

# SENATE, No. 359

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## STATE OF NEW JERSEY 218th LEGISLATURE

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PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Senator RONALD L. RICE**

**District 28 (Essex)**

**Senator NIA H. GILL**

**District 34 (Essex and Passaic)**

**Co-Sponsored by:**

**Senators Cunningham and Turner**

**SYNOPSIS**

Establishes Clean Energy Technology Center and Alternative and Clean Energy Investment Trust Fund for purposes of creating clean energy-related employment opportunities; allocates revenues from societal benefits charge to support its activities.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1   **AN ACT** establishing a Clean Energy Technology Center in the  
2       Board of Public Utilities, supplementing Title 48 of the Revised  
3       Statutes, and amending P.L.1999, c.23.

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

7  
8       1. (New section) As used in P.L.     , c.     (C.     ) (pending  
9 before the Legislature as this bill):

10       “Board” means the board of directors of the Clean Energy  
11 Technology Center.

12       “Center” means the Clean Energy Technology Center established  
13 pursuant to section 2 of P.L.     , c.     (C.     ) (pending before the  
14 Legislature as this bill).

15       “Clean energy” means any advanced and applied technologies  
16 that significantly reduce or eliminate the use of energy from non-  
17 renewable sources, including, but not limited to: energy efficiency;  
18 demand response; energy conservation and those technologies  
19 powered in whole or in part by the sun, wind, water, biomass,  
20 alcohol, wood, fuel cells, and any renewable, non-depletable, or  
21 recyclable fuel.

22       “Clean energy research” means advanced and applied research in  
23 new clean energy technologies including: solar photovoltaic; solar  
24 thermal; wind power; geothermal; wave and tidal energy; advanced  
25 hydropower; energy storage for automotive applications; energy  
26 storage for electric power grid applications; biofuels, including  
27 ethanol, biodiesel, and advanced biofuels; renewable, biodegradable  
28 chemicals; advanced thermal-to-energy conversion; hydrogen;  
29 carbon capture and sequestration; energy monitoring; green  
30 building materials; energy-efficient lighting; gasification and  
31 conversion to liquid fuels; industrial energy efficiency; demand-  
32 side management; fuel cells; and other technologies that the board  
33 considers to qualify under the definitions herein; provided,  
34 however, that “clean energy research” shall not include coal, oil, or  
35 natural gas except when used in fuel cells, or nuclear power.

36       “Contribution agreement” means an agreement authorized  
37 pursuant to P.L.     , c.     (C.     ) (pending before the Legislature as  
38 this bill) in which a private entity or public entity other than the  
39 State agrees to provide to the center contributions for the purpose of  
40 promoting clean energy research.

41       “Federal agency” means an office, agency, division, department,  
42 board, or commission of the United States government.

43       “Fund” means the “Alternative and Clean Energy Investment  
44 Trust Fund” established pursuant to section 7 of P.L.     , c.     (C.     )  
45 (pending before the Legislature as this bill).

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

Matter underlined thus is new matter.

1       “Institution of higher education” means: Rutgers, The State  
2 University; a State college or university established pursuant to  
3 chapter 64 of Title 18A of the New Jersey Statutes; the New Jersey  
4 Institute of Technology; Rowan University; a county college; any  
5 other public university or college now or hereafter established or  
6 authorized by State law; or any college or university incorporated  
7 and located in New Jersey, which by virtue of law or character or  
8 license is a nonprofit educational institution authorized to grant  
9 academic degrees and which provides a level of education which is  
10 equivalent to the education provided by the State's public  
11 institutions of higher education, as attested by the receipt of and  
12 continuation of regional accreditation by the Middle States  
13 Association of Colleges and Schools, and which is eligible to  
14 receive State aid, but does not include any educational institution  
15 dedicated primarily to the education or training of ministers, priests,  
16 rabbis, or other professional persons in the field of religion.

17       “Person” means a natural or corporate person, including bodies  
18 politic and corporate, State departments, offices, agencies,  
19 authorities and political subdivisions of the State, corporations,  
20 trusts, societies, associations and partnerships, and subordinate  
21 instrumentalities of any one or more political subdivisions of the  
22 State.

23       “Public agency” means the State and any body politic and  
24 corporate of the State, including any political subdivision or  
25 instrumentality thereof, which is empowered to issue bonds secured  
26 by a pledge of revenues or other special funds or assets for which  
27 the issuance of debt is governed or limited pursuant to State law.

28       “Revenues” means any receipts, fees, rentals, or other payments  
29 or income received or to be received on account of obligations to  
30 the center including, without limitation: equity ownership in public  
31 or private companies; income on account of the leasing,  
32 mortgaging, sale, or other disposition of a project or proceeds of a  
33 loan made by the center in connection with any project; and  
34 amounts in reserves or held in other funds or accounts established  
35 in connection with the issuance of bonds and the proceeds of any  
36 investments thereof; proceeds of foreclosure; and any other fees,  
37 charges or other income received or receivable by the center.

38  
39       2. (New section) a. There is hereby established a body politic  
40 and corporate to be known as the Clean Energy Technology Center.  
41 The center is hereby constituted as a public instrumentality and the  
42 exercise by the center of the powers conferred by P.L. , c. (C. )  
43 (pending before the Legislature as this bill) shall be considered to  
44 be the performance of an essential governmental function. The  
45 center is hereby placed in the Board of Public Utilities and shall be  
46 subject to the supervision and control of the Board of Public  
47 Utilities, except as specifically provided for in P.L. , c. (C. )  
48 (pending before the Legislature as this bill).

