

# 48:3-87

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2017                    **CHAPTER:** 139

**NJSA:** 48:3-87 (Permits solar electric power generation facility projects not having commenced commercial operation to retain designation through May 31, 2018 as connected to distribution system.)

**BILL NO:** S3181                    (Substituted for A4756)

**SPONSOR(S)** Smith and others

**DATE INTRODUCED:** 5/15/2017

**COMMITTEE:**                    **ASSEMBLY:** ---

**SENATE:** Environment & Energy

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**                    **ASSEMBLY:** 6/29/2017

**SENATE:** 6/29/2017

**DATE OF APPROVAL:** 7/21/2017

### FOLLOWING ARE ATTACHED IF AVAILABLE:

**FINAL TEXT OF BILL** (Second Reprint enacted) Yes

#### S3181

**SPONSOR'S STATEMENT:** (Begins on page 17 of introduced bill) Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** No

**SENATE:** Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** Yes

**LEGISLATIVE FISCAL ESTIMATE:** No

#### A4756

**SPONSOR'S STATEMENT:** (Begins on page 18 of introduced bill) Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** Yes

**SENATE:** No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** Yes 5/22/2017

6/8/2017

**LEGISLATIVE FISCAL ESTIMATE:** No

(continued)

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

RWH/JA.

P.L.2017, CHAPTER 139, *approved July 21, 2017*

Senate, No. 3181 (*Second Reprint*)

1 **AN ACT** concerning solar electric power generation facility projects  
2 and amending P.L.1999, c.23.

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

6  
7 1. Section 38 of P.L.1999, c.23 (C.48:3-87) is amended to read  
8 as follows:

9 38. a. The board shall require an electric power supplier or  
10 basic generation service provider to disclose on a customer's bill or  
11 on customer contracts or marketing materials, a uniform, common  
12 set of information about the environmental characteristics of the  
13 energy purchased by the customer, including, but not limited to:

14 (1) Its fuel mix, including categories for oil, gas, nuclear, coal,  
15 solar, hydroelectric, wind and biomass, or a regional average  
16 determined by the board;

17 (2) Its emissions, in pounds per megawatt hour, of sulfur  
18 dioxide, carbon dioxide, oxides of nitrogen, and any other pollutant  
19 that the board may determine to pose an environmental or health  
20 hazard, or an emissions default to be determined by the board; and

21 (3) Any discrete emission reduction retired pursuant to rules and  
22 regulations adopted pursuant to P.L.1995, c.188.

23 b. Notwithstanding any provisions of the "Administrative  
24 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the  
25 contrary, the board shall initiate a proceeding and shall adopt, in  
26 consultation with the Department of Environmental Protection, after  
27 notice and opportunity for public comment and public hearing,  
28 interim standards to implement this disclosure requirement,  
29 including, but not limited to:

30 (1) A methodology for disclosure of emissions based on output  
31 pounds per megawatt hour;

32 (2) Benchmarks for all suppliers and basic generation service  
33 providers to use in disclosing emissions that will enable consumers  
34 to perform a meaningful comparison with a supplier's or basic  
35 generation service provider's emission levels; and

36 (3) A uniform emissions disclosure format that is graphic in  
37 nature and easily understandable by consumers. The board shall  
38 periodically review the disclosure requirements to determine if  
39 revisions to the environmental disclosure system as implemented  
40 are necessary.

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SEN committee amendments adopted June 1, 2017.

<sup>2</sup>Assembly floor amendments adopted June 29, 2017.

1 Such standards shall be effective as regulations immediately  
2 upon filing with the Office of Administrative Law and shall be  
3 effective for a period not to exceed 18 months, and may, thereafter,  
4 be amended, adopted or readopted by the board in accordance with  
5 the provisions of the "Administrative Procedure Act."

6 c. (1) The board may adopt, in consultation with the  
7 Department of Environmental Protection, after notice and  
8 opportunity for public comment, an emissions portfolio standard  
9 applicable to all electric power suppliers and basic generation  
10 service providers, upon a finding that:

11 (a) The standard is necessary as part of a plan to enable the  
12 State to meet federal Clean Air Act or State ambient air quality  
13 standards; and

14 (b) Actions at the regional or federal level cannot reasonably be  
15 expected to achieve the compliance with the federal standards.

16 (2) By July 1, 2009, the board shall adopt, pursuant to the  
17 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
18 1 et seq.), a greenhouse gas emissions portfolio standard to mitigate  
19 leakage or another regulatory mechanism to mitigate leakage  
20 applicable to all electric power suppliers and basic generation  
21 service providers that provide electricity to customers within the  
22 State. The greenhouse gas emissions portfolio standard or any other  
23 regulatory mechanism to mitigate leakage shall:

24 (a) Allow a transition period, either before or after the effective  
25 date of the regulation to mitigate leakage, for a basic generation  
26 service provider or electric power supplier to either meet the  
27 emissions portfolio standard or other regulatory mechanism to  
28 mitigate leakage, or to transfer any customer to a basic generation  
29 service provider or electric power supplier that meets the emissions  
30 portfolio standard or other regulatory mechanism to mitigate  
31 leakage. If the transition period allowed pursuant to this  
32 subparagraph occurs after the implementation of an emissions  
33 portfolio standard or other regulatory mechanism to mitigate  
34 leakage, the transition period shall be no longer than three years;  
35 and

36 (b) Exempt the provision of basic generation service pursuant to  
37 a basic generation service purchase and sale agreement effective  
38 prior to the date of the regulation.

39 Unless the Attorney General or the Attorney General's designee  
40 determines that a greenhouse gas emissions portfolio standard  
41 would unconstitutionally burden interstate commerce or would be  
42 preempted by federal law, the adoption by the board of an electric  
43 energy efficiency portfolio standard pursuant to subsection g. of this  
44 section, a gas energy efficiency portfolio standard pursuant to  
45 subsection h. of this section, or any other enhanced energy  
46 efficiency policies to mitigate leakage shall not be considered  
47 sufficient to fulfill the requirement of this subsection for the  
48 adoption of a greenhouse gas emissions portfolio standard or any  
49 other regulatory mechanism to mitigate leakage.

1 d. Notwithstanding any provisions of the "Administrative  
2 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the  
3 contrary, the board shall initiate a proceeding and shall adopt, after  
4 notice, provision of the opportunity for comment, and public  
5 hearing, renewable energy portfolio standards that shall require:

6 (1) that two and one-half percent of the kilowatt hours sold in  
7 this State by each electric power supplier and each basic generation  
8 service provider be from Class I or Class II renewable energy  
9 sources;

10 (2) beginning on January 1, 2001, that one-half of one percent  
11 of the kilowatt hours sold in this State by each electric power  
12 supplier and each basic generation service provider be from Class I  
13 renewable energy sources. The board shall increase the required  
14 percentage for Class I renewable energy sources so that by January  
15 1, 2006, one percent of the kilowatt hours sold in this State by each  
16 electric power supplier and each basic generation service provider  
17 shall be from Class I renewable energy sources and shall  
18 additionally increase the required percentage for Class I renewable  
19 energy sources by one-half of one percent each year until January 1,  
20 2012, when four percent of the kilowatt hours sold in this State by  
21 each electric power supplier and each basic generation service  
22 provider shall be from Class I renewable energy sources.

