SENATE, No. 2140

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:
Senator CHRISTOPHER "KIP" BATEMAN
District 16 (Hunterdon, Mercer, Middlesex and Somerset)
Senator BOB SMITH
District 17 (Middlesex and Somerset)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 12/14/2020)

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

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

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

AN ACT concerning the establishment and funding of **[**an energy**]** a utility assistance program, supplementing Title 48 of the Revised Statutes, and amending R.S.46:30B-74 and R.S.46:30B-75.

(cf: P.L.2000, c.132, title)

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

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

The Legislature therefore determines that it serves a public purpose to provide supplemental funding to such Statewide nonprofit **[**energy**]** utility assistance organizations from the unclaimed property held by the electric **[**and**]**, gas, and water public utilities in the State.

(cf: P.L.2000, c.132, s.1)

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

2. The Board of Public Utilities shall designate an established Statewide nonprofit **[**energy**]** utility assistance organization representing the State's major electric **[**and**]**, gas, and water public utilities and human service nonprofit groups to receive supplemental funding from unclaimed property held by the State's electric **[**and**]**, gas, and water public utilities that is transferred to the State in accordance with the requirements of R.S.46:30B-74.

(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.

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

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

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

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

4. The Board of Public Utilities is authorized to promulgate, pursuant to law, such rules and regulations as may be necessary to effectuate the purpose of **[**this act**]** P.L.2000, c.132 (C.48:2-29.38 et seq.).

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

6. 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. All moneys received in unclaimed property deposits from electric [and], gas, and water 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] utility 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, and water 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], gas, and water public utility service, or to prevent the termination of electric [or], gas, and water public utility service provided to electric, gas, or water public utility ratepayers seeking assistance from [New Jersey SHARES, or an equivalent] a Statewide nonprofit [energy] utility 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.

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

unclaimed property of electric [and], gas, and water public utilities in accordance with the requirements of R.S.46:30B-7;

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

(6) "Statewide nonprofit utility assistance organization" means a nonprofit organization providing electric, gas, and water public utility payment assistance to qualified ratepayers and 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)

7. This act shall take effect immediately, but shall remain inoperative for 60 days following the date of enactment.

STATEMENT

This bill requires that unclaimed property from water public utilities in the Unclaimed Utility Deposits Trust Fund (trust fund) be paid to a Statewide nonprofit utility assistance organization (assistance organization) meeting certain criteria. The bill makes certain clarifying changes to the requirement that unclaimed property from electric and gas public utilities in the trust fund and, as added by the bill, water public utilities, are to be paid to an assistance organization meeting identical criteria. Under the bill, in order to be eligible to receive trust fund monies, an assistance organization designated by the Board of Public Utilities is required to provide electric, gas, and water public utility payment assistance to qualified ratepayers and having: 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.