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[First Reprint]

**ASSEMBLY, No. 911**

**STATE OF NEW JERSEY**  
**214th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

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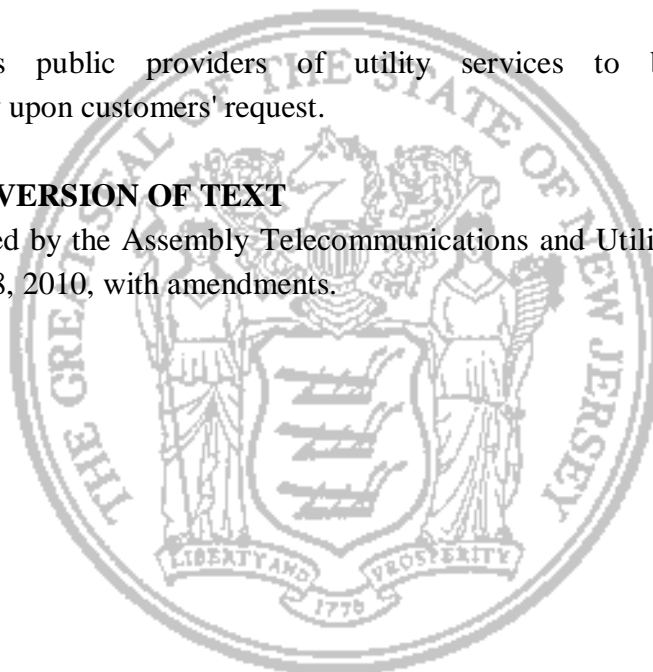
**Assemblywoman Rodriguez, Assemblymen Conaway, Connors and  
Senator Beach**

**SYNOPSIS**

Authorizes public providers of utility services to bill customers electronically upon customers' request.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Telecommunications and Utilities Committee on February 8, 2010, with amendments.



**(Sponsorship Updated As Of: 10/19/2010)**

1 AN ACT concerning certain billing practices of public providers of  
2 utility services and amending and supplementing various parts of  
3 the statutory law.  
4

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

7  
8 1. Section 7 of P.L.1946, c.138 (C.40:14A-7) is amended to  
9 read as follows:

10 7. Every sewerage authority shall be a public body politic and  
11 corporate constituting a political subdivision of the State  
12 established as an instrumentality exercising public and essential  
13 governmental functions to provide for the public health and welfare  
14 and shall have perpetual succession and have the following powers:

15 (1) To adopt and have a common seal and to alter the same at  
16 pleasure;

17 (2) To sue and to be sued;

18 (3) In the name of the sewerage authority and on its behalf, to  
19 acquire, hold, use and dispose of its service charges and other  
20 revenues and other moneys;

21 (4) In the name of the sewerage authority but for the local unit or  
22 units, to acquire, hold, use and dispose of other personal property  
23 for the purposes of the sewerage authority;

24 (5) In the name of the sewerage authority but for the local unit or  
25 units, to acquire by purchase, gift, condemnation or otherwise, real  
26 property and easements therein, necessary or useful and convenient  
27 for the purposes of the sewerage authority, and subject to  
28 mortgages, deeds of trust or other liens, or otherwise, and to hold  
29 and to use the same, and to dispose of property so acquired no  
30 longer necessary for the purposes of the sewerage authority;

31 (6) To provide for and secure the payment of any bonds and the  
32 rights of the holders thereof, and to purchase, hold and dispose of  
33 any bonds;

34 (7) To accept gifts or grants of real or personal property, money,  
35 material, labor or supplies for the purposes of the sewerage  
36 authority, and to make and perform such agreements and contracts  
37 as may be necessary or convenient in connection with the  
38 procuring, acceptance or disposition of such gifts or grants;

39 (8) To enter on any lands, waters or premises for the purpose of  
40 making surveys, borings, soundings and examinations for the  
41 purposes of the sewerage authority, and whenever the operation of a  
42 septic tank or other component of an on-site wastewater system  
43 shall result in the creation of pollution or contamination source on  
44 private property such that under the provisions of R.S.26:3-49, a

**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:

<sup>1</sup>Assembly ATU committee amendments adopted February 8, 2010.

1 local board of health would have the authority to notify the owner  
2 and require said owner to abate the same, representatives of an  
3 authority shall have the power to enter, at all reasonable times, any  
4 premises on which such pollution or contamination source shall  
5 exist, for the purpose of inspecting, rehabilitating, securing samples  
6 of any discharges, improving, repairing, replacing, or upgrading  
7 such septic tank or other component of an on-site wastewater  
8 system;

9 (9) To establish an inspection program to be performed at least  
10 once every 3 years on all on-site wastewater systems installed  
11 within its district which inspection program shall contain the  
12 following minimum notice provisions: (i) not less than 30 days  
13 prior to the date of the inspection of an on-site wastewater system  
14 as described herein, the authority shall notify the owner and  
15 resident of the property that the inspection will occur; and (ii) not  
16 less than 60 days prior to the date of the performance of any work  
17 other than an inspection, the sewerage authority shall provide notice  
18 to the owner and resident of the property on which the work will be  
19 performed. The notice to be provided to such owner and resident  
20 under this subsection shall include a description of the deficiency  
21 which necessitates the work and the proposed remedial action, and  
22 the proposed date for beginning and duration of the contemplated  
23 remedial action;

24 (10) To prepare and file in the office of the sewerage authority  
25 records of all inspections, rehabilitation, maintenance, and work,  
26 performed with respect to on-site wastewater disposal systems;

27 (11) To make and enforce bylaws or rules and regulations for the  
28 management and regulation of its business and affairs and for the  
29 use, maintenance and operation of the sewerage system and any  
30 other of its properties, and to amend the same;

31 (12) To do and perform any acts and things authorized by this act  
32 under, through or by means of its own officers, agents and  
33 employees, or by contracts with any persons;

34 (13) To enter into any and all contracts, execute any and all  
35 instruments, and do and perform any and all acts or things  
36 necessary, convenient or desirable for the purposes of the sewerage  
37 authority or to carry out any power expressly given in this act  
38 subject to the "Local Public Contracts Law," P.L.1971, c.198  
39 (C.40A:11-1 et seq.); **[and]**

40 (14) To enter into any and all lease agreements with sewerage  
41 authorities, and municipalities, and counties operating sewerage  
42 systems, for the rental of equipment owned by authority and  
43 municipality and/or county, together with the personnel to operate  
44 said equipment; and

45 (15) Upon the request of a customer: (i) to offer the customer the  
46 ability to receive or access, in electronic format, any periodic bill  
47 for service sent by the sewerage authority to its customers and any

1 additional information sent by the sewerage authority to its  
2 customers as required by law, provided that any notice of  
3 disconnection, discontinuance or termination of sewerage service  
4 shall be sent to a customer in written form at the customer's legal  
5 mailing address in addition to being sent or being made available in  
6 electronic format; and (ii) to provide the customer the option of  
7 paying any such periodic bill via electronic means.

8 (cf: P.L.1980, c.77, s.2)

9

10 2. Section 20 of P.L.1957, c.183 (C.40:14B-20) is amended to  
11 read as follows:

12 20. Every municipal authority shall be a public body politic and  
13 corporate constituting a political subdivision of the State  
14 established as an instrumentality exercising public and essential  
15 governmental functions to provide for the public health and welfare  
16 and shall have perpetual succession and have the following powers:

17 (1) To adopt and have a common seal and to alter the same at  
18 pleasure;

19 (2) To sue and be sued;

20 (3) In the name of the municipal authority and on its behalf, to  
21 acquire, hold, use and dispose of its service charges and other  
22 revenues and other moneys;

23 (4) In the name of the municipal authority but for the local unit  
24 or units, to acquire, rent, hold, lease as lessor, use and dispose of  
25 other personal property for the purposes of the municipal authority;

26 (5) In the name of the municipal authority but for the local unit  
27 or units and subject to the limitations of this act, to acquire by  
28 purchase, gift, condemnation or otherwise, or lease as lessee, real  
29 property and easements therein, necessary or useful and convenient  
30 for the purposes of the municipal authority, and subject to  
31 mortgages, deeds of trust or other liens, or otherwise, and to hold,  
32 lease as lessor, and to use the same, and to dispose of property so  
33 acquired no longer necessary for the purposes of the municipal  
34 authority;

35 (6) To produce, develop, purchase, accumulate, distribute and  
36 sell water and water services, facilities and products within or  
37 without the district, provided that no water shall be sold at retail in  
38 any municipality without the district unless the governing body of  
39 such municipality shall have adopted a resolution requesting the  
40 municipal authority to sell water at retail in such municipality, and  
41 the board of public utility commissioners shall have approved such  
42 resolution as necessary and proper for the public convenience;

43 (7) To provide for and secure the payment of any bonds and the  
44 rights of the holders thereof, and to purchase, hold and dispose of  
45 any bonds;

46 (8) To accept gifts or grants of real or personal property, money,  
47 material, labor or supplies for the purposes of the municipal

1 authority, and to make and perform such agreements and contracts  
2 as may be necessary or convenient in connection with the  
3 procuring, acceptance or disposition of such gifts or grants;

4 (9) To enter on any lands, waters or premises for the purpose of  
5 making surveys, borings, soundings and examinations for the  
6 purposes of the municipal authority, and whenever the operation of  
7 a septic tank or other component of an on-site wastewater system  
8 shall result in the creation of pollution or contamination source on  
9 private property such that under the provisions of R.S.26:3-49, a  
10 local board of health would have the authority to notify the owner  
11 and require said owner to abate the same, representatives of an  
12 authority shall have the power to enter, at all reasonable times, any  
13 premises on which such pollution or contamination source shall  
14 exist, for the purpose of inspecting, rehabilitating, securing samples  
15 of any discharges, improving, repairing, replacing, or upgrading  
16 such septic tank or other component of an on-site wastewater  
17 system;

18 (10) To establish an inspection program to be performed at least  
19 once every three years on all on-site wastewater systems installed  
20 within the district which inspection program shall contain the  
21 following minimum notice provisions: (i) not less than 30 days  
22 prior to the date of the inspection of any on-site wastewater system  
23 as described herein, the authority shall notify the owner and  
24 resident of the property that the inspection will occur; and (ii) not  
25 less than 60 days prior to the date of the performance of any work  
26 other than an inspection, the municipal authority shall provide  
27 notice to the owner and resident of the property in which the work  
28 will be performed. The notice to be provided to such owner and  
29 resident under this subsection shall include a description of the  
30 deficiency which necessitates the work and the proposed remedial  
31 action, and the proposed date for beginning and duration of the  
32 contemplated remedial action;

33 (11) To prepare and file in the office of the municipal authority  
34 records of all inspections, rehabilitation, maintenance, and work,  
35 performed with respect to on-site wastewater disposal systems;

