacted)

[SPONSOR'S STATEMENT](#): (Begins on page 2 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** [ASSEMBLY:](#) [Yes](#)

[SENATE:](#) [Yes](#)

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

### FOLLOWING WERE PRINTED:

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

P.L. 2004, CHAPTER 141, *approved September 10, 2004*  
Assembly, No. 634 (*First Reprint*)

1 AN ACT concerning certain decisions of the <sup>1</sup>[Office of Business  
2 Services in the]<sup>1</sup> New Jersey Commerce and Economic Growth  
3 Commission and supplementing Title 52 of the Revised 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 this act:

9 "Commission" means the New Jersey Commerce and Economic  
10 Growth Commission established pursuant to P.L.1998, c.44  
11 (C.52:27C-61 et seq.).

12 <sup>1</sup>"Division" means the Division of Development for Small  
13 Businesses and Women's and Minority Businesses in the New Jersey  
14 Commerce and Economic Growth Commission when used in  
15 conjunction with the New Jersey small business set-aside program.<sup>1</sup>

16 "New Jersey set-aside program" or "set-aside program" means the  
17 program established pursuant to the "Set-Aside Act for Small  
18 Businesses, Female Businesses, and Minority Businesses," P.L.1983,  
19 c.482 (C.52:32-17 et seq.).

20 <sup>1</sup>["Office" means the Office of Business Services in the New Jersey  
21 Commerce and Economic Growth Commission when used in  
22 conjunction with the New Jersey small business set-aside program.]<sup>1</sup>

23 "Small business" means a business which has its principal place of  
24 business in the State, is independently owned and operated and meets  
25 all other qualifications as may be established in accordance with  
26 P.L.1987, c.55 (C.52:27H-21.7 et seq.).  
27

28 2. a. Notwithstanding the provisions of any law, rule, regulation  
29 or order to the contrary, the <sup>1</sup>[office] division<sup>1</sup> shall, after the  
30 effective date of this act, issue any <sup>1</sup>[final] initial<sup>1</sup> decision in written  
31 form in those cases in which the decision results in the rejection of an  
32 application from a small business for eligibility to participate in the set-  
33 aside program.

34 b. The written decision required pursuant to subsection a. of this  
35 section shall specify the criteria and procedures used by the <sup>1</sup>[office]  
36 division<sup>1</sup> in evaluating an application for eligibility from a small  
37 business seeking to participate in the set-aside program and the  
38 reasons for rejecting such application. The written decision shall also

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and 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> Senate SEG committee amendments adopted May 10, 2004.

1 include <sup>1</sup>, pursuant to regulations adopted by the commission pursuant  
2 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1  
3 et seq.), <sup>1</sup> a description of the procedures required to file an appeal of  
4 a decision rejecting an application for the set-aside program. The  
5 written decision shall be forwarded to the applicant for review within  
6 14 days of issuing the decision.

7

8 3. This act shall take effect immediately.

9

10

11

12

13 Requires NJ Commerce and Economic Growth Commission to issue  
14 certain decisions in writing.

# ASSEMBLY, No. 634

## STATE OF NEW JERSEY 211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

**Sponsored by:**

**Assemblywoman LINDA STENDER**

**District 22 (Middlesex, Somerset and Union)**

**Assemblyman PATRICK DIEGNAN, JR.**

**District 18 (Middlesex)**

**SYNOPSIS**

Requires Office of Business Services in the New Jersey Commerce and Economic Growth Commission to issue certain decisions in writing.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning certain decisions of the Office of Business  
2 Services in the New Jersey Commerce and Economic Growth  
3 Commission and supplementing Title 52 of the Revised 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 this act:

9 "Commission" means the New Jersey Commerce and Economic  
10 Growth Commission established pursuant to P.L.1998, c.44  
11 (C.52:27C-61 et seq.).

12 "New Jersey set-aside program" or "set-aside program" means the  
13 program established pursuant to the "Set-Aside Act for Small  
14 Businesses, Female Businesses, and Minority Businesses," P.L.1983,  
15 c.482 (C.52:32-17 et seq.).

16 "Office" means the Office of Business Services in the New Jersey  
17 Commerce and Economic Growth Commission when used in  
18 conjunction with the New Jersey small business set-aside program.

19 "Small business" means a business which has its principal place of  
20 business in the State, is independently owned and operated and meets  
21 all other qualifications as may be established in accordance with  
22 P.L.1981, c.283 (C.52:27H-21.1 et seq.).

23

24 2. a. Notwithstanding the provisions of any law, rule, regulation  
25 or order to the contrary, the office shall, after the effective date of this  
26 act, issue any final decision in written form in those cases in which the  
27 decision results in the rejection of an application from a small business  
28 for eligibility to participate in the set-aside program.

