

40A:11-9.1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2007 **CHAPTER:** 332

NJSA: 40A:11-9.1 (Requires purchasing agents to complete a course in green product purchasing; requires Department of the Treasury to compile and maintain a list of green product purchasing sources)

BILL NO: A4086 (Substituted for S2149)

SPONSOR(S): McKeon and others

DATE INTRODUCED: March 12, 2007

COMMITTEE: **ASSEMBLY:** Environment and Solid Waste
 SENATE: Economic Growth

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** January 7, 2008
 SENATE: December 17, 2007

DATE OF APPROVAL: January 13, 2008

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (First reprint enacted)

A4086

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

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

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

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S2149

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

[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

LAW/IS 6/23/08

P.L. 2007, CHAPTER 332, *approved January 13, 2008*
Assembly, No. 4086 (*First Reprint*)

1 AN ACT concerning the purchase of environmentally sound
2 materials and services and amending and supplementing
3 P.L.1971, c.198.

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

7
8 1. Section 9 of P.L.1971, c.198 (C.40A:11-9) is amended to
9 read as follows:

10 9. a. The governing body of any contracting unit may by
11 ordinance, in the case of a municipality, by ordinance or resolution,
12 as the case may be, in the case of a county, or by resolution in all
13 other cases, establish the office of purchasing agent, or a purchasing
14 department or a purchasing board, with the authority, responsibility,
15 and accountability as its contracting agent, for the purchasing
16 activity for the contracting unit, to prepare public advertising for
17 bids and to receive bids for the provision or performance of goods
18 or services on behalf of the contracting unit and to award contracts
19 permitted pursuant to subsection a. of section 3 of P.L.1971, c.198
20 (C.40A:11-3) in the name of the contracting unit, and conduct any
21 activities as may be necessary or appropriate to the purchasing
22 function of the contracting unit.

23 b. The Director of the Division of Local Government Services,
24 after consultation with the Commissioner of Education, shall
25 establish criteria to qualify individuals who have completed
26 appropriate training and possess such purchasing experience as
27 deemed necessary to exercise such supplemental authority as may
28 be set forth in subsection a. of section 3 of P.L.1971, c.198
29 (C.40A:11-3). These criteria also shall authorize county purchasing
30 agents certified pursuant to P.L.1981, c.380 (C.40A:9-30.1 et seq.)
31 to exercise such supplemental authority.

32 c. The criteria established by the director to authorize
33 purchasing agents, pursuant to subsection b. of this section, shall
34 include, but ¹[is] are¹ not limited to, completion of a course in
35 green product purchasing, as established by the director pursuant to
36 regulation. ¹Any person qualified pursuant to subsection b. of this
37 section prior to the establishment of the course in green product
38 purchasing, shall in order to continue to be qualified, take and
39 successfully complete the course within four years from the date the
40 course is established.¹ For the purposes of P.L. , c. (C.)
41 (pending before the Legislature as this bill), “green product” means
42 any commodity or service that has a lesser or reduced negative

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:

¹Senate SEG committee amendments adopted December 3, 2007.

1 effect on human health and the environment when compared with
2 competing commodities or services. Items considered in this
3 comparison may include, but are not limited to: raw materials
4 acquisition, production, manufacturing, packaging, distribution,
5 reuse, operation, maintenance, disposal, energy efficiency, recycled
6 content resource use, transportation, and durability.
7 (cf: P.L.1999, c.440, s.15)

8
9 2. (New section) The State Treasurer ¹, through the Division
10 of Purchase and Property, in consultation with the Department of
11 Environmental Protection and any other appropriate State agencies,¹
12 shall develop a list of sources for green product purchasing by
13 contracting units, and provide regular revisions of the list, on the
14 Internet web page of the Department of the Treasury ¹~~and in hard~~
15 ~~copies to be mailed to all contracting unit purchasing agents on a~~
16 ~~yearly basis~~ and shall have the authority to specify appropriate and
17 reasonable standards for the identification of a list of sources for
18 green products¹.

19
20 3. This act shall take effect immediately.

21
22
23 _____
24
25 Requires purchasing agents to complete a course in green
26 product purchasing; requires Department of the Treasury to compile
27 and maintain a list of green product purchasing sources.