36 (12) To make and enforce bylaws or rules and regulations for the  
37 management and regulation of its business and affairs and for the  
38 use, maintenance and operation of the utility system and any other  
39 of its properties, and to amend the same;

40 (13) To do and perform any acts and things authorized by this act  
41 under, through or by means of its own officers, agents and  
42 employees, or by contracts with any person;

43 (14) To enter into any and all contracts, execute any and all  
44 instruments, and do and perform any and all acts or things  
45 necessary, convenient or desirable for the purposes of the municipal  
46 authority or to carry out any power expressly given in this act

1 subject to the "Local Public Contracts Law," P.L.1971, c. 198 (C.  
2 40A:11-1 et seq.); **【and】**

3 (15) To extend credit or make loans to any person for the  
4 planning, designing, acquiring, constructing, reconstructing,  
5 improving, equipping, furnishing, and operating by that person of  
6 any part of a solid waste system, sewage treatment system,  
7 wastewater treatment or collection system for the provision of  
8 services and facilities within or without the district, which in the  
9 case of a solid waste system shall be in a manner consistent with the  
10 "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.)  
11 and in conformance with the solid waste management plans adopted  
12 by the solid waste management districts created therein. The  
13 credits or loans may be secured by loan and security agreements,  
14 mortgages, leases and any other instruments, upon such terms as the  
15 authority shall deem reasonable, including provision for the  
16 establishment and maintenance of reserve and insurance funds, and  
17 to require the inclusion in any mortgage, lease, contract, loan and  
18 security agreement or other instrument, provisions for the  
19 construction, use, operation and maintenance and financing of that  
20 part of the aforementioned systems as the authority may deem  
21 necessary or desirable; and

22 (16) Upon the request of a customer: (i) to offer the customer the  
23 ability to receive or access, in electronic format, any periodic bill  
24 for service sent by the municipal authority to its customers and any  
25 additional information sent by the municipal authority to its  
26 customers as required by law, provided that any notice of  
27 disconnection, discontinuance or termination of service shall be  
28 sent to a customer in written form at the customer's legal mailing  
29 address in addition to being sent or being made available in  
30 electronic format; and (ii) to provide the customer the option of  
31 paying any such periodic bill via electronic means.

32 (cf: P.L.1984, c.178, s.2)

33

34 3. (New section) Upon the request of a customer, a  
35 municipality providing heat, light or power may:

36 a. offer the customer the ability to receive or access, in  
37 electronic format, any periodic bill for service sent by such  
38 municipality to its customers and any additional information sent by  
39 the municipality to its customers as required by law, provided that  
40 any notice of disconnection, discontinuance or termination of  
41 service shall be sent to a customer in written form at the customer's  
42 legal mailing address in addition to being sent or being made  
43 available in electronic format; and

44 b. provide the customer of such municipality the option of  
45 paying any such periodic bill via electronic means.

46

47 4. (New section) Upon the request of a customer, a



1 municipality that has established a water district and which operates  
2 a water system may:

3 a. offer the customer the ability to receive or access, in  
4 electronic format, any periodic bill for service sent by such  
5 municipality to its customers and any additional information sent by  
6 the municipality to its customers as required by law, provided that  
7 any notice of disconnection, discontinuance or termination of water  
8 service shall be sent to a customer in written form at the customer's  
9 legal mailing address in addition to being sent or being made  
10 available in electronic format; and

11 b. provide the customer of such municipality the option of  
12 paying any such periodic bill via electronic means.

13  
14 5. (New section) Upon the request of a customer, a water  
15 commission may:

16 a. offer the customer the ability to receive or access, in  
17 electronic format, any periodic bill for service sent by such water  
18 commission to its customers and any additional information sent by  
19 the water commission to its customers as required by law, provided  
20 that any notice of disconnection, discontinuance or termination of  
21 water service shall be sent to a customer in written form at the  
22 customer's legal mailing address in addition to being sent or being  
23 made available in electronic format; and

24 b. provide the customer of such water commission the option  
25 of paying any such periodic bill via electronic means.

26  
27 6. N.J.S.40A:26A-5 is amended to read as follows:

28 40A:26A-5. One or more local units adopting an ordinance or  
29 resolution in accordance with N.J.S.40A:26A-4 are authorized and  
30 empowered:

31 a. To acquire, construct, improve, extend, enlarge or  
32 reconstruct and finance sewerage facilities, and to operate, manage  
33 and control all or part of these facilities and all properties relating  
34 thereto;

35 b. To issue bonds of the local unit or units to pay all or part of  
36 the cost of the purchase, construction, improvement, extension,  
37 enlargement or reconstruction of sewerage facilities;

38 c. To receive and accept from the federal or State government,  
39 or any agency or instrumentality thereof, grants or loans for, or in  
40 aid of, the planning, purchase, construction, improvement  
41 extension, enlargement or reconstruction, or financing of sewerage  
42 facilities, and to receive and accept from any source, contributions  
43 or money, property, labor or other things of value to be held, used  
44 and applied only for the purposes for which the grants or loans and  
45 contributions are made;

46 d. To acquire in the name of the local unit or units by gift,  
47 purchase, or by the exercise of the right of eminent domain, lands  
48 and rights and interests therein, including lands under water and

1 riparian rights, and personal property as may be deemed necessary  
2 for acquisition, construction, improvement, extension, enlargement  
3 or reconstruction, or for the efficient operation of any facilities  
4 acquired or constructed under the provisions of **[this act]**  
5 N.J.S.40A:26A-1 et seq. and to hold and dispose of all real and  
6 personal property so acquired;

7 e. To make and enter into all contracts and agreements  
8 necessary or incidental to the performance of the local unit's or  
9 units' duties and the execution of powers authorized under **[this**  
10 **act]** N.J.S.40A:26A-1 et seq., and to employ engineers,  
11 superintendents, managers, attorneys, financial or other consultants  
12 or experts, and other employees and agents as may be deemed  
13 necessary, and to fix their compensation;

14 f. Subject to the provisions and restrictions set forth in the  
15 ordinance or resolution authorizing or securing any bonds issued  
16 under the provisions of **[this act]** N.J.S.40A:26A-1 et seq., to enter  
17 into contracts with the federal or State Government, or any agency  
18 or instrumentality thereof, or with any other local unit, private  
19 corporation, copartnership, association or individual providing for,  
20 or relating to, sewerage services which contracts may provide for  
21 the furnishing of sewerage facility services either by or to the local  
22 unit or units, or the joint construction or operation of sewerage  
23 facilities;

24 g. To fix and collect rates, fees, rents and other charges in  
25 accordance with **[this act]** N.J.S.40A:26A-1 et seq.;

26 h. To prevent toxic pollutants from entering the sewerage  
27 system;

28 i. Upon the request of a customer: (1) to offer the customer the  
29 ability to receive or access, in electronic format, any periodic bill  
30 for service sent by the local unit or units to its customers and any  
31 additional information sent by the local unit or units to its  
32 customers as required by law, provided that any notice of  
33 disconnection, discontinuance or termination of sewerage service  
34 shall be sent to a customer in written form at the customer's legal  
35 mailing address in addition to being sent or being made available in  
36 electronic format; and (2) to provide the customer the option of  
37 paying any such periodic bill via electronic means; and

38 j. To exercise any other powers necessary or incidental to the  
39 effectuation of the general purpose of **[this act]** N.J.S.40A:26A-1 et  
40 seq.

41 (cf: N.J.S.40A:26A-5)

42  
43 7. N.J.S.40A:31-5 is amended to read as follows:

44 40A:31-5. One or more local units adopting an ordinance or  
45 resolution in accordance with N.J.S.40A:31-4 are authorized and  
46 empowered:

- 1 a. Alone or in combination with a private water company or the  
2 State, to acquire, construct, improve, extend, enlarge or reconstruct  
3 and finance water supply facilities, and to operate, manage and  
4 control all or part of these facilities and all properties relating  
5 thereto;
- 6 b. To issue bonds of the local unit or units to pay all or part of  
7 the cost of the water supply facilities;
- 8 c. To receive and accept from the federal or State government,  
9 or any agency or instrumentality thereof, grants or loans for, or in  
10 aid of, the planning, purchase, construction, improvement,  
11 extension, enlargement or reconstruction, or financing of water  
12 supply facilities, and to receive and accept from any source,  
13 contributions or money, property, labor or other things of value to  
14 be held, used and applied only for the purposes for which the grants  
15 or loans and contributions are made;
- 16 d. To acquire in the name of the local unit or units by gift,  
17 purchase, or by the exercise of the right of eminent domain, such  
18 lands and rights and interests therein, including lands under water  
19 and riparian rights, and such personal property as may be deemed  
20 necessary for acquisition, construction, improvement, extension,  
21 enlargement or reconstruction, or for the efficient operation of any  
22 facilities acquired or constructed under the provisions of **[this act]**  
23 N.J.S.40A:31-1 et seq. and to hold and dispose of all real and  
24 personal property so acquired;
- 25 e. To make and enter into all contracts and agreements  
26 necessary or incidental to the performance of the local unit's or  
27 units' duties and the execution of powers authorized under **[this**  
28 **act]** N.J.S.40A:31-1 et seq., and to employ consulting and other  
29 engineers, superintendents, managers, attorneys, financial or other  
30 consultants or experts, and such other employees and agents as may  
31 be deemed necessary, and to fix their compensation;
- 32 f. Subject to the provisions and restrictions set forth in the  
33 ordinance or resolution authorizing or securing any bonds issued  
34 under the provisions of **[this act]** N.J.S.40A:31-1 et seq., to enter  
35 into contracts with the federal or State government, or any agency  
36 or instrumentality thereof, or with any other local unit, private  
37 corporation, copartnership, association or individual providing for,  
38 or relating to, water supply, which contracts may provide for the  
39 furnishing of water supply services either by or to the local unit or  
40 units, or the joint construction or operation of water supply  
41 facilities;
- 42 g. To fix and collect rates, fees, rents and other charges in  
43 accordance with **[this act]** N.J.S.40A:31-1 et seq.;
- 44 h. Upon the request of a customer: (1) to offer the customer the  
45 ability to receive or access, in electronic format, any periodic bill  
46 for service sent by the local unit or units to its customers and any  
47 additional information sent by the local unit or units to its

1 customers as required by law, provided that any notice of  
2 disconnection, discontinuance or termination of water service shall  
3 be sent to a customer in written form at the customer's legal mailing  
4 address in addition to being sent or being made available in  
5 electronic format; and (2) to provide the customer the option of  
6 paying any such periodic bill via electronic means; and

7 i. To exercise any other powers necessary or incidental to the  
8 effectuation of the general purposes of **[this act]** N.J.S.40A:31-1 et  
9 seq.  
10 (cf: N.J.S.40A:31-5)

11  
12 8. Section 7 of P.L.1981, c.293 (C.58:1B-7) is amended to read  
13 as follows:

14 7. Except as otherwise limited by **[the act]** P.L.1981, c.293  
15 (C.58:1B-1 et seq.), the authority shall have power:

16 a. To sue and be sued.

