

48:2-29.44

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2002 **CHAPTER:** 62
NJSA: 48:2-29.44 (Allows BPU to provide for continuation of coverage in excessive heat)
BILL NO: S83 (Substituted for A2345)
SPONSOR(S): Singer and others
DATE INTRODUCED: January 8, 2002
COMMITTEE: **ASSEMBLY:** Telecommunications and Utilities
SENATE: Economic Growth
AMENDED DURING PASSAGE: Yes
DATE OF PASSAGE: **ASSEMBLY:** June 20, 2002
SENATE: June 24, 2002
DATE OF APPROVAL: August 6, 2002
FOLLOWING ARE ATTACHED IF AVAILABLE:
[FINAL TEXT OF BILL](#) (Senate Committee Substitute (1R) enacted)
(Amendments during passage denoted by superscript numbers)
S83
[SPONSORS STATEMENT](#): (Begins on page 3 of original bill) [Yes](#)
COMMITTEE STATEMENT: **ASSEMBLY:** [Yes](#)
SENATE: [Yes](#)
[FLOOR AMENDMENT STATEMENT](#): [Yes](#)
LEGISLATIVE FISCAL ESTIMATE: No
A2345
[SPONSORS STATEMENT](#): (Begins on page 3 of original bill) [Yes](#)
COMMITTEE STATEMENT: **ASSEMBLY:** [Yes](#)
Identical to Assembly Statement to S83
SENATE: No
FLOOR AMENDMENT STATEMENTS: No
LEGISLATIVE FISCAL ESTIMATE: No
VETO MESSAGE: No
GOVERNOR’S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>

REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

"Program to protect disabled from heat," 8-7-2002 Asbury Park Press, p.A3

"Law limits power shutoffs," 8-7-2002 Home News, pA3

P.L. 2002, CHAPTER 62, *approved August 6, 2002*
Senate Committee Substitute (**First Reprint**) for
Senate, No. 83

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

3

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

6

7 1. The Legislature finds and declares that:

8 a. During periods of excessive heat, the health of individuals with
9 disabilities, senior citizens, and others can be severely compromised if
10 those individuals do not have adequate ventilation or air conditioning;

11 b. Each summer, some at-risk individuals die from dehydration
12 during periods of sustained heat, and others have had their health
13 severely compromised; and

14 c. In view of the severity of the impact of sustained heat on the
15 physical well-being of at-risk individuals, it is the public policy of this
16 State to ensure that these individuals, their financial circumstances
17 notwithstanding, are not deprived of electrical power during periods
18 when the amelioration of the effects of high heat and humidity is
19 essential to their health and welfare.

20 The Legislature therefore determines that it is necessary for the
21 Board of Public Utilities to develop and administer a program that
22 ensures that the individuals most at risk will not experience an
23 interruption in their electrical supply as a result of the suspension of
24 service by an electric public utility.

25

26 ¹[2. As used in this act:

27 "Disabled person" means a person who has the total and permanent
28 inability to engage in any substantial gainful activity by reason of any
29 medically determinable physical or mental impairment, including
30 blindness, and shall include, but not be limited to, any resident of this
31 State who is disabled pursuant to the federal Social Security Act
32 (42 U.S.C. 416), or the federal Railroad Retirement Act of 1974
33 (45 U.S.C. 231 et seq.), or is rated as having a 60% disability or
34 higher pursuant to any federal law administered by the United States
35 Department of Veterans' Affairs. For purposes of this paragraph
36 "blindness" means central visual acuity of 20/200 or less in the better
37 eye with the use of a correcting lens. An eye which is accompanied by

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly floor amendments adopted June 13, 2002.

1 a limitation in the fields of vision such that the widest diameter of the
2 visual field subtends an angle no greater than 20 degrees shall be
3 considered as having a central visual acuity of 20/200 or less;

4 "Heat index" means an index that combines air temperature and
5 humidity to measure physiological heat stress due to combined heat
6 and higher than comfortable humidity; and

7 "Senior citizen" means an individual 65 years of age or over.]¹

8
9 ¹[3.] 2.¹ Notwithstanding any law, rule, order or regulation to the
10 contrary, the board shall provide for the continuation of electrical
11 service during ¹[sustained]¹ periods of excessive heat,¹[as measured
12 by the heat index and]¹ as determined by the board, for those
13 residential customers ¹[, including, but not limited to, disabled
14 persons, senior citizens, or other individuals whose physical condition
15 is likely to be seriously compromised by sustained exposure to
16 excessive heat,]who would be eligible for protection under the Winter
17 Termination Program as pursuant to N.J.A.C.14:3-7.12A,¹
18 notwithstanding that the individual would otherwise be subject to the
19 suspension of service; provided, however, that nothing in this act shall
20 in any manner relieve the individual of any financial obligation to the
21 electric public utility providing the service.

