

8A:4-12

**LEGISLATIVE HISTORY CHECKLIST**  
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(Cemeteries--municipal--15 year  
contracts for maintenance)

**NJSA:** 8A:4-12

**LAWS OF:** 1995 **CHAPTER:** 41

**BILL NO:** S799

**SPONSOR(S):** Bennett

**DATE INTRODUCED:** March 10, 1994

**COMMITTEE:** **ASSEMBLY:** Local Government  
**SENATE:** Community Affairs

**AMENDED DURING PASSAGE:** Yes Amendments during passage  
First reprint enacted denoted by superscript numbers

**DATE OF PASSAGE:** **ASSEMBLY:** January 23, 1995  
**SENATE:** October 27, 1994

**DATE OF APPROVAL:** March 7, 1995

**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

KBG:pp

[FIRST REPRINT]

SENATE, No. 799

STATE OF NEW JERSEY

INTRODUCED MARCH 10, 1994

By Senator BENNETT

1 AN ACT concerning municipal cemeteries and amending  
2 N.J.S.8A:4-12 and P.L.1971, c.198.

3

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

6 1. N.J.S.8A:4-12 is amended to read as follows:

7 8A:4-12. a. Every cemetery company that is not a  
8 municipality shall file with the New Jersey Cemetery Board on a  
9 form established by the board, an annual report showing the  
10 extent of and sources of augmentation of the maintenance and  
11 preservation fund and the manner of employment by said  
12 cemetery company of the income of the maintenance and  
13 preservation fund during the preceding year, which report shall  
14 also contain a list of the securities in which said trust funds are  
15 invested. If the report so filed is deemed inadequate to properly  
16 apprise the New Jersey Cemetery Board of the information it  
17 requires to effectively administer the provisions of this act, it  
18 shall request a supplemental report and in its discretion conduct  
19 an investigation of the operations of the cemetery company.

20 Officials, managers and trustees or employees of every  
21 cemetery company that is not a municipality shall exhibit its  
22 books, papers and securities to the board when required and  
23 otherwise facilitate any examination of said company. Any  
24 cemetery official or employee may be required to testify under  
25 oath as to the conditions and affairs of the cemetery company.

26 b. To defray the expenses of examination and administration,  
27 each cemetery company, except any municipality or religious  
28 corporation, shall, at the time of filing its accounting and report  
29 as to its maintenance and preservation fund, but not later than  
30 120 days after the close of the cemetery company's fiscal year,  
31 pay to the cemetery board the sum of \$2.00 per interment in  
32 excess of 25 interments for the preceding fiscal year.

33 c. The annual report required by this section shall be filed by  
34 the cemetery company that is not a municipality no later than  
35 120 days after the close of the cemetery company's fiscal year.

36 (cf: P.L.1977, c.9, s.1)

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

39 15. All purchases, contracts or agreements for the performing  
40 of work or the furnishing of materials, supplies or services shall  
41 be made for a period not to exceed 12 consecutive months,  
42 except that contracts or agreements may be entered into for  
43 longer periods of time as follows:

44 (1) Supplying of:

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 SCO committee amendments adopted September 12, 1994.

- 1 (a) Fuel for heating purposes, for any term not exceeding in  
2 the aggregate, two years;
- 3 (b) Fuel or oil for use of airplanes, automobiles, motor vehicles  
4 or equipment for any term not exceeding in the aggregate, two  
5 years;
- 6 (c) Thermal energy produced by a cogeneration facility, for  
7 use for heating or air conditioning or both, for any term not  
8 exceeding 40 years, when the contract is approved by the Board  
9 of Regulatory Commissioners. For the purposes of this paragraph,  
10 "cogeneration" means the simultaneous production in one facility  
11 of electric power and other forms of useful energy such as  
12 heating or process steam;
- 13 (2) (Deleted by amendment, P.L.1977, c.53.)
- 14 (3) The collection and disposal of municipal solid waste, the  
15 collection and disposition of recyclable material, or the disposal  
16 of sewage sludge, for any term not exceeding in the aggregate,  
17 five years;
- 18 (4) The collection and recycling of methane gas from a  
19 sanitary landfill facility, for any term not exceeding 25 years,  
20 when such contract is in conformance with a solid waste  
21 management plan approved pursuant to P.L.1970, c.39 (C.13:1E-1  
22 et seq.), and with the approval of the Division of Local  
23 Government Services in the Department of Community Affairs  
24 and the Department of Environmental Protection. The  
25 contracting unit shall award the contract to the highest  
26 responsible bidder, notwithstanding that the contract price may  
27 be in excess of the amount of any necessarily related  
28 administrative expenses; except that if the contract requires the  
29 contracting unit to expend funds only, the contracting unit shall  
30 award the contract to the lowest responsible bidder. The  
31 approval by the Division of Local Government Services of public  
32 bidding requirements shall not be required for those contracts  
33 exempted therefrom pursuant to section 5 of P.L.1971, c.198  
34 (C.40A:11-5);
- 35 (5) Data processing service, for any term of not more than  
36 three years;
- 37 (6) Insurance, for any term of not more than three years;
- 38 (7) Leasing or servicing of automobiles, motor vehicles,  
39 machinery and equipment of every nature and kind, for a period  
40 not to exceed three years; provided, however, such contracts  
41 shall be entered into only subject to and in accordance with the  
42 rules and regulations promulgated by the Director of the Division  
43 of Local Government Services of the Department of Community  
44 Affairs;
- 45 (8) The supplying of any product or the rendering of any  
46 service by a telephone company which is subject to the  
47 jurisdiction of the Board of Regulatory Commissioners for a term  
48 not exceeding five years;
- 49 (9) Any single project for the construction, reconstruction or  
50 rehabilitation of any public building, structure or facility, or any  
51 public works project, including the retention of the services of  
52 any architect or engineer in connection therewith, for the length  
53 of time authorized and necessary for the completion of the actual  
54 construction;