17 b. To have an official seal and alter the same at pleasure.

18 c. To make and alter bylaws for its organization and internal  
19 management and for the conduct of its affairs and business.

20 d. To maintain an office at such place or places within the State  
21 as it may determine.

22 e. To acquire, lease as lessee or lessor, rent, hold, use and  
23 dispose of real or personal property for its purposes.

24 f. To borrow money and to issue its negotiable bonds and to  
25 secure the same by a mortgage on its property or any part thereof  
26 and otherwise to provide for and secure the payment thereof and to  
27 provide for the rights of the holders thereof.

28 g. To fix and revise from time to time and charge and collect  
29 rents, fees and charges for any of the services rendered by the  
30 authority, which shall be equitably assessed.

31 h. To procure insurance against any losses in connection with  
32 its property, operations or assets in such amounts and from such  
33 insurers as it deems desirable.

34 i. Subject to any agreement with bondholders to invest moneys  
35 of the authority not required for immediate use, including proceeds  
36 from the sale of any bonds, in such obligations, securities and other  
37 investments as the authority shall deem prudent.

38 j. To appoint and employ an executive director and such  
39 additional officers who need not be members of the authority and  
40 accountants, financial advisors or experts and such other or  
41 different officers, agents and employees as it may require and  
42 determine their qualifications, terms of office, duties and  
43 compensation, all without regard to the provisions of Title **[11]**  
44 11A, Civil Service, of the **[Revised]** New Jersey Statutes, except  
45 with respect to those officers and employees of the Water Supply  
46 Facilities Element who are transferred to the authority pursuant to  
47 section 24 of **[this act]** P.L.1981, c.293 (C.58:1B-1 et seq.), and

- 1 these officers and employees shall remain subject to the provisions  
2 of that Title.
- 3 k. To contract for and to accept any gifts or grants or loans of  
4 funds or property or financial or other aid in any form from the  
5 United States of America or any agency or instrumentality thereof,  
6 or from the State or any agency, instrumentality or political  
7 subdivision thereof, or from any other source and to comply,  
8 subject to the provisions of **[this act] P.L.1981, c.293 (C.58:1B-1 et**  
9 seq.), with the terms and conditions thereof.
- 10 l. To acquire, hold, rent, lease, use and dispose of real or  
11 personal property in the exercise of its powers and the performance  
12 of its duties under **[this act] P.L.1981, c.293 (C.58:1B-1 et seq.)**.
- 13 m. To acquire, subject to the provisions of any other statute, in  
14 the name of the authority by purchase or otherwise, on such terms  
15 and conditions and in such manner as it may deem proper, except  
16 with respect to property owned by the State, by the exercise of the  
17 power of eminent domain, any land and other property, which it  
18 may determine is reasonably necessary for any of its projects and  
19 any and all rights, title and interest in that land and other property,  
20 including, providing there is no prudent and feasible alternative,  
21 public lands, reservations, highways or parkways, owned by or in  
22 which the State or any county, municipality, public corporation, or  
23 other political subdivision of the State has any right, title or interest,  
24 or parts thereof or rights therein and any fee simple absolute or any  
25 lesser interest in private property, and any fee simple absolute in,  
26 easements upon or the benefit of restrictions upon, abutting  
27 property to preserve and protect the project.
- 28 n. To do and perform any acts and things authorized by **[the**  
29 **act] P.L.1981, c.293 (C.58:1B-1 et seq.)** under, through, or by  
30 means of its officers, agents or employees or by contract with any  
31 person.
- 32 o. To establish and enforce rules and regulations for the use  
33 and operation of its projects and the conduct of its activities, and  
34 provide for the policing and the security of its projects.
- 35 p. Upon the request of a customer: (1) to offer the customer the  
36 ability to receive or access, in electronic format, any periodic bill  
37 for service sent by the local unit or units to its customers and any  
38 additional information sent by the local unit or units to its  
39 customers as required by law, provided that any notice of  
40 disconnection, discontinuance or termination of sewerage service  
41 shall be sent to a customer in written form at the customer's legal  
42 mailing address in addition to being sent or being made available in  
43 electronic format; and (2) to provide the customer the option of  
44 paying any such periodic bill via electronic means.
- 45 q. To do any and all things necessary or convenient to carry out  
46 its purposes in accordance with the powers given and granted in

1 **[the act]** P.L.1981, c.293 (C.58:1B-1 et seq.).  
2 (cf: P.L.1981, c.293, s.7)

3  
4 9. (New section) Upon the request of a customer, a district  
5 water supply commission may:

6 a. offer the customer the ability to receive or access, in  
7 electronic format, any periodic bill for service sent by such district  
8 water supply commission to its customers and any additional  
9 information sent by the water commission to its customers as  
10 required by law, provided that any notice of disconnection,  
11 discontinuance or termination of water service shall be sent to a  
12 customer in written form at the customer's legal mailing address in  
13 addition to being sent or being made available in electronic format;  
14 and

15 b. provide the customer of such district water supply  
16 commission the option of paying any such periodic bill via  
17 electronic means.

18  
19 10. (New section) Upon the request of a customer, the Passaic  
20 Valley Sewerage Commissioners may:

21 a. offer the customer the ability to receive or access, in  
22 electronic format, any periodic bill for service sent by such  
23 commissioners to their customers and any additional information  
24 sent by the commissioners to their customers as required by law,  
25 provided that any notice of disconnection, discontinuance or  
26 termination of water service shall be sent to a customer in written  
27 form at the customer's legal mailing address in addition to being  
28 sent or being made available in electronic format; and

29 b. provide the customer the option of paying any such periodic  
30 bill of the commissioners via electronic means.

31  
32 <sup>1</sup>11. (New section) Upon the request of a customer, a rural  
33 electric cooperative may:

34 a. offer the customer the ability to receive or access, in  
35 electronic format, any periodic bill for service sent by such  
36 cooperative to its customers and any additional information sent by  
37 the cooperative to its customers as required by law, provided that  
38 any notice of disconnection, discontinuance or termination of  
39 service shall be sent to a customer in written form at the customer's  
40 legal mailing address in addition to being sent or being made  
41 available in electronic format; and

42 b. provide the customer of such cooperative the option of paying  
43 any such periodic bill via electronic means.<sup>1</sup>

44  
45 <sup>1</sup>[11.] 12.<sup>1</sup> This act shall take effect on the 180th day after the  
46 date of enactment, but such public provider of services affected by

**A911 [1R] CHIVUKULA, COUTINHO**

13

- 1 this act may take such anticipatory administrative action in advance
- 2 thereof as shall be necessary for the implementation of this act.

**ASSEMBLY, No. 911**

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**STATE OF NEW JERSEY**

**214th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

**Sponsored by:**

**Assemblyman UPENDRA J. CHIVUKULA**

**District 17 (Middlesex and Somerset)**

**Assemblyman ALBERT COUTINHO**

**District 29 (Essex and Union)**

**Assemblyman RUBEN J. RAMOS, JR.**

**District 33 (Hudson)**

**Co-Sponsored by:**

**Assemblywoman Rodriguez**

**SYNOPSIS**

Authorizes public providers of utility services to bill customers electronically upon customers' request.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel





1 AN ACT concerning certain billing practices of public providers of  
2 utility services and amending and supplementing various parts of  
3 the statutory law.  
4

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

8 1. Section 7 of P.L.1946, c.138 (C.40:14A-7) is amended to  
9 read as follows:

10 7. Every sewerage authority shall be a public body politic and  
11 corporate constituting a political subdivision of the State  
12 established as an instrumentality exercising public and essential  
13 governmental functions to provide for the public health and welfare  
14 and shall have perpetual succession and have the following powers:

15 (1) To adopt and have a common seal and to alter the same at  
16 pleasure;

17 (2) To sue and to be sued;

18 (3) In the name of the sewerage authority and on its behalf, to  
19 acquire, hold, use and dispose of its service charges and other  
20 revenues and other moneys;

21 (4) In the name of the sewerage authority but for the local unit or  
22 units, to acquire, hold, use and dispose of other personal property  
23 for the purposes of the sewerage authority;

24 (5) In the name of the sewerage authority but for the local unit or  
25 units, to acquire by purchase, gift, condemnation or otherwise, real  
26 property and easements therein, necessary or useful and convenient  
27 for the purposes of the sewerage authority, and subject to  
28 mortgages, deeds of trust or other liens, or otherwise, and to hold  
29 and to use the same, and to dispose of property so acquired no  
30 longer necessary for the purposes of the sewerage authority;

31 (6) To provide for and secure the payment of any bonds and the  
32 rights of the holders thereof, and to purchase, hold and dispose of  
33 any bonds;

34 (7) To accept gifts or grants of real or personal property, money,  
35 material, labor or supplies for the purposes of the sewerage  
36 authority, and to make and perform such agreements and contracts  
37 as may be necessary or convenient in connection with the  
38 procuring, acceptance or disposition of such gifts or grants;

39 (8) To enter on any lands, waters or premises for the purpose of  
40 making surveys, borings, soundings and examinations for the  
41 purposes of the sewerage authority, and whenever the operation of a  
42 septic tank or other component of an on-site wastewater system  
43 shall result in the creation of pollution or contamination source on  
44 private property such that under the provisions of R.S.26:3-49, a  
45 local board of health would have the authority to notify the owner

**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 and require said owner to abate the same, representatives of an  
2 authority shall have the power to enter, at all reasonable times, any  
3 premises on which such pollution or contamination source shall  
4 exist, for the purpose of inspecting, rehabilitating, securing samples  
5 of any discharges, improving, repairing, replacing, or upgrading  
6 such septic tank or other component of an on-site wastewater  
7 system;

8 (9) To establish an inspection program to be performed at least  
9 once every 3 years on all on-site wastewater systems installed  
10 within its district which inspection program shall contain the  
11 following minimum notice provisions: (i) not less than 30 days  
12 prior to the date of the inspection of an on-site wastewater system  
13 as described herein, the authority shall notify the owner and  
14 resident of the property that the inspection will occur; and (ii) not  
15 less than 60 days prior to the date of the performance of any work  
16 other than an inspection, the sewerage authority shall provide notice  
17 to the owner and resident of the property on which the work will be  
18 performed. The notice to be provided to such owner and resident  
19 under this subsection shall include a description of the deficiency  
20 which necessitates the work and the proposed remedial action, and  
21 the proposed date for beginning and duration of the contemplated  
22 remedial action;

23 (10) To prepare and file in the office of the sewerage authority  
24 records of all inspections, rehabilitation, maintenance, and work,  
25 performed with respect to on-site wastewater disposal systems;

26 (11) To make and enforce bylaws or rules and regulations for the  
27 management and regulation of its business and affairs and for the  
28 use, maintenance and operation of the sewerage system and any  
29 other of its properties, and to amend the same;

30 (12) To do and perform any acts and things authorized by this act  
31 under, through or by means of its own officers, agents and  
32 employees, or by contracts with any persons;

33 (13) To enter into any and all contracts, execute any and all  
34 instruments, and do and perform any and all acts or things  
35 necessary, convenient or desirable for the purposes of the sewerage  
36 authority or to carry out any power expressly given in this act  
37 subject to the "Local Public Contracts Law," P.L.1971, c.198  
38 (C.40A:11-1 et seq.); **[and]**

39 (14) To enter into any and all lease agreements with sewerage  
40 authorities, and municipalities, and counties operating sewerage  
41 systems, for the rental of equipment owned by authority and  
42 municipality and/or county, together with the personnel to operate  
43 said equipment; and

44 (15) Upon the request of a customer: (i) to offer the customer the  
45 ability to receive or access, in electronic format, any periodic bill  
46 for service sent by the sewerage authority to its customers and any  
47 additional information sent by the sewerage authority to its

1 customers as required by law, provided that any notice of  
2 disconnection, discontinuance or termination of sewerage service  
3 shall be sent to a customer in written form at the customer's legal  
4 mailing address in addition to being sent or being made available in  
5 electronic format; and (ii) to provide the customer the option of  
6 paying any such periodic bill via electronic means.