23 An electric power supplier or basic generation service provider  
24 may satisfy the requirements of this subsection by participating in a  
25 renewable energy trading program approved by the board in  
26 consultation with the Department of Environmental Protection;

27 (3) that the board establish a multi-year schedule, applicable to  
28 each electric power supplier or basic generation service provider in  
29 this State, beginning with the one-year period commencing on June  
30 1, 2010, and continuing for each subsequent one-year period up to  
31 and including, the one-year period commencing on June 1, 2028,  
32 that requires the following number or percentage, as the case may  
33 be, of kilowatt-hours sold in this State by each electric power  
34 supplier and each basic generation service provider to be from solar  
35 electric power generators connected to the distribution system in  
36 this State:

37		
38	EY 2011	306 Gigawatthours (Gwhrs)
39	EY 2012	442 Gwhrs
40	EY 2013	596 Gwhrs
41	EY 2014	2.050%
42	EY 2015	2.450%
43	EY 2016	2.750%
44	EY 2017	3.000%
45	EY 2018	3.200%
46	EY 2019	3.290%
47	EY 2020	3.380%
48	EY 2021	3.470%
49	EY 2022	3.560%
50	EY 2023	3.650%

1	EY 2024	3.740%
2	EY 2025	3.830%
3	EY 2026	3.920%
4	EY 2027	4.010%

5 EY 2028 4.100【%】 percent, and for every energy year thereafter,  
6 at least 4.100% per energy year to reflect an increasing number of  
7 kilowatt-hours to be purchased by suppliers or providers from solar  
8 electric power generators connected to the distribution system in  
9 this State, and to establish a framework within which, of the  
10 electricity that the generators sell in this State, suppliers and  
11 providers shall each obtain at least 3.470【%】 percent in the energy  
12 year 2021 and 4.100【%】 percent in the energy year 2028 from solar  
13 electric power generators connected to the distribution system in  
14 this State, provided, however, that:

15 (a) The board shall determine an appropriate period of no less  
16 than 120 days following the end of an energy year prior to which a  
17 provider or supplier must demonstrate compliance for that energy  
18 year with the annual renewable portfolio standard;

19 (b) No more than 24 months following the date of enactment of  
20 P.L.2012, c.24, the board shall complete a proceeding to investigate  
21 approaches to mitigate solar development volatility and prepare and  
22 submit, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), a  
23 report to the Legislature, detailing its findings and  
24 recommendations. As part of the proceeding, the board shall  
25 evaluate other techniques used nationally and internationally;

26 (c) The solar renewable portfolio standards requirements in this  
27 paragraph shall exempt those existing supply contracts which are  
28 effective prior to the date of enactment of P.L.2012, c.24 from any  
29 increase beyond the number of SRECs mandated by the solar  
30 renewable portfolio standards requirements that were in effect on  
31 the date that the providers executed their existing supply contracts.  
32 This limited exemption for providers' existing supply contracts shall  
33 not be construed to lower the Statewide solar sourcing requirements  
34 set forth in this paragraph. Such incremental requirements that  
35 would have otherwise been imposed on exempt providers shall be  
36 distributed over the providers not subject to the existing supply  
37 contract exemption until such time as existing supply contracts  
38 expire and all providers are subject to the new requirement in a  
39 manner that is competitively neutral among all providers and  
40 suppliers. The board shall implement the provisions of this  
41 subsection in a manner so as to prevent any subsidies between  
42 suppliers and providers and to promote competition in the  
43 electricity supply industry.

44 An electric power supplier or basic generation service provider  
45 may satisfy the requirements of this subsection by participating in a  
46 renewable energy trading program approved by the board in  
47 consultation with the Department of Environmental Protection, or  
48 compliance with the requirements of this subsection may be

1 demonstrated to the board by suppliers or providers through the  
2 purchase of SRECs.

3 The renewable energy portfolio standards adopted by the board  
4 pursuant to paragraphs (1) and (2) of this subsection shall be  
5 effective as regulations immediately upon filing with the Office of  
6 Administrative Law and shall be effective for a period not to exceed  
7 18 months, and may, thereafter, be amended, adopted or readopted  
8 by the board in accordance with the provisions of the  
9 "Administrative Procedure Act."

10 The renewable energy portfolio standards adopted by the board  
11 pursuant to this paragraph shall be effective as regulations  
12 immediately upon filing with the Office of Administrative Law and  
13 shall be effective for a period not to exceed 30 months after such  
14 filing, and shall, thereafter, be amended, adopted or readopted by  
15 the board in accordance with the "Administrative Procedure Act";  
16 and

17 (4) within 180 days after the date of enactment of  
18 P.L.2010, c.57 (C.48:3-87.1 et al.), that the board establish an  
19 offshore wind renewable energy certificate program to require that a  
20 percentage of the kilowatt hours sold in this State by each electric  
21 power supplier and each basic generation service provider be from  
22 offshore wind energy in order to support at least 1,100 megawatts  
23 of generation from qualified offshore wind projects.

24 The percentage established by the board pursuant to this  
25 paragraph shall serve as an offset to the renewable energy portfolio  
26 standard established pursuant to paragraphs (1) and (2) of this  
27 subsection and shall reduce the corresponding Class I renewable  
28 energy requirement.

29 The percentage established by the board pursuant to this  
30 paragraph shall reflect the projected OREC production of each  
31 qualified offshore wind project, approved by the board pursuant to  
32 section 3 of P.L.2010, c.57 (C.48:3-87.1), for twenty years from the  
33 commercial operation start date of the qualified offshore wind  
34 project which production projection and OREC purchase  
35 requirement, once approved by the board, shall not be subject to  
36 reduction.

37 An electric power supplier or basic generation service provider  
38 shall comply with the OREC program established pursuant to this  
39 paragraph through the purchase of offshore wind renewable energy  
40 certificates at a price and for the time period required by the board.  
41 In the event there are insufficient offshore wind renewable energy  
42 certificates available, the electric power supplier or basic generation  
43 service provider shall pay an offshore wind alternative compliance  
44 payment established by the board. Any offshore wind alternative  
45 compliance payments collected shall be refunded directly to the  
46 ratepayers by the electric public utilities.

47 The rules established by the board pursuant to this paragraph  
48 shall be effective as regulations immediately upon filing with the  
49 Office of Administrative Law and shall be effective for a period not  
50 to exceed 18 months, and may, thereafter, be amended, adopted or

1 readopted by the board in accordance with the provisions of the  
2 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
3 1 et seq.).

4 e. Notwithstanding any provisions of the "Administrative  
5 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the  
6 contrary, the board shall initiate a proceeding and shall adopt, after  
7 notice, provision of the opportunity for comment, and public  
8 hearing:

9 (1) net metering standards for electric power suppliers and basic  
10 generation service providers. The standards shall require electric  
11 power suppliers and basic generation service providers to offer net  
12 metering at non-discriminatory rates to industrial, large  
13 commercial, residential and small commercial customers, as those  
14 customers are classified or defined by the board, that generate  
15 electricity, on the customer's side of the meter, using a Class I  
16 renewable energy source, for the net amount of electricity supplied  
17 by the electric power supplier or basic generation service provider  
18 over an annualized period. Systems of any sized capacity, as  
19 measured in watts, are eligible for net metering. If the amount of  
20 electricity generated by the customer-generator, plus any kilowatt  
21 hour credits held over from the previous billing periods, exceeds the  
22 electricity supplied by the electric power supplier or basic  
23 generation service provider, then the electric power supplier or  
24 basic generation service provider, as the case may be, shall credit  
25 the customer-generator for the excess kilowatt hours until the end of  
26 the annualized period at which point the customer-generator will be  
27 compensated for any remaining credits or, if the customer-generator  
28 chooses, credit the customer-generator on a real-time basis, at the  
29 electric power supplier's or basic generation service provider's  
30 avoided cost of wholesale power or the PJM electric power pool's  
31 real-time locational marginal pricing rate, adjusted for losses, for  
32 the respective zone in the PJM electric power pool. Alternatively,  
33 the customer-generator may execute a bilateral agreement with an  
34 electric power supplier or basic generation service provider for the  
35 sale and purchase of the customer-generator's excess generation.  
36 The customer-generator may be credited on a real-time basis, so  
37 long as the customer-generator follows applicable rules prescribed  
38 by the PJM electric power pool for its capacity requirements for the  
39 net amount of electricity supplied by the electric power supplier or  
40 basic generation service provider. The board may authorize an  
41 electric power supplier or basic generation service provider to cease  
42 offering net metering to customers that are not already net metered  
43 whenever the total rated generating capacity owned and operated by  
44 net metering customer-generators Statewide equals 2.9 percent of  
45 the total annual kilowatt-hours sold in this State by each electric  
46 power supplier and each basic generation service provider during  
47 the prior one-year period;

48 (2) safety and power quality interconnection standards for Class  
49 I renewable energy source systems used by a customer-generator  
50 that shall be eligible for net metering.

