

ASSEMBLY, No. 2636

STATE OF NEW JERSEY

INTRODUCED JANUARY 9, 1997

By Assemblymen LeFEVRE and BLEE

1 AN ACT concerning public utilities and supplementing chapter 3 of  
2 Title 48 of the Revised Statutes.

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

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7 1. As used in this act:

8 "Beautification program" means an improvement program  
9 undertaken by a municipality for the purpose of enhancing the  
10 aesthetics of that municipality, and shall include, but not be limited to,  
11 street cleaning, street cleaning equipment purchases, storefront  
12 improvements, tree purchases and plantings, street bench purchases  
13 and installation, and boardwalk maintenance and improvements;

14 "Community Development Program Fund" or "fund" means a fund  
15 established pursuant to section 2 of P.L.19 , c. (C. ) (now before  
16 the Legislature as this bill); and

17 "Bill" means a periodic statement of actual charges imposed against  
18 a ratepayer for the services of a public utility.

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20 2. A public utility organized under the laws of this State and  
21 subject to regulation by the board as a public utility may, upon  
22 application to and approval by the board, establish a Community  
23 Development Program Fund. Monies deposited in this fund pursuant  
24 to sections 3 and 4 of P.L.19 , c. (C. ) (now before the Legislature  
25 as this bill), shall be used to provide funding to municipalities in which  
26 a residential ratepayer resides or in which a commercial or industrial  
27 ratepayer conducts business, within the utility's service territory, for  
28 the purpose of financing municipal beautification programs.

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30 3. On or before November 1 of each year, a public utility that has  
31 established a Community Development Program Fund pursuant to  
32 section 2 of P.L.19 , c. (C. ) (now before the Legislature as this  
33 bill) shall notify every ratepayer in its service territory of the existence  
34 of that fund and the opportunity to contribute to that fund. A  
35 ratepayer or ratepayer's representative who wishes to contribute or  
36 authorize a contribution to the fund shall notify the utility on a form  
37 provided by the utility. If a public utility receives an approval to

1 contribute to the fund from a ratepayer or ratepayer's representative,  
2 the public utility shall be authorized, beginning with the first billing  
3 period of the next billing year, to permit the total amount of the  
4 ratepayer's bill for each billing period to be rounded up to the nearest  
5 dollar. A ratepayer or ratepayer's representative shall notify the  
6 public utility in writing of a decision to cancel contributions. If a  
7 public utility is so notified, the utility shall adjust the ratepayer's  
8 account so as to reflect the requested change in the next billing period.

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10 4. The public utility shall deposit an amount equal to the difference  
11 between the rounded-up amount and the original billed amount into a  
12 separate account dedicated to the municipality where the residential  
13 ratepayer resides or the commercial or industrial ratepayer conducts  
14 business. The total amount so deposited, minus an amount not to  
15 exceed ten percent for administrative costs, shall be annually remitted  
16 to the municipality. Monies received by a municipality shall be  
17 anticipated as "miscellaneous revenues" pursuant to the "Local Budget  
18 Law," P.L.1960, c.169 (N.J.S.40A:4-1 et seq.), and expended solely  
19 for beautification programs.

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21 5. The board shall promulgate, in accordance with the  
22 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
23 seq.), such rules and regulations as may be necessary to effectuate the  
24 purposes of this act.

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26 6. This act shall take effect 90 days after enactment.

## 27 28 29 STATEMENT

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31 This bill would permit any public utility in this State to establish a  
32 "Community Development Program Fund." The monies collected in  
33 the fund are to be used to provide financial assistance to municipalities  
34 in which residential ratepayers reside or in which commercial or  
35 industrial ratepayers conduct business, within that utility's service  
36 territory, for the purpose of financing municipal "beautification"  
37 programs which would include, but not be limited to, street cleaning,  
38 street cleaning equipment purchases, storefront improvements, tree  
39 purchases and plantings, street bench purchase and installation, and  
40 boardwalk maintenance and improvements.

41 Under this bill, public utilities that choose this option are required,  
42 by November 1 of each year, to notify every ratepayer in its service  
43 territory of the establishment of the fund, and those ratepayers or their  
44 representatives who wish to contribute to the fund are to notify the  
45 utility on a form provided by the utility. If a public utility receives an  
46 approval to contribute, beginning with the first billing period of the

1 next billing year, the utility shall be authorized to permit the total  
2 amount of a ratepayer's bill for each of the public utility's billing  
3 periods to be rounded up to the nearest dollar. Ratepayers or their  
4 representatives who no longer wish to contribute to the fund must  
5 contact the public utility in writing. If a public utility is so notified,  
6 the utility shall adjust the ratepayer's bill so as to reflect the change in  
7 the next billing period.

8 The bill requires public utilities which offer the program to deposit  
9 an amount equal to the difference between the rounded-up amount and  
10 the original billed amount into a separate account dedicated to the  
11 municipality where the residential ratepayer resides or the commercial  
12 or industrial ratepayer conducts business. The total amount deposited,  
13 minus an amount not to exceed ten percent for administrative costs,  
14 is to be annually remitted to the municipality. Monies received by a  
15 municipality are to be anticipated as "miscellaneous revenues"  
16 pursuant to the "Local Budget Law," P.L.1960, c.169 (N.J.S.40A:4-1  
17 et seq.), and expended solely for beautification programs.

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23 Permits public utilities to collect ratepayer contributions in order to  
fund municipal beautification programs.