7 (cf: P.L.1980, c.77, s.2)

8

9 2. Section 20 of P.L.1957, c.183 (C.40:14B-20) is amended to  
10 read as follows:

11 20. Every municipal authority shall be a public body politic and  
12 corporate constituting a political subdivision of the State  
13 established as an instrumentality exercising public and essential  
14 governmental functions to provide for the public health and welfare  
15 and shall have perpetual succession and have the following powers:

16 (1) To adopt and have a common seal and to alter the same at  
17 pleasure;

18 (2) To sue and be sued;

19 (3) In the name of the municipal authority and on its behalf, to  
20 acquire, hold, use and dispose of its service charges and other  
21 revenues and other moneys;

22 (4) In the name of the municipal authority but for the local unit  
23 or units, to acquire, rent, hold, lease as lessor, use and dispose of  
24 other personal property for the purposes of the municipal authority;

25 (5) In the name of the municipal authority but for the local unit  
26 or units and subject to the limitations of this act, to acquire by  
27 purchase, gift, condemnation or otherwise, or lease as lessee, real  
28 property and easements therein, necessary or useful and convenient  
29 for the purposes of the municipal authority, and subject to  
30 mortgages, deeds of trust or other liens, or otherwise, and to hold,  
31 lease as lessor, and to use the same, and to dispose of property so  
32 acquired no longer necessary for the purposes of the municipal  
33 authority;

34 (6) To produce, develop, purchase, accumulate, distribute and  
35 sell water and water services, facilities and products within or  
36 without the district, provided that no water shall be sold at retail in  
37 any municipality without the district unless the governing body of  
38 such municipality shall have adopted a resolution requesting the  
39 municipal authority to sell water at retail in such municipality, and  
40 the board of public utility commissioners shall have approved such  
41 resolution as necessary and proper for the public convenience;

42 (7) To provide for and secure the payment of any bonds and the  
43 rights of the holders thereof, and to purchase, hold and dispose of  
44 any bonds;

45 (8) To accept gifts or grants of real or personal property, money,  
46 material, labor or supplies for the purposes of the municipal  
47 authority, and to make and perform such agreements and contracts

1 as may be necessary or convenient in connection with the  
2 procuring, acceptance or disposition of such gifts or grants;

3 (9) To enter on any lands, waters or premises for the purpose of  
4 making surveys, borings, soundings and examinations for the  
5 purposes of the municipal authority, and whenever the operation of  
6 a septic tank or other component of an on-site wastewater system  
7 shall result in the creation of pollution or contamination source on  
8 private property such that under the provisions of R.S.26:3-49, a  
9 local board of health would have the authority to notify the owner  
10 and require said owner to abate the same, representatives of an  
11 authority shall have the power to enter, at all reasonable times, any  
12 premises on which such pollution or contamination source shall  
13 exist, for the purpose of inspecting, rehabilitating, securing samples  
14 of any discharges, improving, repairing, replacing, or upgrading  
15 such septic tank or other component of an on-site wastewater  
16 system;

17 (10) To establish an inspection program to be performed at least  
18 once every three years on all on-site wastewater systems installed  
19 within the district which inspection program shall contain the  
20 following minimum notice provisions: (i) not less than 30 days  
21 prior to the date of the inspection of any on-site wastewater system  
22 as described herein, the authority shall notify the owner and  
23 resident of the property that the inspection will occur; and (ii) not  
24 less than 60 days prior to the date of the performance of any work  
25 other than an inspection, the municipal authority shall provide  
26 notice to the owner and resident of the property in which the work  
27 will be performed. The notice to be provided to such owner and  
28 resident under this subsection shall include a description of the  
29 deficiency which necessitates the work and the proposed remedial  
30 action, and the proposed date for beginning and duration of the  
31 contemplated remedial action;

32 (11) To prepare and file in the office of the municipal authority  
33 records of all inspections, rehabilitation, maintenance, and work,  
34 performed with respect to on-site wastewater disposal systems;

35 (12) To make and enforce bylaws or rules and regulations for the  
36 management and regulation of its business and affairs and for the  
37 use, maintenance and operation of the utility system and any other  
38 of its properties, and to amend the same;

39 (13) To do and perform any acts and things authorized by this act  
40 under, through or by means of its own officers, agents and  
41 employees, or by contracts with any person;

42 (14) To enter into any and all contracts, execute any and all  
43 instruments, and do and perform any and all acts or things  
44 necessary, convenient or desirable for the purposes of the municipal  
45 authority or to carry out any power expressly given in this act  
46 subject to the "Local Public Contracts Law," P.L.1971, c. 198 (C.  
47 40A:11-1 et seq.); **【and】**

1 (15) To extend credit or make loans to any person for the  
2 planning, designing, acquiring, constructing, reconstructing,  
3 improving, equipping, furnishing, and operating by that person of  
4 any part of a solid waste system, sewage treatment system,  
5 wastewater treatment or collection system for the provision of  
6 services and facilities within or without the district, which in the  
7 case of a solid waste system shall be in a manner consistent with the  
8 "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.)  
9 and in conformance with the solid waste management plans adopted  
10 by the solid waste management districts created therein. The  
11 credits or loans may be secured by loan and security agreements,  
12 mortgages, leases and any other instruments, upon such terms as the  
13 authority shall deem reasonable, including provision for the  
14 establishment and maintenance of reserve and insurance funds, and  
15 to require the inclusion in any mortgage, lease, contract, loan and  
16 security agreement or other instrument, provisions for the  
17 construction, use, operation and maintenance and financing of that  
18 part of the aforementioned systems as the authority may deem  
19 necessary or desirable; and

20 (16) Upon the request of a customer: (i) to offer the customer the  
21 ability to receive or access, in electronic format, any periodic bill  
22 for service sent by the municipal authority to its customers and any  
23 additional information sent by the municipal authority to its  
24 customers as required by law, provided that any notice of  
25 disconnection, discontinuance or termination of service shall be  
26 sent to a customer in written form at the customer's legal mailing  
27 address in addition to being sent or being made available in  
28 electronic format; and (ii) to provide the customer the option of  
29 paying any such periodic bill via electronic means.

30 (cf: P.L.1984, c.178, s.2)

31

32 3. (New section) Upon the request of a customer, a  
33 municipality providing heat, light or power may:

34 a. offer the customer the ability to receive or access, in  
35 electronic format, any periodic bill for service sent by such  
36 municipality to its customers and any additional information sent by  
37 the municipality to its customers as required by law, provided that  
38 any notice of disconnection, discontinuance or termination of  
39 service shall be sent to a customer in written form at the customer's  
40 legal mailing address in addition to being sent or being made  
41 available in electronic format; and

42 b. provide the customer of such municipality the option of  
43 paying any such periodic bill via electronic means.

44

45 4. (New section) Upon the request of a customer, a  
46 municipality that has established a water district and which operates  
47 a water system may:

48 a. offer the customer the ability to receive or access, in

1 electronic format, any periodic bill for service sent by such  
2 municipality to its customers and any additional information sent by  
3 the municipality to its customers as required by law, provided that  
4 any notice of disconnection, discontinuance or termination of water  
5 service shall be sent to a customer in written form at the customer's  
6 legal mailing address in addition to being sent or being made  
7 available in electronic format; and

8 b. provide the customer of such municipality the option of  
9 paying any such periodic bill via electronic means.

10

11 5. (New section) Upon the request of a customer, a water  
12 commission may:

13 a. offer the customer the ability to receive or access, in  
14 electronic format, any periodic bill for service sent by such water  
15 commission to its customers and any additional information sent by  
16 the water commission to its customers as required by law, provided  
17 that any notice of disconnection, discontinuance or termination of  
18 water service shall be sent to a customer in written form at the  
19 customer's legal mailing address in addition to being sent or being  
20 made available in electronic format; and

21 b. provide the customer of such water commission the option  
22 of paying any such periodic bill via electronic means.