1 Such standards or rules shall take into consideration the goals of  
2 the New Jersey Energy Master Plan, applicable industry standards,  
3 and the standards of other states and the Institute of Electrical and  
4 **【Electronic】** Electronics Engineers. The board shall allow electric  
5 public utilities to recover the costs of any new net meters, upgraded  
6 net meters, system reinforcements or upgrades, and interconnection  
7 costs through either their regulated rates or from the net metering  
8 customer-generator;

9 (3) credit or other incentive rules for generators using Class I  
10 renewable energy generation systems that connect to New Jersey's  
11 electric public utilities' distribution system but who do not net  
12 meter; and

13 (4) net metering aggregation standards to require electric public  
14 utilities to provide net metering aggregation to single electric public  
15 utility customers that operate a solar electric power generation  
16 system installed at one of the customer's facilities or on property  
17 owned by the customer, provided that any such customer is a State  
18 entity, school district, county, county agency, county authority,  
19 municipality, municipal agency, or municipal authority. The  
20 standards shall provide that, in order to qualify for net metering  
21 aggregation, the customer must operate a solar electric power  
22 generation system using a net metering billing account, which  
23 system is located on property owned by the customer, provided that:  
24 (a) the property is not land that has been actively devoted to  
25 agricultural or horticultural use and that is valued, assessed, and  
26 taxed pursuant to the "Farmland Assessment Act of 1964,"  
27 P.L.1964, c.48 (C.54:4-23.1 et seq.) at any time within the 10-year  
28 period prior to the effective date of P.L.2012, c.24, provided,  
29 however, that the municipal planning board of a municipality in  
30 which a solar electric power generation system is located may  
31 waive the requirement of this subparagraph (a), (b) the system is not  
32 an on-site generation facility, (c) all of the facilities of the single  
33 customer combined for the purpose of net metering aggregation are  
34 facilities owned or operated by the single customer and are located  
35 within its territorial jurisdiction except that all of the facilities of a  
36 State entity engaged in net metering aggregation shall be located  
37 within five miles of one another, and (d) all of those facilities are  
38 within the service territory of a single electric public utility and are  
39 all served by the same basic generation service provider or by the  
40 same electric power supplier. The standards shall provide that in  
41 order to qualify for net metering aggregation, the customer's solar  
42 electric power generation system shall be sized so that its annual  
43 generation does not exceed the combined metered annual energy  
44 usage of the qualified customer facilities, and the qualified  
45 customer facilities shall all be in the same customer rate class under  
46 the applicable electric public utility tariff. For the customer's  
47 facility or property on which the solar electric generation system is  
48 installed, the electricity generated from the customer's solar electric  
49 generation system shall be accounted for pursuant to the provisions  
50 of paragraph (1) of this subsection to provide that the electricity

1 generated in excess of the electricity supplied by the electric power  
2 supplier or the basic generation service provider, as the case may  
3 be, for the customer's facility on which the solar electric generation  
4 system is installed, over the annualized period, is credited at the  
5 electric power supplier's or the basic generation service provider's  
6 avoided cost of wholesale power or the PJM electric power pool  
7 real-time locational marginal pricing rate. All electricity used by  
8 the customer's qualified facilities, with the exception of the facility  
9 or property on which the solar electric power generation system is  
10 installed, shall be billed at the full retail rate pursuant to the electric  
11 public utility tariff applicable to the customer class of the customer  
12 using the electricity. A customer may contract with a third party to  
13 operate a solar electric power generation system, for the purpose of  
14 net metering aggregation. Any contractual relationship entered into  
15 for operation of a solar electric power generation system related to  
16 net metering aggregation shall include contractual protections that  
17 provide for adequate performance and provision for construction  
18 and operation for the term of the contract, including any appropriate  
19 bonding or escrow requirements. Any incremental cost to an  
20 electric public utility for net metering aggregation shall be fully and  
21 timely recovered in a manner to be determined by the board. The  
22 board shall adopt net metering aggregation standards within 270  
23 days after the effective date of P.L.2012, c.24.

24 Such rules shall require the board or its designee to issue a credit  
25 or other incentive to those generators that do not use a net meter but  
26 otherwise generate electricity derived from a Class I renewable  
27 energy source and to issue an enhanced credit or other incentive,  
28 including, but not limited to, a solar renewable energy credit, to  
29 those generators that generate electricity derived from solar  
30 technologies.

31 Such standards or rules shall be effective as regulations  
32 immediately upon filing with the Office of Administrative Law and  
33 shall be effective for a period not to exceed 18 months, and may,  
34 thereafter, be amended, adopted or readopted by the board in  
35 accordance with the provisions of the "Administrative Procedure  
36 Act."

37 f. The board may assess, by written order and after notice and  
38 opportunity for comment, a separate fee to cover the cost of  
39 implementing and overseeing an emission disclosure system or  
40 emission portfolio standard, which fee shall be assessed based on an  
41 electric power supplier's or basic generation service provider's share  
42 of the retail electricity supply market. The board shall not impose a  
43 fee for the cost of implementing and overseeing a greenhouse gas  
44 emissions portfolio standard adopted pursuant to paragraph (2) of  
45 subsection c. of this section, the electric energy efficiency portfolio  
46 standard adopted pursuant to subsection g. of this section, or the gas  
47 energy efficiency portfolio standard adopted pursuant to subsection  
48 h. of this section.

49 g. The board may adopt, pursuant to the "Administrative  
50 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), an electric

1 energy efficiency portfolio standard that may require each electric  
2 public utility to implement energy efficiency measures that reduce  
3 electricity usage in the State by 2020 to a level that is 20 percent  
4 below the usage projected by the board in the absence of such a  
5 standard. Nothing in this section shall be construed to prevent an  
6 electric public utility from meeting the requirements of this section  
7 by contracting with another entity for the performance of the  
8 requirements.

9 h. The board may adopt, pursuant to the "Administrative  
10 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), a gas energy  
11 efficiency portfolio standard that may require each gas public utility  
12 to implement energy efficiency measures that reduce natural gas  
13 usage for heating in the State by 2020 to a level that is 20 percent  
14 below the usage projected by the board in the absence of such a  
15 standard. Nothing in this section shall be construed to prevent a gas  
16 public utility from meeting the requirements of this section by  
17 contracting with another entity for the performance of the  
18 requirements.

19 i. After the board establishes a schedule of solar kilowatt-hour  
20 sale or purchase requirements pursuant to paragraph (3) of  
21 subsection d. of this section, the board may initiate subsequent  
22 proceedings and adopt, after appropriate notice and opportunity for  
23 public comment and public hearing, increased minimum solar  
24 kilowatt-hour sale or purchase requirements, provided that the  
25 board shall not reduce previously established minimum solar  
26 kilowatt-hour sale or purchase requirements, or otherwise impose  
27 constraints that reduce the requirements by any means.

