

SENATE, No. 3341

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JUNE 3, 2024

Sponsored by:

Senator MICHAEL L. TESTA, JR.

District 1 (Atlantic, Cape May and Cumberland)

SYNOPSIS

Modifies requirements for operation of certain food and service stands in State, county, and municipal buildings, grounds, and premises.

CURRENT VERSION OF TEXT

As introduced.



S3341 TESTA

2

1 AN ACT concerning the operation of certain food and service stands
2 in State, county, and municipal buildings, grounds, and premises,
3 amending P.L.1938, c.349, and supplementing Title 30 of the
4 Revised Statutes.

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

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9 1. Section 1 of P.L.1938, c.349 (C.30:6-15.1) is amended to read
10 as follows:

11 1. It shall be lawful for the head of any department, board,
12 agency, or governing body in charge of any State, county or
13 municipal building, grounds and premises, to grant priority and
14 preference to the New Jersey State Commission for the Blind and
15 Visually Impaired in the issuance of a permit to operate in such
16 building, grounds and premises, under their control, a stand, with or
17 without mechanical machines, for the vending of newspapers,
18 periodicals, confections, tobacco products, and such other articles
19 as may be approved; provided, however, that such stand, with or
20 without mechanical machines, shall be operated by a blind person
21 under the supervision and control of the said New Jersey
22 Commission for the Blind and Visually Impaired. Such blind
23 person must be 21 years of age, a citizen of the United States and a
24 resident of the State for 1 year immediately prior to the date of his
25 application for a stand, with or without mechanical machines. In
26 buildings, grounds and premises where a stand, with or without
27 mechanical machines, now exists the present operator shall not be
28 removed, but when such operator ceases to operate such stand, with
29 or without mechanical machines, priority and preference for the
30 further operation of the stand, with or without mechanical
31 machines, shall be granted to the New Jersey Commission for the
32 Blind and Visually Impaired. This section shall apply except as
33 provided in section 2 of P.L. , c. (C.)(pending before the
34 Legislature as this bill).

35 (cf: P.L.1963, c.81, s.8)

36

37 2. (New section) a. With regard to any State, county, or
38 municipal building, grounds, and premises where a stand, with or
39 without mechanical machines, is operated subject to section 1 of
40 P.L.1938, c.349 (C.30:6-15.1):

41 (1) if the operator ceases to operate the stand and the stand
42 remains out of service for at least three calendar months, such stand
43 shall be made available to be operated by a disabled person-owned
44 business with a license to operate such stand, as applicable.

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.

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1 (2) if the operator ceases to operate the stand and the stand
2 remains out of service for at least six calendar months, such stand
3 shall be made available to be operated by a veteran-owned business
4 with a license to operate such stand, as applicable.

5 (3) if the operator ceases to operate the stand and the stand
6 remains out of service for at least nine calendar months, such stand
7 shall be made available to be operated by any business with a
8 license to operate such stand, as applicable.

9 b. (1) When an operator other than a blind person ceases to
10 operate such stand, priority and preference for the further operation
11 of the stand, with or without mechanical machines, shall be granted
12 to the New Jersey Commission for the Blind and Visually Impaired.

13 (2) No license fee, rental, or other charge shall be demanded,
14 exacted, required or received for the granting of such permit to or
15 for the operation of such stand by a disabled person-owned business
16 or a veteran-owned business.

17 c. The provisions of this section shall not impair any contract in
18 effect on the effective date of this act, P.L. , c. (pending before
19 the Legislature as this bill).

20 d. "Disabled person-owned business" means a business that has
21 its principal place of business in the State, is independently owned
22 and operated and at least 51% of the business is owned and
23 controlled by persons with a disability as defined in section 4 of
24 P.L.1985, c.222 (C.52:27D-304).

25 "Veteran-owned business" means a business that has its principal
26 place of business in the State, is independently owned and operated
27 and at least 51 percent of the business is owned and controlled by
28 persons who are veterans.

29 e. The Department of Human Services and the New Jersey
30 Commission for the Blind and Visually Impaired shall adopt rules
31 and regulations pursuant to the "Administrative Procedure Act,"
32 P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of
33 this section.

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35 3. Section 2 of P.L.1938, c.349 (C.30:6-15.2) is amended to read
36 as follows:

37 2. No license fee, rental, or other charge shall be demanded,
38 exacted, required or received for the granting of such permit or for
39 the operation of such stand when operated by a blind person under
40 the supervision and control of the commission.

41 (cf: P.L.1938, c.349, s.2)

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43 4. This act shall take effect on the first day of the fourth
44 calendar month next following enactment, except that the
45 Commissioner of the Department of Human Services and the New
46 Jersey Commission for the Blind and Visually Impaired may take
47 any anticipatory administrative action in advance as shall be
48 necessary for the implementation of this act, and paragraph (1) of

1 subsection a. of section 2 of this law shall be applicable to a stand
2 that has been out of service for at least three calendar months prior
3 to the effective date.

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STATEMENT

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8 Under current law, food and service stands such as cafes and
9 newsstands operated in State, county, and municipal buildings,
10 grounds, and premises are operated by blind persons under the New
11 Jersey Commission for the Blind and Visually Impaired. When
12 such stand ceases to operate, the stand may be operated by another
13 blind person; however, at times, the stand may be vacant for an
14 extended period of time.

15 Under this bill, where a stand is operated by a blind person and:

16 (1) if the operator ceases to operate the stand and the stand
17 remains out of service for at least three calendar months, such stand
18 will be made available to be operated by a disabled person-owned
19 business with a license to operate such stand.

20 (2) if the operator ceases to operate the stand and the stand
21 remains out of service for at least six calendar months, such stand
22 will be available to be operated by a veteran-owned business with a
23 license to operate such stand.

24 (3) if the operator ceases to operate the stand and the stand
25 remains out of service for at least nine calendar months, such stand
26 will be available to be operated by any business with a license to
27 operate such stand.

28 No license fee, rental, or other charge will be required by a
29 disabled person-owned business or a veteran-owned business.

30 When an operator other than a blind person ceases to operate
31 such stand, the stand will revert to the control of the commission
32 and priority and preference for the further operation of the stand
33 will be returned to the commission for operation by a blind person.

34 The provisions of the bill will not impair any contract in effect
35 on the effective date of the bill.

36 Under the bill, "disabled person-owned business" means a
37 business that has its principal place of business in the State, is
38 independently owned and operated and at least 51% of the business
39 is owned and controlled by a person with a disability. "Veteran-
40 owned business" means a business that has its principal place of
41 business in the State, is independently owned and operated and at
42 least 51 percent of the business is owned and controlled by persons
43 who are veterans.