

CHAPTER 36 LAWS OF N. J. 1972
APPROVED 5-25-72

[REDACTED] OFFICIAL COPY REPRINT]

ASSEMBLY, No. 600

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 7, 1972

By Assemblyman DE KORTE

Referred to Committee on Transportation and Public Utilities

AN ACT to amend "An act providing for assessments against public utilities for certain purposes and supplementing Title 48 of the Revised Statutes," approved July 16, 1968 (P. L. 1968, c. 173).

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

1 1. Section 1 of P. L. 1968, c. 173 (C. 48:2-59) is amended to read
2 as follows:

3 1. To enable the Board of Public Utility Commissioners in the
4 Department of Public Utilities to better perform its lawful duties
5 relating to service, classifications to be used, rates and charges to be
6 made and collected, rules and regulations to be prescribed, and
7 supervision over all public utilities *and public movers* under its
8 jurisdiction, the Board of Public Utility Commissioners shall an-
9 nually make an assessment against each public utility *and public*
10 *mover.*

1 2. Section 2 of P. L. 1968, c. 173 (C. 48:2-60) is amended to read
2 as follows:

3 2. The assessment shall be equal to a percentage of the gross
4 operating revenue of the public utilities *and public movers* under
5 the jurisdiction of the board derived from intrastate operations
6 during the preceding calendar year at a rate to be determined
7 annually by the board on or before June 30 in the following manner:

8 The total amount appropriated to the Department of Public
9 Utilities by law for its general purposes for its next fiscal year shall
10 be divided by the total amount of the gross operating revenues of all
11 public utilities *and public movers* under the jurisdiction of the board
12 derived from intrastate operations during the preceding calendar
13 year. The quotient resulting shall constitute the percentage rate of
14 the assessment for the calendar year in which such computation is
15 made. The total amount so assessed to any particular public utility

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

16 *or public mover* shall not exceed **[1/10]** 1/8 of 1% of the gross
17 operating revenue subject to assessment hereunder of that utility
18 *or public mover* derived from its intrastate operation during the
19 preceding calendar year, except that the minimum assessment for
20 any public utility *or public mover* shall be \$50.00.

1 3. Section 4 of P. L. 1968, c. 173 (C. 48:2-62) is amended to read
2 as follows:

3 4. The assessment prescribed by sections 1 and 2 shall be levied
4 by the Board of Public Utility Commissioners not later than July 1,
5 and shall be paid within 30 days after mailing by **[registered]** *first*
6 *class* mail to any public utility *or public mover* notice thereof and a
7 statement of the amount.

8 Each public utility *and public mover* shall on or before June 1,
9 file with the Board of Public Utility Commissioners, under oath, a
10 statement showing its gross operating revenues derived from intra-
11 state operations during the preceding calendar year.

1 4. Section 5 of P. L. 1968, c. 173 (C. 48:2-63) is amended to read
2 as follows:

3 5. Within 15 days after the date of mailing a statement as pro-
4 vided in this act, the public utility *or public mover* against which the
5 statement is rendered may file with the board its objections thereto.
6 Not less than 30 nor more than 60 days after giving notice thereof
7 to the objector, the board shall hold a hearing on the objections.

1 5. Section 6 of P. L. 1968, c. 173 (C. 48:2-64) is amended to read
2 as follows:

3 6. If after the hearing the board finds any part of the charge
4 against the objecting public utility *or public mover* excessive, erro-
5 neous, unlawful or invalid, it shall record its findings upon its
6 minutes and transmit to the objector, by registered mail, an
7 amended statement in accordance with the findings, which shall
8 have the same force and effect as an original statement. If the
9 board finds the entire statement unlawful or invalid, it shall notify
10 the objector, by registered mail, of such determination, and the
11 original statement shall be null and void. If the board finds that
12 the statement as rendered is neither excessive, erroneous, unlawful
13 nor invalid, in whole or in part, it shall record its findings upon its
14 minutes and transmit notice thereof to the objector by registered
15 mail.

1 6. Section 9 of P. L. 1968, c. 173 (C. 48:2-67) is amended to read
2 as follows:

3 9. No action or proceeding shall be maintained in any court for
4 the purpose of restraining or delaying the collection or payment of
5 a statement rendered in accordance with the provisions of this act.

6 A public utility *or public mover* against which a statement is ren-
7 dered shall pay the amount thereof, and after the payment may in
8 the manner provided by this act at any time within 2 years from
9 the date of the payment, bring against the State an action at law
10 to recover the amount paid, with legal interest thereon from the
11 date of payment, upon the ground that the assessment was exces-
12 sive, erroneous, unlawful or invalid in whole or in part.

1 7. Section 11 of P. L. 1968, c. 173 (C. 48:2-69) is amended to read
2 as follows:

3 11. If any public utility *or public mover* to which a statement for
4 the amount assessed against it as provided in this act has been
5 rendered fails or refuses to pay the amount within 15 days, or fails
6 to file with the board objections to the statement as provided herein,
7 the board shall transmit to the State Treasurer a certified copy of
8 the statement of the assessment together with notice of the neglect
9 or refusal of the public utility *or public mover* to pay the amount
10 thereof, and at the same time shall mail to the public utility *or*
11 *public mover* a copy of the notice transmitted to the State Treasurer.

1 8. Section 12 of P. L. 1968, c. 173 (C. 48:2-70) is amended to read
2 as follows:

3 12. Within 10 days after receipt of the notice and certified copy
4 of the statement, the State Treasurer shall proceed to collect the
5 amount stated to be due, with legal interest, by seizure and sale of
6 any goods or chattels, including stocks, securities, bank accounts,
7 evidences of debt and accounts receivable belonging to the public
8 utility *or public mover* anywhere within the State.