28 j. The board shall determine an appropriate level of solar  
29 alternative compliance payment, and permit each supplier or  
30 provider to submit an SACP to comply with the solar electric  
31 generation requirements of paragraph (3) of subsection d. of this  
32 section. The value of the SACP for each Energy Year, for Energy  
33 Years 2014 through 2028 per megawatt hour from solar electric  
34 generation required pursuant to this section, shall be:

35		
36	EY 2014	\$339
37	EY 2015	\$331
38	EY 2016	\$323
39	EY 2017	\$315
40	EY 2018	\$308
41	EY 2019	\$300
42	EY 2020	\$293
43	EY 2021	\$286
44	EY 2022	\$279
45	EY 2023	\$272
46	EY 2024	\$266
47	EY 2025	\$260
48	EY 2026	\$253
49	EY 2027	\$250
50	EY 2028	\$239.

1 The board may initiate subsequent proceedings and adopt, after  
2 appropriate notice and opportunity for public comment and public  
3 hearing, an increase in solar alternative compliance payments,  
4 provided that the board shall not reduce previously established  
5 levels of solar alternative compliance payments, nor shall the board  
6 provide relief from the obligation of payment of the SACP by the  
7 electric power suppliers or basic generation service providers in any  
8 form. Any SACP payments collected shall be refunded directly to  
9 the ratepayers by the electric public utilities.

10 k. The board may allow electric public utilities to offer long-  
11 term contracts through a competitive process, direct electric public  
12 utility investment and other means of financing, including but not  
13 limited to loans, for the purchase of SRECs and the resale of SRECs  
14 to suppliers or providers or others, provided that after such  
15 contracts have been approved by the board, the board's approvals  
16 shall not be modified by subsequent board orders. If the board  
17 allows the offering of contracts pursuant to this subsection, the  
18 board may establish a process, after hearing, and opportunity for  
19 public comment, to provide that a designated segment of the  
20 contracts approved pursuant to this subsection shall be contracts  
21 involving solar electric power generation facility projects with a  
22 capacity of up to 250 kilowatts.

23 1. The board shall implement its responsibilities under the  
24 provisions of this section in such a manner as to:

25 (1) place greater reliance on competitive markets, with the  
26 explicit goal of encouraging and ensuring the emergence of new  
27 entrants that can foster innovations and price competition;

28 (2) maintain adequate regulatory authority over non-competitive  
29 public utility services;

30 (3) consider alternative forms of regulation in order to address  
31 changes in the technology and structure of electric public utilities;

32 (4) promote energy efficiency and Class I renewable energy  
33 market development, taking into consideration environmental  
34 benefits and market barriers;

35 (5) make energy services more affordable for low and moderate  
36 income customers;

37 (6) attempt to transform the renewable energy market into one  
38 that can move forward without subsidies from the State or public  
39 utilities;

40 (7) achieve the goals put forth under the renewable energy  
41 portfolio standards;

42 (8) promote the lowest cost to ratepayers; and

43 (9) allow all market segments to participate.

44 m. The board shall ensure the availability of financial incentives  
45 under its jurisdiction, including, but not limited to, long-term  
46 contracts, loans, SRECs, or other financial support, to ensure  
47 market diversity, competition, and appropriate coverage across all  
48 ratepayer segments, including, but not limited to, residential,  
49 commercial, industrial, non-profit, farms, schools, and public entity  
50 customers.

1 n. For projects which are owned, or directly invested in, by a  
2 public utility pursuant to section 13 of P.L.2007, c.340 (C.48:3-  
3 98.1), the board shall determine the number of SRECs with which  
4 such projects shall be credited; and in determining such number the  
5 board shall ensure that the market for SRECs does not detrimentally  
6 affect the development of non-utility solar projects and shall  
7 consider how its determination may impact the ratepayers.

8 o. The board, in consultation with the Department of  
9 Environmental Protection, electric public utilities, the Division of  
10 Rate Counsel in, but not of, the Department of the Treasury,  
11 affected members of the solar energy industry, and relevant  
12 stakeholders, shall periodically consider increasing the renewable  
13 energy portfolio standards beyond the minimum amounts set forth  
14 in subsection d. of this section, taking into account the cost impacts  
15 and public benefits of such increases including, but not limited to:

16 (1) reductions in air pollution, water pollution, land disturbance,  
17 and greenhouse gas emissions;

18 (2) reductions in peak demand for electricity and natural gas,  
19 and the overall impact on the costs to customers of electricity and  
20 natural gas;

21 (3) increases in renewable energy development, manufacturing,  
22 investment, and job creation opportunities in this State; and

23 (4) reductions in State and national dependence on the use of  
24 fossil fuels.

25 p. Class I RECs and ORECs shall be eligible for use in  
26 renewable energy portfolio standards compliance in the energy year  
27 in which they are generated, and for the following two energy years.  
28 SRECs shall be eligible for use in renewable energy portfolio  
29 standards compliance in the energy year in which they are  
30 generated, and for the following four energy years.

31 q. (1) During the energy years of 2014, 2015, and 2016, a solar  
32 electric power generation facility project that is not: (a) net  
33 metered; (b) an on-site generation facility; (c) qualified for net  
34 metering aggregation; or (d) certified as being located on a  
35 brownfield, on an area of historic fill or on a properly closed  
36 sanitary landfill facility, as provided pursuant to subsection t. of this  
37 section may file an application with the board for approval of a  
38 designation pursuant to this subsection that the facility is connected  
39 to the distribution system. An application filed pursuant to this  
40 subsection shall include a notice escrow of \$40,000 per megawatt of  
41 the proposed capacity of the facility. The board shall approve the  
42 designation if: the facility has filed a notice in writing with the  
43 board applying for designation pursuant to this subsection, together  
44 with the notice escrow; and the capacity of the facility, when added  
45 to the capacity of other facilities that have been previously  
46 approved for designation prior to the facility's filing under this  
47 subsection, does not exceed 80 megawatts in the aggregate for each  
48 year. The capacity of any one solar electric power supply project  
49 approved pursuant to this subsection shall not exceed 10 megawatts.  
50 No more than 90 days after its receipt of a completed application

1 for designation pursuant to this subsection, the board shall approve,  
2 conditionally approve, or disapprove the application. The notice  
3 escrow shall be reimbursed to the facility in full upon either  
4 rejection by the board or the facility entering commercial operation,  
5 or shall be forfeited to the State if the facility is designated pursuant  
6 to this subsection but does not enter commercial operation pursuant  
7 to paragraph (2) of this subsection.

8 (2) If the proposed solar electric power generation facility does  
9 not commence commercial operations within two years following  
10 the date of the designation by the board pursuant to this subsection,  
11 the designation of the facility shall be deemed to be null and void,  
12 and the facility shall not be considered connected to the distribution  
13 system thereafter.

14 <sup>1</sup>(3) Notwithstanding the provisions of paragraph (2) of this  
15 subsection, a solar electric power generation facility project that as  
16 of May 31, 2017 was designated as <sup>2</sup>[connected to the distribution  
17 system pursuant to this subsection] “connected to the distribution  
18 system,”<sup>2</sup> but failed to commence commercial operations as of that  
19 date, shall <sup>2</sup>[remain designated as connected to the distribution  
20 system through May 31, 2018, and shall]<sup>2</sup> maintain that designation  
21 <sup>2</sup>[thereafter]<sup>2</sup> if it commences commercial operations by May 31,  
22 2018. <sup>1</sup>

23 r. (1) For all proposed solar electric power generation facility  
24 projects except for those solar electric power generation facility  
25 projects approved pursuant to subsection q. of this section, and for  
26 all projects proposed in each energy year following energy year  
27 2016, a proposed solar electric power generation facility that is  
28 neither net metered nor an on-site generation facility, may be  
29 considered "connected to the distribution system" only upon  
30 designation as such by the board, after notice to the public and  
31 opportunity for public comment or hearing. A proposed solar  
32 power electric generation facility seeking board designation as  
33 "connected to the distribution system" shall submit an application to  
34 the board that includes for the proposed facility: the nameplate  
35 capacity; the estimated energy and number of SRECs to be  
36 produced and sold per year; the estimated annual rate impact on  
37 ratepayers; the estimated capacity of the generator as defined by  
38 PJM for sale in the PJM capacity market; the point of  
39 interconnection; the total project acreage and location; the current  
40 land use designation of the property; the type of solar technology to  
41 be used; and such other information as the board shall require.