ASSEMBLY, No. 4086

STATE OF NEW JERSEY

212th LEGISLATURE

INTRODUCED MARCH 12, 2007

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex)

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Assemblyman MICHAEL J. PANTER

District 12 (Mercer and Monmouth)

Assemblyman CHARLES T. EPPS, JR.

District 31 (Hudson)

Co-Sponsored by:

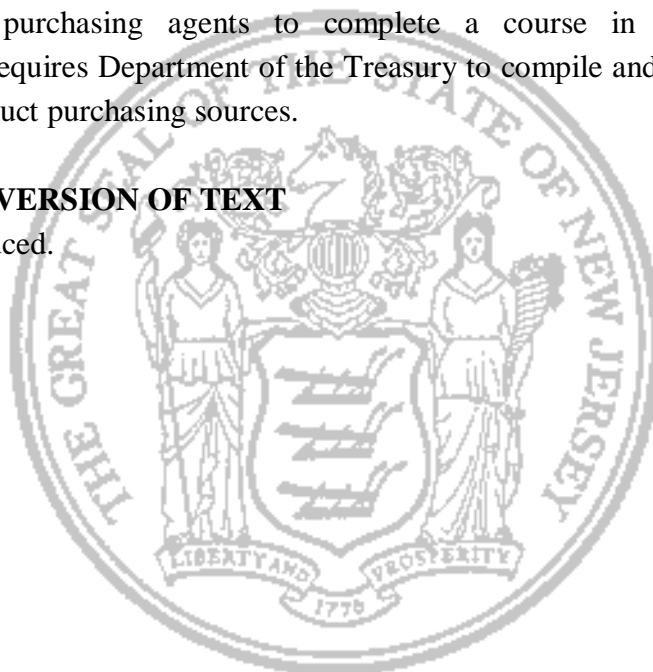
Assemblyman Gusciora

SYNOPSIS

Requires purchasing agents to complete a course in green product purchasing; requires Department of the Treasury to compile and maintain a list of green product purchasing sources.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/12/2007)

1 AN ACT concerning the purchase of environmentally sound
2 materials and services and amending and supplementing
3 P.L.1971, c.198.

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

7
8 1. Section 9 of P.L.1971, c.198 (C.40A:11-9) is amended to
9 read as follows:

10 9. a. The governing body of any contracting unit may by
11 ordinance, in the case of a municipality, by ordinance or resolution,
12 as the case may be, in the case of a county, or by resolution in all
13 other cases, establish the office of purchasing agent, or a purchasing
14 department or a purchasing board, with the authority, responsibility,
15 and accountability as its contracting agent, for the purchasing
16 activity for the contracting unit, to prepare public advertising for
17 bids and to receive bids for the provision or performance of goods
18 or services on behalf of the contracting unit and to award contracts
19 permitted pursuant to subsection a. of section 3 of P.L.1971, c.198
20 (C.40A:11-3) in the name of the contracting unit, and conduct any
21 activities as may be necessary or appropriate to the purchasing
22 function of the contracting unit.

23 b. The Director of the Division of Local Government Services,
24 after consultation with the Commissioner of Education, shall
25 establish criteria to qualify individuals who have completed
26 appropriate training and possess such purchasing experience as
27 deemed necessary to exercise such supplemental authority as may
28 be set forth in subsection a. of section 3 of P.L.1971, c.198
29 (C.40A:11-3). These criteria also shall authorize county purchasing
30 agents certified pursuant to P.L.1981, c.380 (C.40A:9-30.1 et seq.)
31 to exercise such supplemental authority.

32 c. The criteria established by the director to authorize
33 purchasing agents, pursuant to subsection b. of this section, shall
34 include, but is not limited to, completion of a course in green
35 product purchasing, as established by the director pursuant to
36 regulation. For the purposes of P.L. , c. (C.) (pending
37 before the Legislature as this bill), “green product” means any
38 commodity or service that has a lesser or reduced negative effect on
39 human health and the environment when compared with competing
40 commodities or services. Items considered in this comparison may
41 include, but are not limited to: raw materials acquisition,
42 production, manufacturing, packaging, distribution, reuse,
43 operation, maintenance, disposal, energy efficiency, recycled
44 content resource use, transportation, and durability.