23

24 6. N.J.S.40A:26A-5 is amended to read as follows:

25 40A:26A-5. One or more local units adopting an ordinance or  
26 resolution in accordance with N.J.S.40A:26A-4 are authorized and  
27 empowered:

28 a. To acquire, construct, improve, extend, enlarge or  
29 reconstruct and finance sewerage facilities, and to operate, manage  
30 and control all or part of these facilities and all properties relating  
31 thereto;

32 b. To issue bonds of the local unit or units to pay all or part of  
33 the cost of the purchase, construction, improvement, extension,  
34 enlargement or reconstruction of sewerage facilities;

35 c. To receive and accept from the federal or State government,  
36 or any agency or instrumentality thereof, grants or loans for, or in  
37 aid of, the planning, purchase, construction, improvement  
38 extension, enlargement or reconstruction, or financing of sewerage  
39 facilities, and to receive and accept from any source, contributions  
40 or money, property, labor or other things of value to be held, used  
41 and applied only for the purposes for which the grants or loans and  
42 contributions are made;

43 d. To acquire in the name of the local unit or units by gift,  
44 purchase, or by the exercise of the right of eminent domain, lands  
45 and rights and interests therein, including lands under water and  
46 riparian rights, and personal property as may be deemed necessary  
47 for acquisition, construction, improvement, extension, enlargement  
48 or reconstruction, or for the efficient operation of any facilities

1 acquired or constructed under the provisions of **【this act】**  
2 N.J.S.40A:26A-1 et seq. and to hold and dispose of all real and  
3 personal property so acquired;

4 e. To make and enter into all contracts and agreements  
5 necessary or incidental to the performance of the local unit's or  
6 units' duties and the execution of powers authorized under **【this**  
7 **act】** N.J.S.40A:26A-1 et seq., and to employ engineers,  
8 superintendents, managers, attorneys, financial or other consultants  
9 or experts, and other employees and agents as may be deemed  
10 necessary, and to fix their compensation;

11 f. Subject to the provisions and restrictions set forth in the  
12 ordinance or resolution authorizing or securing any bonds issued  
13 under the provisions of **【this act】** N.J.S.40A:26A-1 et seq., to enter  
14 into contracts with the federal or State Government, or any agency  
15 or instrumentality thereof, or with any other local unit, private  
16 corporation, copartnership, association or individual providing for,  
17 or relating to, sewerage services which contracts may provide for  
18 the furnishing of sewerage facility services either by or to the local  
19 unit or units, or the joint construction or operation of sewerage  
20 facilities;

21 g. To fix and collect rates, fees, rents and other charges in  
22 accordance with **【this act】** N.J.S.40A:26A-1 et seq.;

23 h. To prevent toxic pollutants from entering the sewerage  
24 system;

25 i. Upon the request of a customer: (1) to offer the customer the  
26 ability to receive or access, in electronic format, any periodic bill  
27 for service sent by the local unit or units to its customers and any  
28 additional information sent by the local unit or units to its  
29 customers as required by law, provided that any notice of  
30 disconnection, discontinuance or termination of sewerage service  
31 shall be sent to a customer in written form at the customer's legal  
32 mailing address in addition to being sent or being made available in  
33 electronic format; and (2) to provide the customer the option of  
34 paying any such periodic bill via electronic means; and

35 j. To exercise any other powers necessary or incidental to the  
36 effectuation of the general purpose of **【this act】** N.J.S.40A:26A-1 et  
37 seq.

38 (cf: N.J.S.40A:26A-5)

39

40 7. N.J.S.40A:31-5 is amended to read as follows:

41 40A:31-5. One or more local units adopting an ordinance or  
42 resolution in accordance with N.J.S.40A:31-4 are authorized and  
43 empowered:

44 a. Alone or in combination with a private water company or the  
45 State, to acquire, construct, improve, extend, enlarge or reconstruct  
46 and finance water supply facilities, and to operate, manage and

- 1 control all or part of these facilities and all properties relating  
2 thereto;
- 3 b. To issue bonds of the local unit or units to pay all or part of  
4 the cost of the water supply facilities;
- 5 c. To receive and accept from the federal or State government,  
6 or any agency or instrumentality thereof, grants or loans for, or in  
7 aid of, the planning, purchase, construction, improvement,  
8 extension, enlargement or reconstruction, or financing of water  
9 supply facilities, and to receive and accept from any source,  
10 contributions or money, property, labor or other things of value to  
11 be held, used and applied only for the purposes for which the grants  
12 or loans and contributions are made;
- 13 d. To acquire in the name of the local unit or units by gift,  
14 purchase, or by the exercise of the right of eminent domain, such  
15 lands and rights and interests therein, including lands under water  
16 and riparian rights, and such personal property as may be deemed  
17 necessary for acquisition, construction, improvement, extension,  
18 enlargement or reconstruction, or for the efficient operation of any  
19 facilities acquired or constructed under the provisions of **【this act】**  
20 N.J.S.40A:31-1 et seq. and to hold and dispose of all real and  
21 personal property so acquired;
- 22 e. To make and enter into all contracts and agreements  
23 necessary or incidental to the performance of the local unit's or  
24 units' duties and the execution of powers authorized under **【this**  
25 **act】** N.J.S.40A:31-1 et seq., and to employ consulting and other  
26 engineers, superintendents, managers, attorneys, financial or other  
27 consultants or experts, and such other employees and agents as may  
28 be deemed necessary, and to fix their compensation;
- 29 f. Subject to the provisions and restrictions set forth in the  
30 ordinance or resolution authorizing or securing any bonds issued  
31 under the provisions of **【this act】** N.J.S.40A:31-1 et seq., to enter  
32 into contracts with the federal or State government, or any agency  
33 or instrumentality thereof, or with any other local unit, private  
34 corporation, copartnership, association or individual providing for,  
35 or relating to, water supply, which contracts may provide for the  
36 furnishing of water supply services either by or to the local unit or  
37 units, or the joint construction or operation of water supply  
38 facilities;
- 39 g. To fix and collect rates, fees, rents and other charges in  
40 accordance with **【this act】** N.J.S.40A:31-1 et seq.;
- 41 h. Upon the request of a customer: (1) to offer the customer the  
42 ability to receive or access, in electronic format, any periodic bill  
43 for service sent by the local unit or units to its customers and any  
44 additional information sent by the local unit or units to its  
45 customers as required by law, provided that any notice of  
46 disconnection, discontinuance or termination of water service shall  
47 be sent to a customer in written form at the customer's legal mailing



1 address in addition to being sent or being made available in  
2 electronic format; and (2) to provide the customer the option of  
3 paying any such periodic bill via electronic means; and

4 i. To exercise any other powers necessary or incidental to the  
5 effectuation of the general purposes of **[this act]** N.J.S.40A:31-1 et  
6 seq.  
7 (cf: N.J.S.40A:31-5)

8  
9 8. Section 7 of P.L.1981, c.293 (C.58:1B-7) is amended to read  
10 as follows:

11 7. Except as otherwise limited by **[the act]** P.L.1981, c.293  
12 (C.58:1B-1 et seq.), the authority shall have power:

13 a. To sue and be sued.

14 b. To have an official seal and alter the same at pleasure.

15 c. To make and alter bylaws for its organization and internal  
16 management and for the conduct of its affairs and business.

17 d. To maintain an office at such place or places within the State  
18 as it may determine.

19 e. To acquire, lease as lessee or lessor, rent, hold, use and  
20 dispose of real or personal property for its purposes.

21 f. To borrow money and to issue its negotiable bonds and to  
22 secure the same by a mortgage on its property or any part thereof  
23 and otherwise to provide for and secure the payment thereof and to  
24 provide for the rights of the holders thereof.

25 g. To fix and revise from time to time and charge and collect  
26 rents, fees and charges for any of the services rendered by the  
27 authority, which shall be equitably assessed.

28 h. To procure insurance against any losses in connection with  
29 its property, operations or assets in such amounts and from such  
30 insurers as it deems desirable.

31 i. Subject to any agreement with bondholders to invest moneys  
32 of the authority not required for immediate use, including proceeds  
33 from the sale of any bonds, in such obligations, securities and other  
34 investments as the authority shall deem prudent.

35 j. To appoint and employ an executive director and such  
36 additional officers who need not be members of the authority and  
37 accountants, financial advisors or experts and such other or  
38 different officers, agents and employees as it may require and  
39 determine their qualifications, terms of office, duties and  
40 compensation, all without regard to the provisions of Title **[11]**  
41 11A, Civil Service, of the **[Revised]** New Jersey Statutes, except  
42 with respect to those officers and employees of the Water Supply  
43 Facilities Element who are transferred to the authority pursuant to  
44 section 24 of **[this act]** P.L.1981, c.293 (C.58:1B-1 et seq.), and  
45 these officers and employees shall remain subject to the provisions  
46 of that Title.

- 1 k. To contract for and to accept any gifts or grants or loans of  
2 funds or property or financial or other aid in any form from the  
3 United States of America or any agency or instrumentality thereof,  
4 or from the State or any agency, instrumentality or political  
5 subdivision thereof, or from any other source and to comply,  
6 subject to the provisions of **【this act】** P.L.1981, c.293 (C.58:1B-1 et  
7 seq.), with the terms and conditions thereof.
- 8 l. To acquire, hold, rent, lease, use and dispose of real or  
9 personal property in the exercise of its powers and the performance  
10 of its duties under **【this act】** P.L.1981, c.293 (C.58:1B-1 et seq.).
- 11 m. To acquire, subject to the provisions of any other statute, in  
12 the name of the authority by purchase or otherwise, on such terms  
13 and conditions and in such manner as it may deem proper, except  
14 with respect to property owned by the State, by the exercise of the  
15 power of eminent domain, any land and other property, which it  
16 may determine is reasonably necessary for any of its projects and  
17 any and all rights, title and interest in that land and other property,  
18 including, providing there is no prudent and feasible alternative,  
19 public lands, reservations, highways or parkways, owned by or in  
20 which the State or any county, municipality, public corporation, or  
21 other political subdivision of the State has any right, title or interest,  
22 or parts thereof or rights therein and any fee simple absolute or any  
23 lesser interest in private property, and any fee simple absolute in,  
24 easements upon or the benefit of restrictions upon, abutting  
25 property to preserve and protect the project.
- 26 n. To do and perform any acts and things authorized by **【the**  
27 **act】** P.L.1981, c.293 (C.58:1B-1 et seq.) under, through, or by  
28 means of its officers, agents or employees or by contract with any  
29 person.
- 30 o. To establish and enforce rules and regulations for the use  
31 and operation of its projects and the conduct of its activities, and  
32 provide for the policing and the security of its projects.
- 33 p. Upon the request of a customer: (1) to offer the customer the  
34 ability to receive or access, in electronic format, any periodic bill  
35 for service sent by the local unit or units to its customers and any  
36 additional information sent by the local unit or units to its  
37 customers as required by law, provided that any notice of  
38 disconnection, discontinuance or termination of sewerage service  
39 shall be sent to a customer in written form at the customer's legal  
40 mailing address in addition to being sent or being made available in  
41 electronic format; and (2) to provide the customer the option of  
42 paying any such periodic bill via electronic means.
- 43 q. To do any and all things necessary or convenient to carry out  
44 its purposes in accordance with the powers given and granted in  
45 **【the act】** P.L.1981, c.293 (C.58:1B-1 et seq.).  
46 (cf: P.L.1981, c. 293, s. 7)

1 9. (New section) Upon the request of a customer, a district  
2 water supply commission may:

3 a. offer the customer the ability to receive or access, in  
4 electronic format, any periodic bill for service sent by such district  
5 water supply commission to its customers and any additional  
6 information sent by the water commission to its customers as  
7 required by law, provided that any notice of disconnection,  
8 discontinuance or termination of water service shall be sent to a  
9 customer in written form at the customer's legal mailing address in  
10 addition to being sent or being made available in electronic format;  
11 and

12 b. provide the customer of such district water supply  
13 commission the option of paying any such periodic bill via  
14 electronic means.

