

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 3096 and 4049

STATE OF NEW JERSEY
218th LEGISLATURE

ADOPTED SEPTEMBER 24, 2018

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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 meeting certain eligibility criteria.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on January 28, 2019, with amendments.

(Sponsorship Updated As Of: 2/1/2019)

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⁽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

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAP committee amendments adopted January 28, 2019.

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

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

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

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

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

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

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

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

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

33 The Board of Public Utilities shall thereupon submit the report to
34 the Governor and, pursuant to section 2 of P.L.1991, c.164
35 (C.52:14-19.1), to the Legislature.¹

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

45 Upon the effective date of **【this act】** the “Uniform Unclaimed
46 Property Act,” R.S.46:30B-1 et seq., all funds and assets of the trust
47 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 public
42 utilities" means any unclaimed deposits held by electric and gas
43 public utilities in accordance with the requirements of R.S.46:30B-
44 29 **[and]**, any unclaimed stock and dividends of electric and gas
45 public utilities in accordance with the requirements of R.S.46:30B-
46 31 **[and]**, any unclaimed wages of electric and gas public utilities
47 in accordance with the requirements of R.S.46:30B-44, and any

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

3 (5) “Statewide nonprofit energy assistance organization” means
4 a nonprofit energy assistance organization having:

5 (a) a network of no less than 200 partner organizations
6 ¹【throughout all 21 counties】 that collectively have a physical
7 presence in every county¹ in this State, providing secure, online, or
8 in-person grant application access;

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

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

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

14

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

25 (1) a network of no less than 200 partner organizations
26 ¹【throughout all 21 counties】 that collectively have a physical
27 presence in every county¹ in this State, providing secure, online, or
28 in-person grant application access;

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

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

33 b. Within one year after the board has completed the
34 disbursement of grant monies to a Statewide nonprofit energy
35 assistance organization as required under this section, the Statewide
36 nonprofit energy assistance organization shall issue a report to the
37 board ^{1,1} which shall provide:

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

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

42 (3) the average amount of assistance provided ¹to households¹;

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

44 (5) the methods and procedures used for the verification of
45 ¹household¹ income or hardship; and

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

1 c. The board shall thereupon submit the report to the Governor
2 and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
3 Legislature.
4
5 3. Section 1 of this act shall take effect immediately, but shall
6 remain inoperative for 60 days following the date of enactment.
7 Section 2 of this act shall take effect on July 1, ~~'[2018]~~ 2019¹ and
8 shall expire on the 30th day following submission to the Governor
9 and the Legislature of the report required to be issued pursuant to
10 section 2 of this act.