1 machinery and equipment and other property, real, personal and  
2 mixed, acquired, constructed or operated, or to be acquired,  
3 constructed or operated, in whole or in part by or on behalf of a  
4 political subdivision of the State or any agency thereof, for the  
5 purpose of augmenting the natural water resources of the State  
6 and making available an increased supply of water for all uses, or  
7 of conserving existing water resources, and any and all  
8 appurtenances necessary, useful or convenient for the collecting,  
9 impounding, storing, improving, treating, filtering, conserving or  
10 transmitting of water and for the preservation and protection of  
11 these resources and facilities and providing for the conservation  
12 and development of future water supply resources;

13 (17) The provision of solid waste disposal services by a  
14 resource recovery facility, the furnishing of products of a  
15 resource recovery facility, the disposal of the solid waste  
16 delivered for disposal which cannot be processed by a resource  
17 recovery facility or the waste products resulting from the  
18 operation of a resource recovery facility, including hazardous  
19 waste and recovered metals and other materials for reuse, or the  
20 design, financing, construction, operation or maintenance of a  
21 resource recovery facility for a period not to exceed 40 years  
22 when the contract is approved by the Division of Local  
23 Government Services in the Department of Community Affairs,  
24 the Board of Regulatory Commissioners, and the Department of  
25 Environmental Protection; and when the facility is in  
26 conformance with a solid waste management plan approved  
27 pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.). For the purposes  
28 of this subsection, "resource recovery facility" means a solid  
29 waste facility constructed and operated for the incineration of  
30 solid waste for energy production and the recovery of metals and  
31 other materials for reuse; or a mechanized composting facility,  
32 or any other solid waste facility constructed or operated for the  
33 collection, separation, recycling, and recovery of metals, glass,  
34 paper, and other materials for reuse or for energy production;

35 (18) The sale of electricity or thermal energy, or both,  
36 produced by a resource recovery facility for a period not to  
37 exceed 40 years when the contract is approved by the Board of  
38 Regulatory Commissioners, and when the facility is in  
39 conformance with a solid waste management plan approved  
40 pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.). For the purposes  
41 of this subsection, "resource recovery facility" means a solid  
42 waste facility constructed and operated for the incineration of  
43 solid waste for energy production and the recovery of metals and  
44 other materials for reuse; or a mechanized composting facility,  
45 or any other solid waste facility constructed or operated for the  
46 collection, separation, recycling, and recovery of metals, glass,  
47 paper, and other materials for reuse or for energy production;

48 (19) The provision of wastewater treatment services or the  
49 designing, financing, construction, operation, or maintenance, or  
50 any combination thereof, of a wastewater treatment system, or  
51 any component part or parts thereof, for a period not to exceed  
52 40 years, when the contract for these services is approved by the  
53 Division of Local Government Services in the Department of  
54 Community Affairs and the Department of Environmental

1 Protection pursuant to P.L.1985, c.72 (C.58:27-1 et al.). For the  
2 purposes of this subsection, "wastewater treatment services"  
3 means any services provided by a wastewater treatment system,  
4 and "wastewater treatment system" means equipment, plants,  
5 structures, machinery, apparatus, or land, or any combination  
6 thereof, acquired, used, constructed, or operated for the storage,  
7 collection, reduction, recycling, reclamation, disposal,  
8 separation, or other treatment of wastewater or sewage sludge,  
9 or for the final disposal of residues resulting from the treatment  
10 of wastewater, including, but not limited to, pumping and  
11 ventilating stations, facilities, plants and works, connections,  
12 outfall sewers, interceptors, trunk lines, and other personal  
13 property and appurtenances necessary for their operation;

