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SENATE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 2252**

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**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

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ADOPTED JANUARY 9, 2020

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**SYNOPSIS**

Establishes goals and incentives for increased use of plug-in electric vehicles in NJ.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Senate Budget and Appropriations Committee.

(Sponsorship Updated As Of: 1/14/2020)

1 AN ACT concerning the use of plug-in electric vehicles,  
2 supplementing Title 48 of the Revised Statutes, and amending  
3 P.L.2007, c.340 and 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) The Legislature finds and declares: that plug-  
9 in electric vehicle technology has improved significantly for  
10 vehicles of all types; that plug-in electric vehicles with longer  
11 ranges are now widely available at a lower cost and present a viable  
12 alternative to vehicles fueled by fossil fuels; that more plug-in  
13 electric vehicle makes and models will be introduced in the State  
14 motor vehicle market over the next several years; that vehicle  
15 electrification offers a wide range of benefits, such as improved air  
16 quality, reduced greenhouse gas emissions, and savings in motor  
17 vehicle operating costs for vehicle owners; that increased use of  
18 plug-in electric vehicles can contribute significantly to the  
19 attainment of existing State air pollution and energy goals,  
20 including the objectives of the “Global Warming Response Act,”  
21 P.L.2007, c.112 (C.26:2C-37 et seq.) and the State’s Energy Master  
22 Plan; and that New Jersey is already committed to implementing the  
23 California Low Emission Vehicle Program pursuant to P.L.2003,  
24 c.266 (C.26:2C-8.15 et al.), and part of this program is a  
25 commitment to increasing the use of low emission vehicles and zero  
26 emission vehicles, including plug-in electric vehicles.

27 The Legislature therefore determines that it is in the public  
28 interest to establish goals for the increased use of plug-in electric  
29 vehicles in the State, to support the increased use of plug-in electric  
30 vehicles by providing incentives for the purchase or lease of such  
31 vehicles and for related charging equipment, and to increase  
32 consumer awareness of the availability of incentives through a  
33 Statewide public education program.  
34

35 2. (New section) As used in sections 1 through 11 of  
36 P.L. , c. (C. ) (pending before the Legislature as this bill):

37 “Board” means the Board of Public Utilities.

38 “Charger ready” means the pre-wiring of electrical infrastructure  
39 at a parking space, or set of parking spaces, to facilitate easy and  
40 cost-efficient future installation of electric vehicle service  
41 equipment, including, but not limited to, Level Two EVSE and DC  
42 Fast Chargers.

43 “Charging location” means a publicly accessible parking space  
44 or set of parking spaces, with visible signage designating that the  
45 parking space or parking spaces are available for use by the public  
46 for charging plug-in electric vehicles.

**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 “Community location” means a charging location that is not a  
2 corridor location, and that is established in a town center,  
3 commercial area, retail center, or near concentrations of multi-  
4 family dwellings, to provide vehicle charging services to local plug-  
5 in electric vehicle drivers near where they live and work.

6 “Corridor location” means a charging location located along a  
7 travel corridor roadway, or within one mile of that roadway, which  
8 is intended to provide access to vehicle charging services for long  
9 distance drivers and en route vehicle charging services for local  
10 drivers.

11 “DC Fast Charger” means EVSE that provides at least 50  
12 kilowatts of direct current electrical power for charging a plug-in  
13 electric vehicle through a connector based on fast charging  
14 equipment standards, and which is approved for installation for that  
15 purpose under the National Electric Code through an Underwriters  
16 Laboratories Certification or an equivalent certifying organization.

17 “Department” means the Department of Environmental  
18 Protection.

19 “Electric vehicle service equipment” or “EVSE” means the  
20 equipment, including the cables, cords, conductors, connectors,  
21 couplers, enclosures, attachment plugs, power outlets, switches and  
22 controls, network interfaces, and point of sale equipment and  
23 associated apparatus designed and used for the purpose of  
24 transferring energy from the electric supply system to a plug-in  
25 electric vehicle. “EVSE” may deliver either alternating current or  
26 direct current electricity consistent with fast charging equipment  
27 standards.

28 “Fast charging equipment standards” means standards for high  
29 power direct current charging, based on the CHAdeMO standard  
30 and the Society of Automotive Engineers Combined Charging  
31 Standard (CCS), or other non-proprietary standards as may be  
32 approved by the board in the future.

