

ASSEMBLY, No. 1725

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman JAMES J. KENNEDY

District 22 (Middlesex, Somerset and Union)

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District 14 (Mercer and Middlesex)

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SYNOPSIS

Requires certain telecommunications, cable television, and public utility service providers to notify public entities of service discontinuance five business days prior to shutoff.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning certain telecommunications, cable television,
2 and public utility service discontinuance notices, amending
3 N.J.S.18A:19-4 and N.J.S.40A:5-16, and supplementing Title 52
4 of the Revised Statutes.

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

8
9 1. N.J.S.18A:19-4 is amended to read as follows:

10 18A:19-4. a. All claims and demands against the board of
11 education, except those which are to be paid from funds derived
12 from athletic events or other activities of pupil organizations, shall,
13 unless otherwise provided by resolution of the board of education,
14 be examined, audited, and certified in writing by the secretary and
15 presented by the secretary to the board of education for its approval
16 at a regularly called meeting, and if found to be correct, shall be
17 ordered paid by the board of education, whereupon the secretary
18 and the president of the board of education and the chief school
19 administrator shall issue and sign a warrant in payment therefor. In
20 a district which has a treasurer of school moneys, the secretary
21 thereupon shall forward the warrant to the treasurer of school
22 moneys.

23 b. The provisions of subsection a. of this section shall not
24 apply to payments made by a board of education for the provision
25 of:

26 (1) telecommunications or basic cable service provided by a
27 telecommunications or cable television company under the
28 jurisdiction of the Board of Public Utilities;

29 (2) electric, gas, water, or sewer utility service provided by a
30 public utility, as that term is defined pursuant to R.S.48:2-13, that is
31 regulated by the Board of Public Utilities pursuant to Title 48 of the
32 Revised Statutes; or

33 (3) a service that is provided under a contract between a public
34 utility, as that term is defined pursuant to R.S.48:2-13, and a board
35 of education that is approved by the Board of Public Utilities under
36 which rates for service are controlled by the terms of the contract.

37 c. An entity providing service to a board of education as
38 described in paragraphs (1), (2), or (3) of subsection b. of this
39 section shall notify the board of education, in writing by certified or
40 registered mail, of any pending service discontinuance due to an
41 unpaid bill at least five business days prior to discontinuing service
42 to any property owned or operated by the board of education.

43 (cf: P.L.2015, c.177, s.4)

44
45 2. N.J.S.40A:5-16 is amended to read as follows:

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 40A:5-16. The governing body of any local unit shall not pay
2 out any of its moneys:

3 a. unless the person claiming or receiving payment first
4 presents a detailed bill of items or demand, specifying particularly
5 how the bill or demand is made up, with the certification of the
6 party claiming payment that the bill or demand is correct. The
7 governing body may, by resolution, require an affidavit in lieu of
8 the certification, and the clerk or disbursing officer of the local unit
9 may take the affidavit without cost; and

10 b. unless the payment carries a written or electronic
11 certification of some officer or duly designated employee of the
12 local unit having knowledge of the facts that the goods have been
13 received by, or the services rendered to, the local unit.

14 c. Notwithstanding the provisions of subsection a. of this
15 section, upon adoption by the Local Finance Board of rules adopted
16 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
17 (C.52:14B-1 et seq.) that provide for procedures to be followed by
18 local units and under those circumstances deemed appropriate by
19 the Local Finance Board, a local unit shall be permitted to pay out
20 its moneys without requiring a certification of the party claiming
21 payment as otherwise required by subsection a. of this section.
22 Those circumstances may include, but shall not be limited to:

23 (1) when payment to vendors is required in advance of the
24 delivery of certain materials or services that cannot be obtained
25 from any other source at comparable prices;

26 (2) when ordering, billing, and payment transactions for goods
27 or services are made through a computerized electronic transaction;
28 or

29 (3) when the claim or demand is less than a threshold set by the
30 Local Finance Board and the certification is not readily obtainable
31 by the contracting unit; but the exceptions shall not include
32 reimbursement of employee expenses or payment for personal
33 services.

34 d. The provisions of subsection a. of this section shall not
35 apply to payments made by a governing body of a local unit for the
36 provision of:

37 (1) telecommunications or basic cable service provided by a
38 telecommunications or cable television company under the
39 jurisdiction of the Board of Public Utilities;

40 (2) electric, gas, water, or sewer utility service provided by a
41 public utility, as that term is defined pursuant to R.S.48:2-13, that is
42 regulated by the Board of Public Utilities pursuant to Title 48 of the
43 Revised Statutes; or

44 (3) a service that is provided under a contract between a public
45 utility, as that term is defined pursuant to R.S.48:2-13, and a
46 governing body that is approved by the Board of Public Utilities
47 under which rates for service are controlled by the terms of the
48 contract.

1 e. An entity providing service to a local unit as described in
2 paragraphs (1), (2), or (3) of subsection d. of this section shall
3 notify the governing body of a local unit, in writing by certified or
4 registered mail, of any pending service discontinuance due to an
5 unpaid bill at least five business days prior to discontinuing service
6 to any property owned or operated by the local unit.
7 (cf: P.L.2015, c.177, s.6)

8
9 3. (New section) a. An entity providing service to a State
10 agency shall notify the State agency, in writing by certified or
11 registered mail, of any pending service discontinuance due to an
12 unpaid bill at least five business days prior to discontinuing service
13 to any property owned or operated by the State agency.

14 b. As used in this section:

15 “Entity” means:

16 (1) a telecommunications or cable television company under the
17 jurisdiction of the Board of Public Utilities that provides
18 telecommunications or basic cable service;

19 (2) a public utility, as that term is defined pursuant to R.S.48:2-
20 13, that is regulated by the Board of Public Utilities pursuant to
21 Title 48 of the Revised Statutes that provides electric, gas, water, or
22 sewer utility service; or

23 (3) a public utility, as that term is defined pursuant to R.S.48:2-
24 13, that provides a service to a State agency under a contract
25 approved by the Board of Public Utilities under which rates for the
26 service are controlled by the terms of the contract.

27 “State agency” means any agency in the executive branch of the
28 State government, including, but not limited to, any department,
29 board, bureau, commission, division, office, council, or
30 instrumentality thereof, or independent agency, public authority or
31 public benefit corporation, and any State college or public
32 institution of higher education.

33
34 4. This act shall take effect immediately, but shall remain
35 inoperative for 60 days following the date of enactment.

36 37 38 STATEMENT

39
40 This bill requires certain telecommunications, cable television,
41 and public utility service providers to notify a board of education,
42 local government unit, or State agency, as appropriate, in writing by
43 certified or registered mail, of any pending service discontinuance
44 due to an unpaid bill at least five business days prior to
45 discontinuing service to any property owned or operated by that
46 board of education, local government unit, or State agency.