ASSEMBLY, No. 1893

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

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SYNOPSIS

Directs certain unclaimed electric and gas utility deposits in Unclaimed Utility Deposits Trust Fund and societal charge revenues to be paid to Statewide nonprofit energy assistance organizations meeting certain eligibility criteria.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning certain energy assistance payments from the Unclaimed Utility Deposits Trust Fund and from societal benefits charge revenues and amending R.S.46:30B-74.

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

1. R.S.46:30B-74 is amended to read as follows:

46:30B-74. The administrator shall establish and manage four separate trust funds to be known as the Unclaimed County Deposits Trust Fund, the Unclaimed Child Support Trust Fund, the Unclaimed Utility Deposits Trust Fund, and the Unclaimed Personal Property Trust Fund.

a. All moneys received as unclaimed county deposits and the accretions thereon shall be deposited into the Unclaimed County Deposits Trust Fund. Each year, unless the administrator deems it prudent and advisable to do otherwise, the administrator shall pay to each county, within 45 days of the receipt of such funds, 75% of the unclaimed county deposits received from that county by the administrator. The remaining portion shall be retained in the trust fund, administered and invested by the State Treasurer, and used to pay claims duly presented and allowed and all expenses and costs incurred by the State of New Jersey. If the Unclaimed County Deposits Trust Fund is insufficient to pay specific claims against a county, the administrator shall report the fact to the county governing body and the unpaid claim shall become an affirmative obligation of that county.

Upon the effective date of **[**this act**]** P.L.1992, c.173, any county deposits paid to the administrator between April 18, 1989 and the effective date of **[**this act**]** P.L.1992, c.173 shall be transferred from the Unclaimed Personal Property Trust Fund to the Unclaimed County Deposits Trust Fund.

b. (1) All moneys received in unclaimed property deposits from electric and gas public utilities shall be deposited into the Unclaimed Utility Deposits Trust Fund. Each year, unless the administrator deems it prudent and advisable to do otherwise, the administrator shall pay to **[**the New Jersey Statewide Heating Assistance and Referral for Energy Services (SHARES) nonprofit corporation, or to another**]** a Statewide nonprofit energy assistance organization designated by the Board of Public Utilities within 45 days of the receipt of such funds, 75% of the unclaimed **[**utility**]** property deposits **[**received**]** from **[**each of the**]** electric and gas public utilities received by the administrator. Such payments received from the administrator shall be used exclusively for the

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.

payment of expenses associated with the restoration of electric or gas public utility service, or to prevent the termination of electric or gas public utility service provided to electric or gas public utility ratepayers seeking assistance from [New Jersey SHARES, or an equivalent] a Statewide nonprofit energy assistance organization [designated by the Board of Public Utilities]. The remaining portion shall be retained in the trust fund, administered and invested by the State Treasurer, and used to pay claims duly presented and allowed and all expenses and costs incurred by the State of New Jersey.

(2) Upon the effective date of P.L.2000, c.132 (C.48:2-29.38 et al.), any unclaimed property deposits [held by] from electric and gas public utilities paid to the administrator between July 1, 1998 and the effective date of [this act] P.L.2000, c.132 (C.48:2-29.38 et al.) shall be transferred from the Unclaimed Personal Property Trust Fund to the Unclaimed Utility Deposits Trust Fund.

(3) Within 10 months after the administrator has completed the disbursement of grant monies to a Statewide nonprofit energy assistance organization designated by the Board of Public Utilities pursuant to this subsection, and annually thereafter, the Statewide nonprofit energy assistance organization shall issue a report to the Board of Public Utilities, which shall provide:

(a) the number of applicants applying for household electric and gas public utility assistance grants;

(b) the number of households receiving electric and gas public utility assistance grants;

(c) the average amount of assistance provided to households;

(d) the average gross income of households receiving assistance;

(e) the methods and procedures used for the verification of household income or hardship; and

(f) any other information as required by the board.

The Board of Public Utilities shall thereupon submit the report to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature.

c. All other moneys received as unclaimed property presumed abandoned, the accretions thereon, and the proceeds of sale of unclaimed property shall be deposited into the Unclaimed Personal Property Trust Fund. Unless the administrator deems it prudent and advisable to do otherwise, 75% of all funds received shall be transferred to the General State Fund. The remaining portion shall be retained in the trust fund, administered and invested by the State Treasurer, and used to pay claims duly presented and allowed and all expenses and costs incurred by the State of New Jersey.

Upon the effective date of [this act] the "Uniform Unclaimed Property Act," R.S.46:30B-1 et seq., all funds and assets of the trust funds established pursuant to N.J.S.2A:37-41, section 8 of P.L.1945, c.199 (C.17:9-25), and N.J.S.17B:31-7, shall be

transferred to and become part of the Unclaimed Personal Property Trust Fund established by [this act] R.S.46:30B-1 et seq., which shall be responsible for payment of any allowed claims for restitution of unclaimed property paid into those three funds.

d. All moneys received as abandoned child support and the accretions thereon shall be deposited in the Unclaimed Child Support Trust Fund. Each year, the administrator shall pay to the judiciary, within 45 days of the receipt of such funds, the federal government's Title IV-D share of the abandoned child support received from the Probation Division of the Superior Court. The remaining portions shall be retained in the trust fund, administered and invested by the State Treasurer, and used to pay claims duly presented and allowed and all expenses and costs incurred by the State of New Jersey. If the Unclaimed Child Support Trust Fund is insufficient to pay specific claims against a county, the administrator shall report the fact to the judiciary and the unpaid claim shall become an affirmative obligation of the judiciary.