1       The center shall promote and advance the State's public interests  
2 by: (1) acting as the State's lead agency, in collaboration with the  
3 New Jersey Economic Development Authority, in the promotion  
4 and development of jobs in the clean energy sector; (2) promoting  
5 research and workforce training in clean energy technology at the  
6 State's public institutions of higher education, and vocational-  
7 technical schools, or any vocational-technical school that meets the  
8 programmatic requirements established by the Department of  
9 Education; (3) stimulating the creation and development of new  
10 clean energy ventures that will form the foundation of a strong  
11 clean energy industry sector or cluster in the State; (4) providing  
12 support to existing clean energy companies to expand their  
13 operations within the State; (5) attracting new capital and research  
14 facilities from institutions outside the State; (6) fostering  
15 collaboration between industry, State government, research  
16 universities, and the financial sector to advance clean energy  
17 technology commercialization and venture development; (7)  
18 conducting market research to identify barriers to creating and  
19 expanding a clean technology industry, including job training  
20 needs; (8) supporting demonstration projects that are evaluated by  
21 independent, third-party peer research institutions; (9) serving as  
22 the clearinghouse for information related to the clean energy  
23 industry in the State; (10) promoting programs and investments that  
24 lead to pathways towards economic self-sufficiency for low and  
25 moderate-income individuals and communities in the clean energy  
26 industry; and (11) performing any other actions necessary to  
27 effectuate the purposes of P.L. , c. (C. ) (pending before the  
28 Legislature as this bill).

29       b. The center shall be governed and its corporate powers  
30 exercised by a board of directors consisting of 10 members: one  
31 shall be the President of the Board of Public Utilities or the  
32 president's designee; one shall be the executive director of the New  
33 Jersey Economic Development Authority or the executive director's  
34 designee; one shall be the Commissioner of Labor and Workforce  
35 Development or the commissioner's designee, and all three shall  
36 serve ex officio; and seven public members who shall be appointed  
37 by the Governor, two shall be presidents of institutions of higher  
38 education in this State or their designees, one shall be the president  
39 of a county community college in this State or the president's  
40 designee, one shall be an engineer or scientist with expertise in  
41 clean energy technology, one shall be a venture capitalist with  
42 expertise in clean energy technologies in the State, one shall be a  
43 resident of the State who represents the interests of electric public  
44 utility customers with respect to rates and charges, and one shall be  
45 a chief executive officer of a New Jersey-based clean energy  
46 corporation. Each of the seven public members appointed by the  
47 Governor shall serve for a term of five years, except that in making  
48 the initial appointments, the Governor shall appoint one member to

1 serve for a term of one year, one member to serve for a term of two  
2 years, one member for a term of three years, two members for a  
3 term of four years and two members for a term of five years. The  
4 President of the Board of Public Utilities or the president's designee  
5 shall serve as chairperson of the board of directors. A public  
6 member shall be eligible for reappointment. A public member may  
7 be removed from the member's appointment by the Governor for  
8 cause. A person appointed to fill a vacancy in the board held by a  
9 public member shall be appointed in a like manner and shall serve  
10 for only the unexpired term of that public member.

11 c. Six directors shall constitute a quorum and the affirmative  
12 vote of a majority of directors present at a duly-called meeting  
13 where a quorum is present shall be necessary for any action to be  
14 taken by the board. Any action required or permitted to be taken at  
15 a meeting of the directors may be taken without a meeting if all of  
16 the directors consent in writing to that action and written consents  
17 are filed with the records of the minutes of the next meeting of the  
18 board. The consents shall be treated for all purposes as a vote at a  
19 meeting. The directors of the board shall serve without  
20 compensation, but may be reimbursed for necessary expenses  
21 incurred in the performance of their duties, within the limits of  
22 funds appropriated or otherwise made available to the board for its  
23 purposes.

24 d. The board may appoint and employ an executive director,  
25 and fix the executive director's compensation and conditions of  
26 employment. The executive director shall have a full range of  
27 previous experience in the clean energy industry, including previous  
28 executive experience within the clean energy industry. The  
29 executive director shall be the chief executive, administrative, and  
30 operational officer of the center and shall direct and supervise the  
31 administrative affairs and the general management of the center.  
32 The executive director may, subject to the general supervision of  
33 the board, employ other employees, consultants, agents, including  
34 legal counsel and advisors, and shall attend meetings of the board.

35 e. The board shall elect from its membership a secretary and a  
36 treasurer. The secretary shall keep a record of the minutes and  
37 other proceedings of the board and shall be the custodian of all  
38 books, documents, and papers filed by the board. The secretary  
39 shall cause copies to be made of all minutes and other records and  
40 documents of the center and shall certify that the copies are true  
41 copies, and all persons dealing with the center may rely upon that  
42 certification. The treasurer shall be the chief financial and  
43 accounting officer of the center and shall be in charge of its funds,  
44 books of account, and accounting records. The books and records  
45 of the center shall be subject to an annual audit to be made and filed  
46 with the Governor, and for that purpose the center shall employ a  
47 certified public accountant licensed in the State of New Jersey.

1 f. All officers and employees of the center having access to its  
2 cash or negotiable securities shall give a bond to the center, at its  
3 expense, in such amounts and with such surety as the board may  
4 prescribe.

5 g. The center shall continue until its existence is terminated by  
6 law. Upon termination of the existence of the center, all rights,  
7 title, and interest in and to its assets, and its obligations, duties,  
8 covenants, and agreements, shall vest in and be possessed,  
9 performed, and assumed by the Board of Public Utilities.

10 h. Meetings of the board shall be subject to the "Senator Byron  
11 M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et  
12 seq.). Except as provided in subsection i. of this section, records  
13 pertaining to the administration of the center shall be subject to  
14 P.L.1963, c.73 (C.47:1A-1 et seq.).

15 i. Information required to be compiled by the center shall be  
16 deemed to be government records subject to the requirements of  
17 P.L.1963, c.73 (C.47:1A-1 et seq.).