42 (2) The board shall approve the designation of the proposed  
43 solar power electric generation facility as "connected to the  
44 distribution system" if the board determines that:

45 (a) the SRECs forecasted to be produced by the facility do not  
46 have a detrimental impact on the SREC market or on the  
47 appropriate development of solar power in the State;

1 (b) the approval of the designation of the proposed facility  
2 would not significantly impact the preservation of open space in  
3 this State;

4 (c) the impact of the designation on electric rates and economic  
5 development is beneficial; and

6 (d) there will be no impingement on the ability of an electric  
7 public utility to maintain its property and equipment in such a  
8 condition as to enable it to provide safe, adequate, and proper  
9 service to each of its customers.

10 (3) The board shall act within 90 days of its receipt of a  
11 completed application for designation of a solar power electric  
12 generation facility as "connected to the distribution system," to  
13 either approve, conditionally approve, or disapprove the  
14 application. If the proposed solar electric power generation facility  
15 does not commence commercial operations within two years  
16 following the date of the designation by the board pursuant to this  
17 subsection, the designation of the facility as "connected to the  
18 distribution system" shall be deemed to be null and void, and the  
19 facility shall thereafter be considered not "connected to the  
20 distribution system."

21 <sup>1</sup>[(4) Notwithstanding paragraph (3) of this subsection, a solar  
22 power electric generation facility project designated as "connected  
23 to the distribution system," as that term is defined in section 3 of  
24 P.L.1999, c.23 (C.48:3-51), but not having commenced commercial  
25 operations as of the date of enactment of P.L. \_\_\_\_\_,  
26 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill), shall  
27 remain designated as "connected to the distribution system" through  
28 May 31, 2018.]<sup>1</sup>

29 s. In addition to any other requirements of P.L.1999, c.23 or  
30 any other law, rule, regulation or order, a solar electric power  
31 generation facility that is not net metered or an on-site generation  
32 facility and which is located on land that has been actively devoted  
33 to agricultural or horticultural use that is valued, assessed, and  
34 taxed pursuant to the "Farmland Assessment Act of 1964,"  
35 P.L.1964, c.48 (C.54:4-23.1 et seq.) at any time within the 10-year  
36 period prior to the effective date of P.L.2012, c.24, shall only be  
37 considered "connected to the distribution system" if (1) the board  
38 approves the facility's designation pursuant to subsection q. of this  
39 section; or (2) (a) PJM issued a System Impact Study for the facility  
40 on or before June 30, 2011, (b) the facility files a notice with the  
41 board within 60 days of the effective date of P.L.2012,  
42 c.24, indicating its intent to qualify under this subsection, and (c)  
43 the facility has been approved as "connected to the distribution  
44 system" by the board. Nothing in this subsection shall limit the  
45 board's authority concerning the review and oversight of facilities,  
46 unless such facilities are exempt from such review as a result of  
47 having been approved pursuant to subsection q. of this section.

48 t. (1) No more than 180 days after the date of enactment of  
49 P.L.2012, c.24, the board shall, in consultation with the Department

1 of Environmental Protection and the New Jersey Economic  
2 Development Authority, and, after notice and opportunity for public  
3 comment and public hearing, complete a proceeding to establish a  
4 program to provide SRECs to owners of solar electric power  
5 generation facility projects certified by the board, in consultation  
6 with the Department of Environmental Protection, as being located  
7 on a brownfield, on an area of historic fill or on a properly closed  
8 sanitary landfill facility, including those owned or operated by an  
9 electric public utility and approved pursuant to section 13 of  
10 P.L.2007, c.340 (C.48:3-98.1). Projects certified under this  
11 subsection shall be considered "connected to the distribution  
12 system", shall not require such designation by the board, and shall  
13 not be subject to board review required pursuant to subsections q.  
14 and r. of this section. Notwithstanding the provisions of section 3  
15 of P.L.1999, c.23 (C.48:3-51) or any other law, rule, regulation, or  
16 order to the contrary, for projects certified under this subsection, the  
17 board shall establish a financial incentive that is designed to  
18 supplement the SRECs generated by the facility in order to cover  
19 the additional cost of constructing and operating a solar electric  
20 power generation facility on a brownfield, on an area of historic fill  
21 or on a properly closed sanitary landfill facility. Any financial  
22 benefit realized in relation to a project owned or operated by an  
23 electric public utility and approved by the board pursuant to section  
24 13 of P.L.2007, c.340 (C.48:3-98.1), as a result of the provision of a  
25 financial incentive established by the board pursuant to this  
26 subsection, shall be credited to ratepayers. The issuance of SRECs  
27 for all solar electric power generation facility projects pursuant to  
28 this subsection shall be deemed "Board of Public Utilities financial  
29 assistance" as provided under section 1 of P.L.2009, c.89 (C.48:2-  
30 29.47).

31 (2) Notwithstanding the provisions of the "Spill Compensation  
32 and Control Act," P.L.1976, c.141 (C.58:10-23.11 et seq.) or any  
33 other law, rule, regulation, or order to the contrary, the board, in  
34 consultation with the Department of Environmental Protection, may  
35 find that a person who operates a solar electric power generation  
36 facility project that has commenced operation on or after the  
37 effective date of P.L.2012, c.24, which project is certified by the  
38 board, in consultation with the Department of Environmental  
39 Protection pursuant to paragraph (1) of this subsection, as being  
40 located on a brownfield for which a final remediation document has  
41 been issued, on an area of historic fill or on a properly closed  
42 sanitary landfill facility, which projects shall include, but not be  
43 limited to projects located on a brownfield for which a final  
44 remediation document has been issued, on an area of historic fill or  
45 on a properly closed sanitary landfill facility owned or operated by  
46 an electric public utility and approved pursuant to section 13 of  
47 P.L.2007, c.340 (C.48:3-98.1), or a person who owns property  
48 acquired on or after the effective date of P.L.2012, c.24 on which  
49 such a solar electric power generation facility project is constructed  
50 and operated, shall not be liable for cleanup and removal costs to

1 the Department of Environmental Protection or to any other person  
2 for the discharge of a hazardous substance provided that:

3 (a) the person acquired or leased the real property after the  
4 discharge of that hazardous substance at the real property;

5 (b) the person did not discharge the hazardous substance, is not  
6 in any way responsible for the hazardous substance, and is not a  
7 successor to the discharger or to any person in any way responsible  
8 for the hazardous substance or to anyone liable for cleanup and  
9 removal costs pursuant to section 8 of P.L.1976, c.141 (C.58:10-  
10 23.11g);

11 (c) the person, within 30 days after acquisition of the property,  
12 gave notice of the discharge to the Department of Environmental  
13 Protection in a manner the Department of Environmental Protection  
14 prescribes;

15 (d) the person does not disrupt or change, without prior written  
16 permission from the Department of Environmental Protection, any  
17 engineering or institutional control that is part of a remedial action  
18 for the contaminated site or any landfill closure or post-closure  
19 requirement;

20 (e) the person does not exacerbate the contamination at the  
21 property;

22 (f) the person does not interfere with any necessary remediation  
23 of the property;

24 (g) the person complies with any regulations and any permit the  
25 Department of Environmental Protection issues pursuant to section  
26 19 of P.L.2009, c.60 (C.58:10C-19) or paragraph (2) of subsection  
27 a. of section 6 of P.L.1970, c.39 (C.13:1E-6);

28 (h) with respect to an area of historic fill, the person has  
29 demonstrated pursuant to a preliminary assessment and site  
30 investigation, that hazardous substances have not been discharged;  
31 and

32 (i) with respect to a properly closed sanitary landfill facility, no  
33 person who owns or controls the facility receives, has received, or  
34 will receive, with respect to such facility, any funds from any post-  
35 closure escrow account established pursuant to section 10 of  
36 P.L.1981, c.306 (C.13:1E-109) for the closure and monitoring of  
37 the facility.

