

**ASSEMBLY BILL NO. 3028**  
**(Third Reprint)**

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 3028 (Third Reprint) with my recommendations for reconsideration.

This bill establishes a Clean Car Commission to, among other things, study advances made in low and zero emission vehicles, infrastructure necessary to support such vehicles, and tax incentives to encourage the purchase of such vehicles.

I commend the sponsors' intent of putting forth legislation to advance the use of alternatively fueled vehicles in an effort to improve air quality in New Jersey. However, because this bill is inconsistent with my Energy Master Plan, I return this bill with my recommendations.

First, in my Energy Master Plan, I encouraged the development and use of alternatively fueled vehicles but, in doing so, cautioned against public - rather than private - investment. New Jersey's already overburdened taxpayers cannot afford to subsidize the alternatively fueled vehicle market by funding the types of tax incentives Assembly Bill No. 3028 seeks to study. Instead, Government can foster investment by identifying and reducing regulatory and other impediments to the usage of alternatively fueled vehicles.

Second, my Energy Master Plan noted that to appreciably impact the greenhouse gases emitted by all manner of vehicles, a holistic approach that examines fleet vehicles, mass transit vehicles, and personal automobiles is necessary. Assembly Bill No. 3028, however, is narrowly focused only on personal automobiles - not fleets or mass transit where alternative fuel may be more viable and may provide more environmental benefits.

Accordingly, the more reasoned and practical approach is to address alternatively fueled vehicles comprehensively and holistically, focusing on all vehicles, not a mere subset.

Therefore, I return this bill with my recommendations to create an 11-member task force chaired by the Commissioner of the Department of Environmental Protection to study, among other things, all manner of alternatively fueled vehicles (including personal automobiles, commercial fleet vehicles, and mass transit vehicles), and to identify regulatory and statutory obstacles and inefficiencies at the federal, State, local, and municipal level that frustrate and impede the use of alternatively fueled vehicles.

Accordingly, I herewith return Assembly Bill No. 3028 (Third Reprint) and recommend that it be amended as follows:

Page 2, Title, Lines 1-2: Delete "Clean Car Commission" and insert "Clean Vehicle Task Force"

Page 2, Title, Line 3: After "sections" insert "1 and"

Page 2, Line 8: Insert new section 1:

"1. (New Section) a. There is established the "Clean Vehicle Task Force." The Task Force shall be comprised of 11 members who shall be appointed within 30 days of the effective date of this act as follows:

(1) The Commissioner of the Department of Environmental Protection, or the commissioner's designee, who shall serve ex officio and who shall serve as chairperson of the Task Force;

(2) The President of the Board of Public Utilities, or the president's designee, who shall serve ex officio;

(3) The Commissioner of Transportation, or the commissioner's designee, who shall serve ex officio;

(4) The State Treasurer, or the State Treasurer's designee, who shall serve ex officio;

(5) The Director of the Division of Rate Counsel, or the director's designee, who shall serve ex officio;

(6) One member of the General Assembly appointed by the Speaker of the General Assembly, who shall serve ex officio;

(7) One member of the Senate appointed by the President of the Senate, who shall serve ex officio;

(8) A member representing manufacturers of automobiles sold within the State, appointed by the Governor;

(9) A member representing automotive retailers, appointed by the Governor;

(10) A member of a recognized Statewide environmental organization, appointed by the Governor; and

(11) A representative of a public electric or gas utility, appointed by the Governor.

b. All vacancies in the membership of the Task Force shall be filled in the same manner as the original appointments were made.

c. The Task Force shall organize within 30 days following the appointment of a majority of its members. The Task Force shall meet at the call of the chairperson. The Task Force shall dissolve on the submission by the Task Force of its

recommendations to the Governor and the Legislature.

d. The members shall serve without compensation, but may be reimbursed for necessary expenses incurred in the performance of their duties and within the limits of funds available to the Task Force.

e. The Task Force shall make recommendations by a majority vote of its members.

f. The Department of Environmental Protection shall provide staff support to the Task Force. The Task Force shall, however, be entitled to call to its assistance and avail itself of the services of the employees of any State department, board, bureau, commission or agency, as it may require and as may be available for its purposes."