18  
19 3. (New section) The Clean Energy Technology Center shall  
20 have all powers necessary or convenient to carry out and effectuate  
21 its purposes pursuant to P.L. , c. (C. ) (pending before the  
22 Legislature as this bill), including, the power to:

23 a. Adopt and amend by-laws, regulations, and procedures for  
24 the governance of its affairs and the conduct of its business;

25 b. Establish standards requiring that any loan, loan guarantee,  
26 or other appropriation of funds pursuant to P.L. , c. (C. )  
27 (pending before the Legislature as this bill) be subject to an  
28 intellectual property agreement between the center and the  
29 recipient; provided, however, that the intellectual property  
30 agreement shall balance the opportunity for the State to benefit  
31 from the patents, royalties, and equity ownership in public and  
32 private companies and licenses against the need to ensure that  
33 essential clean energy research shall not be unreasonably hindered  
34 by the intellectual property agreement; and provided further, that all  
35 revenues or financial interests of any kind received by the center as  
36 a result of the intellectual property agreement shall be placed, in its  
37 entirety, in the fund;

38 c. Adopt an official seal;

39 d. Maintain offices within the State as it may determine and to  
40 conduct meetings of the center in accordance with the by-laws of  
41 the center;

42 e. Sue and be sued, to prosecute and defend actions relating to  
43 its properties and affairs, and to be liable in tort in the same manner  
44 as a private person; provided, however, that the center shall not  
45 become a debtor under chapter 7 or 11 of the United States  
46 Bankruptcy Code;

47 f. Appoint officers and employees and to engage consultants,  
48 agents, and advisors;

1 g. Enter into contracts and agreements and execute all  
2 documents necessary or convenient thereto for accomplishing the  
3 purposes of P.L. , c. (C. ) (pending before the Legislature as  
4 this bill); provided, however, that the contracts and agreements may  
5 include, without limiting the foregoing, construction agreements,  
6 purchase or acquisition agreements, loan or lease agreements,  
7 partnership agreements including limited partnership agreements,  
8 joint ventures, participation agreements, service agreements with  
9 clean energy entities, environmental, educational, or other financial  
10 institutions or intermediaries and agreements with one or more  
11 persons for the servicing of loans made by the center, including the  
12 receipt by such servicer of payments made by a user under a  
13 financing contract or agreement, and provided further, that any such  
14 payments shall constitute trust funds to be held and applied solely  
15 as provided in such agreement for the servicing of loans, shall  
16 constitute pledged funds of the center, and shall be entitled to the  
17 same protection when received by a person for the servicing of  
18 loans, without the need for filing and recording of the servicing  
19 agreement, except in the records of the center, as is afforded to  
20 funds received by an issuer and pledged to a trustee;

21 h. Acquire real and personal property, or any interest in real or  
22 personal property, by gift, purchase, transfer, foreclosure, lease, or  
23 otherwise, including rights or easements; to hold, sell, assign, lease,  
24 encumber, mortgage, or otherwise dispose of any real or personal  
25 property, or any interest therein, or mortgage any interest owned by  
26 the center or under the center's control, custody, or in the center's  
27 possession; to release or relinquish any right, title, claim, lien,  
28 interest, easement, or demand however acquired, including any  
29 equity or right of redemption in property foreclosed by the center;  
30 to take assignments of leases and rentals, proceed with foreclosure  
31 actions or take any other actions necessary or incidental to the  
32 performance of the center's corporate purposes;

33 i. Invest funds held in reserves or sinking funds, or the  
34 Alternative and Clean Energy Investment Trust Fund, or funds not  
35 required for immediate disbursement, in those investments as may  
36 be provided in a financing document relating to the use of the  
37 funds, or, if not so provided, as the board may determine;

38 j. Review and recommend changes in laws, rules, programs,  
39 and policies of the State and its agencies and subdivisions to further  
40 the enhancement of clean energy financing, infrastructure, siting,  
41 manufacturing, and development within the State;

42 k. Appear on its own behalf before boards, commissions,  
43 departments, or other agencies of municipal, county, State, or  
44 federal government;

45 l. Obtain insurance;

46 m. Apply for and accept grants, loans, advances, and  
47 contributions from any source of money, property, labor, or other  
48 things of value, to be held, used, and applied for the center's

- 1 corporate purposes; provided, however, that the center shall not  
2 accept funding from any source, including any federal agency, if the  
3 receipt of that funding would limit the center's ability to promote its  
4 public purposes; and provided further, that all funds shall be placed,  
5 in their entirety, in the fund;
- 6 n. Enter into agreements, including any contribution  
7 agreements, with public and private entities that deal primarily with  
8 clean energy technologies, in order to distribute and provide  
9 leveraging of monies or services for the purposes of furthering  
10 research and development, aiding in the promotion of  
11 environmental protection, creating jobs in clean energy and  
12 promoting overall economic growth by fostering collaboration and  
13 investments in clean energy in the State;
- 14 o. Provide and pay for advisory services and technical  
15 assistance as may be necessary or desired to carry out the purposes  
16 of P.L. , c. (C. ) (pending before the Legislature as this  
17 bill);
- 18 p. Establish and collect fees and charges, in addition to any  
19 societal benefits charge revenues allocated to the center pursuant to  
20 section 12 of P.L.1999, c.23 (C.48:3-60), as the center, without  
21 further appropriation, shall determine to be reasonable, and to  
22 receive and apply revenues from fees and charges to the purposes of  
23 the center or allotment by the State; provided, however, that all  
24 revenues collected shall be placed, in their entirety, in the  
25 Alternative and Clean Energy Investment Trust Fund;
- 26 q. Make or guarantee loans (1) to any person for the  
27 acquisition, construction, alteration, or any combination thereof, or  
28 other financing of a clean energy project including, but not limited  
29 to, loans to lending institutions under terms and conditions  
30 requiring the proceeds of the loans to be used by the lending  
31 institutions for the making of loans to persons for qualified clean  
32 energy projects and (2) for the purposes described pursuant to  
33 sections 8, 9, and 10 of P.L. , c. (C. ) (pending before the  
34 Legislature as this bill);
- 35 r. Disburse, appropriate, loan, or allocate funds for the  
36 purposes of investing in clean energy as directed pursuant to P.L. ,  
37 c. (C. ) (pending before the Legislature as this bill);
- 38 s. Provide assistance to local entities and authorities, public  
39 bodies and private corporations for the purposes of maximizing  
40 opportunities for expanding clean energy technologies, attracting  
41 new clean energy entities and advanced technology investments,  
42 fostering new innovative research, and creating new manufacturing  
43 and development initiatives in the State;
- 44 t. Prepare, publish, and distribute as the center may determine,  
45 studies, reports, bulletins, and other material as the center deems  
46 appropriate;
- 47 u. Employ accountants, architects, attorneys, engineers,  
48 planners, real estate experts, and other consultants as may be



