

HOUSE BILL 1423

C5

9lr2756

By: **Delegate Bromwell**

Introduced and read first time: February 25, 2009

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Utilities – Unclaimed Funds – Energy Assistance**

3 FOR the purpose of requiring the State Comptroller to distribute a certain percentage
4 of the unclaimed remittance funds from certain utilities to the Fuel Fund of
5 Maryland for the purpose of critical need energy assistance; and generally
6 relating to the distribution of certain money to the Fuel Fund of Maryland for
7 energy assistance.

8 BY repealing and reenacting, without amendments,
9 Article – Commercial Law
10 Section 17–101(c) and (o) and 17–303
11 Annotated Code of Maryland
12 (2005 Replacement Volume and 2008 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Commercial Law
15 Section 17–317
16 Annotated Code of Maryland
17 (2005 Replacement Volume and 2008 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Commercial Law**

21 17–101.

22 (c) “Administrator” means the State Comptroller.

23 (o) “Utility” means any person who owns or operates in the State, for public
24 use, any plant, equipment, property, franchise, or license for the transmission of

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 communications, for the production, storage, transmission, sale, delivery, or
2 furnishing of electricity, water, steam, or gas, or for the transportation of persons or
3 property.

4 17-303.

5 The following funds held by any utility are presumed abandoned:

6 (1) Any deposit made by a subscriber with a utility to secure payment
7 for, or any sum paid in advance for, utility services to be furnished in the State, less
8 any lawful deduction, that has remained unclaimed by the person who appears on the
9 records of the utility as entitled to it for more than 3 years after the termination of the
10 services for which the deposit or advance payment was made;

11 (2) Any sum which a utility has been ordered to refund and which was
12 received for utility services rendered in the State, together with any interest on it, less
13 any lawful deduction, that has remained unclaimed by the person appearing on the
14 records of the utility as entitled to it for more than 3 years after the date it became
15 payable in accordance with the final determination or order providing for the refund;
16 and

17 (3) Any sum paid to a utility for a utility service, which service has not
18 been rendered within 3 years of the payment.

19 17-317.

20 (a) (1) All funds received under this title, including the proceeds of the
21 sale of abandoned property under § 17-316 of this subtitle, shall be credited by the
22 Administrator to a special fund. The Administrator shall retain in the special fund at
23 the end of each fiscal year, from the proceeds received, an amount not to exceed
24 \$50,000, from which sum the Administrator shall pay any claim allowed under this
25 title.

26 (2) After deducting all costs incurred in administering this title from
27 the remaining net funds the Administrator shall distribute:

28 (I) \$500,000 to the Maryland Legal Services Corporation to
29 support the activities of the corporation; **AND**

30 (II) **75% OF THE PORTION OF THE FUND THAT ORIGINATES**
31 **FROM ABANDONED FUNDS HELD BY UTILITIES UNDER § 17-303 OF THIS**
32 **SUBTITLE TO THE FUEL FUND OF MARYLAND FOR THE PURPOSE OF CRITICAL**
33 **NEED ENERGY ASSISTANCE.**

34 (3) (i) Subject to subparagraph (ii) of this paragraph, the
35 Administrator shall distribute all unclaimed money from judgments of restitution
36 under Title 11, Subtitle 6 of the Criminal Procedure Article to the State Victims of

1 Crime Fund established under § 11-916 of the Criminal Procedure Article to assist
2 victims of crimes and delinquent acts to protect the victims' rights as provided by law.

3 (ii) If a victim entitled to restitution that has been treated as
4 abandoned property under § 11-614 of the Criminal Procedure Article is located after
5 the money has been distributed under this paragraph, the Administrator shall reduce
6 the next distribution to the State Victims of Crime Fund by the amount recovered by
7 the victim.

8 (4) After making the distributions required under paragraphs (2) and
9 (3) of this subsection, the Administrator shall distribute the remaining net funds not
10 retained under paragraph (1) of this subsection to the General Fund of the State.

11 (b) Before making the distribution, the Administrator shall record the name
12 and last known address, if any, of the owners of funds so distributed and the type of
13 property which the funds distributed represent. The record shall be available for
14 public inspection during reasonable business hours by any person who claims a legal
15 interest in any property held by the Administrator, provided that the person gives
16 prior notice to the Administrator.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2009.