

ASSEMBLY, No. 5027

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 7, 2019

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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: 5/14/2019)

1 AN ACT concerning the establishment and funding of a utility
2 assistance program and amending the title and body of P.L.2000,
3 c.132 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. The title of P.L.2000, c.132 (C.48:2-29.38 et seq.) is
9 amended to read as follows:

10 AN ACT concerning the establishment and funding of **[an energy]** a
11 utility assistance program, supplementing Title 48 of the Revised
12 Statutes, and amending R.S.46:30B-74 and R.S.46:30B-75.
13 (cf: P.L.2000, c.132, title)

14
15 2. Section 1 of P.L.2000, c.132 (C.48:2-29.38) is amended to
16 read as follows:

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

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

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

34
35 3. Section 2 of P.L.2000, c.132 (C.48:2-29.39) is amended to
36 read as follows:

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

44 (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.

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

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

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

17

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

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

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

25

26 6. R.S.46:30B-74 is amended to read as follows:

27 46:30B-74. The administrator shall establish and manage four
28 separate trust funds to be known as the Unclaimed County Deposits
29 Trust Fund, the Unclaimed Child Support Trust Fund, the
30 Unclaimed Utility Deposits Trust Fund, and the Unclaimed Personal
31 Property Trust Fund.

32 a. All moneys received as unclaimed county deposits and the
33 accretions thereon shall be deposited into the Unclaimed County
34 Deposits Trust Fund. Each year, unless the administrator deems it
35 prudent and advisable to do otherwise, the administrator shall pay
36 to each county, within 45 days of the receipt of such funds, 75% of
37 the unclaimed county deposits received from that county by the
38 administrator. The remaining portion shall be retained in the trust
39 fund, administered and invested by the State Treasurer, and used to
40 pay claims duly presented and allowed and all expenses and costs
41 incurred by the State of New Jersey. If the Unclaimed County
42 Deposits Trust Fund is insufficient to pay specific claims against a
43 county, the administrator shall report the fact to the county
44 governing body and the unpaid claim shall become an affirmative
45 obligation of that county.

46 Upon the effective date of **【this act】** P.L.1992, c.173, any county
47 deposits paid to the administrator between April 18, 1989 and the

1 effective date of **【this act】** P.L.1992, c.173 shall be transferred from
2 the Unclaimed Personal Property Trust Fund to the Unclaimed
3 County Deposits Trust Fund.

4 b. All moneys received in unclaimed property deposits from
5 electric **【and】**, gas, and water public utilities shall be deposited into
6 the Unclaimed Utility Deposits Trust Fund. Each year, unless the
7 administrator deems it prudent and advisable to do otherwise, the
8 administrator shall pay to **【the New Jersey Statewide Heating**
9 **Assistance and Referral for Energy Services (SHARES) nonprofit**
10 **corporation, or to another】** a Statewide nonprofit 【energy】 utility
11 assistance organization designated by the Board of Public Utilities
12 within 45 days of the receipt of such funds, 75% of the unclaimed
13 **【utility】** property deposits **【received】** from **【each of the】** electric
14 **【and】**, gas, and water public utilities received by the administrator.
15 Such payments received from the administrator shall be used
16 exclusively for the payment of expenses associated with the
17 restoration of electric **【or】**, gas, and water public utility service, or
18 to prevent the termination of electric **【or】**, gas, and water public
19 utility service provided to electric, gas, or water public utility
20 ratepayers seeking assistance from **【New Jersey SHARES, or an**
21 **equivalent】** a Statewide nonprofit 【energy】 utility assistance
22 organization **【designated by the Board of Public Utilities】**. The
23 remaining portion shall be retained in the trust fund, administered
24 and invested by the State Treasurer, and used to pay claims duly
25 presented and allowed and all expenses and costs incurred by the
26 State of New Jersey.

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

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

42 Upon the effective date of **【this act】** the “Uniform Unclaimed
43 Property Act,” R.S.46:30B-1 et seq., all funds and assets of the trust
44 funds established pursuant to N.J.S.2A:37-41, section 8 of
45 P.L.1945, c.199 (C.17:9-25), and N.J.S.17B:31-7, shall be
46 transferred to and become part of the Unclaimed Personal Property

1 Trust Fund established by **【this act】** R.S.46:30B-1 et seq., which
2 shall be responsible for payment of any allowed claims for
3 restitution of unclaimed property paid into those three funds.

4 d. All moneys received as abandoned child support and the
5 accretions thereon shall be deposited in the Unclaimed Child
6 Support Trust Fund. Each year, the administrator shall pay to the
7 judiciary, within 45 days of the receipt of such funds, the federal
8 government's Title IV-D share of the abandoned child support
9 received from the Probation Division of the Superior Court. The
10 remaining portions shall be retained in the trust fund, administered
11 and invested by the State Treasurer, and used to pay claims duly
12 presented and allowed and all expenses and costs incurred by the
13 State of New Jersey. If the Unclaimed Child Support Trust Fund is
14 insufficient to pay specific claims against a county, the
15 administrator shall report the fact to the judiciary and the unpaid
16 claim shall become an affirmative obligation of the judiciary.

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

21 e. As used in this section:

22 (1) "County deposits" means the proceeds of a judgment
23 received in favor of a minor and placed under the control of a
24 county surrogate or any devise or distribution from an estate paid
25 into the county surrogate's court prior to April 14, 1989; any
26 unclaimed bail and any interest thereon deposited prior to January
27 1, 1995 and 50% of any unclaimed bail and any interest thereon
28 deposited after January 1, 1995;

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

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

39 (4) "Unclaimed property deposits from electric **【and】**, gas, and
40 water public utilities" means any unclaimed deposits held by
41 electric **【and】**, gas, and water public utilities in accordance with the
42 requirements of R.S.46:30B-29 **【and】**, any unclaimed stock and
43 dividends of electric **【and】**, gas, and water public utilities in
44 accordance with the requirements of R.S.46:30B-31 **【and】**, any
45 unclaimed wages of electric **【and】**, gas, and water public utilities in
46 accordance with the requirements of R.S.46:30B-44, and any other

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

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

6 (6) “Statewide nonprofit utility assistance organization” means a
7 nonprofit organization providing electric, gas, and water public
8 utility payment assistance to qualified ratepayers and having:

9 (a) a network of no less than 200 partner organizations that
10 collectively have a physical presence in every county in this State,
11 providing secure, online, or in-person grant application access;

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

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

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

17
18 7. This act shall take effect immediately, but shall remain
19 inoperative for 60 days following the date of enactment.

20 21 22 STATEMENT

23
24 This bill requires that unclaimed property from water public
25 utilities in the Unclaimed Utility Deposits Trust Fund (trust fund)
26 be paid to a Statewide nonprofit utility assistance organization
27 (assistance organization) meeting certain criteria. The bill makes
28 certain clarifying changes to the requirement that unclaimed
29 property from electric and gas public utilities in the trust fund and,
30 as added by the bill, water public utilities, are to be paid to an
31 assistance organization meeting identical criteria. Under the bill, in
32 order to be eligible to receive trust fund monies, an assistance
33 organization designated by the Board of Public Utilities is required
34 to provide electric, gas, and water public utility payment assistance
35 to qualified ratepayers and having: 1) a network of no less than 200
36 partner organizations that collectively have a physical presence in
37 every county in this State providing secure, online or in-person
38 grant application access; 2) a board of directors comprised of not
39 less than five electric or gas public utility representatives; and 3) an
40 on-site customer service call center providing access to assistance
41 offered in a minimum of 150 languages.