1 necessary in its judgment to carry out the purposes of P.L. ,  
2 c. (C. ) (pending before the Legislature as this bill) and to fix  
3 their compensation;

4 v. Take any actions necessary or convenient to the exercise of  
5 any power or the discharge of any duty provided pursuant to P.L. ,  
6 c. (C. ) (pending before the Legislature as this bill);

7 w. Enter into agreements or other transactions with any person,  
8 including without limitation any public agency or other  
9 governmental instrumentality or agency, in connection with its  
10 powers and duties pursuant to P.L. , c. (C. ) (pending before  
11 the Legislature as this bill);

12 x. Make qualified investments to ensure the success of clean  
13 energy industry clusters; and

14 y. Institute and administer the Alternative and Clean Energy  
15 Investment Trust Fund for the purposes of making appropriations,  
16 allocations, or loans to leverage development and investments in  
17 clean energy research, workforce training, and job creation;  
18 provided, however, that the center shall implement an application  
19 process for these purposes.  
20

21 4. (New section) a. The exercise of the powers granted  
22 pursuant to section 3 of P.L. , c. (C. ) (pending before the  
23 Legislature as this bill) shall be in all respects for the benefit of the  
24 people of the State and for the improvement of their health and  
25 living conditions. The operation of the Clean Energy Technology  
26 Center shall constitute the performance of essential governmental  
27 functions and the center shall not be required to pay any taxes or  
28 assessments.

29 b. All real and tangible personal property of the center shall be  
30 deemed to be public property used for essential public and  
31 governmental purposes and shall be exempt from taxation and  
32 special assessments.  
33

34 5. (New section) Based on recommendations included in the  
35 clean energy study conducted pursuant to subsection c. of section  
36 10 of P.L. , c. (C. ) (pending before the Legislature as this  
37 bill), the Clean Energy Technology Center shall, within 100 days of  
38 the study's completion, develop a Statewide plan for the installation  
39 and operation of renewable energy generating facilities on real  
40 property owned by the State. Any renewable energy generating  
41 facility sited on State property shall be made available for State and  
42 local workforce development and training initiatives.  
43

44 6. (New section) The Clean Energy Technology Center shall  
45 annually submit, on or before March 1, a report to the Governor  
46 and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the  
47 Legislature, setting forth, relative to the center's operations,

1 receipts and expenditures during its fiscal year and its assets and  
2 liabilities during the fiscal year.

3  
4 7. (New section) a. There is hereby established and placed  
5 within the Clean Energy Technology Center a special nonlapsing  
6 fund to be known as the "Alternative and Clean Energy Investment  
7 Trust Fund," to be held by the center separate and apart from its  
8 other funds, to finance the activities of the center. The fund shall be  
9 credited with societal benefits charge revenues received from  
10 electric and gas public utilities, pursuant to section 12 of P.L.1999,  
11 c.23 (C.48:3-60), for deposit in the fund as pursuant to subsection j.  
12 of this section. The fund may be credited with any appropriations,  
13 proceeds, or other monies authorized by the Legislature and  
14 specifically designated to be credited thereto, additional funds as  
15 are subject to the direction and control of the center, any investment  
16 funds, federal grants or loans, royalties, equity ownership in public  
17 or private companies, or private investment capital which may  
18 properly be applied in furtherance of the objectives of the fund, any  
19 proceeds from the sale of qualified investments secured or held by  
20 the fund, any fees and charges imposed relative to the making of  
21 qualified investments, as the investments shall be defined by the  
22 center, secured or held by the fund, and any other monies which  
23 may be available to the center for the purposes of the fund from any  
24 other source or sources. Any revenues, deposits, receipts, or funds  
25 received through the receipt of royalties, dividends, equity  
26 ownership in public or private companies, or the sale of equity  
27 instruments, inclusive, shall be deposited in the fund and shall be  
28 available expressly to the center without further appropriation.

29 b. The center shall, in consultation with the advisory committee  
30 established in subsection g. of this section and the State Treasurer,  
31 invest and reinvest the Alternative and Clean Energy Investment  
32 Trust Fund and the income thereof only as follows: (1) in the  
33 making of qualified investments approved by the board, pursuant to  
34 rules approved by the board; (2) in defraying the ordinary and  
35 necessary expenses of administration and operation associated with  
36 the center; provided, however, that administrative and operational  
37 expenses shall not exceed 15 percent of the total assets of the fund  
38 in any one fiscal year; (3) in the investment of any funds not  
39 required for immediate disbursement in the purchase of securities as  
40 may be lawful investments for fiduciaries in the State; (4) for the  
41 payment of binding obligations associated with qualified  
42 investments which are secured by the fund as the obligations  
43 become payable; and (5) for the payment of principal and interest  
44 on qualified investments secured by the fund or the payment of any  
45 redemption premium required to be paid when the qualified  
46 investments are redeemed prior to maturity.

