

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.



1 AN ACT concerning certain energy assistance payments from the
2 Unclaimed Utility Deposits Trust Fund and from societal
3 benefits charge revenues, 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. R.S.46:30B-74 is amended to read as follows:

9 46:30B-74. The administrator shall establish and manage four
10 separate trust funds to be known as the Unclaimed County Deposits
11 Trust Fund, the Unclaimed Child Support Trust Fund, the
12 Unclaimed Utility Deposits Trust Fund, and the Unclaimed Personal
13 Property Trust Fund.

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

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

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

1 gas public utility service, or to prevent the termination of electric or
2 gas public utility service provided to electric or gas public utility
3 ratepayers seeking assistance from **【New Jersey SHARES, or an**
4 **equivalent】** a Statewide nonprofit energy assistance organization
5 designated by the Board of Public Utilities. The remaining portion
6 shall be retained in the trust fund, administered and invested by the
7 State Treasurer, and used to pay claims duly presented and allowed
8 and all expenses and costs incurred by the State of New Jersey.

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

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

24 Upon the effective date of **【this act】** the “Uniform Unclaimed
25 Property Act,” R.S.46:30B-1 et seq., all funds and assets of the trust
26 funds established pursuant to N.J.S.2A:37-41, section 8 of
27 P.L.1945, c.199 (C.17:9-25), and N.J.S.17B:31-7, shall be
28 transferred to and become part of the Unclaimed Personal Property
29 Trust Fund established by **【this act】** R.S.46:30B-1 et seq., which
30 shall be responsible for payment of any allowed claims for
31 restitution of unclaimed property paid into those three funds.

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

45 Upon the effective date of P.L.1995, c.115, any abandoned child
46 support paid to the administrator between April 18, 1989 and that

1 effective date shall be transferred from the Unclaimed Personal
2 Property Trust Fund to the Unclaimed Child Support Trust Fund.

3 e. As used in this section:

4 (1) "County deposits" means the proceeds of a judgment
5 received in favor of a minor and placed under the control of a
6 county surrogate or any devise or distribution from an estate paid
7 into the county surrogate's court prior to April 14, 1989; any
8 unclaimed bail and any interest thereon deposited prior to January
9 1, 1995 and 50% of any unclaimed bail and any interest thereon
10 deposited after January 1, 1995;

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

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

21 (4) "Unclaimed property deposits from electric and gas public
22 utilities" means any unclaimed deposits held by electric and gas
23 public utilities in accordance with the requirements of R.S.46:30B-
24 29 **[and]**, any unclaimed stock and dividends of electric and gas
25 public utilities in accordance with the requirements of R.S.46:30B-
26 31 **[and]**, any unclaimed wages of electric and gas public utilities
27 in accordance with the requirements of R.S.46:30B-44, and any
28 other unclaimed property of electric and gas public utilities in
29 accordance with the requirements of R.S.46:30B-7.

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

31
32 2. (New section) a. Notwithstanding any provision to the
33 contrary of section 12 of P.L.1999, c.23 (C.48:3-60) or any law,
34 rule, regulation, or order adopted pursuant thereto, in the fiscal year
35 commencing July 1, 2019, the Board of Public Utilities shall
36 allocate, from available balances accumulated in accounts of the
37 board from funds collected through the societal benefits charge
38 imposed pursuant to that section, \$2,500,000 to fund the issuance of
39 grants to be used exclusively for the payment of expenses
40 associated with the restoration of electric or gas public utility
41 service, or to prevent the termination of electric or gas public utility
42 service provided to electric and gas public utility ratepayers seeking
43 temporary assistance from a Statewide nonprofit energy assistance
44 organization designated by the board following an open and
45 competitive application process.

46
47 3. (New section) Within 18 months of the effective date of
48 P.L. , c. (pending before the Legislature as this bill), the Board

1 of Public Utilities shall issue a report to the Governor and, pursuant
2 to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature on
3 the electric and gas public utility assistance programs funded from
4 the Unclaimed Utility Deposits Trust Fund pursuant to R.S.46:30B-
5 74 and the societal benefits charge pursuant to section 2 of P.L. ,
6 c. (pending before the Legislature as this bill) and provide
7 recommendations to maximize the availability and efficiency of the
8 utility assistance programs. The report shall include, but not be
9 limited to:

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

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

35
36 4. This act shall take effect immediately, and section 2 shall
37 expire upon the disbursement of the total amount of funds to
38 applicants of the utility assistance program.

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41 STATEMENT

42
43 This bill requires that unclaimed property deposits from an electric
44 or gas public utility (utility) in the Unclaimed Utility Deposits Trust
45 Fund (trust fund) be paid to a Statewide nonprofit energy assistance
46 organization (assistance organization) designated by the Board of
47 Public Utilities (BPU).

1 Further, the bill provides that for the State fiscal year starting on
2 July 1, 2019, the BPU is to dedicate \$2.5 million from available
3 balances collected through the societal benefits charge to provide
4 grants to be used exclusively for the payment of expenses associated
5 with the restoration of electric or gas public utility service, or to
6 prevent the termination of electric or gas public utility service
7 provided to electric and gas public utility ratepayers seeking
8 temporary assistance from a Statewide nonprofit energy assistance
9 organization designated by the board following an open and
10 competitive application process.

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

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

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