

18:64-61 & 40A:11-10
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2013 **CHAPTER:** 207

NJSA: 18:64-61 & 40A:11-10 (Clarifies that a single State college may enter into a joint purchasing agreement with other contracting units)

BILL NO: S2271 (Substituted for A3460)

SPONSOR(S) Whelan and others

DATE INTRODUCED: October 15, 2012

COMMITTEE: **ASSEMBLY:** ---

SENATE: Community and Urban Affairs

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** January 6, 2014

SENATE: November 18, 2013

DATE OF APPROVAL: January 17, 2014

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First reprint enacted)

S2271

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

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: Yes

LEGISLATIVE FISCAL ESTIMATE: No

A3460

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

(continued)

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/KR

P.L.2013, CHAPTER 207, *approved January 17, 2014*
Senate, No. 2271 (*First Reprint*)

1 AN ACT ¹**[authorizing]** concerning¹ joint purchases between State
2 colleges and other units of State and local government and
3 amending P.L.1971, c.198 and P.L.1986, c.43.
4

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

8 1. Section 10 of P.L.1986, c.43 (C.18A:64-61) is amended to
9 read as follows:

10 10. The board of trustees of two or more State colleges may
11 provide jointly by agreement for the purchasing of work, materials,
12 or supplies for their respective colleges, **[and also may enter into a**
13 **joint purchasing agreement with other units of State or local**
14 **government]** ¹and also may enter into a joint purchasing agreement
15 with other units of State or local government,¹ or one State college
16 may provide for such purchase by joint agreement with ¹**[the**
17 **governing bodies of any municipality or of the county within whose**
18 **boundaries any such college or colleges is or are wholly or partly**
19 **located and may enter agreements with other institutions of higher**
20 **education or with other units of government pursuant to the "Local**
21 **Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.)]**
22 other units of State or local government¹.

23 (cf: P.L.1994, c.48, s.113)
24

25 2. Section 10 of P.L.1971, c.198 (C.40A:11-10) is amended to
26 read as follows:

27 10. Joint agreements for provision and performance of goods
28 and services; cooperative marketing; authorization.

29 (a) (1) The governing bodies of two or more contracting units
30 may provide by joint agreement for the provision and performance
31 of goods and services for use by their respective jurisdictions.

32 (2) The governing bodies of two or more contracting units
33 providing sewerage services pursuant to the "sewerage authorities
34 law," P.L.1946, c.138 (C.40:14A-1 et seq.), the "municipal and
35 county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et
36 seq.), R.S.58:14-1 et seq. or R.S.40:63-68 et seq. may provide by
37 joint agreement for the purchase of goods and services related to
38 sewage sludge disposal.

39 (3) The governing body of two or more contracting units
40 providing electrical distribution services pursuant to and in
41 accordance with R.S.40:62-12 through R.S.40:62-25, may provide

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 floor amendments adopted May 13, 2013.

1 by joint agreement for the provision or performance of goods or
2 services related to the distribution of electricity.

3 (4) The governing bodies of two or more contracting units may
4 provide for the cooperative marketing of recyclable materials
5 recovered through a recycling program.

6 (5) The governing bodies of two or more contracting units may
7 provide by joint agreement for the purchase of the services of a
8 private aggregator for the purpose of facilitating the joint action of
9 two or more municipalities in granting municipal consent for the
10 provision of cable television service pursuant to R.S.40:48-1 et seq.
11 and the "Cable Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.)
12 as amended and supplemented.

13 (b) The governing body of any contracting unit may provide by
14 joint agreement with the board of education of any school district or
15 any State or county college for the provision and performance of
16 goods and services for use by their respective jurisdictions.

17 (c) Such agreement shall be entered into by resolution adopted
18 by each of the participating bodies and boards, which shall set forth
19 the categories of goods or services to be provided or performed, the
20 manner of advertising for bids and of awarding of contracts, the
21 method of payment by each participating body and board, and other
22 matters deemed necessary to carry out the purposes of the
23 agreement.

24 (d) Each participating body's and board's share of expenditures
25 for purchases under any such agreement shall be appropriated and
26 paid in the manner set forth in the agreement and in the same
27 manner as for other expenses of the participating body and board.

28 (cf: P.L.2003, c.38, s.2)

29

30 3. This act shall take effect immediately.

31

32

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34

35 Clarifies that a single State college may enter into a joint
36 purchasing agreement with other contracting units.

SENATE, No. 2271

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED OCTOBER 15, 2012

Sponsored by:
Senator JIM WHELAN
District 2 (Atlantic)

SYNOPSIS

Permits State college to enter into joint purchasing agreement with other units of State and local government.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT authorizing joint purchases between State colleges and
2 other units of State and local government and amending
3 P.L.1971, c.198 and P.L.1986, c.43.