47 c. The Alternative and Clean Energy Investment Trust Fund  
48 shall be held and applied by the center, subject to the approval of

1 the board, and in consultation with advisory committee established  
2 in subsection g. of this section to make qualified investments  
3 designed to advance the following public purposes in the State to:  
4 (1) stimulate increased financing for the expansion of state-of-the-  
5 art clean energy research and development facilities by leveraging  
6 private financing and providing financing related thereto including,  
7 without limitation, financing for the construction or expansion of  
8 those facilities; (2) provide loans and loan guarantees to State  
9 institutions of higher education to develop a curriculum relative to  
10 clean energy and clean energy technology; (3) make targeted  
11 investments in clean energy research and to promote manufacturing  
12 activities for new or existing advanced clean energy technologies;  
13 (4) make loans or loan guarantees to institutions of higher  
14 education, public instrumentalities, companies, and other entities to  
15 induce the federal government, industry, and other grant-funding  
16 sources to provide grant funding for the expansion of research and  
17 development in clean energy; (5) provide bridge financing to  
18 institutions of higher education, public instrumentalities,  
19 companies, and other entities in anticipation of the receipt of grants  
20 of the type described in paragraph (4) of this subsection, awarded or  
21 to be awarded by the federal government, industry, or other sources;  
22 (6) promote programs and investments that lead to pathways  
23 towards economic self-sufficiency for low and moderate-income  
24 communities in the clean energy industry; provided, however, that  
25 these programs shall prioritize investments that serve individuals in  
26 families with incomes that do not exceed 300 percent of the federal  
27 poverty level, as determined by the United States Census Bureau,  
28 that shall include but not be limited to, the income needs of  
29 families, family size, the number and ages of children in the family,  
30 and geographical considerations; and (7) make any other  
31 expenditure provided by this section.

32 d. The center shall not make a qualified investment under  
33 paragraph (1) of subsection c. of this section unless: (1) the  
34 qualified investment has been approved by a majority vote of the  
35 board; and (2) the center finds that, to the extent possible, the  
36 qualified investment is such that a defined benefit to the economy  
37 of the State may reasonably be expected from the qualified  
38 investment; provided, however, that in evaluating a request or  
39 application for funding, the center shall consider whether: (a) the  
40 project fulfills the public purposes of the center; (b) the project has  
41 significant potential to expand clean energy related employment in  
42 the State; (c) the project has the potential to enhance technological  
43 advancements in clean energy; (d) the project has the potential to  
44 result in the development of advancements in environmental  
45 protection and reduce the cost of energy; (e) the project has the  
46 potential to leverage additional funding or to attract additional  
47 energy resources to the State; (f) the project has the potential to  
48 stimulate clean energy manufacturing in the State; (g) the project

1 includes a plan to facilitate collaboration with State and local  
2 workforce development programs; or (h) the program leads to  
3 pathways towards economic self-sufficiency for low and moderate-  
4 income communities in the clean energy industry as established  
5 pursuant to paragraph (6) of subsection c. of this section.

6 e. The center shall not make a qualified investment under  
7 paragraph (1) of subsection b. of this section unless the qualified  
8 investment is in conformity with the rules adopted by the center and  
9 approved by the board. The rules shall set the terms and conditions  
10 for investments which constitute qualified investments, which may  
11 include, without limitation, loans, guarantees, loan insurance or  
12 reinsurance, equity investments, equity ownership in public or  
13 private companies, or other financing or credit enhancing devices,  
14 as made by the center directly or on its own behalf or in conjunction  
15 with other public instrumentalities, private institutions, or the  
16 federal government.

17 f. The rules established pursuant to subsection e. of this section  
18 shall also set forth the terms, procedures, standards, and conditions  
19 which the center shall employ to identify qualified applications,  
20 process applications, make investment determinations, safeguard  
21 the Alternative and Clean Energy Investment Trust Fund, advance  
22 the objective of increasing employment opportunities in the State,  
23 oversee the progress of qualified investments, and secure the  
24 participation of other public instrumentalities, private institutions,  
25 or the federal government in those qualified investments; provided,  
26 however, that the rules shall provide for negotiated intellectual  
27 property agreements between the center and each recipient of a  
28 qualified investment which shall include the terms and conditions  
29 by which the fund's support thereof may be reduced or withdrawn;  
30 and provided further, that all revenues or financial interests of any  
31 kind received by the center as a result of the intellectual property  
32 agreements shall be placed, in their entirety, in the fund.

33 g. There shall be an advisory committee to be appointed by the  
34 Governor consisting of 15 individuals with an interest in and  
35 knowledge of matters related to the general purpose and activities  
36 of the Alternative and Clean Energy Investment Trust Fund and  
37 with expertise and experience in at least one of the following areas:  
38 clean energy technology research, clean energy technology  
39 development, clean energy investing, management of clean energy  
40 companies, making or advancing clean energy policy, clean energy  
41 curriculum development, or workforce training in the field of clean  
42 energy or energy efficiency. The board shall consult with the  
43 advisory committee in matters related to the fund and in the  
44 implementation of this section.

45 h. Qualified investment transactions undertaken by the center  
46 pursuant to this section shall not constitute a debt or pledge of the  
47 faith and credit of the State, the center, or any political subdivision

1 of the State and shall be payable solely from the Alternative and  
2 Clean Energy Investment Trust Fund.

3 i. All available moneys in the Alternative and Clean Energy  
4 Investment Trust Fund that are unexpended at the end of each fiscal  
5 year shall not revert to the General Fund and shall be available for  
6 expenditure in the subsequent fiscal year.

7 j. The Board of Public Utilities shall annually transfer from  
8 societal benefits charge revenues received from electric and gas  
9 public utilities, pursuant to section 12 of P.L.1999, c.23 (C.48:3-  
10 60), for deposit in the Alternative and Clean Energy Investment  
11 Trust Fund established pursuant to this section, an amount  
12 determined by the board as necessary to meet the financial  
13 obligations of the fund and the purposes of P.L. , c. (C. )  
14 (pending before the Legislature as this bill). The board may  
15 allocate up to 15 percent of the amount to defray the ordinary and  
16 necessary expenses of administration and operation associated with  
17 the center.

18 k. The center shall annually submit on or before June 1 a report  
19 to the Governor and, pursuant to section 2 of P.L.1991, c.164  
20 (C.52:14-19.1), to the Legislature, setting forth, relative to the  
21 fund's operations, receipts and expenditures during its fiscal year  
22 and its assets and liabilities during the fiscal year.