33 “Eligible vehicle” means a new light duty plug-in electric  
34 vehicle, with an MSRP of below \$55,000, purchased or leased after  
35 the effective date of P.L. , c. (C. ) (pending before the  
36 Legislature as this bill) and registered in New Jersey.

37 “In-home electric vehicle service equipment” means electric  
38 vehicle service equipment used in a person’s home to charge a plug-  
39 in electric vehicle.

40 “Level One EVSE” means EVSE that provides single phase  
41 120V AC electricity, presented as either a standard wall plug into  
42 which the charging cord provided with a plug-in electric vehicle can  
43 be connected, or an EVSE with a standard vehicle plug connector  
44 that complies with SAE J1772, or an equivalent standard for 120V  
45 AC charging as may be adopted in the future and accepted by the  
46 board, and which is approved for installation for this purpose under  
47 the National Electric Code through an Underwriters Laboratories  
48 Certification or an equivalent certifying organization.

1       “Level Two EVSE” means EVSE that provides a plug-in electric  
2 vehicle with single phase alternating current electrical power at  
3 208-240V AC, through a standardized plug connector that complies  
4 with SAE J1772 standards, or an equivalent wireless power transfer  
5 interface, or equivalent standards for 208-240V AC charging as  
6 may be adopted in the future and accepted by the board, and which  
7 is approved for installation for this purpose under the National  
8 Electric Code through Underwriters Laboratories Certification or an  
9 equivalent certifying organization.

10       “Light duty vehicle” means any two-axle, four-wheel vehicle,  
11 designed primarily for passenger travel or light duty commercial  
12 use, and approved for travel on public roads. “Light duty vehicle”  
13 includes, but is not limited to, any vehicle commonly referred to as  
14 a car, minivan, sport utility vehicle, cross-over, or pick-up truck.

15       “Low-income, urban, or environmental justice community”  
16 means a community: (1) in which at least one half of the households  
17 are at or below twice the poverty threshold as determined annually  
18 by the United States Census Bureau; (2) that is urban, as determined  
19 by the Department of Community Affairs, due to the population and  
20 development density in the community; or (3) that has been  
21 burdened with environmental justice issues, as determined by the  
22 department, including, but not limited to, exposure to high levels of  
23 air pollution, close proximity to major industrial facilities or  
24 hazardous waste sites, or other environmental hazards.

25       “MSRP” means the published manufacturer’s suggested retail  
26 price, as set by a vehicle’s manufacturer, at the time of sale or lease.

27       “Plug-in electric vehicle” means a vehicle that has a battery or  
28 equivalent energy storage device that can be charged from an  
29 electricity supply external to the vehicle with an electric plug.  
30 “Plug-in electric vehicle” includes a plug-in hybrid vehicle.

31       “Plug-in hybrid vehicle” means a vehicle that can be charged  
32 from a source of electricity external to the vehicle through an  
33 electric plug, but is not exclusively powered by electricity.

34       “Routine charging” means vehicle charging that takes place  
35 where a vehicle is parked for a long period of time, such as at the  
36 owner's residence overnight, a hotel, or a workplace during work  
37 hours, and which provides the primary and most common form of  
38 vehicle charging.

39       “Seller or lessor of an eligible vehicle” means an entity that is  
40 licensed to sell or lease an eligible vehicle to a consumer or fleet  
41 owner in the State.

42       “Travel corridor” means heavily used public roads in the State,  
43 as designated by the department, which shall include, but need not  
44 be limited to, the Garden State Parkway, the New Jersey Turnpike,  
45 the Atlantic City Expressway, federal interstate highways, and the  
46 subset of federal or State roads which collectively support the  
47 majority of long distance travel through and within the State as well  
48 as the majority of daily travel by local drivers.

1       3. (New section) a. There are established the following State  
2 goals for the use of plug-in electric vehicles and the development of  
3 plug-in electric vehicle charging infrastructure in the State to  
4 support that use:

5       (1) at least 330,000 of the total number of registered light duty  
6 vehicles in the State shall be plug-in electric vehicles by December  
7 31, 2025;

8       (2) at least 2 million of the total number of registered light duty  
9 vehicles in the State shall be plug-in electric vehicles by December  
10 31, 2035;

11       (3) at least 85 percent of all new light duty vehicles sold or  
12 leased in the State shall be plug-in electric vehicles by December  
13 31, 2040;