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

7
8 1. Section 10 of P.L.1986, c.43 (C.18A:64-61) is amended to
9 read as follows:

10 10. The board of trustees of two or more State colleges may
11 provide jointly by agreement for the purchasing of work, materials,
12 or supplies for their respective colleges, **[and also may enter into a**
13 **joint purchasing agreement with other units of State or local**
14 **government]** or one or more State colleges may provide for such
15 purchase by joint agreement with the governing bodies of any
16 municipality or of the county within whose boundaries any such
17 college or colleges is or are wholly or partly located and may enter
18 agreements with other institutions of higher education or with other
19 units of government pursuant to the "Local Public Contracts Law,"
20 P.L.1971, c.198 (C.40A:11-1 et seq.).

21 (cf: P.L.1994, c.48, s.113)

22
23 2. Section 10 of P.L.1971, c.198 (C.40A:11-10) is amended to
24 read as follows:

25 10. Joint agreements for provision and performance of goods
26 and services; cooperative marketing; authorization.

27 (a) (1) The governing bodies of two or more contracting units
28 may provide by joint agreement for the provision and performance
29 of goods and services for use by their respective jurisdictions.

30 (2) The governing bodies of two or more contracting units
31 providing sewerage services pursuant to the "sewerage authorities
32 law," P.L.1946, c.138 (C.40:14A-1 et seq.), the "municipal and
33 county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et
34 seq.), R.S.58:14-1 et seq. or R.S.40:63-68 et seq. may provide by
35 joint agreement for the purchase of goods and services related to
36 sewage sludge disposal.

37 (3) The governing body of two or more contracting units
38 providing electrical distribution services pursuant to and in
39 accordance with R.S.40:62-12 through R.S.40:62-25, may provide
40 by joint agreement for the provision or performance of goods or
41 services related to the distribution of electricity.

42 (4) The governing bodies of two or more contracting units may
43 provide for the cooperative marketing of recyclable materials
44 recovered through a recycling program.

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 (5) The governing bodies of two or more contracting units may
2 provide by joint agreement for the purchase of the services of a
3 private aggregator for the purpose of facilitating the joint action of
4 two or more municipalities in granting municipal consent for the
5 provision of cable television service pursuant to R.S.40:48-1 et seq.
6 and the "Cable Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.)
7 as amended and supplemented.

8 (b) The governing body of any contracting unit may provide by
9 joint agreement with the board of education of any school district or
10 any State or county college for the provision and performance of
11 goods and services for use by their respective jurisdictions.

12 (c) Such agreement shall be entered into by resolution adopted
13 by each of the participating bodies and boards, which shall set forth
14 the categories of goods or services to be provided or performed, the
15 manner of advertising for bids and of awarding of contracts, the
16 method of payment by each participating body and board, and other
17 matters deemed necessary to carry out the purposes of the
18 agreement.

19 (d) Each participating body's and board's share of expenditures
20 for purchases under any such agreement shall be appropriated and
21 paid in the manner set forth in the agreement and in the same
22 manner as for other expenses of the participating body and board.
23 (cf: P.L.2003, c.38, s.2)

24

25 3. This act shall take effect immediately.

26

27

28

STATEMENT

29

30 This bill permits a State college to enter into a joint agreement
31 with the governing bodies of any municipality or of the county
32 within whose boundaries the college is wholly or partly located for
33 the purchasing of work, materials, or supplies. The amendatory
34 language of the bill mirrors language in section 10 of the "County
35 College Contracts Law," P.L.1982, c.189 (C.18A:64A-25.1 et seq.)
36 that authorizes joint purchases between county colleges and local
37 units of government.

38 The bill also amends the "Local Public Contracts Law,"
39 P.L.1971, c.198 (C.40A:11-1 et seq.) to permit local units of
40 government to enter into joint purchasing agreements with State and
41 county colleges.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 2271

STATE OF NEW JERSEY

DATED: MARCH 4, 2013

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 2271.

This bill permits a State college to enter into a joint agreement with the governing bodies of any municipality or of the county within whose boundaries the college is wholly or partly located for the purchasing of work, materials, or supplies. The amendatory language of the bill mirrors language in section 10 (C.18A:64A-25.10) of the "County College Contracts Law," P.L.1982, c.189 (C.18A:64A-25.1 et seq.) that authorizes joint purchases between county colleges and local units of government.

The bill also amends the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.) to permit local units of government to enter into joint purchasing agreements with State and county colleges.

STATEMENT TO
SENATE, No. 2271

with Senate Floor Amendments
(Proposed by Senator WHELAN)

ADOPTED: MAY 13, 2013

These floor amendments:

- reinsert language which was deleted in the original bill authorizing the boards of trustees of two or more State colleges to enter into a joint purchasing agreement with other units of State or local government;
- clarify that a single State college may also enter into a joint purchasing agreement with other units of State or local government; and
- eliminate the requirement included in the original bill that a joint agreement entered into by a State college with a county may only be with a county within whose boundaries the State college is located.

ASSEMBLY, No. 3460

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED NOVEMBER 19, 2012

Sponsored by:

Assemblywoman CELESTE M. RILEY
District 3 (Cumberland, Gloucester and Salem)
Assemblywoman CONNIE WAGNER
District 38 (Bergen and Passaic)
Assemblyman RUBEN J. RAMOS, JR.
District 33 (Hudson)
Assemblyman CRAIG J. COUGHLIN
District 19 (Middlesex)

Co-Sponsored by:

Assemblywomen Lampitt and Handlin

SYNOPSIS

Permits State college to enter into joint purchasing agreement with other units of State and local government.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/7/2013)

A3460 RILEY, WAGNER

2

1 AN ACT authorizing joint purchases between State colleges and
2 other units of State and local government and amending
3 P.L.1971, c.198 and P.L.1986, c.43.

