

40A:11-15

10/22/86

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40A:11-15 (Public streets--lighting--allow multi-year contracts)

LAWS OF: 1986

CHAPTER 47

BILL NO: A1839

Sponsor(s): Kline, Colburn and Randall

Date Introduced: February 3, 1986

Committee: Assembly: Municipal Government

Senate: County and Municipal Government

Amended during passage: No

Date of Passage: Assembly: February 27, 1986

Senate: June 2, 1986

Date of Approval: July 9, 1986

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

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ASSEMBLY, No. 1839
STATE OF NEW JERSEY

INTRODUCED FEBRUARY 3, 1986

By Assemblymen KLINE, COLBURN and Assemblywoman RANDALL

AN ACT concerning the duration of certain contracts and amending
P.L. 1971, c. 198.

1 *BE IT ENACTED by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 15 of P. L. 1971, c. 198 (C. 40A:11-15) is amended
2 to read as follows:

3 15. Duration of certain contracts. All purchases, contracts or
4 agreements for the performing of work or the furnishing of mate-
5 rials, supplies or services shall be made for a period not to exceed
6 12 consecutive months, except that contracts or agreements may be
7 entered into for longer periods of time as follows:

8 (1) Supplying of

9 (a) Fuel for heating purposes, for any term not exceeding
10 in the aggregate, two years;

11 (b) Fuel or oil for use of airplanes, automobiles, motor
12 vehicles or equipment for any term not exceeding in the aggre-
13 gate, two years;

14 (c) Thermal energy produced by a cogeneration facility, for
15 use for heating or air conditioning or both, for any term not
16 exceeding 40 years, when the contract is approved by the
17 Board of Public Utilities. For the purposes of this paragraph,
18 "cogeneration" means the simultaneous production in one
19 facility of electric power and other forms of useful energy
20 such as heating or process steam.

21 (2) Deleted by amendment; P. L. 1977, c. 53;

EXPLANATION—Matter enclosed in bold-faced brackets [] in the above bill
is not enacted and is intended to be omitted in the law.
Matter printed in italics *is* new matter.

- 22 (3) The collection and disposal of garbage and refuse, and the
23 barging and disposal of sewerage sludge, for any term not ex-
24 ceeding in the aggregate, five years;
- 25 (4) The recycling of solid waste, for any term not exceeding 25
26 years, when such contract is in conformance with a solid waste
27 management plan approved pursuant to P. L. 1970, c. 39 (C. 13:1E-1
28 et seq.), and with the approval of the Division of Local Government
29 Services and the Department of Environmental Protection;
- 30 (5) Data processing service, for any term of not more than three
31 years;
- 32 (6) Insurance, for any term of not more than three years;
- 33 (7) Leasing or servicing of automobiles, motor vehicles, machin-
34 ery and equipment of every nature and kind, for a period not to
35 exceed three years; provided, however, such contracts shall be
36 entered into only subject to and in accordance with the rules and
37 regulations promulgated by the Director of the Division of Local
38 Government Services of the Department of Community Affairs;
- 39 (8) The supplying of any product or the rendering of any service
40 by a telephone company which is subject to the jurisdiction of the
41 Board of Public Utilities for a term not exceeding five years;
- 42 (9) Any single project for the construction, reconstruction or
43 rehabilitation of any public building, structure or facility, or any
44 project, including the retention of the services of any architect or
45 engineer in connection therewith, for the length of time authorized
46 and necessary for the completion of the actual construction;
- 47 (10) The providing of food services for any term not exceeding
48 three years;
- 49 (11) On-site inspections undertaken by private agencies pur-
50 suant to the "State Uniform Construction Code Act" (P. L. 1975,
51 c. 217; C. 52:27D-119 et seq.) for any term of not more than three
52 years;
- 53 (12) The performance of work or services or the furnishing of
54 materials or supplies for the purpose of conserving energy in build-
55 ings owned by, or operations conducted by, the contracting unit,
56 the entire price of which to be established as a percentage of the
57 resultant savings in energy costs, for a term not to exceed 10 years;
58 provided, however, that such contracts shall be entered into only
59 subject to and in accordance with rules and regulations promul-
60 gated by the Department of Energy establishing a methodology for
61 computing energy cost savings;
- 62 (13) The performance of work or services or the furnishing of
63 materials or supplies for the purpose of elevator maintenance for
64 any term not exceeding three years;