22
23 ¹[4.] 3.¹ The board shall promulgate, in accordance with the
24 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
25 seq.), such rules and regulations as may be necessary to effectuate the
26 purposes of this act.

27
28 ¹[5.] 4.¹ This act shall take effect immediately.

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30
31 _____
32
33 Directs BPU to provide for continuation of electrical service for
34 certain residential customers during periods of excessive heat.

SENATE, No. 83

STATE OF NEW JERSEY 210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

Sponsored by:

Senator ROBERT W. SINGER

District 30 (Burlington, Mercer, Monmouth and Ocean)

Senator JOHN O. BENNETT

District 12 (Mercer and Monmouth)

SYNOPSIS

Prohibits electric public utilities from discontinuing service to certain customers for nonpayment of bills during certain time periods.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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

3

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

6

7 1. As used in this act:

8 "Disabled person" means a person who has the total and permanent
9 inability to engage in any substantial gainful activity by reason of any
10 medically determinable physical or mental impairment, including
11 blindness, and shall include, but not be limited to, any resident of this
12 State who is disabled pursuant to the federal Social Security Act
13 (42 U.S.C.416), or the federal Railroad Retirement Act of 1974
14 (45 U.S.C.231 et seq.), or is rated as having a 60% disability or higher
15 pursuant to any federal law administered by the United States
16 Department of Veterans' Affairs. For purposes of this paragraph
17 "blindness" means central visual acuity of 20/200 or less in the better
18 eye with the use of a correcting lens. An eye which is accompanied by
19 a limitation in the fields of vision such that the widest diameter of the
20 visual field subtends an angle no greater than 20 degrees shall be
21 considered as having a central visual acuity of 20/200 or less;

22 "Heat index" means an index that combines air temperature and
23 humidity to measure physiological heat stress due to combined heat
24 and higher than comfortable humidity; and

25 "Senior citizen" means an individual 65 years of age or over.

26

27 2. Notwithstanding any law, rule, order or regulation to the
28 contrary, the board shall prohibit an electric public utility from
29 discontinuing electrical service to a residential customer whose
30 household includes either a senior citizen, disabled person or a child
31 under the age of four during any 24-consecutive hour period in which
32 the heat index has exceeded 100 degrees Fahrenheit, provided that
33 such customer shall demonstrate to the board at the time of the
34 intended termination that the customer is unable to pay their electric
35 bill because of circumstances beyond their control. Such
36 circumstances shall include, but shall not be limited to, unemployment,
37 illness, medically related expenses, recent death of a spouse or any
38 other circumstances which might cause financial hardship.

39

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

44

45 4. This act shall take effect immediately.

STATEMENT

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This bill requires the New Jersey Board of Public Utilities ("board") to prohibit an electric public utility from discontinuing electrical service to a residential customer whose household includes either a senior citizen, disabled person or a child under the age of four during any 24-consecutive hour period in which the heat index has exceeded 100 degrees Fahrenheit, provided that the customer demonstrates to the board at the time of the intended termination that the customer is unable to pay their electric bill because of circumstances beyond their control. Such circumstances shall include, but shall not be limited to, unemployment, illness, medically related expenses, recent death of a spouse or any other circumstances which might cause financial hardship.

ASSEMBLY TELECOMMUNICATIONS AND UTILITIES
COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 83

STATE OF NEW JERSEY

DATED: MAY 16, 2002

The Assembly Telecommunications and Utilities Committee reports favorably Senate Bill No. 83 (SCS).

As reported, this substitute bill requires the New Jersey Board of Public Utilities ("board") to provide for the continuation of electrical service during sustained periods of excessive heat as measured by the heat index and as determined by the board, for those residential customers, including, but not limited to, disabled persons, senior citizens, or other individuals whose physical condition is likely to be seriously compromised by exposure to sustained periods of excessive heat, notwithstanding that the individual would otherwise be subject to the suspension of electrical service; provided, however, that nothing in this bill shall in any manner relieve the individual of any financial obligation to the electric public utility providing the service.

During periods of excessive heat, the health of individuals with disabilities, senior citizens, and others can be severely compromised if those individuals do not have adequate ventilation or air conditioning. Each summer, some at-risk individuals die from dehydration during periods of sustained heat, and others have had their health severely compromised. In view of the severity of the impact of sustained heat on the physical well-being of at-risk individuals, the State needs to ensure that these individuals, their financial circumstances notwithstanding, are not deprived of electrical power during periods when the amelioration of the effects of high heat and humidity is essential to their health and welfare.