23  
24 8. (New section) There is hereby established and placed within  
25 the Clean Energy Technology Center a program to be known as the  
26 "Clean Energy Loan Program." Under the program, the center, in  
27 consultation with the New Jersey Economic Development  
28 Authority, may provide loans or loan guarantees, to clean energy  
29 researchers, companies, nonprofit organizations, community-based  
30 organizations, and institutions based on criteria developed by the  
31 center. The center shall establish public-private partnerships with  
32 State-based investors, entrepreneurs, and institutions that are  
33 involved in the clean energy industry for the purposes of facilitating  
34 matching grants for recipients of funding from the center.

35  
36 9. (New section) There is hereby established and placed within  
37 the Clean Energy Technology Center an initiative to be known as  
38 the "Green Jobs Initiative." Under the initiative, the center, in  
39 consultation with the New Jersey Economic Development  
40 Authority, may provide loans or loan guarantees to public  
41 institutions of higher education and county vocational-technical  
42 schools, to facilitate workforce development efforts and train and  
43 retain students in clean energy industries. The initiatives may  
44 include loans or loan guarantees to public institutions of higher  
45 education and county vocational-technical schools for the  
46 development of small-scale renewable energy generating sources,  
47 including, but not limited to: photovoltaic installations; wind  
48 energy; ocean thermal, wave, or tidal energy; fuel cells; landfill gas;

1 natural flowing water and hydroelectric; low-emission advanced  
2 biomass power conversion technologies using biomass fuels such as  
3 wood, agricultural, or food wastes; biogas, biodiesel, or organic  
4 refuse-derived fuel; and geothermal energy. The center shall assist  
5 public institutions of higher education and the county vocational-  
6 technical schools in developing a curriculum for clean energy and  
7 energy efficiency, and shall assist students seeking employment in  
8 the clean energy sector.

9  
10 10. (New section) a. The Clean Energy Technology Center, in  
11 consultation with the New Jersey Economic Development  
12 Authority, may allocate monies from the Alternative and Clean  
13 Energy Investment Trust Fund for a loan program to be  
14 administered by the center. The program may provide loans or loan  
15 guarantees to clean energy companies, institutions, or nonprofit  
16 organizations.

17 b. The center, in consultation with the Commissioner of Labor  
18 and Workforce Development, may allocate monies from the  
19 Alternative and Clean Energy Investment Trust Fund for a  
20 workforce development loan program to be administered by the  
21 commissioner or the commissioner's designee. The workforce  
22 development loan program may provide loans or loan guarantees to  
23 the State's institutions of higher education, county vocational-  
24 technical schools, or community-based organizations that have  
25 existing workforce development programs in clean energy industry  
26 skills or the capacity to create these programs.

27 c. The center shall allocate monies from the Alternative and  
28 Clean Energy Investment Trust Fund to commission a study,  
29 conducted pursuant to section 5 of P.L. , c. (C. ) (pending  
30 before the Legislature as this bill), to investigate the clean energy  
31 sector in the State. The study shall include, but not be limited to, an  
32 examination of: (1) the future workforce needs of the State's clean  
33 energy sector; (2) the current growth rate of the clean energy sector,  
34 including the number of in-State jobs and businesses; (3) the current  
35 levels of private investment in the clean energy sector; (4) real  
36 property owned by the State available and suited for the installation  
37 and operation of renewable energy generating facilities; (5) energy  
38 efficiency opportunities on real property owned by the State; and  
39 (6) the future funding requirements of the center. A copy of the  
40 study shall be submitted on or before January 1, 2018, to the  
41 Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-  
42 19.1), to the Legislature.

43 d. The center, in consultation with the Commissioner of Labor  
44 and Workforce Development may allocate monies from the  
45 Alternative and Clean Energy Investment Trust Fund for an  
46 initiative to be known as the "Pathways Out of Poverty Initiative."  
47 The initiative shall be administered by the commissioner or the  
48 commissioner's designee. Under the initiative, the commissioner

1 may provide loans or loan guarantees to clean energy companies,  
2 community-based nonprofit organizations, educational institutions,  
3 or labor organizations to enable these entities to carry out training  
4 programs associated with the clean energy industry that lead to  
5 economic self-sufficiency. The center shall give funding priority to  
6 entities that serve individuals in families with incomes that shall not  
7 exceed 300 percent of the federal poverty level, as determined by  
8 the United States Census Bureau, that shall include but not be  
9 limited to, the income needs of families, family size, the number  
10 and ages of children in the family, and geographical considerations.  
11 The loans and loan guarantees shall be awarded so as to ensure  
12 geographic diversity within the State.

13 e. The center, in consultation with the New Jersey Economic  
14 Development Authority, may allocate monies from the Alternative  
15 and Clean Energy Investment Trust Fund to research, establish, and  
16 fund, if the center so chooses, a Hydrogen and Fuel Cell Institute, to  
17 serve as a joint venture among institutions of higher education in  
18 the State providing a focal point for research, education, and  
19 commercialization activities in the hydrogen fuel cell sector;  
20 provided, however, that the institute's responsibilities may include,  
21 but not be limited to: (1) working with the public and private  
22 institutions of higher education in the State to coordinate and  
23 strengthen hydrogen and fuel cell research activities in the State; (2)  
24 strengthening collaborative research and development between  
25 institutions of higher education and businesses located within the  
26 State; (3) addressing critical technological barriers facing the  
27 hydrogen and fuel cell businesses; (4) strengthening existing  
28 educational programs and introducing new curriculum in  
29 institutions of higher education in the State to produce graduates  
30 who are conversant in hydrogen and fuel cell technologies; and (5)  
31 promoting partnerships between institutions of higher education in  
32 the State and businesses to jointly demonstrate hydrogen and fuel  
33 cell technologies and attract greater amounts of federal funding to  
34 the State.