45 (cf: P.L.1999, c.440, s.15)

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.

1 2. (New section) The State Treasurer shall develop a list of
2 sources for green product purchasing by contracting units, and
3 provide regular revisions of the list, on the Internet web page of the
4 Department of the Treasury and in hard copies to be mailed to all
5 contracting unit purchasing agents on a yearly basis.

6

7 3. This act shall take effect immediately.

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STATEMENT

11

12 This bill would require purchasing agents for contracting units to
13 complete a course in green product purchasing, as established by
14 the Director of the Division of Local Government Services pursuant
15 to regulation. For the purposes of this bill, “green product” means
16 any commodity or service that has a lesser or reduced negative
17 effect on human health and the environment when compared with
18 competing commodities or services. Items considered in this
19 comparison may include, but are not limited to: raw materials
20 acquisition, production, manufacturing, packaging, distribution,
21 reuse, operation, maintenance, disposal, energy efficiency, recycled
22 content resource use, transportation, and durability.

23 The bill also authorizes the State Treasurer to develop a list of
24 sources for green product purchasing by contracting units, and
25 provide regular revisions of the list, on the Internet web site of the
26 Department of the Treasury and in hard copies to be mailed to all
27 contracting unit purchasing agents on a yearly basis.

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4086

STATE OF NEW JERSEY

DATED: MAY 14, 2007

The Assembly Environment and Solid Waste Committee reports favorably Assembly Bill No. 4086.

This bill would require purchasing agents for contracting units to complete a course in green product purchasing, as established by the Director of the Division of Local Government Services pursuant to regulation. For the purposes of this bill, "green product" means any commodity or service that has a lesser or reduced negative effect on human health and the environment when compared with competing commodities or services. Items considered in this comparison may include, but are not limited to: raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, disposal, energy efficiency, recycled content resource use, transportation, and durability.

The bill also requires the State Treasurer to develop a list of sources for green product purchasing by contracting units, and provide regular revisions of the list, on the Internet web site of the Department of the Treasury and in hard copies to be mailed to all contracting unit purchasing agents on a yearly basis.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4086

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 3, 2007

The Senate Economic Growth Committee reports favorably Assembly Bill, No. 4086 with committee amendments.

This bill, as amended, would require purchasing agents for contracting units to complete a course in green product purchasing, as established by the Director of the Division of Local Government Services pursuant to regulation. For the purposes of this bill, "green product" means any commodity or service that has a lesser or reduced negative effect on human health and the environment when compared with competing commodities or services. Items considered in this comparison may include, but are not limited to: raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, disposal, energy efficiency, recycled content resource use, transportation, and durability.

The bill also authorizes the State Treasurer, through the Division of Purchase and Property, in consultation with the Department of Environmental Protection and any other appropriate State agencies, to develop a list of sources for green product purchasing by contracting units, and provide regular revisions of the list, on the Internet web site of the Department of the Treasury and shall have the authority to specify appropriate and reasonable standards for the identification of a list of sources for green products.

The committee amendments: 1) provide that any person who, prior to the establishment of the course in green product purchasing, became qualified as having completed appropriate training and possessing purchasing experience necessary to award contracts not required to be publicly bid under the "Local Public Contracts Law," P.L.1971, c. 198 (C.40A:11-1 et seq.), shall in order to continue to be qualified, take and successfully complete the course within four years from the date the course is established; 2) require the State Treasurer, through the Division of Purchase and Property, to consult with the Department of Environmental Protection and any other appropriate State agencies, when developing a list of sources for green product purchasing; 3) eliminate the requirement that the list of sources for green product purchasing be available in hard copies to be mailed to all contracting unit purchasing agents on a yearly basis; and 4) give the State

Treasurer the authority to specify appropriate and reasonable standards for the identification of a list of sources for green products.

As amended and reported by the committee, Assembly Bill No. 4086 is identical to Senate Bill No. 2149 which was also amended and reported by the committee on this date.