15  
16 10. (New section) Upon the request of a customer, the Passaic  
17 Valley Sewerage Commissioners may:

18 a. offer the customer the ability to receive or access, in  
19 electronic format, any periodic bill for service sent by such  
20 commissioners to their customers and any additional information  
21 sent by the commissioners to their customers as required by law,  
22 provided that any notice of disconnection, discontinuance or  
23 termination of water service shall be sent to a customer in written  
24 form at the customer's legal mailing address in addition to being  
25 sent or being made available in electronic format; and

26 b. provide the customer the option of paying any such periodic  
27 bill of the commissioners via electronic means.

28  
29 11. This act shall take effect on the 180th day after the date of  
30 enactment, but such public provider of services affected by this act  
31 may take such anticipatory administrative action in advance thereof  
32 as shall be necessary for the implementation of this act.

33  
34

35 STATEMENT

36  
37 This bill permits any public provider of water, sewerage or  
38 electric services to: 1) offer, upon the request of a customer, the  
39 ability to receive in electronic format any periodic bill for service  
40 sent by such provider to its customers and any additional  
41 information sent by the provider to its customers as required by  
42 law; and 2) provide the customer of such provider the option of  
43 paying any such periodic bill via electronic means.

44 The bill also clarifies that any notice of disconnection,  
45 discontinuance or termination of utility service by the provider shall  
46 continue to be sent by regular mail to a customer's legal mailing  
47 address in addition to being sent by electronic notice.

**A911 CHIVUKULA, COUTINHO**

13

1       The entities to which the bill applies are: sewerage authorities;  
2       utilities authorities; municipalities providing light, heat or power;  
3       municipalities establishing water districts; water commissions;  
4       counties and municipalities operating water or sewerage service  
5       facilities; the New Jersey Water Supply Authority; district water  
6       supply commissions; and the Passaic Valley Sewerage Commission.

ASSEMBLY TELECOMMUNICATIONS AND UTILITIES  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 911**

**STATE OF NEW JERSEY**

DATED: FEBRUARY 8, 2010

The Assembly Telecommunications and Utilities Committee reports favorably with committee amendments Assembly Bill No. 911.

As amended, this bill permits any public provider of water, sewerage or electric services to: 1) offer, upon the request of a customer, the ability to receive in electronic format any periodic bill for service sent by such provider to its customers and any additional information sent by the provider to its customers as required by law; and 2) provide the customer of such provider the option of paying any such periodic bill via electronic means.

The bill also clarifies that any notice of disconnection, discontinuance or termination of utility service by the provider shall continue to be sent by regular mail to a customer's legal mailing address in addition to being sent by electronic notice.

The entities to which the bill applies are: sewerage authorities; utilities authorities; municipalities providing light, heat or power; municipalities establishing water districts; water commissions; counties and municipalities operating water or sewerage service facilities; the New Jersey Water Supply Authority; district water supply commissions; the Passaic Valley Sewerage Commission and rural electric cooperatives.

The committee adopted amendments to include a rural electric cooperative as an additional public provider of utility service that would be authorized to offer electronic billing to customers.

This bill was pre-filed for introduction in the 2010-2011 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

# SENATE ECONOMIC GROWTH COMMITTEE

## STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 911**

# **STATE OF NEW JERSEY**

DATED: OCTOBER 14, 2010

The Senate Economic Growth Committee reports favorably Assembly Bill, No. 911 (1R).

This bill permits any public provider of water, sewerage or electric services, upon the request of a customer, to: 1) offer the customer the ability to receive or access, in electronic format, any periodic bill for service sent by such provider to that customer and any additional information sent by the provider to its customers as required by law; and 2) provide the customer of such provider the option of paying any such periodic bill via electronic means. The bill also clarifies that any notice of disconnection, discontinuance or termination of utility service by the provider shall continue to be sent by regular mail to a customer's legal mailing address in addition to being sent by electronic notice.

The entities to which the bill applies are: sewerage authorities; utilities authorities; municipalities providing light, heat or power; municipalities establishing water districts; water commissions; counties and municipalities operating water or sewerage service facilities; the New Jersey Water Supply Authority; district water supply commissions; the Passaic Valley Sewerage Commission; and rural electric cooperatives.

As reported by the committee, Assembly Bill No. 911 (1R) is identical to Senate Bill No. 584 which was amended and also reported by the committee on this date.

# SENATE, No. 584

## STATE OF NEW JERSEY 214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

**Sponsored by:**  
**Senator JAMES BEACH**  
**District 6 (Camden)**

### **SYNOPSIS**

Authorizes public providers of utility services to bill customers electronically upon customers' request.

### **CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



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2

1 AN ACT concerning certain billing practices of public providers of  
2 utility services and amending and supplementing various parts of  
3 the statutory law.  
4

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

8 1. Section 7 of P.L.1946, c.138 (C.40:14A-7) is amended to  
9 read as follows:

10 7. Every sewerage authority shall be a public body politic and  
11 corporate constituting a political subdivision of the State  
12 established as an instrumentality exercising public and essential  
13 governmental functions to provide for the public health and welfare  
14 and shall have perpetual succession and have the following powers:

15 (1) To adopt and have a common seal and to alter the same at  
16 pleasure;

17 (2) To sue and to be sued;

18 (3) In the name of the sewerage authority and on its behalf, to  
19 acquire, hold, use and dispose of its service charges and other  
20 revenues and other moneys;

21 (4) In the name of the sewerage authority but for the local unit  
22 or units, to acquire, hold, use and dispose of other personal property  
23 for the purposes of the sewerage authority;

24 (5) In the name of the sewerage authority but for the local unit  
25 or units, to acquire by purchase, gift, condemnation or otherwise,  
26 real property and easements therein, necessary or useful and  
27 convenient for the purposes of the sewerage authority, and subject  
28 to mortgages, deeds of trust or other liens, or otherwise, and to hold  
29 and to use the same, and to dispose of property so acquired no  
30 longer necessary for the purposes of the sewerage authority;

31 (6) To provide for and secure the payment of any bonds and the  
32 rights of the holders thereof, and to purchase, hold and dispose of  
33 any bonds;

34 (7) To accept gifts or grants of real or personal property, money,  
35 material, labor or supplies for the purposes of the sewerage  
36 authority, and to make and perform such agreements and contracts  
37 as may be necessary or convenient in connection with the  
38 procuring, acceptance or disposition of such gifts or grants;

39 (8) To enter on any lands, waters or premises for the purpose of  
40 making surveys, borings, soundings and examinations for the  
41 purposes of the sewerage authority, and whenever the operation of a  
42 septic tank or other component of an on-site wastewater system  
43 shall result in the creation of pollution or contamination source on  
44 private property such that under the provisions of R.S.26:3-49, a  
45 local board of health would have the authority to notify the owner

**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.**



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1 and require said owner to abate the same, representatives of an  
2 authority shall have the power to enter, at all reasonable times, any  
3 premises on which such pollution or contamination source shall  
4 exist, for the purpose of inspecting, rehabilitating, securing samples  
5 of any discharges, improving, repairing, replacing, or upgrading  
6 such septic tank or other component of an on-site wastewater  
7 system;

8 (9) To establish an inspection program to be performed at least  
9 once every 3 years on all on-site wastewater systems installed  
10 within its district which inspection program shall contain the  
11 following minimum notice provisions: (i) not less than 30 days  
12 prior to the date of the inspection of an on-site wastewater system  
13 as described herein, the authority shall notify the owner and  
14 resident of the property that the inspection will occur; and (ii) not  
15 less than 60 days prior to the date of the performance of any work  
16 other than an inspection, the sewerage authority shall provide notice  
17 to the owner and resident of the property on which the work will be  
18 performed. The notice to be provided to such owner and resident  
19 under this subsection shall include a description of the deficiency  
20 which necessitates the work and the proposed remedial action, and  
21 the proposed date for beginning and duration of the contemplated  
22 remedial action;

23 (10) To prepare and file in the office of the sewerage authority  
24 records of all inspections, rehabilitation, maintenance, and work,  
25 performed with respect to on-site wastewater disposal systems;

26 (11) To make and enforce bylaws or rules and regulations for the  
27 management and regulation of its business and affairs and for the  
28 use, maintenance and operation of the sewerage system and any  
29 other of its properties, and to amend the same;

30 (12) To do and perform any acts and things authorized by this act  
31 under, through or by means of its own officers, agents and  
32 employees, or by contracts with any persons;

33 (13) To enter into any and all contracts, execute any and all  
34 instruments, and do and perform any and all acts or things  
35 necessary, convenient or desirable for the purposes of the sewerage  
36 authority or to carry out any power expressly given in this act  
37 subject to the "Local Public Contracts Law," P.L.1971, c.198  
38 (C.40A:11-1 et seq.); **[and]**

39 (14) To enter into any and all lease agreements with sewerage  
40 authorities, and municipalities, and counties operating sewerage  
41 systems, for the rental of equipment owned by authority and  
42 municipality and/or county, together with the personnel to operate  
43 said equipment; and

44 (15) Upon the request of a customer: (i) to offer the customer the  
45 ability to receive or access, in electronic format, any periodic bill  
46 for service sent by the sewerage authority to its customers and any  
47 additional information sent by the sewerage authority to its

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1 customers as required by law, provided that any notice of  
2 disconnection, discontinuance or termination of sewerage service  
3 shall be sent to a customer in written form at the customer's legal  
4 mailing address in addition to being sent or being made available in  
5 electronic format; and (ii) to provide the customer the option of  
6 paying any such periodic bill via electronic means.