65 (14) Leasing or servicing of electronic communications equip-
66 ment for a period not to exceed five years; provided, however, such
67 contract shall be entered into only subject to and in accordance
68 with the rules and regulations promulgated by the Director of the
69 Division of Local Government Services of the Department of Com-
70 munity Affairs;

71 (15) Leasing of motor vehicles, machinery and other equipment
72 primarily used to fight fires, for a term not to exceed seven years,
73 when the contract includes an option to purchase, subject to and in
74 accordance with rules and regulations promulgated by the Direc-
75 tor of the Division of Local Government Services of the Depart-
76 ment of Community Affairs;

77 (16) The provision of water supply services or the designing,
78 financing, construction, operation, or maintenance, or any combina-
79 tion thereof, of a water supply facility, or any component part or
80 parts thereof, including a water filtration system, for a period not
81 to exceed 40 years, when the contract for these services is approved
82 by the Division of Local Government Services in the Department
83 of Community Affairs, the Board of Public Utilities, and the De-
84 partment of Environmental Protection pursuant to P. L. 1985, c.
85 37 (C. 58:26-1 et seq.). For the purposes of this paragraph, "water
86 supply services" means any service provided by a water supply
87 facility; "water filtration system" means any equipment, plants,
88 structures, machinery, apparatus, or land, or any combination
89 thereof, acquired, used, constructed, rehabilitated, or operated for
90 the collection, impoundment, storage, improvement, filtration, or
91 other treatment of drinking water for the purposes of purifying and
92 enhancing water quality and insuring its potability prior to the dis-
93 tribution of the drinking water to the general public for human con-
94 sumption, including plants and works, and other personal property
95 and appurtenances necessary for their use or operation; and "water
96 supply facility" means and refers to the real property and the
97 plants, structures, interconnections between existing water supply
98 facilities, machinery and equipment and other property, real, per-
99 sonal and mixed, acquired, constructed or operated, or to be ac-
100 quired, constructed or operated, in whole or in part by or on behalf
101 of a political subdivision of the State or any agency thereof, for
102 the purpose of augmenting the natural water resources of the State
103 and making available an increased supply of water for all uses, or
104 of conserving existing water resources, and any and all appurte-
105 nances necessary, useful or convenient for the collecting, impound-
106 ing, storing, improving, treating, filtering, conserving or transmit-

107 ting of water and for the preserving and protection of these
108 resources and facilities and providing for the conservation and
109 development of future water supply resources;

110 (17) The provision of solid waste disposal services by a resource
111 recovery facility, the furnishing of products of a resource recovery
112 facility, the disposal of the solid waste delivered for disposal which
113 cannot be processed by a resource recovery facility or the waste
114 products resulting from the operation of a resource recovery fa-
115 cility, including hazardous waste and recovery metals and other
116 materials for reuse, or the design, financing, construction, opera-
117 tion or maintenance of a resource recovery facility for a period not
118 to exceed 40 years when the contract is approved by the Division
119 of Local Government Services in the Department of Community
120 Affairs, the Board of Public Utilities, and the Department of En-
121 vironmental Protection; and when the facility is in conformance
122 with a solid waste management plan approved pursuant to P. L.
123 1979, c. 39 (C. 13:1E-1 et seq.). For the purposes of this subsec-
124 tion, "resource recovery facility" means a solid waste facility con-
125 structed and operated for the incineration of solid waste for energy
126 production and the recovery of metals and other materials for re-
127 use; or a mechanized composting facility, or any other solid waste
128 facility constructed or operated for the collection, separation, re-
129 cycling, and recovery of metals, glass, paper, and other materials
130 for reuse or for energy production;

131 (18) The sale of electricity or thermal energy, or both, produced
132 by a resource recovery facility for a period not to exceed 40 years
133 when the contract is approved by the Board of Public Utilities; and
134 when the facility is in conformance with a solid waste management
135 plan approved pursuant to P. L. 1970, c. 39 (C. 13:1E-1 et seq.).
136 For the purposes of this subsection, "resource recovery facility"
137 means a solid waste facility constructed and operated for the in-
138 cineration of solid waste for energy production and the recovery of
139 metals and other materials for reuse; or a mechanized composting
140 facility, or any other solid waste facility constructed or operated
141 for the collection, separation, recycling, and recovery of metals,
142 glass, paper, and other materials for reuse or for energy produc-
143 tion;

144 (19) The provision of wastewater treatment services or the
145 designing, financing, construction, operation, or maintenance, or
146 any combination thereof, of a wastewater treatment system, or any
147 component part or parts thereof, for a period not to exceed 40
148 years, when the contract for these services is approved by the Divi-