35 f. The center, in consultation with the New Jersey Economic  
36 Development Authority, may allocate monies from the Alternative  
37 and Clean Energy Investment Trust Fund to establish, if the center  
38 so chooses, a program to be known as the "Entrepreneurial  
39 Fellowship Program," which may provide loans or loan guarantees  
40 to entrepreneurs from business sectors other than clean energy  
41 sectors to enroll in programs to foster knowledge and expertise of  
42 clean energy technology; provided, however, that the clean energy  
43 technology programs shall be based upon intensive technology,  
44 market, and policy curriculum and that the center shall establish  
45 public-private partnerships and enter into contribution agreements  
46 with State-based businesses and venture capitalists to support  
47 programs designed to mentor and train entrepreneurs from other  
48 business sectors in the areas of clean energy technology and

1 development to increase investment in the State's clean energy  
2 sector.

3  
4 11. Section 12 of P.L.1999, c.23 (C.48:3-60) is amended to read  
5 as follows:

6 12. a. Simultaneously with the starting date for the  
7 implementation of retail choice as determined by the board pursuant  
8 to subsection a. of section 5 of **[this act]** P.L.1999, c.23 (C.48:3-  
9 53), the board shall permit each electric public utility and gas public  
10 utility to recover some or all of the following costs through a  
11 societal benefits charge that shall be collected as a non-bypassable  
12 charge imposed on all electric public utility customers and gas  
13 public utility customers, as appropriate:

14 (1) The costs for the social programs for which rate recovery  
15 was approved by the board prior to April 30, 1997. For the purpose  
16 of establishing initial unbundled rates pursuant to section 4 of **[this**  
17 **act]** P.L.1999, c.23 (C.48:3-52), the societal benefits charge shall  
18 be set to recover the same level of social program costs as is being  
19 collected in the bundled rates of the electric public utility on the  
20 effective date of **[this act]** P.L.1999, c.23 (C.48:3-49 et al.). The  
21 board may subsequently order, pursuant to its rules and regulations,  
22 an increase or decrease in the societal benefits charge to reflect  
23 changes in the costs to the utility of administering existing social  
24 programs. Nothing in **[this act]** P.L.1999, c.23 (C.48:3-49 et al.)  
25 shall be construed to abolish or change any social program required  
26 by statute or board order or rule or regulation to be provided by an  
27 electric public utility. Any such social program shall continue to be  
28 provided by the electric public utility until otherwise provided by  
29 law, unless the board determines that it is no longer appropriate for  
30 the electric public utility to provide the program, or the board  
31 chooses to modify the program;

32 (2) Nuclear plant decommissioning costs;

33 (3) The costs of demand side management programs that were  
34 approved by the board pursuant to its demand side management  
35 regulations prior to April 30, 1997. For the purpose of establishing  
36 initial unbundled rates pursuant to section 4 of **[this act]** P.L.1999,  
37 c.23 (C.48:3-52), the societal benefits charge shall be set to recover  
38 the same level of demand side management program costs as is  
39 being collected in the bundled rates of the electric public utility on  
40 the effective date of **[this act]** P.L.1999, c.23 (C.48:3-49 et al.).  
41 Within four months of the effective date of **[this act]** P.L.1999,  
42 c.23 (C.48:3-49 et al.), and every four years thereafter, the board  
43 shall initiate a proceeding and cause to be undertaken a  
44 comprehensive resource analysis of energy programs, and within  
45 eight months of initiating such proceeding and after notice,  
46 provision of the opportunity for public comment, and public  
47 hearing, the board, in consultation with the Department of



1 Environmental Protection, shall determine the appropriate level of  
2 funding for energy efficiency and Class I renewable energy  
3 programs that provide environmental benefits above and beyond  
4 those provided by standard offer or similar programs in effect as of  
5 the effective date of **[this act]** P.L.1999, c.23 (C.48:3-49 et al.);  
6 provided that the funding for **[such]** demand side management  
7 programs be no less than **[50%]** 50 percent of the total Statewide  
8 amount being collected in **[public]** electric and gas public utility  
9 rates for demand side management programs on the effective date  
10 of **[this act]** P.L.1999, c.23 (C.48:3-49 et al.) for an initial period of  
11 four years from the issuance of the first comprehensive resource  
12 analysis following the effective date of **[this act]** P.L.1999, c.23  
13 (C.48:3-49 et al.), and provided that **[25%]** 25 percent of this  
14 amount shall be used to provide funding for Class I renewable  
15 energy projects in the State. In each of the following fifth through  
16 eighth years, the Statewide funding for **[such]** demand side  
17 management programs shall be no less than 50 percent of the total  
18 Statewide amount being collected in **[public]** electric and gas  
19 public utility rates for demand side management programs on the  
20 effective date of **[this act]** P.L.1999, c.23 (C.48:3-49 et al.), except  
21 that as additional funds are made available as a result of the  
22 expiration of past standard offer or similar commitments, the  
23 minimum amount of funding for **[such]** demand side management  
24 programs shall increase by an additional amount equal to 50 percent  
25 of the additional funds made available, until the minimum amount  
26 of funding dedicated to **[such]** demand side management programs  
27 reaches \$140,000,000 total. After the eighth year, the board shall  
28 make a determination as to the appropriate level of funding for  
29 these programs. **[Such]** The demand side management programs  
30 shall include a program to provide financial incentives for the  
31 installation of Class I renewable energy projects in the State, and  
32 the board, in consultation with the Department of Environmental  
33 Protection, shall determine the level and total amount of **[such]** the  
34 incentives as well as the renewable technologies eligible for **[such]**  
35 the incentives which shall include, at a minimum, photovoltaic,  
36 wind, and fuel cells. The board shall simultaneously determine, as  
37 a result of the comprehensive resource analysis, the programs to be  
38 funded by the societal benefits charge, the level of cost recovery  
39 and performance incentives for old and new programs and whether  
40 the recovery of demand side management programs' costs currently  
41 approved by the board may be reduced or extended over a longer  
42 period of time. The board shall make these determinations taking  
43 into consideration existing market barriers and environmental  
44 benefits, with the objective of transforming markets, capturing lost  
45 opportunities, making energy services more affordable for low  
46 income customers and eliminating subsidies for programs that can