14       (4) (a) By December 31, 2025, at least 400 DC Fast Chargers  
15 shall be available for public use at no fewer than 200 charging  
16 locations in the State, (b) at least 75 of the 200 or more charging  
17 locations shall be at travel corridor locations, equipped with at least  
18 two DC Fast Chargers per location, each capable of providing at  
19 least 150 kilowatts of charging power, and no more than 25 miles  
20 between the charging locations, and (c) at least 100 of the 200 or  
21 more charging locations shall be community locations, equipped  
22 with at least two DC Fast Chargers per location, each capable of  
23 providing 50 kilowatts of charging power or more, and 150  
24 kilowatts or more where feasible. The department may, in its  
25 discretion, increase the goals set forth in this paragraph pursuant to  
26 any strategic mapping of plug-in electric vehicle charging  
27 infrastructure the department conducts;

28       (5) By December 31, 2025, at least 1,000 Level Two chargers  
29 shall be available for public use across the State, and after initial  
30 installation, those EVSE may be upgraded to higher power or DC  
31 Fast Chargers as appropriate by the owner or operator of the EVSE;  
32 and

33       (6) (a) By December 31, 2025, at least 15 percent of all multi-  
34 family residential properties in the State shall be equipped with  
35 EVSE for the routine charging of plug-in electric vehicles by  
36 residents through a combination of Level One EVSE, Level Two  
37 EVSE, or charger ready parking spaces, which collectively shall  
38 serve a percentage of resident parking spaces equal to the  
39 percentage of light duty vehicles registered in the State that are  
40 plug-in electric vehicles at the end of the preceding calendar year,  
41 or the percentage of vehicles owned by residents that are plug-in  
42 electric vehicles, whichever is higher, and (b) by December 31,  
43 2030, 30 percent of all multi-family properties shall be equipped for  
44 electric vehicle charging as described in subparagraph (a) of this  
45 paragraph;

46       (7) (a) By December 31, 2025, 20 percent of all franchised  
47 overnight lodging establishments shall be equipped with EVSE for  
48 routine electric vehicle charging by guests of the establishment by

1 providing Level Two EVSE, which collectively shall serve a  
2 percentage of the guest parking spaces equal to the percentage of  
3 light duty vehicles registered in the State that are plug-in electric  
4 vehicles at the end of the preceding calendar year, and (b) by  
5 December 31, 2030, 50 percent of all franchised overnight lodging  
6 establishments shall be equipped with EVSE as described in  
7 subparagraph (a) of this paragraph;

8 (8) (a) By December 31, 2025, at least 25 percent of State-  
9 owned non-emergency light duty vehicles shall be plug-in electric  
10 vehicles, and (b) by December 31, 2035 and thereafter, 100 percent  
11 of State-owned non-emergency light duty vehicles shall be plug-in  
12 electric vehicles;

13 (9) (a) By December 31, 2024, at least 10 percent of the new bus  
14 purchases made by the New Jersey Transit Corporation shall be  
15 zero emission buses, and (b) the percentage of zero emission bus  
16 purchases shall increase to 50 percent by December 31, 2026, and  
17 100 percent by December 31, 2032 and thereafter. Zero emission  
18 buses shall not produce any emissions at the tailpipe, and shall be  
19 prioritized for low-income, urban, or environmental justice  
20 communities; and

21 (10) By December 31, 2020, the department, in consultation with  
22 the board, shall establish other goals for vehicle electrification and  
23 infrastructure development that address medium-duty and heavy-  
24 duty on-road diesel vehicles and associated charging infrastructure,  
25 similar to the State goals for light duty vehicles and consistent with  
26 the technology and plug-in electric vehicle markets for those  
27 vehicle types.

28 b. The board and the department may, pursuant to P.L. , c.  
29 (C. )(pending before the Legislature as this bill) and any other  
30 existing statutory authority, adopt policies and programs to  
31 accomplish the goals established pursuant to this section.

32 c. No later than December 31, 2020, and every five years  
33 thereafter, until December 31, 2040, the department, in consultation  
34 with the board, shall prepare and submit to the Governor and,  
35 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the  
36 Legislature, a report that:

37 (1) assesses the current state of the plug-in electric vehicle  
38 market in New Jersey;

39 (2) measures the State's progress towards achieving the goals  
40 established in subsection a. of this section;

41 (3) identifies barriers to the achievement of the goals; and

42 (4) makes recommendations for legislative or regulatory action  
43 to address barriers to the achievement of the goals.