38 Only the person who is liable to clean up and remove the  
39 contamination pursuant to section 8 of P.L.1976, c.141 (C.58:10-  
40 23.11g) and who does not have a defense to liability pursuant to  
41 subsection d. of that section shall be liable for cleanup and removal  
42 costs.

43 u. No more than 180 days after the date of enactment of  
44 P.L.2012, c.24, the board shall complete a proceeding to establish a  
45 registration program. The registration program shall require the  
46 owners of solar electric power generation facility projects  
47 connected to the distribution system to make periodic milestone  
48 filings with the board in a manner and at such times as determined  
49 by the board to provide full disclosure and transparency regarding

1 the overall level of development and construction activity of those  
2 projects Statewide.

3 v. The issuance of SRECs for all solar electric power  
4 generation facility projects pursuant to this section, for projects  
5 connected to the distribution system with a capacity of one  
6 megawatt or greater, shall be deemed "Board of Public Utilities  
7 financial assistance" as provided pursuant to section 1 of P.L.2009,  
8 c.89 (C.48:2-29.47).

9 w. No more than 270 days after the date of enactment of  
10 P.L.2012, c.24, the board shall, after notice and opportunity for  
11 public comment and public hearing, complete a proceeding to  
12 consider whether to establish a program to provide, to owners of  
13 solar electric power generation facility projects certified by the  
14 board as being three megawatts or greater in capacity and being net  
15 metered, including facilities which are owned or operated by an  
16 electric public utility and approved by the board pursuant to section  
17 13 of P.L.2007, c.340 (C.48:3-98.1), a financial incentive that is  
18 designed to supplement the SRECs generated by the facility to  
19 further the goal of improving the economic competitiveness of  
20 commercial and industrial customers taking power from such  
21 projects. If the board determines to establish such a program  
22 pursuant to this subsection, the board may establish a financial  
23 incentive to provide that the board shall issue one SREC for no less  
24 than every 750 kilowatt-hours of solar energy generated by the  
25 certified projects. Any financial benefit realized in relation to a  
26 project owned or operated by an electric public utility and approved  
27 by the board pursuant to section 13 of P.L.2007, c.340 (C.48:3-  
28 98.1), as a result of the provisions of a financial incentive  
29 established by the board pursuant to this subsection, shall be  
30 credited to ratepayers.

31 x. Solar electric power generation facility projects that are  
32 located on an existing or proposed commercial, retail, industrial,  
33 municipal, professional, recreational, transit, commuter,  
34 entertainment complex, multi-use, or mixed-use parking lot with a  
35 capacity to park 350 or more vehicles where the area to be utilized  
36 for the facility is paved, or an impervious surface may be owned or  
37 operated by an electric public utility and may be approved by the  
38 board pursuant to section 13 of P.L.2007, c.340 (C.48:3-98.1).  
39 (cf: P.L.2015, c.94, s.1)

40

41 2. This act shall take effect immediately.

42

43

44

45

46 \_\_\_\_\_  
47 Permits solar electric power generation facility projects not  
48 having commenced commercial operation to retain designation  
through May 31, 2018 as connected to distribution system.

**SENATE, No. 3181**

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**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

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INTRODUCED MAY 15, 2017

**Sponsored by:**

**Senator BOB SMITH**

**District 17 (Middlesex and Somerset)**

**SYNOPSIS**

Permits solar electric power generation facility projects not having commenced commercial operation to retain designation through May 31, 2018 as connected to distribution system.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning solar electric power generation facility projects  
2 and amending P.L.1999, c.23.

3

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

6

7 1. Section 38 of P.L.1999, c.23 (C.48:3-87) is amended to read  
8 as follows:

9 38. a. The board shall require an electric power supplier or  
10 basic generation service provider to disclose on a customer's bill or  
11 on customer contracts or marketing materials, a uniform, common  
12 set of information about the environmental characteristics of the  
13 energy purchased by the customer, including, but not limited to:

14 (1) Its fuel mix, including categories for oil, gas, nuclear, coal,  
15 solar, hydroelectric, wind and biomass, or a regional average  
16 determined by the board;

17 (2) Its emissions, in pounds per megawatt hour, of sulfur  
18 dioxide, carbon dioxide, oxides of nitrogen, and any other pollutant  
19 that the board may determine to pose an environmental or health  
20 hazard, or an emissions default to be determined by the board; and

21 (3) Any discrete emission reduction retired pursuant to rules and  
22 regulations adopted pursuant to P.L.1995, c.188.

23 b. Notwithstanding any provisions of the "Administrative  
24 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the  
25 contrary, the board shall initiate a proceeding and shall adopt, in  
26 consultation with the Department of Environmental Protection, after  
27 notice and opportunity for public comment and public hearing,  
28 interim standards to implement this disclosure requirement,  
29 including, but not limited to:

30 (1) A methodology for disclosure of emissions based on output  
31 pounds per megawatt hour;

32 (2) Benchmarks for all suppliers and basic generation service  
33 providers to use in disclosing emissions that will enable consumers  
34 to perform a meaningful comparison with a supplier's or basic  
35 generation service provider's emission levels; and

36 (3) A uniform emissions disclosure format that is graphic in  
37 nature and easily understandable by consumers. The board shall  
38 periodically review the disclosure requirements to determine if  
39 revisions to the environmental disclosure system as implemented  
40 are necessary.

41 Such standards shall be effective as regulations immediately  
42 upon filing with the Office of Administrative Law and shall be  
43 effective for a period not to exceed 18 months, and may, thereafter,  
44 be amended, adopted or readopted by the board in accordance with  
45 the provisions of the "Administrative Procedure Act."

46 c. (1) The board may adopt, in consultation with the  
47 Department of Environmental Protection, after notice and  
48 opportunity for public comment, an emissions portfolio standard

1 applicable to all electric power suppliers and basic generation  
2 service providers, upon a finding that:

3 (a) The standard is necessary as part of a plan to enable the  
4 State to meet federal Clean Air Act or State ambient air quality  
5 standards; and

6 (b) Actions at the regional or federal level cannot reasonably be  
7 expected to achieve the compliance with the federal standards.

8 (2) By July 1, 2009, the board shall adopt, pursuant to the  
9 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
10 1 et seq.), a greenhouse gas emissions portfolio standard to mitigate  
11 leakage or another regulatory mechanism to mitigate leakage  
12 applicable to all electric power suppliers and basic generation  
13 service providers that provide electricity to customers within the  
14 State. The greenhouse gas emissions portfolio standard or any other  
15 regulatory mechanism to mitigate leakage shall:

16 (a) Allow a transition period, either before or after the effective  
17 date of the regulation to mitigate leakage, for a basic generation  
18 service provider or electric power supplier to either meet the  
19 emissions portfolio standard or other regulatory mechanism to  
20 mitigate leakage, or to transfer any customer to a basic generation  
21 service provider or electric power supplier that meets the emissions  
22 portfolio standard or other regulatory mechanism to mitigate  
23 leakage. If the transition period allowed pursuant to this  
24 subparagraph occurs after the implementation of an emissions  
25 portfolio standard or other regulatory mechanism to mitigate  
26 leakage, the transition period shall be no longer than three years;  
27 and

28 (b) Exempt the provision of basic generation service pursuant to  
29 a basic generation service purchase and sale agreement effective  
30 prior to the date of the regulation.