1 9. Section 14 of P. L. 1968, c. 173 (C. 48:2-72) is amended to read
2 as follows:

3 14. The provisions of ***[section]*** *sections 1 of P. L. 1959, c. 43
4 (C. 48:2-56) and* **[1 of P. L. 1959, c. 43 (C. 48:2-56)]** 11 of P. L.
5 1968, c. 375 (C. 48:22-11) relating to the collections of fees and
6 charges by the Board of Public Utility Commissioners, shall be
7 inapplicable to public utility companies *and public movers* subject
8 to assessment pursuant to this act.

1 10. This act shall take effect immediately.

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8 jurisdiction, the Board of Public Utility Commissioners shall an-
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1 2. Section 2 of P. L. 1968, c. 173 (C. 48:2-60) is amended to read
2 as follows:

3 2. The assessment shall be equal to a percentage of the gross
4 operating revenue of the public utilities *and public movers* under
5 the jurisdiction of the board derived from intrastate operations
6 during the preceding calendar year at a rate to be determined
7 annually by the board on or before June 30 in the following manner:
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9 Utilities by law for its general purposes for its next fiscal year shall
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11 public utilities *and public movers* under the jurisdiction of the board
12 derived from intrastate operations during the preceding calendar
13 year. The quotient resulting shall constitute the percentage rate of
14 the assessment for the calendar year in which such computation is
15 made. The total amount so assessed to any particular public utility
16 *or public mover* shall not exceed **[1/10]** *1/8* of 1% of the gross

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17 operating revenue subject to assessment hereunder of that utility
 18 or *public mover* derived from its intrastate operation during the
 19 preceding calendar year, except that the minimum assessment for
 20 any public utility or *public mover* shall be \$50.00.

1 3. Section 4 of P. L. 1968, c. 173 (C. 48:2-62) is amended to read
 2 as follows:

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 4 by the Board of Public Utility Commissioners not later than July 1,
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 7 statement of the amount.

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 9 file with the Board of Public Utility Commissioners, under oath, a
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8 the statement of the assessment together with notice of the neglect
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3 14. The provisions of section [1 of P. L. 1959, c. 43 (C. 48:2-56)]
4 11 of P. L. 1968, c. 375 (C. 48:22-11) relating to the collections of
5 fees and charges by the Board of Public Utility Commissioners,
6 shall be inapplicable to public utility companies *and public movers*
7 subject to assessment pursuant to this act.

1 10. This act shall take effect immediately.

STATEMENT

This bill would subject public movers to the Public Utilities Assessment Act (48:2-59) without making them Public Utilities. The public movers are already subject to regulation by the PUC, but the Assessment Act is not applicable.

This bill would mean a minimum of \$28,600.00 in increased revenue to the State.

SENATE COMMITTEE AMENDMENT TO
ASSEMBLY, No. 600

STATE OF NEW JERSEY

ADOPTED MAY 4, 1972

Amend page 3, section 9, line 3, omit "section", insert "sections 1 of P. L. 1959, c. 43 (C. 48:2-56) and".

SENATE TRANSPORTATION AND COMMUNICATION
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 600

With Senate Committee Amendments

STATE OF NEW JERSEY

DATED: MAY 4, 1972

The Board of Public Utility Commissioners makes an annual assessment against each public utility under its jurisdiction to provide money for its operations. This bill increases the limit of the assessment from $\frac{1}{10}$ to $\frac{1}{8}$ of 1% of the gross operating revenue subject to assessment of a utility derived from its intrastate operations during the preceding calendar year. The minimum assessment remains \$50.00.

The bill also makes the assessment provisions applicable to public movers. Although public movers were placed under the jurisdiction of the Board of Public Utility Commissioners by the Public Movers Act (P. L. 1968, c. 375), they were not made subject to this assessment act. In addition, the bill makes inapplicable to public movers the provisions of C. 48:22-11, which sets fees for filing applications for certificates. This is similar to the current exemption of other assessed public utilities from the fees listed in P. L. 1959, c. 43.

The committee amended section 9 of the bill to reinsert the existing exemption of public utilities from the fee provisions of P. L. 1959, c. 43, which had been inadvertently deleted in the preparation of the bill.

The bill also provides that notice of the assessment shall be mailed first class rather than by registered mail as is now required.

[SENATE REPRINT]

ASSEMBLY, No. 600

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With Senate Amendment Adopted May 4, 1972

STATE OF NEW JERSEY

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5 **1968, c. 375 (C. 48:22-11)** relating to the collections of fees and
6 charges by the Board of Public Utility Commissioners, shall be
7 inapplicable to public utility companies *and public movers* subject
8 to assessment pursuant to this act.

1 10. This act shall take effect immediately.

FISCAL NOTE TO
ASSEMBLY, No. 600

STATE OF NEW JERSEY

DATED: MARCH 23, 1972

Assembly Bill No. 600 provides for an assessment to be made against each public mover by the Public Utility Commissioners and increases the rate assessed to any particular public utility from $\frac{1}{10}$ to $\frac{1}{8}$ of 1% of the gross operating revenue.

The Division of Budget and Accounting estimates that enactment of this legislation would increase revenues by \$611,754.00 in fiscal 1972-73, \$681,990.00 in fiscal 1973-74 and \$721,228.00 in fiscal 1974-75.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.