SENATE, No. 1678

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:
Senator NILSA CRUZ-PEREZ
District 5 (Camden and Gloucester)
Senator DAWN MARIE ADDIEGO
District 8 (Atlantic, Burlington and Camden)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.

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 payment of expenses associated with the restoration of electric or

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.

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.

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.

(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, 2019, the Board of Public Utilities shall allocate, from available balances accumulated in accounts of the board from funds collected through the societal benefits charge imposed pursuant to that section, $2,500,000 to fund the issuance of grants to be used exclusively for the 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 and gas public utility ratepayers seeking temporary assistance from a Statewide nonprofit energy assistance organization designated by the board following an open and competitive application process.

3. (New section) Within 18 months of the effective date of P.L. , c. (pending before the Legislature as this bill), the Board

of Public Utilities shall issue a report to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature on the electric and gas public utility assistance programs funded from the Unclaimed Utility Deposits Trust Fund pursuant to R.S.46:30B-74 and the societal benefits charge pursuant to section 2 of P.L. , c. (pending before the Legislature as this bill) and provide recommendations to maximize the availability and efficiency of the utility assistance programs. The report shall include, but not be limited to:

(1) an evaluation of the total amount of money spent by the State on the utility assistance programs, the average amount of utility assistance received per household, the total number of applicants that apply for the utility assistance programs, including the total number of eligible recipients, information on why an applicant may have been denied utility assistance funds, the average income level of utility assistance program applicants, the number of applicants who are at risk of a termination of utility service or who were subject to a termination of utility service, the methods and procedures used to verify household income or hardship and eligibility, public awareness of the utility assistance programs throughout the State, outreach efforts to promote the utility assistance programs throughout the State, accessibility of locations to apply for the utility assistance programs throughout the State, best practices on administering similar utility assistance programs from other states, the processes used to verify how the funds are being used, and any other information that the board determines is relevant to the subject of this report; and

(2) recommendations on how to streamline and administer the utility assistance programs to be more efficient, eliminate barriers to participation in the utility assistance programs, provide alternate methods for determining eligibility to expand access and maximize availability of the utility assistance programs to more eligible applicants, and increase outreach and awareness of the utility assistance programs.

4. This act shall take effect immediately, and section 2 shall expire upon the disbursement of the total amount of funds to applicants of the utility assistance program.

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) designated by the Board of Public Utilities (BPU).

Further, the bill provides that for the State fiscal year starting on July 1, 2019, the BPU is to dedicate $2.5 million from available balances collected through the societal benefits charge to provide grants to be used exclusively for the 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 and gas public utility ratepayers seeking temporary assistance from a Statewide nonprofit energy assistance organization designated by the board following an open and competitive application process.

Within 18 months of the effective date of the bill, the BPU is to issue a report to the Governor and Legislature on the utility assistance programs funded by money from the trust fund and the societal benefits charge and provide recommendations to maximize the availability and efficiency of the utility assistance programs. The report is to include, but not be limited to:

1) an evaluation of the total amount of money spent by the State on the utility assistance programs, the average amount of utility assistance received per household, the total number of applicants that apply for the utility assistance programs, including the total number of eligible recipients, information on why an applicant may have been denied utility assistance funds, the average income level of utility assistance program applicants, the number of applicants who are at risk of a termination of utility service or who were subject to a termination of utility service, the methods and procedures used to verify household income or hardship and eligibility, public awareness of the utility assistance programs throughout the State, outreach efforts to promote the utility assistance programs throughout the State, accessibility of locations to apply for the utility assistance programs throughout the State, best practices on administering similar utility assistance programs from other states, the processes used to verify how the funds are being used, and any other information that the board determines is relevant to the subject of this report; and

2) recommendations on how to streamline and administer the utility assistance programs to be more efficient, eliminate barriers to participation in the utility assistance programs, provide alternate methods for determining eligibility to expand access and maximize availability of the utility assistance programs to more eligible applicants, and increase outreach and awareness of the utility assistance programs.