As reported, this substitute bill is identical to Assembly Bill No. 2345.

SENATE ECONOMIC GROWTH, AGRICULTURE AND
TOURISM COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 83

STATE OF NEW JERSEY

DATED: FEBRUARY 21, 2002

The Senate Economic Growth, Agriculture and Tourism Committee reports favorably a committee substitute for Senate Bill No. 83.

This substitute bill requires the New Jersey Board of Public Utilities ("board") to provide for the continuation of electrical service during sustained periods of excessive heat as measured by the heat index and as determined by the board, for those residential customers, including, but not limited to, disabled persons, senior citizens, or other individuals whose physical condition is likely to be seriously compromised by exposure to sustained periods of excessive heat, notwithstanding that the individual would otherwise be subject to the suspension of electrical service; provided, however, that nothing in this bill shall in any manner relieve the individual of any financial obligation to the electric public utility providing the service.

During periods of excessive heat, the health of individuals with disabilities, senior citizens, and others can be severely compromised if those individuals do not have adequate ventilation or air conditioning. Each summer, some at-risk individuals die from dehydration during periods of sustained heat, and others have had their health severely compromised. In view of the severity of the impact of sustained heat on the physical well-being of at-risk individuals, the State needs to ensure that these individuals, their financial circumstances notwithstanding, are not deprived of electrical power during periods when the amelioration of the effects of high heat and humidity is essential to their health and welfare.

STATEMENT TO
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 83

with Assembly Floor Amendments
(Proposed By Assemblyman CARABALLO)

ADOPTED: JUNE 13, 2002

These amendments would provide for continuation of electrical service during periods of excessive heat, as determined by the BPU, for those residential customers who would be eligible for protection under the Winter Termination Program.

ASSEMBLY, No. 2345

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED MAY 13, 2002

Sponsored by:

Assemblyman WILFREDO CARABALLO

District 29 (Essex and Union)

Assemblyman JOHN J. BURZICHELLI

District 3 (Salem, Cumberland and Gloucester)

Co-Sponsored by:

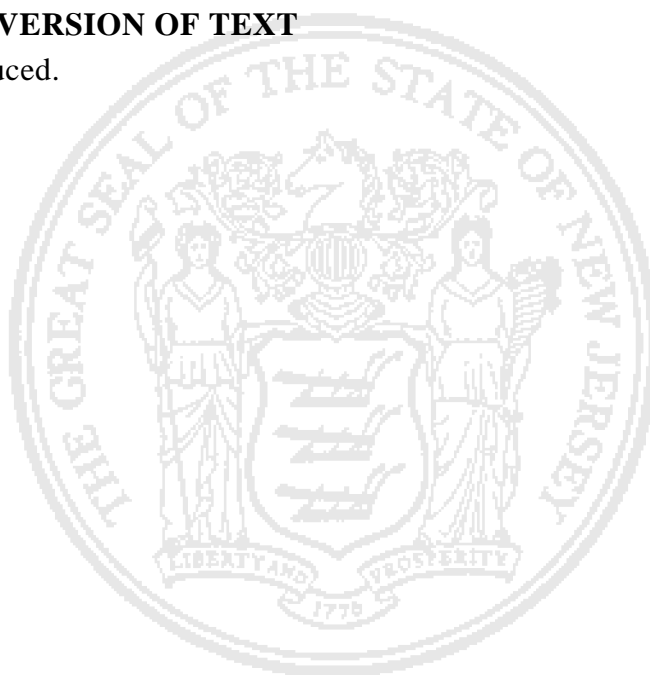
Assemblymen Conaway, Connors and Gusciora

SYNOPSIS

Directs BPU to provide for continuation of electrical service for certain residential customers during sustained periods of excessive heat.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/14/2002)

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

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. The Legislature finds and declares that:

8 a. During periods of excessive heat, the health of individuals with
9 disabilities, senior citizens, and others can be severely compromised if
10 those individuals do not have adequate ventilation or air conditioning;

11 b. Each summer, some at-risk individuals die from dehydration
12 during periods of sustained heat, and others have had their health
13 severely compromised; and

14 c. In view of the severity of the impact of sustained heat on the
15 physical well-being of at-risk individuals, it is the public policy of this
16 State to ensure that these individuals, their financial circumstances
17 notwithstanding, are not deprived of electrical power during periods
18 when the amelioration of the effects of high heat and humidity is
19 essential to their health and welfare.

20 The Legislature therefore determines that it is necessary for the
21 Board of Public Utilities to develop and administer a program that
22 ensures that the individuals most at risk will not experience an
23 interruption in their electrical supply as a result of the suspension of
24 service by an electric public utility.