1 be delivered in the marketplace without electric public utility and  
2 gas public utility customer funding;

3 (4) Manufactured gas plant remediation costs, which shall be  
4 determined initially in a manner consistent with mechanisms in the  
5 remediation adjustment clauses for the electric public utility and gas  
6 public utility adopted by the board; **and**

7 (5) The cost, of consumer education, as determined by the  
8 board, which shall be in an amount that, together with the consumer  
9 education surcharge imposed on electric power supplier license fees  
10 pursuant to subsection h. of section 29 of **[this act]** P.L.1999, c.23  
11 (C.48:3-78) and the consumer education surcharge imposed on gas  
12 supplier license fees pursuant to subsection g. of section 30 of **[this**  
13 **act]** P.L.1999, c.23 (C.48:3-79), shall be sufficient to fund the  
14 consumer education program established pursuant to section 36 of  
15 **[this act]** P.L.1999, c.23 (C.48:3-85); and

16 (6) 100 percent of the costs of the operation of the Clean Energy  
17 Technology Center and the Alternative and Clean Energy  
18 Investment Trust Fund, established pursuant to P.L. , c. (C. )  
19 (pending before the Legislature as this bill). The board may order,  
20 pursuant to its rules and regulations, an increase or decrease in the  
21 societal benefits charge to reflect the inclusion of funding for the  
22 Clean Energy Technology Center and the Alternative and Clean  
23 Energy Investment Trust Fund.

24 b. There is established in the **[Board of Public Utilities]** board  
25 a nonlapsing fund to be known as the "Universal Service Fund."  
26 The board shall determine: the level of funding and the appropriate  
27 administration of the fund; the purposes and programs to be funded  
28 with monies from the fund; which social programs shall be provided  
29 by an electric public utility as part of the provision of its regulated  
30 services which provide a public benefit; whether the funds  
31 appropriated to fund the "Lifeline Credit Program" established  
32 pursuant to P.L.1979, c.197 (C.48:2-29.15 et seq.), the "Tenants'  
33 Lifeline Assistance Program" established pursuant to P.L.1981,  
34 c.210 **[(C.48:2-29.31 et seq.)]** (C.48:2-29.30 et seq.), the funds  
35 received pursuant to the Low Income Home Energy Assistance  
36 Program established pursuant to 42 U.S.C. s.8621 et seq., and funds  
37 collected by electric and **[natural]** gas public utilities, as authorized  
38 by the board, to offset uncollectible **[electricity]** electric and  
39 **[natural]** gas public utility bills should be deposited in the fund;  
40 and whether new charges should be imposed to fund new or  
41 expanded social programs.

42 (cf: P.L.1999, c.23, s.12)

43  
44 12. This act shall take effect immediately.

## STATEMENT

This bill creates a Clean Energy Technology Center (center) within the Board of Public Utilities (BPU) to administer an Alternative and Clean Energy Investment Trust Fund (trust fund). Under the bill, the center is authorized to use trust fund financing to finance clean energy technology research and provide loans and loan guarantees to companies, institutions of higher education, and nonprofits to encourage the creation of clean technology ventures and the training of workers to perform associated “green jobs.”

The bill specifically authorizes the center to provide loans and loan guarantees from the trust fund to: 1) stimulate increased financing for the expansion of clean energy research and development facilities by leveraging private financing and providing related financing, including financing for construction and expansion; 2) provide financing to State institutions of higher education to develop a curriculum relative to clean energy and clean energy technology; 3) make targeted investments in clean energy research and promote manufacturing activities for new and existing advanced clean energy technologies; 4) make financing available to institutions of higher education, businesses, and other institutions to encourage the federal government, industry, and other entities to provide funding; 5) provide bridge financing in anticipation of such awards; and 6) fund programs and investments that promote economic self-sufficiency for low and moderate income communities in the clean energy industry.

Financing by the center from the trust fund is to be governed by rules to be approved by the board of directors of the center established under the bill. The bill provides that the 10-member board is to include representatives of government, educational institutions, and private industry, including an engineer or scientist, a chief executive officer of a New Jersey-based clean energy corporation, a representative of electric public utility ratepayers, and a venture capitalist with expertise in clean energy technologies.

The bill also authorizes a study of the clean energy sector, to examine the sector’s future workforce needs and its growth rate and levels of private investment, real property owned by the State available and suitable for the installation and operation of renewable energy facilities, energy efficiency opportunities on real property owned by the State, and the future funding requirements of the center.

The trust fund created by the bill, financed with revenues received from the societal benefits charge established pursuant to section 12 of P.L.1999, c.23 (C.48:3-60) (i.e., the “Electric Discount and Energy Competition Act”), is intended to stimulate the growth of the State’s clean energy economy, authorizing the center to use revenues to finance: 1) if the center so chooses, a “Hydrogen and Fuel Cell Institute,” to serve as a joint venture

1 among institutions of higher education in the State and to provide a  
2 focal point for research, education, and commercialization activities  
3 in the hydrogen fuel cell sector; 2) if the center so chooses, an  
4 “Entrepreneurial Fellowship Program,” which would provide loans  
5 or loan guarantees to entrepreneurs from business sectors other than  
6 clean energy sectors to enroll in programs to foster knowledge and  
7 expertise of clean energy technology; 3) a loan program for clean  
8 energy companies, institutions, or nonprofit organizations; 4) a  
9 workforce development program to provide loans and loan  
10 guarantees to institutions of higher education, vocational-technical  
11 schools, or community-based organizations with existing or  
12 potential workforce development programs in clean energy; and 5)  
13 a “Pathways Out of Poverty Initiative” to provide loans and loan  
14 guarantees to clean energy companies, community-based nonprofit  
15 organizations, educational institutions, or labor organizations for  
16 training programs that lead to economic self-sufficiency.