31 Unless the Attorney General or the Attorney General's designee  
32 determines that a greenhouse gas emissions portfolio standard  
33 would unconstitutionally burden interstate commerce or would be  
34 preempted by federal law, the adoption by the board of an electric  
35 energy efficiency portfolio standard pursuant to subsection g. of this  
36 section, a gas energy efficiency portfolio standard pursuant to  
37 subsection h. of this section, or any other enhanced energy  
38 efficiency policies to mitigate leakage shall not be considered  
39 sufficient to fulfill the requirement of this subsection for the  
40 adoption of a greenhouse gas emissions portfolio standard or any  
41 other regulatory mechanism to mitigate leakage.

42 d. Notwithstanding any provisions of the "Administrative  
43 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the  
44 contrary, the board shall initiate a proceeding and shall adopt, after  
45 notice, provision of the opportunity for comment, and public  
46 hearing, renewable energy portfolio standards that shall require:

47 (1) that two and one-half percent of the kilowatt hours sold in  
48 this State by each electric power supplier and each basic generation

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1 service provider be from Class I or Class II renewable energy  
2 sources;

3 (2) beginning on January 1, 2001, that one-half of one percent  
4 of the kilowatt hours sold in this State by each electric power  
5 supplier and each basic generation service provider be from Class I  
6 renewable energy sources. The board shall increase the required  
7 percentage for Class I renewable energy sources so that by January  
8 1, 2006, one percent of the kilowatt hours sold in this State by each  
9 electric power supplier and each basic generation service provider  
10 shall be from Class I renewable energy sources and shall  
11 additionally increase the required percentage for Class I renewable  
12 energy sources by one-half of one percent each year until January 1,  
13 2012, when four percent of the kilowatt hours sold in this State by  
14 each electric power supplier and each basic generation service  
15 provider shall be from Class I renewable energy sources.

16 An electric power supplier or basic generation service provider  
17 may satisfy the requirements of this subsection by participating in a  
18 renewable energy trading program approved by the board in  
19 consultation with the Department of Environmental Protection;

20 (3) that the board establish a multi-year schedule, applicable to  
21 each electric power supplier or basic generation service provider in  
22 this State, beginning with the one-year period commencing on June  
23 1, 2010, and continuing for each subsequent one-year period up to  
24 and including, the one-year period commencing on June 1, 2028,  
25 that requires the following number or percentage, as the case may  
26 be, of kilowatt-hours sold in this State by each electric power  
27 supplier and each basic generation service provider to be from solar  
28 electric power generators connected to the distribution system in  
29 this State:

30

31	EY 2011	306 Gigawatthours (Gwhrs)
32	EY 2012	442 Gwhrs
33	EY 2013	596 Gwhrs
34	EY 2014	2.050%
35	EY 2015	2.450%
36	EY 2016	2.750%
37	EY 2017	3.000%
38	EY 2018	3.200%
39	EY 2019	3.290%
40	EY 2020	3.380%
41	EY 2021	3.470%
42	EY 2022	3.560%
43	EY 2023	3.650%
44	EY 2024	3.740%
45	EY 2025	3.830%
46	EY 2026	3.920%
47	EY 2027	4.010%

1 EY 2028 4.100【%】 percent, and for every energy year thereafter, at  
2 least 4.100% per energy year to reflect an increasing number of  
3 kilowatt-hours to be purchased by suppliers or providers from solar  
4 electric power generators connected to the distribution system in  
5 this State, and to establish a framework within which, of the  
6 electricity that the generators sell in this State, suppliers and  
7 providers shall each obtain at least 3.470【%】 percent in the energy  
8 year 2021 and 4.100【%】 percent in the energy year 2028 from solar  
9 electric power generators connected to the distribution system in  
10 this State, provided, however, that:

11 (a) The board shall determine an appropriate period of no less  
12 than 120 days following the end of an energy year prior to which a  
13 provider or supplier must demonstrate compliance for that energy  
14 year with the annual renewable portfolio standard;

15 (b) No more than 24 months following the date of enactment of  
16 P.L.2012, c.24, the board shall complete a proceeding to investigate  
17 approaches to mitigate solar development volatility and prepare and  
18 submit, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), a  
19 report to the Legislature, detailing its findings and  
20 recommendations. As part of the proceeding, the board shall  
21 evaluate other techniques used nationally and internationally;

22 (c) The solar renewable portfolio standards requirements in this  
23 paragraph shall exempt those existing supply contracts which are  
24 effective prior to the date of enactment of P.L.2012, c.24 from any  
25 increase beyond the number of SRECs mandated by the solar  
26 renewable portfolio standards requirements that were in effect on  
27 the date that the providers executed their existing supply contracts.  
28 This limited exemption for providers' existing supply contracts shall  
29 not be construed to lower the Statewide solar sourcing requirements  
30 set forth in this paragraph. Such incremental requirements that  
31 would have otherwise been imposed on exempt providers shall be  
32 distributed over the providers not subject to the existing supply  
33 contract exemption until such time as existing supply contracts  
34 expire and all providers are subject to the new requirement in a  
35 manner that is competitively neutral among all providers and  
36 suppliers. The board shall implement the provisions of this  
37 subsection in a manner so as to prevent any subsidies between  
38 suppliers and providers and to promote competition in the  
39 electricity supply industry.

40 An electric power supplier or basic generation service provider  
41 may satisfy the requirements of this subsection by participating in a  
42 renewable energy trading program approved by the board in  
43 consultation with the Department of Environmental Protection, or  
44 compliance with the requirements of this subsection may be  
45 demonstrated to the board by suppliers or providers through the  
46 purchase of SRECs.

47 The renewable energy portfolio standards adopted by the board  
48 pursuant to paragraphs (1) and (2) of this subsection shall be  
49 effective as regulations immediately upon filing with the Office of

1 Administrative Law and shall be effective for a period not to exceed  
2 18 months, and may, thereafter, be amended, adopted or readopted  
3 by the board in accordance with the provisions of the  
4 "Administrative Procedure Act."

5 The renewable energy portfolio standards adopted by the board  
6 pursuant to this paragraph shall be effective as regulations  
7 immediately upon filing with the Office of Administrative Law and  
8 shall be effective for a period not to exceed 30 months after such  
9 filing, and shall, thereafter, be amended, adopted or readopted by  
10 the board in accordance with the "Administrative Procedure Act";  
11 and

12 (4) within 180 days after the date of enactment of  
13 P.L.2010, c.57 (C.48:3-87.1 et al.), that the board establish an  
14 offshore wind renewable energy certificate program to require that a  
15 percentage of the kilowatt hours sold in this State by each electric  
16 power supplier and each basic generation service provider be from  
17 offshore wind energy in order to support at least 1,100 megawatts  
18 of generation from qualified offshore wind projects.

19 The percentage established by the board pursuant to this  
20 paragraph shall serve as an offset to the renewable energy portfolio  
21 standard established pursuant to paragraphs (1) and (2) of this  
22 subsection and shall reduce the corresponding Class I renewable  
23 energy requirement.

24 The percentage established by the board pursuant to this  
25 paragraph shall reflect the projected OREC production of each  
26 qualified offshore wind project, approved by the board pursuant to  
27 section 3 of P.L.2010, c.57 (C.48:3-87.1), for twenty years from the  
28 commercial operation start date of the qualified offshore wind  
29 project which production projection and OREC purchase  
30 requirement, once approved by the board, shall not be subject to  
31 reduction.