Upon the effective date of P.L.1995, c.115, any abandoned child support paid to the administrator between April 18, 1989 and that effective date shall be transferred from the Unclaimed Personal Property Trust Fund to the Unclaimed Child Support Trust Fund.

e. As used in this section:

(1) "County deposits" means the proceeds of a judgment received in favor of a minor and placed under the control of a county surrogate or any devise or distribution from an estate paid into the county surrogate's court prior to April 14, 1989; any unclaimed bail and any interest thereon deposited prior to January 1, 1995 and 50% of any unclaimed bail and any interest thereon deposited after January 1,1995;

(2) "Abandoned child support" means any payments for the support of a child or a child and the custodial parent paid to the Probation Division of the Superior Court pursuant to a court order that could not be distributed to the payee or returned to the payor within one year of its receipt;

(3) "Title IV-D" means Part D, "Child Support and Establishment of Paternity," of subchapter IV of the Social Security Act (42 U.S.C. 651 et seq.) under which states receive partial federal reimbursement of their administrative expenses for establishing paternity and collecting child support;

(4) "Unclaimed property deposits from electric and gas public utilities" means any unclaimed deposits held by electric and gas public utilities in accordance with the requirements of R.S.46:30B-29 [and], any unclaimed stock and dividends of electric and gas public utilities in accordance with the requirements of R.S.46:30B-31 [and], any unclaimed wages of electric and gas public utilities in accordance with the requirements of R.S.46:30B-44, and any other unclaimed property of electric and gas public utilities in accordance with the requirements of R.S.46:30B-7; and

(5) "Statewide nonprofit energy assistance organization" means a nonprofit energy assistance organization having:

(a) a network of no less than 200 partner organizations that collectively have a physical presence in every county in this State, providing secure, online, or in-person grant application access;

(b) a board of directors comprised of not less than five electric or gas public utility representatives; and

(c) an on-site customer service call center providing access to assistance offered in a minimum of 150 languages.

(cf: P.L.2000, c.132, s.5)

2. (New section) a. Notwithstanding any provision to the contrary of section 12 of P.L.1999, c.23 (C.48:3-60) or any law, rule, regulation, or order adopted pursuant thereto, in the fiscal year commencing July 1, 2018, the Board of Public Utilities shall, from available balances accumulated in accounts of the board from funds collected through the societal benefits charge imposed pursuant to that section, allocate $25,000,000 to fund the issuance of grants to help pay the electric and gas public utility bills of households seeking temporary assistance from a Statewide nonprofit energy assistance organization with:

(1) a network of no less than 200 partner organizations that collectively have a physical presence in every county in this State, providing secure, online, or in-person grant application access;

(2) a board of directors comprised of not less than five electric or gas public utility representatives; and

(3) an on-site customer service call center providing access to assistance offered in a minimum of 150 languages.

b. Within one year after the board has completed the disbursement of grant monies to a Statewide nonprofit energy assistance organization as required under this section, the Statewide nonprofit energy assistance organization shall issue a report to the board, which shall provide:

(1) the number of applicants applying for household electric and gas public utility assistance grants;

(2) the number of households receiving electric and gas public utility assistance grants;

(3) the average amount of assistance provided to households;

(4) the average gross income of households receiving assistance;

(5) the methods and procedures used for the verification of household income or hardship; and

(6) any other information as required by the board.

c. The board shall thereupon submit the report to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature.

3. Section 1 of this act shall take effect immediately, but shall remain inoperative for 60 days following the date of enactment.

Section 2 of this act shall take effect on July 1, 2019 and shall expire on the 30th day following submission to the Governor and the Legislature of the report required to be issued pursuant to section 2 of this act.

STATEMENT

This bill requires that unclaimed property deposits from an electric or gas public utility (utility) in the Unclaimed Utility Deposits Trust Fund (trust fund) be paid to a Statewide nonprofit energy assistance organization (assistance organization) meeting certain criteria. Under the bill, in order to be eligible to receive trust fund monies, an assistance organization designated by the Board of Public Utilities (BPU) is required to: 1) have a network of no less than 200 partner organizations that collectively have a physical presence in every county in this State, providing secure, online or in-person grant application access; 2) have a board of directors comprised of not less than five utility representatives; and 3) have an on-site customer service call center providing access to assistance offered in a minimum of 150 languages. Within 10 months after the trust fund administrator disburses grant monies to the assistance organization designated by the BPU, and annually thereafter, the assistance organization is to issue a report to the BPU providing the number of applicants applying for household utility assistance grants, the number of households receiving utility assistance grants, the average amount of assistance provided to households, the average gross income of households receiving assistance, the methods and procedures used for the verification of household income or hardship, and any other information the BPU requires.

Further, the bill provides that for the State fiscal year starting on July 1, 2018, the BPU is to dedicate $25 million from available balances collected through the societal benefits charge to provide grants to help pay the utility bills of households seeking temporary assistance from an assistance organization having the same qualifications required for payments of the trust fund as described above. Within one year after the BPU completes the disbursement of grant monies to the assistance organization, the assistance organization is to issue a report to the BPU providing the same information, as is also required in the annual report required for the receipt of payments from the trust fund as described above.