44

45 4. (New section) a. No later than 180 days after the effective  
46 date of P.L. , c. (C. )(pending before the Legislature as this  
47 bill), the Board of Public Utilities shall establish and implement a  
48 light duty plug-in electric vehicle incentive program for the purpose

1 of encouraging the purchase or lease of new light duty plug-in  
2 electric vehicles in the State.

3 b. The board shall implement the light duty plug-in electric  
4 vehicle incentive program until June 30th of the 10th year after  
5 establishment of the incentive program.

6 c. (1) Any incentive offered pursuant to this section shall take  
7 the form of a one-time payment to the purchaser or lessee of an  
8 eligible vehicle.

9 (2) For the first year an incentive is offered, the amount of the  
10 incentive shall be equal to \$25 per mile of EPA-rated electric-only  
11 range up to a maximum of \$5,000 per eligible vehicle. For each  
12 subsequent year an incentive is offered, the board may, after  
13 consideration of stakeholder input, change the amount of the  
14 incentive and the manner in which an incentive is calculated,  
15 provided that no incentive shall exceed \$5,000 per eligible vehicle.  
16 The board shall publish the amount of any incentives on its Internet  
17 website.

18 (3) The board may limit the number of plug-in electric vehicle  
19 incentives that it issues to a single person.

20 (4) The board may establish other requirements and parameters  
21 for the incentive program as it deems necessary and reasonable to  
22 further the goals of P.L. , c. (C. )(pending before the  
23 Legislature as this bill).

24 d. The board shall monitor the disbursement of incentives  
25 under the incentive program, and annually reassess the design and  
26 implementation of the incentive program. Provided the board's  
27 action is consistent with the provisions of subsection c. of this  
28 section, the board may:

29 (1) revise the incentive program, any aspect of the incentives, or  
30 the related implementation procedures or processes; and

31 (2) develop additional incentives consistent with the goals of  
32 P.L. , c. (C. ) (pending before the Legislature as this bill) in  
33 order to ensure efficient and equitable electrification of  
34 transportation in the State.

35 e. Notwithstanding any other provision of law to the contrary,  
36 a light duty plug-in hybrid vehicle shall not qualify for an incentive  
37 under the light duty plug-in electric vehicle incentive program after  
38 December 31, 2022.

39

40 5. (New section) a. The seller or lessor of an eligible vehicle  
41 shall offer the light duty plug-in electric vehicle incentive  
42 established pursuant to section 4 of P.L. , c. (C. )(pending  
43 before the Legislature as this bill) in conjunction with, and in  
44 addition to, any other incentive offered by the seller or lessor of an  
45 eligible vehicle.

46 b. A seller or lessor of an eligible vehicle shall provide a  
47 purchaser or lessee the option to have the amount of the light duty  
48 plug-in electric vehicle incentive deducted from the final negotiated

1 and agreed upon sale or lease price of the eligible vehicle, in which  
2 case the full amount of the incentive shall be passed through to the  
3 purchaser or lessee in full and payment thereof shall be effective  
4 immediately at the time of the final sale or lease and transfer of the  
5 eligible vehicle to the purchaser or lessee. The board shall establish  
6 a process for reimbursing a seller or lessor of an eligible vehicle the  
7 cost of an incentive provided by the seller or lessor pursuant to this  
8 subsection.

9 c. The board shall require each seller or lessor of an eligible  
10 vehicle to provide to the board, upon the final sale or lease and  
11 transfer of an eligible vehicle to a purchaser or lessee, the eligible  
12 vehicle's make, model, and battery size, and any other information  
13 as the board determines relevant.

14

15 6. (New section) a. The Board of Public Utilities may  
16 establish and implement a program to provide incentives for the  
17 purchase and installation of in-home electric vehicle service  
18 equipment.

19 b. Any incentive program established pursuant to this section  
20 may be implemented only until June 30th of the 10th year after  
21 establishment of the program.

22 c. (1) Any incentive offered pursuant to this section shall take  
23 the form of a one-time payment to the person purchasing the in-  
24 home electric vehicle service equipment.

25 (2) The amount of the incentive offered pursuant to this section  
26 shall be determined by the board, but shall not exceed \$500 per  
27 person. Any incentive a person receives pursuant to this section  
28 shall be in addition to any incentive the person receives for the  
29 purchase or lease of a new light duty plug-in electric vehicle  
30 pursuant to sections 4 and 5 of P.L. , c. (C. )(pending before  
31 the Legislature as this bill).