7 (cf: P.L.1980, c.77, s.2)

8

9 2. Section 20 of P.L.1957, c.183 (C.40:14B-20) is amended to  
10 read as follows:

11 20. Every municipal authority shall be a public body politic and  
12 corporate constituting a political subdivision of the State  
13 established as an instrumentality exercising public and essential  
14 governmental functions to provide for the public health and welfare  
15 and shall have perpetual succession and have the following powers:

16 (1) To adopt and have a common seal and to alter the same at  
17 pleasure;

18 (2) To sue and be sued;

19 (3) In the name of the municipal authority and on its behalf, to  
20 acquire, hold, use and dispose of its service charges and other  
21 revenues and other moneys;

22 (4) In the name of the municipal authority but for the local unit  
23 or units, to acquire, rent, hold, lease as lessor, use and dispose of  
24 other personal property for the purposes of the municipal authority;

25 (5) In the name of the municipal authority but for the local unit  
26 or units and subject to the limitations of this act, to acquire by  
27 purchase, gift, condemnation or otherwise, or lease as lessee, real  
28 property and easements therein, necessary or useful and convenient  
29 for the purposes of the municipal authority, and subject to  
30 mortgages, deeds of trust or other liens, or otherwise, and to hold,  
31 lease as lessor, and to use the same, and to dispose of property so  
32 acquired no longer necessary for the purposes of the municipal  
33 authority;

34 (6) To produce, develop, purchase, accumulate, distribute and  
35 sell water and water services, facilities and products within or  
36 without the district, provided that no water shall be sold at retail in  
37 any municipality without the district unless the governing body of  
38 such municipality shall have adopted a resolution requesting the  
39 municipal authority to sell water at retail in such municipality, and  
40 the board of public utility commissioners shall have approved such  
41 resolution as necessary and proper for the public convenience;

42 (7) To provide for and secure the payment of any bonds and the  
43 rights of the holders thereof, and to purchase, hold and dispose of  
44 any bonds;

45 (8) To accept gifts or grants of real or personal property, money,  
46 material, labor or supplies for the purposes of the municipal  
47 authority, and to make and perform such agreements and contracts

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- 1 as may be necessary or convenient in connection with the  
2 procuring, acceptance or disposition of such gifts or grants;
- 3 (9) To enter on any lands, waters or premises for the purpose of  
4 making surveys, borings, soundings and examinations for the  
5 purposes of the municipal authority, and whenever the operation of  
6 a septic tank or other component of an on-site wastewater system  
7 shall result in the creation of pollution or contamination source on  
8 private property such that under the provisions of R.S.26:3-49, a  
9 local board of health would have the authority to notify the owner  
10 and require said owner to abate the same, representatives of an  
11 authority shall have the power to enter, at all reasonable times, any  
12 premises on which such pollution or contamination source shall  
13 exist, for the purpose of inspecting, rehabilitating, securing samples  
14 of any discharges, improving, repairing, replacing, or upgrading  
15 such septic tank or other component of an on-site wastewater  
16 system;
- 17 (10) To establish an inspection program to be performed at least  
18 once every three years on all on-site wastewater systems installed  
19 within the district which inspection program shall contain the  
20 following minimum notice provisions: (i) not less than 30 days  
21 prior to the date of the inspection of any on-site wastewater system  
22 as described herein, the authority shall notify the owner and  
23 resident of the property that the inspection will occur; and (ii) not  
24 less than 60 days prior to the date of the performance of any work  
25 other than an inspection, the municipal authority shall provide  
26 notice to the owner and resident of the property in which the work  
27 will be performed. The notice to be provided to such owner and  
28 resident under this subsection shall include a description of the  
29 deficiency which necessitates the work and the proposed remedial  
30 action, and the proposed date for beginning and duration of the  
31 contemplated remedial action;
- 32 (11) To prepare and file in the office of the municipal authority  
33 records of all inspections, rehabilitation, maintenance, and work,  
34 performed with respect to on-site wastewater disposal systems;
- 35 (12) To make and enforce bylaws or rules and regulations for the  
36 management and regulation of its business and affairs and for the  
37 use, maintenance and operation of the utility system and any other  
38 of its properties, and to amend the same;
- 39 (13) To do and perform any acts and things authorized by this act  
40 under, through or by means of its own officers, agents and  
41 employees, or by contracts with any person;
- 42 (14) To enter into any and all contracts, execute any and all  
43 instruments, and do and perform any and all acts or things  
44 necessary, convenient or desirable for the purposes of the municipal  
45 authority or to carry out any power expressly given in this act  
46 subject to the "Local Public Contracts Law," P.L.1971, c. 198 (C.  
47 40A:11-1 et seq.); **【and】**

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1 (15) To extend credit or make loans to any person for the  
2 planning, designing, acquiring, constructing, reconstructing,  
3 improving, equipping, furnishing, and operating by that person of  
4 any part of a solid waste system, sewage treatment system,  
5 wastewater treatment or collection system for the provision of  
6 services and facilities within or without the district, which in the  
7 case of a solid waste system shall be in a manner consistent with the  
8 "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.)  
9 and in conformance with the solid waste management plans adopted  
10 by the solid waste management districts created therein. The  
11 credits or loans may be secured by loan and security agreements,  
12 mortgages, leases and any other instruments, upon such terms as the  
13 authority shall deem reasonable, including provision for the  
14 establishment and maintenance of reserve and insurance funds, and  
15 to require the inclusion in any mortgage, lease, contract, loan and  
16 security agreement or other instrument, provisions for the  
17 construction, use, operation and maintenance and financing of that  
18 part of the aforementioned systems as the authority may deem  
19 necessary or desirable; and

20 (16) Upon the request of a customer: (i) to offer the customer the  
21 ability to receive or access, in electronic format, any periodic bill  
22 for service sent by the municipal authority to its customers and any  
23 additional information sent by the municipal authority to its  
24 customers as required by law, provided that any notice of  
25 disconnection, discontinuance or termination of service shall be  
26 sent to a customer in written form at the customer's legal mailing  
27 address in addition to being sent or being made available in  
28 electronic format; and (ii) to provide the customer the option of  
29 paying any such periodic bill via electronic means.

30 (cf: P.L.1984, c.178, s.2)

31

32 3. (New section) Upon the request of a customer, a  
33 municipality providing heat, light or power may:

34 a. offer the customer the ability to receive or access, in  
35 electronic format, any periodic bill for service sent by such  
36 municipality to its customers and any additional information sent by  
37 the municipality to its customers as required by law, provided that  
38 any notice of disconnection, discontinuance or termination of  
39 service shall be sent to a customer in written form at the customer's  
40 legal mailing address in addition to being sent or being made  
41 available in electronic format; and

42 b. provide the customer of such municipality the option of  
43 paying any such periodic bill via electronic means.

44

45 4. (New section) Upon the request of a customer, a  
46 municipality that has established a water district and which operates  
47 a water system may:

48 a. offer the customer the ability to receive or access, in

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1 electronic format, any periodic bill for service sent by such  
2 municipality to its customers and any additional information sent by  
3 the municipality to its customers as required by law, provided that  
4 any notice of disconnection, discontinuance or termination of water  
5 service shall be sent to a customer in written form at the customer's  
6 legal mailing address in addition to being sent or being made  
7 available in electronic format; and

8 b. provide the customer of such municipality the option of  
9 paying any such periodic bill via electronic means.

10

11 5. (New section) Upon the request of a customer, a water  
12 commission may:

13 a. offer the customer the ability to receive or access, in  
14 electronic format, any periodic bill for service sent by such water  
15 commission to its customers and any additional information sent by  
16 the water commission to its customers as required by law, provided  
17 that any notice of disconnection, discontinuance or termination of  
18 water service shall be sent to a customer in written form at the  
19 customer's legal mailing address in addition to being sent or being  
20 made available in electronic format; and

21 b. provide the customer of such water commission the option  
22 of paying any such periodic bill via electronic means.

23

24 6. N.J.S.40A:26A-5 is amended to read as follows:

25 40A:26A-5. One or more local units adopting an ordinance or  
26 resolution in accordance with N.J.S.40A:26A-4 are authorized and  
27 empowered:

28 a. To acquire, construct, improve, extend, enlarge or  
29 reconstruct and finance sewerage facilities, and to operate, manage  
30 and control all or part of these facilities and all properties relating  
31 thereto;

32 b. To issue bonds of the local unit or units to pay all or part of  
33 the cost of the purchase, construction, improvement, extension,  
34 enlargement or reconstruction of sewerage facilities;

35 c. To receive and accept from the federal or State government,  
36 or any agency or instrumentality thereof, grants or loans for, or in  
37 aid of, the planning, purchase, construction, improvement  
38 extension, enlargement or reconstruction, or financing of sewerage  
39 facilities, and to receive and accept from any source, contributions  
40 or money, property, labor or other things of value to be held, used  
41 and applied only for the purposes for which the grants or loans and  
42 contributions are made;

43 d. To acquire in the name of the local unit or units by gift,  
44 purchase, or by the exercise of the right of eminent domain, lands  
45 and rights and interests therein, including lands under water and  
46 riparian rights, and personal property as may be deemed necessary  
47 for acquisition, construction, improvement, extension, enlargement  
48 or reconstruction, or for the efficient operation of any facilities

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1 acquired or constructed under the provisions of **【this act】**  
2 N.J.S.40A:26A-1 et seq. and to hold and dispose of all real and  
3 personal property so acquired;

4 e. To make and enter into all contracts and agreements  
5 necessary or incidental to the performance of the local unit's or  
6 units' duties and the execution of powers authorized under **【this**  
7 **act】** N.J.S.40A:26A-1 et seq., and to employ engineers,  
8 superintendents, managers, attorneys, financial or other consultants  
9 or experts, and other employees and agents as may be deemed  
10 necessary, and to fix their compensation;

11 f. Subject to the provisions and restrictions set forth in the  
12 ordinance or resolution authorizing or securing any bonds issued  
13 under the provisions of **【this act】** N.J.S.40A:26A-1 et seq., to enter  
14 into contracts with the federal or State Government, or any agency  
15 or instrumentality thereof, or with any other local unit, private  
16 corporation, copartnership, association or individual providing for,  
17 or relating to, sewerage services which contracts may provide for  
18 the furnishing of sewerage facility services either by or to the local  
19 unit or units, or the joint construction or operation of sewerage  
20 facilities;

21 g. To fix and collect rates, fees, rents and other charges in  
22 accordance with **【this act】** N.J.S.40A:26A-1 et seq.;

23 h. To prevent toxic pollutants from entering the sewerage  
24 system;

25 i. Upon the request of a customer: (1) to offer the customer the  
26 ability to receive or access, in electronic format, any periodic bill  
27 for service sent by the local unit or units to its customers and any  
28 additional information sent by the local unit or units to its  
29 customers as required by law, provided that any notice of  
30 disconnection, discontinuance or termination of sewerage service  
31 shall be sent to a customer in written form at the customer's legal  
32 mailing address in addition to being sent or being made available in  
33 electronic format; and (2) to provide the customer the option of  
34 paying any such periodic bill via electronic means; and

35 j. To exercise any other powers necessary or incidental to the  
36 effectuation of the general purpose of **【this act】** N.J.S.40A:26A-1 et  
37 seq.