25
26 2. As used in this act:

27 "Disabled person" means a person who has the total and permanent
28 inability to engage in any substantial gainful activity by reason of any
29 medically determinable physical or mental impairment, including
30 blindness, and shall include, but not be limited to, any resident of this
31 State who is disabled pursuant to the federal Social Security Act
32 (42 U.S.C. 416), or the federal Railroad Retirement Act of 1974
33 (45 U.S.C. 231 et seq.), or is rated as having a 60% disability or
34 higher pursuant to any federal law administered by the United States
35 Department of Veterans' Affairs. For purposes of this paragraph
36 "blindness" means central visual acuity of 20/200 or less in the better
37 eye with the use of a correcting lens. An eye which is accompanied by
38 a limitation in the fields of vision such that the widest diameter of the
39 visual field subtends an angle no greater than 20 degrees shall be
40 considered as having a central visual acuity of 20/200 or less;

41 "Heat index" means an index that combines air temperature and
42 humidity to measure physiological heat stress due to combined heat
43 and higher than comfortable humidity; and

44 "Senior citizen" means an individual 65 years of age or over.

1 3. Notwithstanding any law, rule, order or regulation to the
2 contrary, the board shall provide for the continuation of electrical
3 service during sustained periods of excessive heat, as measured by the
4 heat index and as determined by the board, for those residential
5 customers, including, but not limited to, disabled persons, senior
6 citizens, or other individuals whose physical condition is likely to be
7 seriously compromised by sustained exposure to excessive heat,
8 notwithstanding that the individual would otherwise be subject to the
9 suspension of service; provided, however, that nothing in this act shall
10 in any manner relieve the individual of any financial obligation to the
11 electric public utility providing the service.

12
13 4. The board shall promulgate, in accordance with the
14 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
15 seq.), such rules and regulations as may be necessary to effectuate the
16 purposes of this act.

17
18 5. This act shall take effect immediately.

19

20

21

STATEMENT

22

23 This bill requires the New Jersey Board of Public Utilities ("board")
24 to provide for the continuation of electrical service during sustained
25 periods of excessive heat as measured by the heat index and as
26 determined by the board, for those residential customers, including,
27 but not limited to, disabled persons, senior citizens, or other
28 individuals whose physical condition is likely to be seriously
29 compromised by exposure to sustained periods of excessive heat,
30 notwithstanding that the individual would otherwise be subject to the
31 suspension of electrical service; provided, however, that nothing in this
32 bill shall in any manner relieve the individual of any financial obligation
33 to the electric public utility providing the service.

34 During periods of excessive heat, the health of individuals with
35 disabilities, senior citizens, and others can be severely compromised if
36 those individuals do not have adequate ventilation or air conditioning.
37 Each summer, some at-risk individuals die from dehydration during
38 periods of sustained heat, and others have had their health severely
39 compromised.

40 In view of the severity of the impact of sustained heat on the
41 physical well-being of at-risk individuals, the State needs to ensure
42 that these individuals, their financial circumstances notwithstanding,
43 are not deprived of electrical power during periods when the
44 amelioration of the effects of high heat and humidity is essential to
45 their health and welfare.

ASSEMBLY TELECOMMUNICATIONS AND UTILITIES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2345

STATE OF NEW JERSEY

DATED: MAY 16, 2002

The Assembly Telecommunications and Utilities Committee reports favorably Assembly Bill No. 2345.

As reported, this bill requires the New Jersey Board of Public Utilities ("board") to provide for the continuation of electrical service during sustained periods of excessive heat as measured by the heat index and as determined by the board, for those residential customers, including, but not limited to, disabled persons, senior citizens, or other individuals whose physical condition is likely to be seriously compromised by exposure to sustained periods of excessive heat, notwithstanding that the individual would otherwise be subject to the suspension of electrical service; provided, however, that nothing in this bill shall in any manner relieve the individual of any financial obligation to the electric public utility providing the service.

During periods of excessive heat, the health of individuals with disabilities, senior citizens, and others can be severely compromised if those individuals do not have adequate ventilation or air conditioning. Each summer, some at-risk individuals die from dehydration during periods of sustained heat, and others have had their health severely compromised.

In view of the severity of the impact of sustained heat on the physical well-being of at-risk individuals, the State needs to ensure that these individuals, their financial circumstances notwithstanding, are not deprived of electrical power during periods when the amelioration of the effects of high heat and humidity is essential to their health and welfare.

As reported, this bill is identical to Senate Committee Substitute for Senate Bill No. 83.