32 (3) The board may establish other requirements and parameters  
33 for the program as it deems necessary and reasonable to further the  
34 goals of P.L. , c. (C. )(pending before the Legislature as this  
35 bill).

36 d. The board shall monitor the disbursement of incentives  
37 under the incentive program, and annually reassess the design and  
38 implementation of the incentive program. Provided the board's  
39 action is consistent with the provisions of subsection c. of this  
40 section, the board may:

41 (1) revise the incentive program, any aspect of the incentives, or  
42 the related implementation procedures or processes; and

43 (2) in consultation with the department, develop additional  
44 incentives for electric vehicle service equipment consistent with the  
45 goals of P.L. , c. (C. ) (pending before the Legislature as  
46 this bill) in order to ensure efficient and equitable electrification of  
47 transportation in the State.



1 e. The board shall determine the form and manner of the  
2 application for, and the disbursement of, incentives pursuant to this  
3 section.  
4

5 7. (New section) a. There is established in the Board of Public  
6 Utilities a special, nonlapsing fund to be known as the Plug-in  
7 Electric Vehicle Incentive Fund. The fund shall be administered by  
8 the board and shall be credited with:

9 (1) moneys deposited into the fund by the board pursuant to  
10 subsection b. of this section;

11 (2) moneys that are appropriated by the Legislature; and

12 (3) any return on investment of moneys deposited in the fund.

13 b. (1) The board shall deposit into the fund, each year, \$30  
14 million of moneys received from the societal benefits charge  
15 established pursuant to section 12 of P.L.1999, c.23 (C.48:3-60),  
16 moneys made available to the board pursuant to the implementation  
17 of the Regional Greenhouse Gas Initiative and P.L.2007, c.340  
18 (C.26:2C-45 et seq.), and moneys available from other funding  
19 sources, as determined by the board, to make disbursements under  
20 the light duty plug-in electric vehicle incentive program established  
21 pursuant to section 4 of P.L. , c. (C. )(pending before the  
22 Legislature as this bill).

23 (2) The board may deposit into the fund, each year, such  
24 additional amounts from the societal benefits charge, as the board  
25 deems necessary, to make disbursement under an incentive program  
26 for in-home electric vehicle service equipment established pursuant  
27 to section 6 of P.L. , c. (C. )(pending before the Legislature  
28 as this bill).

29 c. Moneys in the fund shall be used by the board solely for the  
30 purpose of disbursing the incentives established pursuant to sections  
31 4 and 6 of P.L. , c. (C. )(pending before the Legislature as  
32 this bill). The board shall recover any administrative costs incurred  
33 in connection with P.L. , c. (C. )(pending before the  
34 Legislature as this bill) separately from moneys received from the  
35 societal benefits charge.

36 d. (1) The board shall provide no less than \$30 million in  
37 disbursements under the light duty plug-in electric vehicle incentive  
38 program established pursuant to section 4 of  
39 P.L. , c. (C. )(pending before the Legislature as this bill)  
40 each year for 10 years.  
41

42 8. (New section) The Board of Public Utilities shall develop a  
43 website, accessible by the public, that provides up-to-date  
44 information about the availability of the incentives established  
45 pursuant to sections 4 and 6 of P.L. , c. (C. ) (pending  
46 before the Legislature as this bill).

1       9. (New section) No later than 180 days after the effective date  
2 of P.L. , c. (C. ) (pending before the Legislature as this bill),  
3 the Department of Environmental Protection shall, after  
4 consideration of stakeholder input, develop and implement a public  
5 education program to educate consumers about the availability and  
6 benefits of plug-in electric vehicles, the State goals for plug-in  
7 electric vehicle deployment established in section 3 of  
8 P.L. , c. (C. ) (pending before the Legislature as this bill),  
9 and the availability of incentives established pursuant to sections 4  
10 and 6 of P.L. , c. (C. ) (pending before the Legislature as  
11 this bill).

12

13       10. (New section) Unless otherwise provided in Title 48 of the  
14 Revised Statutes, or any other federal or State law, an entity  
15 owning, controlling, operating, or managing electric vehicle service  
16 equipment shall not be deemed an electric public utility solely  
17 because of such ownership, control, operation, or management. The  
18 charging of a plug-in electric vehicle shall be deemed a service and  
19 not a sale of electricity by an electric power supplier or basic  
20 generation service provider pursuant to P.L.1999, c.23 (C.48:3-  
21 49 et al.).