14 (20) The supplying of materials or services for the purpose of  
15 lighting public streets, for a term not to exceed five years,  
16 provided that the rates, fares, tariffs or charges for the supplying  
17 of electricity for that purpose are approved by the Board of  
18 Regulatory Commissioners;

19 (21) In the case of a contracting unit which is a county or  
20 municipality, the provision of emergency medical services by a  
21 hospital to residents of a municipality or county as appropriate  
22 for a term not to exceed five years;

23 (22) Towing and storage contracts, awarded pursuant to  
24 paragraph u. of subsection (1) of section 5 of P.L.1971, c.198  
25 (C.40A:11-5) for any term not exceeding three years;

26 (23) Fuel for the purpose of generating electricity for a term  
27 not to exceed eight years;

28 (24) The purchase of electricity or administrative or  
29 dispatching services related to the transmission of such  
30 electricity, from a public utility company subject to the  
31 jurisdiction of the Board of Regulatory Commissioners, a similar  
32 regulatory body of another state, or a federal regulatory agency,  
33 or from a qualifying small power producing facility or qualifying  
34 cogeneration facility, as defined by 16 U.S.C. §796, by a  
35 contracting unit engaged in the generation of electricity for  
36 retail sale, as of the date of this amendatory act, for a term not  
37 to exceed 40 years;

38 (25) Basic life support services, for a period not to exceed five  
39 years. For the purposes of this subsection, "basic life support"  
40 means a basic level of prehospital care, which includes but need  
41 not be limited to patient stabilization, airway clearance,  
42 cardiopulmonary resuscitation, hemorrhage control, initial wound  
43 care and fracture stabilization;

44 (26) Claims administration services, for any term not to  
45 exceed three years;

46 (27) The provision of transportation services to elderly,  
47 disabled or indigent persons for any term of not more than three  
48 years. For the purposes of this subsection, "elderly persons"  
49 means persons who are 60 years of age or older. "Disabled  
50 persons" means persons of any age who, by reason of illness,  
51 injury, age, congenital malfunction, or other permanent or  
52 temporary incapacity or disability, are unable, without special  
53 facilities or special planning or design to utilize mass  
54 transportation facilities and services as effectively as persons

1 who are not so affected. "Indigent persons" means persons of any  
2 age whose income does not exceed 100 percent of the poverty  
3 level, adjusted for family size, established and adjusted under  
4 section 673(2) of subtitle B, the "Community Services Block  
5 Grant Act," Pub.L.97-35 (42 U.S.C. §9902 (2));

6 (28) The supplying of liquid oxygen or other chemicals, for a  
7 term not to exceed five years, when the contract includes the  
8 installation of tanks or other storage facilities by the supplier, on  
9 or near the premises of the contracting unit;

10 (29) The performance of patient care services by contracted  
11 medical staff at county hospitals, correction facilities and long  
12 term care facilities, for any term of not more than three years;

13 (30) The acquisition of an equitable interest in a water supply  
14 facility pursuant to section 2 of P.L.1993, c.381 (C.58:28-2), <sup>1</sup>or  
15 an agreement entered into pursuant to the "County and Municipal  
16 Water Supply Act," N.J.S.40A:31-1 et seq., if the agreement is  
17 entered into no more than six months after the effective date of  
18 this amendatory act, P.L.1994, c.71,<sup>1</sup> for any term of not more  
19 than forty years; [and]

20 (31) The provision of water supply services or the financing,  
21 construction, operation or maintenance or any combination  
22 thereof, of a water supply facility or any component part or parts  
23 thereof, by a partnership or copartnership established pursuant to  
24 a contract authorized under section 2 of P.L.1993, c.381  
25 (C.58:28-2) for a period not to exceed 40 years; and

26 (32) The supplying of any product or the rendering of any  
27 service, including consulting services, by a cemetery management  
28 company for the maintenance and preservation of a municipal  
29 cemetery operating pursuant to the "New Jersey Cemetery Act,"  
30 N.J.S.8A:1-1 et seq., for a term not exceeding 15 years.