29 b. The written decision required pursuant to subsection a. of this  
30 section shall specify the criteria and procedures used by the office in  
31 evaluating an application for eligibility from a small business seeking  
32 to participate in the set-aside program and the reasons for rejecting  
33 such application. The written decision shall also include a description  
34 of the procedures required to file an appeal of a decision rejecting an  
35 application for the set-aside program. The written decision shall be  
36 forwarded to the applicant for review within 14 days of issuing the  
37 decision.

38

39 3. This act shall take effect immediately.

40

41

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#### STATEMENT

43

44 This bill requires the Office of Business Services (the "office") in  
45 the New Jersey Commerce and Economic Growth Commission to  
46 issue final decisions in written form whenever those decisions result in

1 the rejection of an application from a small business for eligibility to  
2 participate in the New Jersey set-aside program established pursuant  
3 to the "Set-Aside Act for Small Businesses, Female Businesses, and  
4 Minority Businesses," P.L.1983, c.482 (C.52:32-17 et seq.).

5 The bill requires the office to include in the written decision the  
6 procedures and standards used to evaluate an applicant's eligibility  
7 together with the reasons why the application was rejected and the  
8 procedures for filing an appeal of a decision rejecting an application  
9 for the set-aside program. The bill requires the office to forward the  
10 written decision to the applicant within 14 days of issuing the decision.

11 Under New Jersey's set-aside program, at least 25 percent of the  
12 total number of State contracts and purchase orders are allocated to  
13 small, minority and women owned businesses. The office, in  
14 conjunction with the Department of the Treasury, has defined the  
15 standards for such set-aside contracts. Currently, the office verifies  
16 the eligibility of businesses that apply for participation in the set-aside  
17 program.

18 This bill is intended to insure that timely, written notice of the  
19 procedures and standards used to evaluate small businesses which  
20 apply for eligibility in the set-aside program are provided to applicants  
21 together with a statement of reasons why an application is rejected for  
22 participation in the set-aside program.

ASSEMBLY COMMERCE AND ECONOMIC DEVELOPMENT  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 634**

**STATE OF NEW JERSEY**

DATED: JANUARY 22, 2004

The Assembly Commerce and Economic Development Committee reports favorably Assembly Bill No. 634.

Assembly Bill No. 634 requires the Office of Business Services in the New Jersey Commerce and Economic Growth Commission to issue final decisions in written form whenever those decisions result in the rejection of an application from a small business for eligibility to participate in the New Jersey set-aside program established pursuant to the "Set-Aside Act for Small Businesses, Female Businesses, and Minority Businesses," P.L.1983, c.482 (C.52:32-17 et seq.).

The bill requires the office to include in the written decision the procedures and standards used to evaluate an applicant's eligibility together with the reasons why the application was rejected and the procedures for filing an appeal of a decision rejecting an application for the set-aside program. The bill requires the office to forward the written decision to the applicant within 14 days of issuing the decision.

Under New Jersey's set-aside program, at least 25 percent of the total number of State contracts and purchase orders are allocated to small, minority and women owned businesses. The office, in conjunction with the Department of the Treasury, has defined the standards for such set-aside contracts. Currently, the office verifies the eligibility of businesses that apply for participation in the set-aside program.

This bill was prefiled for introduction in the 2004 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

# SENATE ECONOMIC GROWTH COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 634**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 10, 2004

The Senate Economic Growth Committee reports favorably Assembly Bill No. 634 with committee amendments.

Assembly Bill No. 634, as amended, requires the Division of Development for Small Businesses and Women's and Minority Businesses in the New Jersey Commerce and Economic Growth Commission to issue initial decisions in written form whenever those decisions result in the rejection of an application from a small business for eligibility to participate in the New Jersey set-aside program established pursuant to the "Set-Aside Act for Small Businesses, Female Businesses, and Minority Businesses," P.L.1983, c.482 (C.52:32-17 et seq.).

The bill requires the division to include in the written decision the procedures and standards used to evaluate an applicant's eligibility together with the reasons the application was rejected and, in regulations adopted by the commission pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the procedures for filing an appeal of a decision rejecting an application for the set-aside program. The bill requires the division to forward the written decision to the applicant within 14 days of issuing the decision.

Under New Jersey's set-aside program, at least 25 percent of the total number of State contracts and purchase orders are allocated to small, minority and women owned businesses. The division, in conjunction with the Department of the Treasury, has defined the standards for such set-aside contracts. Currently, the division verifies the eligibility of businesses that apply for participation in the set-aside program.

The committee amended the bill to: 1) change from final to initial the stage of the application process where the written decision is to be made on the application for eligibility in the program; 2) clarify that the Division of Development for Small Businesses and Women's and Minority Businesses in the New Jersey Commerce and Economic Growth Commission is the legal authority to issue the decision; and 3) clarify that the procedures for filing an appeal of a decision rejecting an application for the set-aside program shall be issued in regulations



adopted by the commission pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).