22

23       11. (New section) The board may, in consultation with the  
24 department, adopt, pursuant to the “Administrative Procedure Act,”  
25 P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations  
26 necessary for the implementation of P.L. , c. (C. ) (pending  
27 before the Legislature as this bill).

28

29       12. Section 7 of P.L.2007, c.340 (C.26:2C-51) is amended to  
30 read as follows:

31       7. a. The agencies administering programs established  
32 pursuant to this section shall maximize coordination in the  
33 administration of the programs to avoid overlap between the uses of  
34 the fund prescribed in this section.

35       b. Moneys in the fund, after appropriation annually for  
36 payment of administrative costs authorized pursuant to subsection c.  
37 of this section, shall be annually appropriated and used for the  
38 following purposes:

39       (1) Sixty percent shall be allocated to the New Jersey Economic  
40 Development Authority to provide grants and other forms of  
41 financial assistance to commercial, institutional, and industrial  
42 entities to support end-use energy efficiency projects and new,  
43 efficient electric generation facilities that are state of the art, as  
44 determined by the department, including but not limited to energy  
45 efficiency and renewable energy applications, to develop combined  
46 heat and power production and other high efficiency electric  
47 generation facilities, to stimulate or reward investment in the  
48 development of innovative carbon emissions abatement

1 technologies with significant carbon emissions reduction or  
2 avoidance potential, to develop qualified offshore wind projects  
3 pursuant to section 3 of P.L.2010, c.57 (C.48:3-87.1), and to  
4 provide financial assistance to manufacturers of equipment  
5 associated with qualified offshore wind projects. The authority, in  
6 consultation with the board and the department, shall determine:  
7 (a) the appropriate level of grants or other forms of financial  
8 assistance to be awarded to individual commercial, institutional,  
9 and industrial sectors and to individual projects within each of these  
10 sectors; (b) the evaluation criteria for selecting projects to be  
11 awarded grants or other forms of financial assistance, which criteria  
12 shall include the ability of the project to result in a measurable  
13 reduction of the emission of greenhouse gases or a measurable  
14 reduction in energy demand, provided, however, that neither the  
15 development of a new combined heat and power production facility,  
16 nor an increase in the electrical and thermal output of an existing  
17 combined heat and power production facility, shall be subject to the  
18 requirement to demonstrate such a measurable reduction; and (c)  
19 the process by which grants or other forms of financial assistance  
20 can be applied for and awarded including, if applicable, the  
21 payment terms and conditions for authority investments in certain  
22 projects with commercial viability;

23 (2) Twenty percent shall be allocated to the board to support  
24 programs that are designed to reduce electricity demand or costs to  
25 electricity customers in the low-income and moderate-income  
26 residential sector with a focus on urban areas, including efforts to  
27 address heat island effect and reduce impacts on ratepayers  
28 attributable to the implementation of P.L.2007, c.340 (C.26:2C-  
29 45 et al.) or to support the light duty plug-in electric vehicle  
30 incentive program and the incentive program for in-home electric  
31 vehicle service equipment established pursuant to sections 4 and 6  
32 of P.L. , c. (C. )(pending before the Legislature as this bill).  
33 For the purposes of this paragraph, the board, in consultation with  
34 the authority and the department, shall determine the types of  
35 programs to be supported and the mechanism by which to quantify  
36 benefits to ensure that the supported programs result in a  
37 measurable reduction in energy demand or accomplishment of the  
38 plug-in electric vehicle goals established pursuant to section 3 of  
39 P.L. , c. (C. )(pending before the Legislature as this bill);

40 (3) Ten percent shall be allocated to the department to support  
41 programs designed to promote local government efforts to plan,  
42 develop and implement measures to reduce greenhouse gas  
43 emissions, including but not limited to technical assistance to local  
44 governments, and the awarding of grants and other forms of  
45 assistance to local governments to conduct and implement energy  
46 efficiency, renewable energy, and distributed energy programs and  
47 land use planning where the grant or assistance results in a  
48 measurable reduction of the emission of greenhouse gases or a

1 measurable reduction in energy demand. For the purpose of  
2 conducting any program pursuant to this paragraph, the department,  
3 in consultation with the authority and the board, shall determine:  
4 (a) the appropriate level of grants or other forms of financial  
5 assistance to be awarded to local governments; (b) the evaluation  
6 criteria for selecting projects to be awarded grants or other forms of  
7 financial assistance; (c) the process by which grants or other forms  
8 of financial assistance can be applied for and awarded; and (d) a  
9 mechanism by which to quantify benefits; and

10 (4) Ten percent shall be allocated to the department to support  
11 programs that enhance the stewardship and restoration of the State's  
12 forests and tidal marshes that provide important opportunities to  
13 sequester or reduce greenhouse gases.