149 sion of Local Government Services in the Department of Com-
150 munity Affairs and the Department of Environmental Protection
151 pursuant to P. L. 1985, c. 72 (C. 58:27-1 et al.). For the purposes
152 of this paragraph, "wastewater treatment services" means any
153 service provided by a wastewater treatment system, and "waste-
154 water treatment system" means equipment, plants, structures, ma-
155 chinery, apparatus, or land, or any combination thereof, acquired,
156 used, constructed, or operated for the storage, collection, reduction,
157 recycling, reclamation, disposal, separation, or other treatment of
158 wastewater or sewer sludge, or for the final disposal of residues
159 resulting from the treatment of wastewater, including, but not
160 limited to, pumping and ventilating stations, facilities, plants and
161 works, connections, outfall sewers, interceptors, trunk lines, and
162 other personal property and appurtenances necessary for their
163 operation;

164 (2) *The supplying of materials or services for the purpose of*
165 *lighting public streets, for a term not to exceed five years, provided*
166 *that the rates, fares, tariffs or charges for the supplying of elec-*
167 *tricity for that purpose are approved by the Board of Public*
168 *Utilities.*

169 All multi-year leases and contracts entered into pursuant to this
170 section [15], except contracts for the leasing or servicing of equip-
171 ment supplied by a telephone company which is subject to the
172 jurisdiction of the Board of Public Utilities, *contracts involving*
173 *the supplying of electricity for the purpose of lighting public*
174 *streets and contracts for thermal energy authorized pursuant to*
175 *subsection (1) above, construction contracts authorized pursuant*
176 *to subsection (9) above, contracts and agreements for the provi-*
177 *sions of work or the supplying of equipment to promote energy*
178 *conservation authorized pursuant to subsection paragraph (12)*
179 *above, contracts for water supply services or for a water supply*
180 *facility, or any component part or parts authorized pursuant to*
181 *subsection (16) above, contracts for resource recovery services or*
182 *a resource recovery facility authorized pursuant to subsection (17)*
183 *above, contracts for the sale of energy produced by a resource re-*
184 *covery facility authorized pursuant to subsection (18) above, or*
185 *contracts for wastewater treatment services or for a wastewater*
186 *treatment system or any component part or parts thereof authorized*
187 *pursuant to subsection (19) above, shall contain a clause making*
188 *them subject to the availability and appropriation annually of*
189 *sufficient funds as may be required to meet the extended obligation,*
190 *or contain an annual cancellation clause.*

191 The Division of Local Government Services shall adopt and
192 promulgate rules and regulations concerning the methods of ac-
193 counting for all contracts that do not coincide with the fiscal year.

1 2. This act shall take effect immediately.

STATEMENT

This bill permits local contracting units to enter into multi-year contracts, up to a term of five years, for the supplying of materials or services for the lighting of public streets; provided that the rates, fares, tariffs or charges for the supply of electricity for that purpose are approved by the Board of Public Utilities.

LOCAL PUBLIC CONTRACTS

Authorizes local contracts units to enter into multi-year contracts for the lighting of public streets.

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LOCAL PUBLIC CONTRACTS

Authorizes local contracts units to enter into multi-year contracts for the lighting of public streets.

A1839 (1986)

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1839

STATE OF NEW JERSEY

DATED: FEBRUARY 20, 1986

The Assembly Municipal Government Committee favorably reports Assembly Bill No. 1839.

This bill authorizes local contracting units to enter into multiyear contracts (up to five years) for the supplying of materials or services for the purpose of lighting public streets, provided that the rates or charges are approved by the Board of Public Utilities.

Under current law, local governments may enter into contracts which do not exceed one year, with certain exceptions. This bill specifies an additional exception to the current law.

SENATE COUNTY AND MUNICIPAL GOVERNMENT
COMMITTEE

ASSEMBLY, No. 1839

STATEMENT TO

STATE OF NEW JERSEY

DATED: MAY 12, 1986

The Senate County and Municipal Government Committee reports favorably Assembly Bill No. 1839.

Assembly Bill No. 1839 authorizes local contracting units to enter into contracts for up to five years for the supplying of materials or services for the purpose of lighting public streets, provided that the rates or charges are approved by the Board of Public Utilities.

Under current law, local governments may enter into contracts which do not exceed one year, with certain exceptions. This bill specifies an additional exception to the current law.