

[First Reprint]

ASSEMBLY, No. 1725

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

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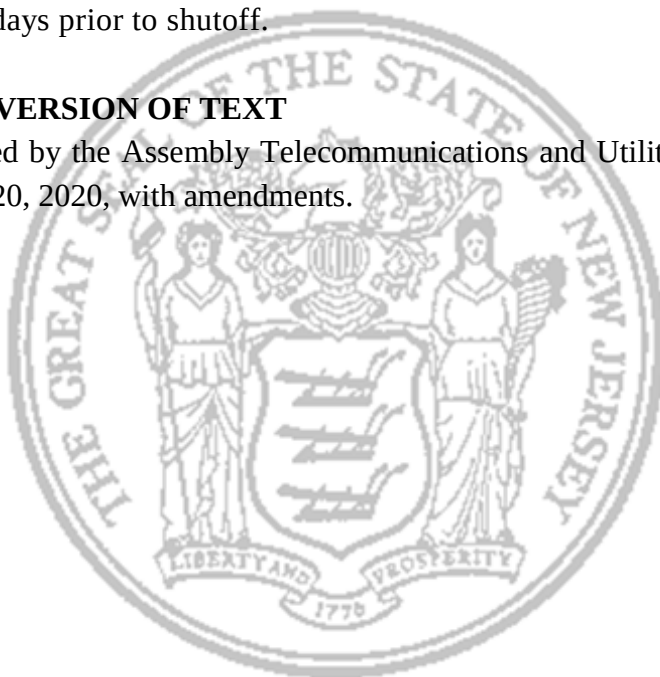
Assemblyman Holley

SYNOPSIS

Requires certain telecommunications, cable television, and public utility service providers to notify BPU of service discontinuance to public entities 14 business days prior to shutoff.

CURRENT VERSION OF TEXT

As reported by the Assembly Telecommunications and Utilities Committee on February 20, 2020, with amendments.



(Sponsorship Updated As Of: 2/24/2020)

1 **AN ACT** concerning certain telecommunications, cable television,
 2 and public utility service discontinuance notices, ¹**[amending**
 3 N.J.S.18A:19-4 and N.J.S.40A:5-16,]¹ and supplementing Title
 4 ¹**[52] 48¹** 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**[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)]¹

44
 45 ¹**[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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ATU committee amendments adopted February 20, 2020.

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)]¹

8
9 ¹[3. (New section)] 1. ¹a. ¹[An] In addition to the provisions of
10 R.S.48:2-24 or any other applicable rule, regulation, or order of the
11 Board of Public Utilities concerning notice of a pending service
12 discontinuance by an entity to a customer, an¹ entity providing
13 service to a ¹board of education, local unit, or¹ State agency shall
14 notify the ¹[State agency] Division of Customer Assistance in the
15 Board of Public Utilities¹, in writing ¹[by certified or registered
16 mail]¹, of any pending service discontinuance due to an unpaid bill
17 at least ¹[five] ¹⁴ business days prior to discontinuing service to
18 any property owned or operated by the ¹board of education, local
19 unit, or¹ State agency. ¹The notice shall include the name of the
20 customer of record, the location of the premises, the amount owed,
21 a statement of account including payment history, the method of
22 and attempts made for negotiation and resolution, and the scheduled
23 service discontinuance date.¹

24 b. As used in this section:

25 ¹“Board of education” shall have the same meaning as provided
26 in N.J.S.18A:18A-2.¹

27 “Entity” means:

28 (1) a telecommunications or cable television company under the
29 jurisdiction of the Board of Public Utilities that provides
30 telecommunications or basic cable service;

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

35 (3) a public utility, as that term is defined pursuant to R.S.48:2-
36 13, that provides a service to a State agency under a contract
37 approved by the Board of Public Utilities under which rates for the
38 service are controlled by the terms of the contract.

39 ¹“Local unit” shall have the same meaning as provided in
40 N.J.S.40A:5-2.¹

41 “State agency” means any agency in the executive branch of the
42 State government, including, but not limited to, any department,
43 board, bureau, commission, division, office, council, or
44 instrumentality thereof, or independent agency, public authority or
45 public benefit corporation, and any State college or public
46 institution of higher education.

1 ¹~~4.~~2.¹ This act shall take effect immediately, but shall
2 remain inoperative for 60 days following the date of enactment.