14 c. (1) The department may use up to four percent of the total  
15 amount in the fund each year to pay for administrative costs  
16 justifiable and approved in the annual budget process, incurred by  
17 the department in administering the provisions of P.L.2007, c.340  
18 (C.26:2C-45 et al.) and in administering programs to reduce the  
19 emissions of greenhouse gases including any obligations that may  
20 arise under subsection a. of section 11 of P.L.2007, c.340 (C.26:2C-  
21 55).

22 (2) The board may use up to two percent of the total amount in  
23 the fund each year to pay for administrative costs justifiable and  
24 approved in the annual budget process, incurred by the board in  
25 administering the provisions of P.L.2007, c.340 (C.26:2C-45 et al.)  
26 and in administering programs to reduce the emissions of  
27 greenhouse gases including any obligations that may arise under  
28 subsection a. of section 11 of P.L.2007, c.340 (C.26:2C-55).

29 (3) The New Jersey Economic Development Authority may use  
30 up to two percent of the total amount in the fund each year to pay  
31 for administrative costs justifiable and approved in the annual  
32 budget process, incurred by the authority in administering the  
33 provisions of P.L.2007, c.340 (C.26:2C-45 et al.) and in  
34 administering programs to reduce the emissions of greenhouse  
35 gases.

36 d. The State Comptroller shall conduct or supervise  
37 independent audit and fiscal oversight functions of the fund and its  
38 uses.

39 (cf: P.L.2010, c.57, s.5)

40

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

43 12. a. Simultaneously with the starting date for the  
44 implementation of retail choice as determined by the board pursuant  
45 to subsection a. of section 5 of **【this act】** P.L.1999, c.23 (C.48:3-53  
46 et seq.), the board shall permit each electric public utility and gas  
47 public utility to recover some or all of the following costs through a  
48 societal benefits charge that shall be collected as a non-bypassable

1 charge imposed on all electric public utility customers and gas  
2 public utility customers, as appropriate:

3 (1) The costs for the social programs for which rate recovery  
4 was approved by the board prior to April 30, 1997. For the purpose  
5 of establishing initial unbundled rates pursuant to section 4 of **[this**  
6 **act]** P.L.1999, c.23 (C.48:3-53 et seq.), the societal benefits charge  
7 shall be set to recover the same level of social program costs as is  
8 being collected in the bundled rates of the electric public utility on  
9 the effective date of **[this act]** P.L.1999, c.23 (C.48:3-53 et seq.).  
10 The board may subsequently order, pursuant to its rules and  
11 regulations, an increase or decrease in the societal benefits charge  
12 to reflect changes in the costs to the utility of administering existing  
13 social programs. Nothing in **[this act]** P.L.1999, c.23 (C.48:3-  
14 53 et seq.) shall be construed to abolish or change any social  
15 program required by statute or board order or rule or regulation to  
16 be provided by an electric public utility. Any such social program  
17 shall continue to be provided by the utility until otherwise provided  
18 by law, unless the board determines that it is no longer appropriate  
19 for the electric public utility to provide the program, or the board  
20 chooses to modify the program;

21 (2) Nuclear plant decommissioning costs;

22 (3) The costs of demand side management programs that were  
23 approved by the board pursuant to its demand side management  
24 regulations prior to April 30, 1997. For the purpose of establishing  
25 initial unbundled rates pursuant to section 4 of **[this act]** P.L.1999,  
26 c.23 (C.48:3-53 et seq.), the societal benefits charge shall be set to  
27 recover the same level of demand side management program costs  
28 as is being collected in the bundled rates of the electric public  
29 utility on the effective date of **[this act]** P.L.1999, c.23 (C.48:3-  
30 53 et seq.). Within four months of the effective date of **[this act]**  
31 P.L.1999, c.23 (C.48:3-53 et seq.), and every four years thereafter,  
32 the board shall initiate a proceeding and cause to be undertaken a  
33 comprehensive resource analysis of energy programs, and within  
34 eight months of initiating such proceeding and after notice,  
35 provision of the opportunity for public comment, and public  
36 hearing, the board, in consultation with the Department of  
37 Environmental Protection, shall determine the appropriate level of  
38 funding for energy efficiency , plug-in electric vehicles and plug-in  
39 electric vehicle charging infrastructure, and Class I renewable  
40 energy programs that provide environmental benefits above and  
41 beyond those provided by standard offer or similar programs in  
42 effect as of the effective date of **[this act]** P.L.1999, c.23 (C.48:3-  
43 53 et seq.); provided that the funding for such programs be no less  
44 than 50 **[%]** percent of the total Statewide amount being collected  
45 in **[public]** electric and gas public utility rates for demand side  
46 management programs on the effective date of **[this act]** P.L.1999,  
47 c.23 (C.48:3-53 et seq.) for an initial period of four years from the