38 (cf: N.J.S.40A:26A-5)

39

40 7. N.J.S.40A:31-5 is amended to read as follows:

41 40A:31-5. One or more local units adopting an ordinance or  
42 resolution in accordance with N.J.S.40A:31-4 are authorized and  
43 empowered:

44 a. Alone or in combination with a private water company or the  
45 State, to acquire, construct, improve, extend, enlarge or reconstruct  
46 and finance water supply facilities, and to operate, manage and

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- 1 control all or part of these facilities and all properties relating  
2 thereto;
- 3 b. To issue bonds of the local unit or units to pay all or part of  
4 the cost of the water supply facilities;
- 5 c. To receive and accept from the federal or State government,  
6 or any agency or instrumentality thereof, grants or loans for, or in  
7 aid of, the planning, purchase, construction, improvement,  
8 extension, enlargement or reconstruction, or financing of water  
9 supply facilities, and to receive and accept from any source,  
10 contributions or money, property, labor or other things of value to  
11 be held, used and applied only for the purposes for which the grants  
12 or loans and contributions are made;
- 13 d. To acquire in the name of the local unit or units by gift,  
14 purchase, or by the exercise of the right of eminent domain, such  
15 lands and rights and interests therein, including lands under water  
16 and riparian rights, and such personal property as may be deemed  
17 necessary for acquisition, construction, improvement, extension,  
18 enlargement or reconstruction, or for the efficient operation of any  
19 facilities acquired or constructed under the provisions of **【this act】**  
20 N.J.S.40A:31-1 et seq. and to hold and dispose of all real and  
21 personal property so acquired;
- 22 e. To make and enter into all contracts and agreements  
23 necessary or incidental to the performance of the local unit's or  
24 units' duties and the execution of powers authorized under **【this**  
25 **act】** N.J.S.40A:31-1 et seq., and to employ consulting and other  
26 engineers, superintendents, managers, attorneys, financial or other  
27 consultants or experts, and such other employees and agents as may  
28 be deemed necessary, and to fix their compensation;
- 29 f. Subject to the provisions and restrictions set forth in the  
30 ordinance or resolution authorizing or securing any bonds issued  
31 under the provisions of **【this act】** N.J.S.40A:31-1 et seq., to enter  
32 into contracts with the federal or State government, or any agency  
33 or instrumentality thereof, or with any other local unit, private  
34 corporation, copartnership, association or individual providing for,  
35 or relating to, water supply, which contracts may provide for the  
36 furnishing of water supply services either by or to the local unit or  
37 units, or the joint construction or operation of water supply  
38 facilities;
- 39 g. To fix and collect rates, fees, rents and other charges in  
40 accordance with **【this act】** N.J.S.40A:31-1 et seq.;
- 41 h. Upon the request of a customer: (1) to offer the customer the  
42 ability to receive or access, in electronic format, any periodic bill  
43 for service sent by the local unit or units to its customers and any  
44 additional information sent by the local unit or units to its  
45 customers as required by law, provided that any notice of  
46 disconnection, discontinuance or termination of water service shall  
47 be sent to a customer in written form at the customer's legal mailing

1 address in addition to being sent or being made available in  
2 electronic format; and (2) to provide the customer the option of  
3 paying any such periodic bill via electronic means; and

4 i. To exercise any other powers necessary or incidental to the  
5 effectuation of the general purposes of **【this act】** N.J.S.40A:31-1 et  
6 seq.  
7 (cf: N.J.S.40A:31-5)

8  
9 8. Section 7 of P.L.1981, c.293 (C.58:1B-7) is amended to read  
10 as follows:

11 7. Except as otherwise limited by **【the act】** P.L.1981, c.293  
12 (C.58:1B-1 et seq.), the authority shall have power:

13 a. To sue and be sued.

14 b. To have an official seal and alter the same at pleasure.

15 c. To make and alter bylaws for its organization and internal  
16 management and for the conduct of its affairs and business.

17 d. To maintain an office at such place or places within the State  
18 as it may determine.

19 e. To acquire, lease as lessee or lessor, rent, hold, use and  
20 dispose of real or personal property for its purposes.

21 f. To borrow money and to issue its negotiable bonds and to  
22 secure the same by a mortgage on its property or any part thereof  
23 and otherwise to provide for and secure the payment thereof and to  
24 provide for the rights of the holders thereof.

25 g. To fix and revise from time to time and charge and collect  
26 rents, fees and charges for any of the services rendered by the  
27 authority, which shall be equitably assessed.

28 h. To procure insurance against any losses in connection with  
29 its property, operations or assets in such amounts and from such  
30 insurers as it deems desirable.

31 i. Subject to any agreement with bondholders to invest moneys  
32 of the authority not required for immediate use, including proceeds  
33 from the sale of any bonds, in such obligations, securities and other  
34 investments as the authority shall deem prudent.

35 j. To appoint and employ an executive director and such  
36 additional officers who need not be members of the authority and  
37 accountants, financial advisors or experts and such other or  
38 different officers, agents and employees as it may require and  
39 determine their qualifications, terms of office, duties and  
40 compensation, all without regard to the provisions of Title **【11】**  
41 11A, Civil Service, of the **【Revised】** New Jersey Statutes, except  
42 with respect to those officers and employees of the Water Supply  
43 Facilities Element who are transferred to the authority pursuant to  
44 section 24 of **【this act】** P.L.1981, c.293 (C.58:1B-1 et seq.), and  
45 these officers and employees shall remain subject to the provisions  
46 of that Title.



S584 BEACH

- 1 k. To contract for and to accept any gifts or grants or loans of  
2 funds or property or financial or other aid in any form from the  
3 United States of America or any agency or instrumentality thereof,  
4 or from the State or any agency, instrumentality or political  
5 subdivision thereof, or from any other source and to comply,  
6 subject to the provisions of **【this act】** P.L.1981, c.293 (C.58:1B-1 et  
7 seq.), with the terms and conditions thereof.
- 8 l. To acquire, hold, rent, lease, use and dispose of real or  
9 personal property in the exercise of its powers and the performance  
10 of its duties under **【this act】** P.L.1981, c.293 (C.58:1B-1 et seq.).
- 11 m. To acquire, subject to the provisions of any other statute, in  
12 the name of the authority by purchase or otherwise, on such terms  
13 and conditions and in such manner as it may deem proper, except  
14 with respect to property owned by the State, by the exercise of the  
15 power of eminent domain, any land and other property, which it  
16 may determine is reasonably necessary for any of its projects and  
17 any and all rights, title and interest in that land and other property,  
18 including, providing there is no prudent and feasible alternative,  
19 public lands, reservations, highways or parkways, owned by or in  
20 which the State or any county, municipality, public corporation, or  
21 other political subdivision of the State has any right, title or interest,  
22 or parts thereof or rights therein and any fee simple absolute or any  
23 lesser interest in private property, and any fee simple absolute in,  
24 easements upon or the benefit of restrictions upon, abutting  
25 property to preserve and protect the project.
- 26 n. To do and perform any acts and things authorized by **【the**  
27 **act】** P.L.1981, c.293 (C.58:1B-1 et seq.) under, through, or by  
28 means of its officers, agents or employees or by contract with any  
29 person.
- 30 o. To establish and enforce rules and regulations for the use  
31 and operation of its projects and the conduct of its activities, and  
32 provide for the policing and the security of its projects.
- 33 p. Upon the request of a customer: (1) to offer the customer the  
34 ability to receive or access, in electronic format, any periodic bill  
35 for service sent by the local unit or units to its customers and any  
36 additional information sent by the local unit or units to its  
37 customers as required by law, provided that any notice of  
38 disconnection, discontinuance or termination of sewerage service  
39 shall be sent to a customer in written form at the customer's legal  
40 mailing address in addition to being sent or being made available in  
41 electronic format; and (2) to provide the customer the option of  
42 paying any such periodic bill via electronic means.
- 43 q. To do any and all things necessary or convenient to carry out  
44 its purposes in accordance with the powers given and granted in  
45 **【the act】** P.L.1981, c.293 (C.58:1B-1 et seq.).  
46 (cf: P.L.1981, c. 293, s. 7)

**S584 BEACH**

1 9. (New section) Upon the request of a customer, a district  
2 water supply commission may:

3 a. offer the customer the ability to receive or access, in  
4 electronic format, any periodic bill for service sent by such district  
5 water supply commission to its customers and any additional  
6 information sent by the water commission to its customers as  
7 required by law, provided that any notice of disconnection,  
8 discontinuance or termination of water service shall be sent to a  
9 customer in written form at the customer's legal mailing address in  
10 addition to being sent or being made available in electronic format;  
11 and

12 b. provide the customer of such district water supply  
13 commission the option of paying any such periodic bill via  
14 electronic means.

15  
16 10. (New section) Upon the request of a customer, the Passaic  
17 Valley Sewerage Commissioners may:

18 a. offer the customer the ability to receive or access, in  
19 electronic format, any periodic bill for service sent by such  
20 commissioners to their customers and any additional information  
21 sent by the commissioners to their customers as required by law,  
22 provided that any notice of disconnection, discontinuance or  
23 termination of water service shall be sent to a customer in written  
24 form at the customer's legal mailing address in addition to being  
25 sent or being made available in electronic format; and

26 b. provide the customer the option of paying any such periodic  
27 bill of the commissioners via electronic means.

28  
29 11. This act shall take effect on the 180th day after the date of  
30 enactment, but such public provider of services affected by this act  
31 may take such anticipatory administrative action in advance thereof  
32 as shall be necessary for the implementation of this act.

33  
34

35 **STATEMENT**

36  
37 This bill permits any public provider of water, sewerage or  
38 electric services to: 1) offer, upon the request of a customer, the  
39 ability to receive in electronic format any periodic bill for service  
40 sent by such provider to its customers and any additional  
41 information sent by the provider to its customers as required by  
42 law; and 2) provide the customer of such provider the option of  
43 paying any such periodic bill via electronic means.

44 The bill also clarifies that any notice of disconnection,  
45 discontinuance or termination of utility service by the provider shall  
46 continue to be sent by regular mail to a customer's legal mailing  
47 address in addition to being sent by electronic notice.

**S584 BEACH**

13

1       The entities to which the bill applies are: sewerage authorities;  
2 utilities authorities; municipalities providing light, heat or power;  
3 municipalities establishing water districts; water commissions;  
4 counties and municipalities operating water or sewerage service  
5 facilities; the New Jersey Water Supply Authority; district water  
6 supply commissions; and the Passaic Valley Sewerage Commission.

# SENATE ECONOMIC GROWTH COMMITTEE

## STATEMENT TO

### **SENATE, No. 584**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: OCTOBER 14, 2010

The Senate Economic Growth Committee reports favorably Senate Bill, No. 584 with committee amendments.

This bill, as amended, permits any public provider of water, sewerage or electric services, upon the request of a customer, to: 1) offer the customer the ability to receive or access, in electronic format, any periodic bill for service sent by such provider to that customer and any additional information sent by the provider to its customers as required by law; and 2) provide the customer of such provider the option of paying any such periodic bill via electronic means. The bill also clarifies that any notice of disconnection, discontinuance or termination of utility service by the provider shall continue to be sent by regular mail to a customer's legal mailing address in addition to being sent by electronic notice.

The entities to which the bill applies are: sewerage authorities; utilities authorities; municipalities providing light, heat or power; municipalities establishing water districts; water commissions; counties and municipalities operating water or sewerage service facilities; the New Jersey Water Supply Authority; district water supply commissions; the Passaic Valley Sewerage Commission; and rural electric cooperatives.

The committee adopted amendments to include a rural electric cooperative as an additional public provider of utility service that would be authorized to offer electronic billing to customers.

As amended and reported by the committee, Senate Bill No. 584 is identical to Assembly Bill No. 911 (1R) which was also reported by the committee on this date.

This bill was pre-filed for introduction in the 2010-2011 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.