SENATE, No. 2149

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JULY 28, 2006

Sponsored by:

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

Senator MARTHA W. BARK

District 8 (Burlington)

Co-Sponsored by:

Senator B.Smith

SYNOPSIS

Requires purchasing agents to complete a course in green product purchasing; requires Department of the Treasury to compile and maintain a list of green product purchasing sources.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the purchase of environmentally sound
2 materials and services and amending and supplementing
3 P.L.1971, c.198.

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

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8 1. Section 9 of P.L.1971, c.198 (C.40A:11-9) is amended to
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15 and accountability as its contracting agent, for the purchasing
16 activity for the contracting unit, to prepare public advertising for
17 bids and to receive bids for the provision or performance of goods
18 or services on behalf of the contracting unit and to award contracts
19 permitted pursuant to subsection a. of section 3 of P.L.1971, c.198
20 (C.40A:11-3) in the name of the contracting unit, and conduct any
21 activities as may be necessary or appropriate to the purchasing
22 function of the contracting unit.

23 b. The Director of the Division of Local Government Services,
24 after consultation with the Commissioner of Education, shall
25 establish criteria to qualify individuals who have completed
26 appropriate training and possess such purchasing experience as
27 deemed necessary to exercise such supplemental authority as may
28 be set forth in subsection a. of section 3 of P.L.1971, c.198
29 (C.40A:11-3). These criteria also shall authorize county purchasing
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45 (cf: P.L.1999, c.440, s.15)

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Matter underlined thus is new matter.

S2149 SCUTARI, BARK

3

1 2. (New section) The State Treasurer shall develop a list of
2 sources for green product purchasing by contracting units, and
3 provide regular revisions of the list, on the Internet web page of the
4 Department of the Treasury and in hard copies to be mailed to all
5 contracting unit purchasing agents on a yearly basis.

6

7 3. This act shall take effect immediately.

8

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STATEMENT

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12 This bill would require purchasing agents for contracting units to
13 complete a course in green product purchasing, as established by
14 the Director of the Division of Local Government Services pursuant
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16 any commodity or service that has a lesser or reduced negative
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22 content resource use, transportation, and durability.

23 The bill also authorizes the State Treasurer to develop a list of
24 sources for green product purchasing by contracting units, and
25 provide regular revisions of the list, on the Internet web site of the
26 Department of the Treasury and in hard copies to be mailed to all
27 contracting unit purchasing agents on a yearly basis.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

SENATE, No. 2149

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 3, 2007

The Senate Economic Growth Committee reports favorably Senate Bill No. 2149 with committee amendments.

This bill, as amended, would require purchasing agents for contracting units to complete a course in green product purchasing, as established by the Director of the Division of Local Government Services pursuant to regulation. For the purposes of this bill, “green product” means any commodity or service that has a lesser or reduced negative effect on human health and the environment when compared with competing commodities or services. Items considered in this comparison may include, but are not limited to: raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, disposal, energy efficiency, recycled content resource use, transportation, and durability.

The bill also authorizes the State Treasurer, through the Division of Purchase and Property, in consultation with the Department of Environmental Protection and any other appropriate State agencies, to develop a list of sources for green product purchasing by contracting units, and provide regular revisions of the list, on the Internet web site of the Department of the Treasury and shall have the authority to specify appropriate and reasonable standards for the identification of a list of sources for green products.

The committee amendments: 1) provide that any person who, prior to the establishment of the course in green product purchasing, became qualified as having completed appropriate training and possessing purchasing experience necessary to award contracts not required to be publicly bid under the “Local Public Contracts Law,” P.L.1971, c. 198 (C.40A:11-1 et seq.), shall in order to continue to be qualified, take and successfully complete the course within four years from the date the course is established; 2) require the State Treasurer, through the Division of Purchase and Property, to consult with the Department of Environmental Protection and any other appropriate State agencies, when developing a list of sources for green product purchasing; 3) eliminate the requirement that the list of sources for green product purchasing be available in hard copies to be mailed to all contracting unit purchasing agents on a yearly basis; and 4) give the State

Treasurer the authority to specify appropriate and reasonable standards for the identification of a list of sources for green products.

As amended and reported by the committee, Senate Bill No. 2149 is identical to Assembly Bill No. 4086 which was also amended and reported by the committee on this date.