

ASSEMBLY, No. 2840

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

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District 33 (Hudson)

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SYNOPSIS

Directs certain unclaimed water public utility deposits in Unclaimed Utility Deposits Trust Fund be paid to Statewide nonprofit public utility assistance organizations meeting certain eligibility criteria.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 8/10/2020)

1 AN ACT concerning the establishment and funding of a public
2 utility assistance program and amending the title and body of
3 P.L.2000, c.132 and amending R.S.46:30B-74.

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

7
8 1. The title of P.L.2000, c.132 (C.48:2-29.38 et seq.) is
9 amended to read as follows:

10 AN ACT concerning the establishment and funding of **[an energy]** a
11 public utility assistance program, supplementing Title 48 of the
12 Revised Statutes, and amending R.S.46:30B-74 and R.S.46:30B-
13 75.
14 (cf: P.L.2000, c.132, title)

15
16 2. Section 1 of P.L.2000, c.132 (C.48:2-29.38) is amended to
17 read as follows:

18 1. The Legislature finds and declares that certain citizens of the
19 State may find it difficult to pay for **[energy]** public utility services
20 because of a temporary financial reversal, medical crisis or other
21 family problem; and that nonprofit **[energy]** public utility
22 assistance organizations such as New Jersey Statewide Heating
23 Assistance and Referral for Energy Services (SHARES), have been
24 formed, joining together various nonprofit human service agencies
25 and the major energy and water public utilities in the State to raise
26 money through contributions of the members and others to provide
27 temporary financial assistance to needy customers that may have
28 exhausted all other available resources.

29 The Legislature therefore determines that it serves a public
30 purpose to provide supplemental funding to such Statewide
31 nonprofit **[energy]** public utility assistance organizations from the
32 unclaimed property held by the electric **[and]**, gas, and water public
33 public utilities in the State.
34 (cf: P.L.2000, c.132, s.1)

35
36 3. Section 2 of P.L.2000, c.132 (C.48:2-29.39) is amended to
37 read as follows:

38 2. The Board of Public Utilities shall designate an established
39 Statewide nonprofit **[energy]** public utility assistance organization
40 representing the State's major electric **[and]**, gas, and water public
41 utilities and human service nonprofit groups to receive
42 supplemental funding from unclaimed property held by the State's
43 electric **[and]**, gas, and water public utilities that is transferred to
44 the State in accordance with the requirements of R.S.46:30B-74.
45 (cf: P.L.2000, c.132, s.2)

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 4. Section 3 of P.L.2000, c.132 (C.48:2-29.40) is amended to
2 read as follows:

3 3. The Statewide nonprofit **【energy】** public utility assistance
4 organization receiving such funding from the State shall utilize the
5 funds to provide temporary financial assistance to residential
6 customers having short-term difficulties paying their **【energy】**
7 electric, gas, or water public utility bills after such customers have
8 exhausted all other available **【energy】** public utility assistance
9 resources. The organization shall develop and file with the Board
10 of Public Utilities the eligibility criteria for customers to receive
11 **【energy】** public utility assistance grants. The organization shall
12 also file annually with the Board of Public Utilities and the
13 Legislature a detailed report on the use of the funds received from
14 the State and the number of recipients and amount of **【energy】**
15 public utility assistance grants.

16 (cf: P.L.2000, c.132, s.3)

17

18 5. Section 4 of P.L.2000, c.132 (C.48:2-29.41) is amended to
19 read as follows:

20 4. The Board of Public Utilities is authorized to promulgate,
21 pursuant to **【law, such】** the “Administrative Procedure Act,”
22 P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations as may
23 be necessary to effectuate the **【purpose】** purposes of **【this act】**
24 P.L.2000, c.132 (C.48:2-29.38 et al.).

25 (cf: P.L.2000, c.132, s.4)

26

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

28 46:30B-74. The administrator shall establish and manage four
29 separate trust funds to be known as the Unclaimed County Deposits
30 Trust Fund, the Unclaimed Child Support Trust Fund, the
31 Unclaimed Utility Deposits Trust Fund, and the Unclaimed Personal
32 Property Trust Fund.