1 issuance of the first comprehensive resource analysis following the  
2 effective date of **【this act】** P.L.1999, c.23 (C.48:3-53 et seq.), and  
3 provided that 25 **【%】** percent of this amount shall be used to  
4 provide funding for Class I renewable energy projects in the State.  
5 In each of the following fifth through eighth years, the Statewide  
6 funding for such programs shall be no less than 50 percent of the  
7 total Statewide amount being collected in **【public】** electric and gas  
8 public utility rates for demand side management programs on the  
9 effective date of **【this act】** P.L.1999, c.23 (C.48:3-53 et seq.),  
10 except that as additional funds are made available as a result of the  
11 expiration of past standard offer or similar commitments, the  
12 minimum amount of funding for such programs shall increase by  
13 an additional amount equal to 50 percent of the additional funds  
14 made available, until the minimum amount of funding dedicated to  
15 such programs reaches \$140,000,000 total. After the eighth year  
16 the board shall make a determination as to the appropriate level of  
17 funding for these programs. Such programs shall include a program  
18 to provide financial incentives for the installation of Class I  
19 renewable energy projects in the State, and the board, in  
20 consultation with the Department of Environmental Protection, shall  
21 determine the level and total amount of such incentives as well as  
22 the renewable technologies eligible for such incentives which shall  
23 include, at a minimum, photovoltaic, wind, and fuel cells. The  
24 board shall simultaneously determine, as a result of the  
25 comprehensive resource analysis, the programs to be funded by the  
26 societal benefits charge, the level of cost recovery and performance  
27 incentives for old and new programs and whether the recovery of  
28 demand side management programs' costs currently approved by the  
29 board may be reduced or extended over a longer period of time.  
30 The board shall make these determinations taking into consideration  
31 existing market barriers and environmental benefits, with the  
32 objective of transforming markets, capturing lost opportunities,  
33 making energy services more affordable for low income customers  
34 and eliminating subsidies for programs that can be delivered in the  
35 marketplace without electric public utility and gas public utility  
36 customer funding;

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

41 (5) The cost, of consumer education, as determined by the  
42 board, which shall be in an amount that, together with the consumer  
43 education surcharge imposed on electric power supplier license fees  
44 pursuant to subsection h. of section 29 of **【this act】** P.L.1999, c.23  
45 (C.48:3-53 et seq.) and the consumer education surcharge imposed  
46 on gas supplier license fees pursuant to subsection g. of section 30  
47 of **【this act】** P.L.1999, c.23 (C.48:3-53 et seq.), shall be sufficient

1 to fund the consumer education program established pursuant to  
2 section 36 of **【this act】** P.L.1999, c.23 (C.48:3-53 et seq.).

3 b. There is established in the Board of Public Utilities a  
4 nonlapsing fund to be known as the "Universal Service Fund." The  
5 board shall determine: the level of funding and the appropriate  
6 administration of the fund; the purposes and programs to be funded  
7 with monies from the fund; which social programs shall be provided  
8 by an electric public utility as part of the provision of its regulated  
9 services which provide a public benefit; whether the funds  
10 appropriated to fund the "Lifeline Credit Program" established  
11 pursuant to P.L.1979, c.197 (C.48:2-29.15 et seq.), the "Tenants'  
12 Lifeline Assistance Program" established pursuant to P.L.1981,  
13 c.210 (C.48:2-29.31 et seq.), the funds received pursuant to the Low  
14 Income Home Energy Assistance Program established pursuant to  
15 42 U.S.C. s.8621 et seq., and funds collected by electric and natural  
16 gas utilities, as authorized by the board, to offset uncollectible  
17 electricity and natural gas bills should be deposited in the fund; and  
18 whether new charges should be imposed to fund new or expanded  
19 social programs.

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

21

22 14. This act shall take effect immediately.