

ASSEMBLY, No. 2859

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:

Assemblyman GARY S. SCHAER

District 36 (Bergen and Passaic)

SYNOPSIS

Directs public utility to reimburse municipality for police services required for safe completion of public utility project no later than 60 days after municipality submits bill to public utility.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning public utilities and police services and
2 supplementing Title 48 of the Revised Statutes.

3

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

6

7 1. As used in P.L. , c. (C.) (pending before the
8 Legislature as this bill):

9 “Police services” means the provision of services by a municipal
10 law enforcement department or agency to ensure the health or safety
11 of a person or property during the construction of a public utility
12 project.

13 “Public utility” means a public utility as that term is defined in
14 R.S.48:2-13.

15 “Public utility project” means any project necessary for the
16 provision of a service provided by a public utility, including, but
17 not limited to, the installation, maintenance, repair, relocation,
18 excavation, or removal of any public utility infrastructure.

19

20 2. a. Notwithstanding any law, rule, regulation, or order to the
21 contrary, a public utility shall reimburse a municipality no later than
22 60 days after the municipality submits a bill to the public utility for
23 all actual and related costs a municipality incurs in providing police
24 services required for the safe completion of a public utility project,
25 unless the municipality and public utility have a prior payment
26 agreement established pursuant to local ordinance. If the public
27 utility, after having received a bill from a municipality, elects to
28 enter into negotiations with the municipality concerning the bill, the
29 60-day bill submission period shall pause on the day negotiations
30 begin and shall resume the day negotiations end. A public utility’s
31 reimbursement to a municipality for police services shall not be
32 recoverable from ratepayers.

33 b. In a civil action brought against a public utility by a
34 municipality to recover financial losses sustained from providing
35 police services, the court, in its discretion, may award reasonable
36 attorney’s fees and costs of the civil action incurred by a plaintiff
37 recovering judgment. A public utility’s payment of reasonable
38 attorney’s fees and costs of a civil action shall not be recoverable
39 from ratepayers.

40

41 3. This act shall take effect immediately.

42

43

44

STATEMENT

45

46 This bill requires a public utility to reimburse a municipality no
47 later than 60 days after the municipality submits a bill to the public
48 utility for all actual and related costs a municipality incurs in

1 providing police services required for the safe completion of a
2 public utility project, unless the municipality and public utility have
3 a prior payment agreement established pursuant to local ordinance.
4 If the public utility, after having received a bill from a municipality,
5 elects to enter into negotiations with the municipality concerning
6 the bill, the 60-day bill submission period is to pause on the day
7 negotiations begin and is to resume the day negotiations end. A
8 public utility's reimbursement to a municipality for police services
9 is not to be recoverable from ratepayers.

10 This bill also provides that in a civil action brought against a
11 public utility by a municipality to recover financial losses sustained
12 from providing police services, the court, in its discretion, may
13 award reasonable attorney's fees and costs of a civil action incurred
14 by a plaintiff recovering judgment. A public utility's payment of
15 reasonable attorney's fees and costs of a civil action is not to be
16 recoverable from ratepayers.