4

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

7

8 1. Section 10 of P.L.1986, c.43 (C.18A:64-61) is amended to
9 read as follows:

10 10. The board of trustees of two or more State colleges may
11 provide jointly by agreement for the purchasing of work, materials,
12 or supplies for their respective colleges, **[and also may enter into a**
13 **joint purchasing agreement with other units of State or local**
14 **government]** or one or more State colleges may provide for such
15 purchase by joint agreement with the governing bodies of any
16 municipality or of the county within whose boundaries any such
17 college or colleges is or are wholly or partly located and may enter
18 agreements with other institutions of higher education or with other
19 units of government pursuant to the "Local Public Contracts Law,"
20 P.L.1971, c.198 (C.40A:11-1 et seq.).

21 (cf: P.L.1994, c.48, s.113)

22

23 2. Section 10 of P.L.1971, c.198 (C.40A:11-10) is amended to
24 read as follows:

25 10. Joint agreements for provision and performance of goods
26 and services; cooperative marketing; authorization.

27 (a) (1) The governing bodies of two or more contracting units
28 may provide by joint agreement for the provision and performance
29 of goods and services for use by their respective jurisdictions.

30 (2) The governing bodies of two or more contracting units
31 providing sewerage services pursuant to the "sewerage authorities
32 law," P.L.1946, c.138 (C.40:14A-1 et seq.), the "municipal and
33 county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et
34 seq.), R.S.58:14-1 et seq. or R.S.40:63-68 et seq. may provide by
35 joint agreement for the purchase of goods and services related to
36 sewage sludge disposal.

37 (3) The governing body of two or more contracting units
38 providing electrical distribution services pursuant to and in
39 accordance with R.S.40:62-12 through R.S.40:62-25, may provide
40 by joint agreement for the provision or performance of goods or
41 services related to the distribution of electricity.

42 (4) The governing bodies of two or more contracting units may
43 provide for the cooperative marketing of recyclable materials
44 recovered through a recycling program.

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 (5) The governing bodies of two or more contracting units may
2 provide by joint agreement for the purchase of the services of a
3 private aggregator for the purpose of facilitating the joint action of
4 two or more municipalities in granting municipal consent for the
5 provision of cable television service pursuant to R.S.40:48-1 et seq.
6 and the "Cable Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.)
7 as amended and supplemented.

8 (b) The governing body of any contracting unit may provide by
9 joint agreement with the board of education of any school district or
10 any State or county college for the provision and performance of
11 goods and services for use by their respective jurisdictions.

12 (c) Such agreement shall be entered into by resolution adopted
13 by each of the participating bodies and boards, which shall set forth
14 the categories of goods or services to be provided or performed, the
15 manner of advertising for bids and of awarding of contracts, the
16 method of payment by each participating body and board, and other
17 matters deemed necessary to carry out the purposes of the
18 agreement.

19 (d) Each participating body's and board's share of expenditures
20 for purchases under any such agreement shall be appropriated and
21 paid in the manner set forth in the agreement and in the same
22 manner as for other expenses of the participating body and board.
23 (cf: P.L.2003, c.38, s.2)

24

25 3. This act shall take effect immediately.

26

27

28

STATEMENT

29

30 This bill permits a State college to enter into a joint agreement
31 with the governing bodies of any municipality or of the county
32 within whose boundaries the college is wholly or partly located for
33 the purchasing of work, materials, or supplies. The amendatory
34 language of the bill mirrors language in section 10 of the "County
35 College Contracts Law," P.L.1982, c.189 (C.18A:64A-25.1 et seq.)
36 that authorizes joint purchases between county colleges and local
37 units of government.

38 The bill also amends the "Local Public Contracts Law,"
39 P.L.1971, c.198 (C.40A:11-1 et seq.) to permit local units of
40 government to enter into joint purchasing agreements with State and
41 county colleges.

ASSEMBLY HIGHER EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3460

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 6, 2013

The Assembly Higher Education Committee reports favorably Assembly Bill No. 3460 with committee amendments.

Under the “State College Contracts Law,” P.L.1986, c.43 (C.18A:64-52 et seq.), the boards of trustees of two or more State colleges may enter into joint purchasing agreements, and may also enter into such joint agreements with other units of State or local government. As amended, this bill clarifies that one State college may also enter into a joint purchasing agreement with other units of State or local government.

The bill also amends the “Local Public Contracts Law,” P.L.1971, c.198 (C.40A:11-1 et seq.), to specifically permit local units of government to enter into joint purchasing agreements with State and county colleges.

The committee amended the bill to eliminate the requirement included in the original bill that a joint agreement entered into by a State college with a county may only be with a county within whose boundaries the State college is located. This language had unintentionally restricted the current authority of State colleges.