31 All multiyear leases and contracts entered into pursuant to this  
32 section, except contracts for the leasing or servicing of  
33 equipment supplied by a telephone company which is subject to  
34 the jurisdiction of the Board of Regulatory Commissioners,  
35 contracts involving the supplying of electricity for the purpose of  
36 lighting public streets and contracts for thermal energy  
37 authorized pursuant to subsection (1) above, construction  
38 contracts authorized pursuant to subsection (9) above, contracts  
39 and agreements for the provision of work or the supplying of  
40 equipment to promote energy conservation authorized pursuant to  
41 subsection (12) above, contracts for water supply services or for a  
42 water supply facility, or any component part or parts thereof  
43 authorized pursuant to subsection (16) above, contracts for  
44 resource recovery services or a resource recovery facility  
45 authorized pursuant to subsection (17) above, contracts for the  
46 sale of energy produced by a resource recovery facility  
47 authorized pursuant to subsection (18) above, contracts for  
48 wastewater treatment services or for a wastewater treatment  
49 system or any component part or parts thereof authorized  
50 pursuant to subsection (19) above, and contracts for the purchase  
51 of electricity or administrative or dispatching services related to  
52 the transmission of such electricity authorized pursuant to  
53 subsection (24) above, shall contain a clause making them subject  
54 to the availability and appropriation annually of sufficient funds

1 as may be required to meet the extended obligation, or contain an  
2 annual cancellation clause.

3 The Division of Local Government Services shall adopt and  
4 promulgate rules and regulations concerning the methods of  
5 accounting for all contracts that do not coincide with the fiscal  
6 year.

7 (cf: P.L.1994, c.71, s.1)

8 3. This act shall take effect immediately.

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13 Permits 15-year contracts for maintenance and preservation of  
14 municipal cemeteries and eliminates certain reporting  
15 requirements.

1 promulgate rules and regulations concerning the methods of  
2 accounting for all contracts that do not coincide with the fiscal  
3 year.

4 (cf: P.L.1993, c.381, s.5)

5 3. This act shall take effect immediately.

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#### STATEMENT

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10 This bill would eliminate the requirement that a municipality  
11 operating a municipal cemetery file certain reports with the New  
12 Jersey Cemetery Board. Municipalities operating a municipal  
13 cemetery would be put on par with a religious organization  
14 operating a cemetery exclusively for its members. Under  
15 N.J.S.8A:1-2 a municipality is considered a "cemetery company"  
16 while a religious corporation or religious society operating a  
17 cemetery exclusively for its members is excluded from that  
18 definition. A cemetery company is required by N.J.S.8A:4-12 to  
19 file an annual report with the New Jersey Cemetery Board.

20 The bill also permits contracts for the maintenance and  
21 preservation of municipal cemeteries to have a duration of 15  
22 years. Under current law such contracts may only be for 12  
23 months.

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28 Permits 15-year contracts for maintenance and preservation of  
29 municipal cemeteries and eliminates certain reporting  
30 requirements.



ASSEMBLY LOCAL GOVERNMENT COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 799

STATE OF NEW JERSEY

DATED: DECEMBER 12, 1994

The Assembly Local Government Committee reports favorably Senate Bill No. 799 (1R).

Senate Bill No. 799 (1R) would eliminate the requirement that a municipality operating a municipal cemetery file certain reports with the New Jersey Cemetery Board. Municipalities operating a municipal cemetery would be put on par with a religious organization operating a cemetery exclusively for its members. The bill would also permit contracts for the maintenance and preservation of municipal cemeteries to have a duration of 15 years. Under current law such contracts may only be for 12 months.

Under current law, N.J.S.8A:1-2, a municipality is considered a "cemetery company" while a religious corporation or religious society operating a cemetery exclusively for its members is excluded from that definition. A cemetery company is required by N.J.S.8A:4-12 to file an annual report with the New Jersey Cemetery Board.

Senate Bill No. 799 (1R) is identical to Assembly Bill No. 2380.

SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 799

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 12, 1994

The Senate Community Affairs Committee reports favorably Senate Bill No. 799 with committee amendments.

This bill, as amended by the committee, would eliminate the requirement that a municipality operating a municipal cemetery file certain reports with the New Jersey Cemetery Board. Municipalities operating a municipal cemetery would be put on par with a religious organization operating a cemetery exclusively for its members. The bill would also permit contracts for the maintenance and preservation of municipal cemeteries to have a duration of 15 years. Under current law such contracts may only be for 12 months.

Under current law, N.J.S.8A:1-2, a municipality is considered a "cemetery company" while a religious corporation or religious society operating a cemetery exclusively for its members is excluded from that definition. A cemetery company is required by N.J.S.8A:4-12 to file an annual report with the New Jersey Cemetery Board.

The committee amended section 2 of the bill to reflect an amendment to section 15 of P.L.1971, c.198 (C.40A:11-15) which took effect after this bill was introduced.