

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 3096 and 4049

STATE OF NEW JERSEY
218th LEGISLATURE

ADOPTED SEPTEMBER 24, 2018

Sponsored by:

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblyman JOHN ARMATO

District 2 (Atlantic)

Assemblywoman YVONNE LOPEZ

District 19 (Middlesex)

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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

Substitute as adopted by the Assembly Telecommunications and Utilities Committee.

(Sponsorship Updated As Of: 1/29/2019)

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. All moneys received in unclaimed property deposits from
34 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

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

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

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

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

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

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

5 e. As used in this section:

6 (1) "County deposits" means the proceeds of a judgment
7 received in favor of a minor and placed under the control of a
8 county surrogate or any devise or distribution from an estate paid
9 into the county surrogate's court prior to April 14, 1989; any
10 unclaimed bail and any interest thereon deposited prior to January
11 1, 1995 and 50% of any unclaimed bail and any interest thereon
12 deposited after January 1,1995;

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

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

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

32 (5) "Statewide nonprofit energy assistance organization" means
33 a nonprofit energy assistance organization having:

34 (a) a network of no less than 200 partner organizations
35 throughout all 21 counties in this State, providing secure, online, or
36 in-person grant application access;

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

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

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

42
43 2. (New section) a. Notwithstanding any provision to the
44 contrary of section 12 of P.L.1999, c.23 (C.48:3-60) or any law,
45 rule, regulation, or order adopted pursuant thereto, in the fiscal year
46 commencing July 1, 2018, the Board of Public Utilities shall, from
47 available balances accumulated in accounts of the board from funds
48 collected through the societal benefits charge imposed pursuant to

1 that section, allocate \$25,000,000 to fund the issuance of grants to
2 help pay the electric and gas public utility bills of households
3 seeking temporary assistance from a Statewide nonprofit energy
4 assistance organization with:

5 (1) a network of no less than 200 partner organizations
6 throughout all 21 counties in this State, providing secure, online, or
7 in-person grant application access;

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

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

12 b. Within one year after the board has completed the
13 disbursement of grant monies to a Statewide nonprofit energy
14 assistance organization as required under this section, the Statewide
15 nonprofit energy assistance organization shall issue a report to the
16 board which shall provide:

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

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

21 (3) the average amount of assistance provided;

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

23 (5) the methods and procedures used for the verification of
24 income or hardship; and

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

26 c. The board shall thereupon submit the report to the Governor
27 and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
28 Legislature.

29

30 3. Section 1 of this act shall take effect immediately, but shall
31 remain inoperative for 60 days following the date of enactment.
32 Section 2 of this act shall take effect on July 1, 2018 and shall
33 expire on the 30th day following submission to the Governor and
34 the Legislature of the report required to be issued pursuant to
35 section 2 of this act.