Page 2, Section 1, Lines 9-39:

Delete in their entirety

Page 3, Section 1, Lines 1-45:

Delete in their entirety

Page 4, Section 2, Lines 23-24:

Delete "Clean Car Commission" and insert "Clean Vehicle Task Force"

Page 4, Section 2, Lines 31-32:

Delete "Clean Car Commission" and insert "Clean Vehicle Task Force"

Page 4, Section 2, Lines 40-45:

Delete in their entirety

Page 5, Section 2, Lines 1-46:

Delete in their entirety

Page 6, Section 2, Lines 1-47:

Delete in their entirety

Page 7, Section 2, Lines 1-9:

Delete in their entirety and insert:

"b. The Clean Vehicle Task Force shall:

(1) Study advances made in low emission vehicles, zero emission vehicles, partial zero emission vehicles, and transitional zero emission vehicle technologies, the infrastructure necessary to support these vehicles, and the development of that infrastructure;

(2) Evaluate any proposed or adopted changes made by the California Air Resources Board to the California Low Emission Vehicle program and the potential effects of these changes on the implementation of the program in this State;

(3) Evaluate any proposed or adopted changes made by the United States Environmental Protection Agency, the National Highway Traffic Safety Administration, and other federal agencies with respect to air quality and criteria emissions standards, fuel economy, and greenhouse gas emissions standards, and the impact of these changes on the State as well as how they correlate and compare to the current requirements or the California Low Emission Vehicle program and its implementation;

(4) Evaluate the feasibility of implementing the zero emission vehicle requirements of the California Low Emission Vehicle program and the State complying with these requirements, in terms of:

(a) Availability of zero emission vehicle technology;

(b) Cost and retail price of vehicles using such technology;

(c) Performance of the technology and these vehicles;

(d) Consumer acceptance of the technology, vehicles, and the costs thereof;

(e) Development and accessibility of supporting infrastructure;

(f) Practicality of using zero emission vehicles in the State; and

(g) Compliance with the Clean Air Act's requirements;

(5) Identify and quantify the zero emission vehicle requirement under the California Low Emission Vehicle program and the necessity, feasibility, and methods for the State to meet that requirement;

(6) Study the development of electric vehicles, the challenges to that development, and the availability and attractiveness of electric vehicles as a transportation option to the public;

(7) Study the development of hydrogen fuel cell technology, the challenges to that development, and the availability and attractiveness of hydrogen fuel cell vehicles as a transportation option to the public;

(8) Explore and study other alternatives for zero emission vehicles, the challenges to that development, and the availability and attractiveness of other alternatives for zero emission vehicles;

(9) Identify regulatory and statutory obstacles and inefficiencies at the federal, State, local, and municipal level frustrating and impeding the use of low emission vehicles, zero emission vehicles, partial zero emission vehicles, and transitional zero emission vehicles;

(10) Explore and study the expanded use of alternative fuel as a fuel source for commercial fleets and mass transit vehicles; and

(11) Identify opportunities for consumer education.

c. No later than one year after the Task Force organizes, the Task Force shall submit a report to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature summarizing the activities and findings of the Task Force to date, and setting forth recommendations."

Page 7, Section 3, Lines 11-23:

Delete in their entirety and insert:

"3. (New Section) a. Notwithstanding any provision of P.L. 2003, c.266 (C.26:2C-8.15 et al.) to the contrary, if the Clean Vehicle Task Force pursuant to section 2 of P.L. \_\_\_\_, c. \_\_\_\_ (C. \_\_\_\_ ) (pending before the Legislature as this bill) makes a recommendation concerning the implementation of the zero emission vehicle requirement of the California Low Emission Vehicle program, the Commissioner may make a determination to accept or reject the recommendation of the Task Force concerning the implementation of the zero emission vehicle requirement.

b. The Commissioner may adopt such rules and regulations as necessary to implement the provisions of subsection a. of this section.

c. The Commissioner shall, in writing, notify the Governor and the Legislature of: (1) the determination made pursuant to subsection a. of this section; and (2) the filing of rules and regulations with the Office of Administrative Law pursuant to subsection b. of this section."

<u>Page 10, Section 4, Lines 44-47:</u>	Delete in their entirety
<u>Page 11, Section 4, Lines 1-47:</u>	Delete in their entirety
<u>Page 12, Section 4, Lines 1-4:</u>	Delete in their entirety
<u>Page 12, Section 5, Line 6:</u>	Delete "5." and insert "4."
<u>Page 12, Section 5, Lines 18-20:</u>	Delete in their entirety and insert " "Clean Vehicle Task Force" or "Task Force" means the task force established pursuant to section 1 of P.L. ____, c. __ (C.) (pending before the Legislature as this bill).
<u>Page 13, Section 6, Line 13:</u>	Delete "6." and insert "5."
<u>Page 13, Section 7, Line 42:</u>	Delete "7." and insert "6."
<u>Page 15, Section 8, Line 12:</u>	Delete "8." and insert "7."
<u>Page 15, Section 8, Line 12:</u>	After "Sections" insert "1 and"
<u>Page 15, Section 8, Line 12:</u>	After "(" insert "C.26:2C-8.15 and"
<u>Page 15, Section 9, Line 15:</u>	Delete "9." and insert "8."

Respectfully,

/s/Chris Christie

Governor

[seal]

Attest:

/s/Charles B. McKenna

Chief Counsel to the Governor