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

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

6 b. All moneys received in unclaimed property deposits from
7 electric **[and]**, gas, and water public utilities shall be deposited into
8 the Unclaimed Utility Deposits Trust Fund. Each year, unless the
9 administrator deems it prudent and advisable to do otherwise, the
10 administrator shall pay to **[the New Jersey Statewide Heating**
11 **Assistance and Referral for Energy Services (SHARES) nonprofit**
12 **corporation, or to another]** a Statewide nonprofit [energy] public
13 utility assistance organization designated by the Board of Public
14 Utilities within 45 days of the receipt of such funds, 75% of the
15 unclaimed **[utility]** property deposits **[received]** from **[each of**
16 **the]** electric **[and]**, gas, and water public utilities received by the
17 administrator. Such payments received from the administrator shall
18 be used exclusively for the payment of expenses associated with the
19 restoration of electric **[or]**, gas, and water public utility service, or
20 to prevent the termination of electric **[or]**, gas, and water public
21 utility service provided to electric, gas, or water public utility
22 ratepayers seeking assistance from **[New Jersey SHARES, or an**
23 **equivalent]** a Statewide nonprofit [energy] public utility assistance
24 organization **[designated by the Board of Public Utilities]**. The
25 remaining portion shall be retained in the trust fund, administered
26 and invested by the State Treasurer, and used to pay claims duly
27 presented and allowed and all expenses and costs incurred by the
28 State of New Jersey.

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

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

44 Upon the effective date of **[this act]** the “Uniform Unclaimed
45 Property Act,” R.S.46:30B-1 et seq., all funds and assets of the trust
46 funds established pursuant to N.J.S.2A:37-41, section 8 of

1 P.L.1945, c.199 (C.17:9-25), and N.J.S.17B:31-7, shall be
2 transferred to and become part of the Unclaimed Personal Property
3 Trust Fund established by **【this act】** R.S.46:30B-1 et seq., which
4 shall be responsible for payment of any allowed claims for
5 restitution of unclaimed property paid into those three funds.

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

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

23 e. As used in this section:

24 (1) "County deposits" means the proceeds of a judgment
25 received in favor of a minor and placed under the control of a
26 county surrogate or any devise or distribution from an estate paid
27 into the county surrogate's court prior to April 14, 1989; any
28 unclaimed bail and any interest thereon deposited prior to January
29 1, 1995 and 50% of any unclaimed bail and any interest thereon
30 deposited after January 1, 1995;

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

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

41 (4) "Unclaimed property deposits from electric **【and】**, gas, and
42 water public utilities" means any unclaimed deposits held by
43 electric **【and】**, gas, and water public utilities in accordance with the
44 requirements of R.S.46:30B-29 **【and】**, any unclaimed stock and
45 dividends of electric **【and】**, gas, and water public utilities in
46 accordance with the requirements of R.S.46:30B-31 **【and】**, any
47 unclaimed wages of electric **【and】**, gas, and water public utilities in

1 accordance with the requirements of R.S.46:30B-44, and any other
2 unclaimed property of electric ~~and~~, gas, and water public utilities
3 in accordance with the requirements of R.S.46:30B-7;

4 (5) “Qualified ratepayers” means electric, gas, and water public
5 utility ratepayers meeting certain income requirements as
6 established by the board; and

7 (6) “Statewide nonprofit public utility assistance organization”
8 means a nonprofit organization providing electric, gas, and water
9 public utility payment assistance to qualified ratepayers and having:

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

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

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

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

18
19 7. This act shall take effect immediately, but shall not be
20 construed to impair any vested right or obligation under any
21 contract entered into prior to the date of enactment.

22 23 24 STATEMENT

25
26 This bill requires that unclaimed property from water public
27 utilities in the Unclaimed Utility Deposits Trust Fund (trust fund)
28 be paid to a Statewide nonprofit public utility assistance
29 organization (assistance organization) meeting certain criteria. The
30 bill makes certain clarifying changes to the requirement that
31 unclaimed property from electric and gas public utilities in the trust
32 fund and, as added by the bill, water public utilities, are to be paid
33 to an assistance organization meeting identical criteria. Under the
34 bill, in order to be eligible to receive trust fund monies, an
35 assistance organization designated by the Board of Public Utilities
36 is required to provide electric, gas, and water public utility payment
37 assistance to qualified ratepayers and having: 1) a network of no
38 less than 200 partner organizations that collectively have a physical
39 presence in every county in this State providing secure, online or in-
40 person grant application access; 2) a board of directors comprised
41 of not less than five electric or gas public utility representatives;
42 and 3) an on-site customer service call center providing access to
43 assistance offered in a minimum of 150 languages.