

40A:5-16.4

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 40A:5-16.4

(Local
government
purchases)

LAWS OF: 1991

CHAPTER: 174

Bill No: S2102

Sponsor(s): Lipman

Date Introduced: Pre-filed

Committee: Assembly: State Operations

Senate: County & Municipal Government

Amended during passage: Yes Amendments denoted by asterisks.

Date of Passage: Assembly: March 7, 1991 re-enacted 6-20-91

Senate: January 24, 1991 re-enacted 5-20-91

Date of Approval: June 26, 1991

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: Yes

Message on signing: No

Following were printed:

Reports: No

Hearings: No

KBG/SLJ

[FIRST REPRINT]

SENATE, No. 2102

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Senator LIPMAN

1 AN ACT concerning the issuance of purchase orders by local
2 government units for State licenses and permits.

3

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

6 1. ¹[Whenever] Except as provided below, whenever¹ a
7 department, agency or bureau of the State requires that the fee
8 for issuing a license or permit be paid in advance, a county,
9 municipality, authority, or other subdivision of local government
10 shall be deemed to have met that requirement by the issuance of
11 a duly executed purchase order payable pursuant to the provisions
12 of the "Local Fiscal Affairs Law" (N.J.S.40A:5-1 et seq.) ¹:

13 a. the Division of Motor Vehicles in the Department of Law
14 and Public Safety shall not be required to accept a duly executed
15 purchase order; and

16 b. the Department of Transportation may accept a duly
17 executed purchase order from a county, municipality, authority,
18 or other subdivision of local government for the fee for issuing a
19 license or permit if the department determines that its
20 accounting procedures permit the acceptance of such purchase
21 orders¹.

22 ¹2. Each department, agency or bureau of the State may
23 promulgate rules and regulations which it deems necessary for
24 the effective implementation of this act.¹

25 ¹[2.] 3.¹ This act shall take effect immediately.

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LOCAL BUDGET AND FINANCE

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30 Authorizes the State to accept purchase orders from counties and
31 municipalities in prepayment of certain fees.

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:

¹ Senate amendments adopted in accordance with Governor's recommendations May 9, 1991.

SENATE, No. 2102

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Senator LIPMAN

1 AN ACT concerning the issuance of purchase orders by local
2 government units for State licenses and permits.

3

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

6 1. Whenever a department, agency or bureau of the State
7 requires that the fee for issuing a license or permit be paid in
8 advance, a county, municipality, authority, or other subdivision of
9 local government shall be deemed to have met that requirement
10 by the issuance of a duly executed purchase order payable
11 pursuant to the provisions of the "Local Fiscal Affairs Law"
12 (N.J.S.40A:5-1 et seq.).

13 2. This act shall take effect immediately.

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STATEMENT

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18 This bill permits counties and municipalities to obtain any
19 license or permit they require from the State by issuing a
20 purchase order to the State for the cost of the license or permit
21 rather than prepaying for the license or permit by check. There
22 is concern that prepayment for State licenses and permits by a
23 local government unit is a violation of the "Local Fiscal Affairs
24 Law," particularly section N.J.S.40A:5-16 thereof, requiring
25 certification that goods have been received or services rendered
26 before the local unit may pay out any of its moneys. This bill, by
27 authorizing the State to accept a purchase order prior to the
28 issuance of the check, would mean that the transaction would not
29 violate N.J.S. 40A:5-16.

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LOCAL BUDGET AND FINANCE

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34 Authorizes the State to accept purchase orders from counties and
35 municipalities in prepayment of certain fees.

ASSEMBLY STATE OPERATIONS AND PERSONNEL
COMMITTEE

STATEMENT TO

SENATE, No. 2102

STATE OF NEW JERSEY

DATED: FEBRUARY 28, 1991

The Assembly State Operations and Personnel Committee reports favorably Senate Bill No. 2102.

Senate Bill No. 2102 permits counties and municipalities to obtain any license or permit they require from the State by issuing a purchase order to the State for the cost of the license or permit rather than prepaying for the license or permit by check. There is concern that prepayment for State licenses and permits by a local government unit is a violation of the "Local Fiscal Affairs Law," particularly section N.J.S.40A:5-16 thereof, requiring certification that goods have been received or services rendered before the local unit may pay out any of its moneys. This bill, by authorizing the State to accept a purchase order prior to the issuance of the check, would mean that the transaction would not violate N.J.S.40A:5-16.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 2102

STATE OF NEW JERSEY

DATED: OCTOBER 15, 1990

The Senate County and Municipal Government Committee reports favorably Senate Bill No. 2102.

Senate Bill No. 2102 permits counties and municipalities to obtain any license or permit they require from the State by issuing a purchase order to the State for the cost of the license or permit rather than prepaying for the license or permit by check. There is concern that prepayment for State licenses and permits by a local government unit is a violation of the "Local Fiscal Affairs Law," particularly section N.J.S.40A:5-16 thereof, requiring certification that goods have been received or services rendered before the local unit may pay out any of its moneys. This bill, by authorizing the State to accept a purchase order prior to the issuance of the check, would mean that the transaction would not violate N.J.S.40A:5-16.

This bill was pre-filed for introduction in the 1990 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