32 An electric power supplier or basic generation service provider  
33 shall comply with the OREC program established pursuant to this  
34 paragraph through the purchase of offshore wind renewable energy  
35 certificates at a price and for the time period required by the board.  
36 In the event there are insufficient offshore wind renewable energy  
37 certificates available, the electric power supplier or basic generation  
38 service provider shall pay an offshore wind alternative compliance  
39 payment established by the board. Any offshore wind alternative  
40 compliance payments collected shall be refunded directly to the  
41 ratepayers by the electric public utilities.

42 The rules established by the board pursuant to this paragraph  
43 shall be effective as regulations immediately upon filing with the  
44 Office of Administrative Law and shall be effective for a period not  
45 to exceed 18 months, and may, thereafter, be amended, adopted or  
46 readopted by the board in accordance with the provisions of the  
47 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
48 1 et seq.).

1 e. Notwithstanding any provisions of the "Administrative  
2 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the  
3 contrary, the board shall initiate a proceeding and shall adopt, after  
4 notice, provision of the opportunity for comment, and public  
5 hearing:

6 (1) net metering standards for electric power suppliers and basic  
7 generation service providers. The standards shall require electric  
8 power suppliers and basic generation service providers to offer net  
9 metering at non-discriminatory rates to industrial, large  
10 commercial, residential and small commercial customers, as those  
11 customers are classified or defined by the board, that generate  
12 electricity, on the customer's side of the meter, using a Class I  
13 renewable energy source, for the net amount of electricity supplied  
14 by the electric power supplier or basic generation service provider  
15 over an annualized period. Systems of any sized capacity, as  
16 measured in watts, are eligible for net metering. If the amount of  
17 electricity generated by the customer-generator, plus any kilowatt  
18 hour credits held over from the previous billing periods, exceeds the  
19 electricity supplied by the electric power supplier or basic  
20 generation service provider, then the electric power supplier or  
21 basic generation service provider, as the case may be, shall credit  
22 the customer-generator for the excess kilowatt hours until the end of  
23 the annualized period at which point the customer-generator will be  
24 compensated for any remaining credits or, if the customer-generator  
25 chooses, credit the customer-generator on a real-time basis, at the  
26 electric power supplier's or basic generation service provider's  
27 avoided cost of wholesale power or the PJM electric power pool's  
28 real-time locational marginal pricing rate, adjusted for losses, for  
29 the respective zone in the PJM electric power pool. Alternatively,  
30 the customer-generator may execute a bilateral agreement with an  
31 electric power supplier or basic generation service provider for the  
32 sale and purchase of the customer-generator's excess generation.  
33 The customer-generator may be credited on a real-time basis, so  
34 long as the customer-generator follows applicable rules prescribed  
35 by the PJM electric power pool for its capacity requirements for the  
36 net amount of electricity supplied by the electric power supplier or  
37 basic generation service provider. The board may authorize an  
38 electric power supplier or basic generation service provider to cease  
39 offering net metering to customers that are not already net metered  
40 whenever the total rated generating capacity owned and operated by  
41 net metering customer-generators Statewide equals 2.9 percent of  
42 the total annual kilowatt-hours sold in this State by each electric  
43 power supplier and each basic generation service provider during  
44 the prior one-year period;

45 (2) safety and power quality interconnection standards for Class  
46 I renewable energy source systems used by a customer-generator  
47 that shall be eligible for net metering.

48 Such standards or rules shall take into consideration the goals of  
49 the New Jersey Energy Master Plan, applicable industry standards,

1 and the standards of other states and the Institute of Electrical and  
2 **【Electronic】** Electronics Engineers. The board shall allow electric  
3 public utilities to recover the costs of any new net meters, upgraded  
4 net meters, system reinforcements or upgrades, and interconnection  
5 costs through either their regulated rates or from the net metering  
6 customer-generator;

7 (3) credit or other incentive rules for generators using Class I  
8 renewable energy generation systems that connect to New Jersey's  
9 electric public utilities' distribution system but who do not net  
10 meter; and

11 (4) net metering aggregation standards to require electric public  
12 utilities to provide net metering aggregation to single electric public  
13 utility customers that operate a solar electric power generation  
14 system installed at one of the customer's facilities or on property  
15 owned by the customer, provided that any such customer is a State  
16 entity, school district, county, county agency, county authority,  
17 municipality, municipal agency, or municipal authority. The  
18 standards shall provide that, in order to qualify for net metering  
19 aggregation, the customer must operate a solar electric power  
20 generation system using a net metering billing account, which  
21 system is located on property owned by the customer, provided that:

22 (a) the property is not land that has been actively devoted to  
23 agricultural or horticultural use and that is valued, assessed, and  
24 taxed pursuant to the "Farmland Assessment Act of 1964,"  
25 P.L.1964, c.48 (C.54:4-23.1 et seq.) at any time within the 10-year  
26 period prior to the effective date of P.L.2012, c.24, provided,  
27 however, that the municipal planning board of a municipality in  
28 which a solar electric power generation system is located may  
29 waive the requirement of this subparagraph (a), (b) the system is not  
30 an on-site generation facility, (c) all of the facilities of the single  
31 customer combined for the purpose of net metering aggregation are  
32 facilities owned or operated by the single customer and are located  
33 within its territorial jurisdiction except that all of the facilities of a  
34 State entity engaged in net metering aggregation shall be located  
35 within five miles of one another, and (d) all of those facilities are  
36 within the service territory of a single electric public utility and are  
37 all served by the same basic generation service provider or by the  
38 same electric power supplier. The standards shall provide that in  
39 order to qualify for net metering aggregation, the customer's solar  
40 electric power generation system shall be sized so that its annual  
41 generation does not exceed the combined metered annual energy  
42 usage of the qualified customer facilities, and the qualified  
43 customer facilities shall all be in the same customer rate class under  
44 the applicable electric public utility tariff. For the customer's  
45 facility or property on which the solar electric generation system is  
46 installed, the electricity generated from the customer's solar electric  
47 generation system shall be accounted for pursuant to the provisions  
48 of paragraph (1) of this subsection to provide that the electricity  
49 generated in excess of the electricity supplied by the electric power

1 supplier or the basic generation service provider, as the case may  
2 be, for the customer's facility on which the solar electric generation  
3 system is installed, over the annualized period, is credited at the  
4 electric power supplier's or the basic generation service provider's  
5 avoided cost of wholesale power or the PJM electric power pool  
6 real-time locational marginal pricing rate. All electricity used by  
7 the customer's qualified facilities, with the exception of the facility  
8 or property on which the solar electric power generation system is  
9 installed, shall be billed at the full retail rate pursuant to the electric  
10 public utility tariff applicable to the customer class of the customer  
11 using the electricity. A customer may contract with a third party to  
12 operate a solar electric power generation system, for the purpose of  
13 net metering aggregation. Any contractual relationship entered into  
14 for operation of a solar electric power generation system related to  
15 net metering aggregation shall include contractual protections that  
16 provide for adequate performance and provision for construction  
17 and operation for the term of the contract, including any appropriate  
18 bonding or escrow requirements. Any incremental cost to an  
19 electric public utility for net metering aggregation shall be fully and  
20 timely recovered in a manner to be determined by the board. The  
21 board shall adopt net metering aggregation standards within 270  
22 days after the effective date of P.L.2012, c.24.

23 Such rules shall require the board or its designee to issue a credit  
24 or other incentive to those generators that do not use a net meter but  
25 otherwise generate electricity derived from a Class I renewable  
26 energy source and to issue an enhanced credit or other incentive,  
27 including, but not limited to, a solar renewable energy credit, to  
28 those generators that generate electricity derived from solar  
29 technologies.

30 Such standards or rules shall be effective as regulations  
31 immediately upon filing with the Office of Administrative Law and  
32 shall be effective for a period not to exceed 18 months, and may,  
33 thereafter, be amended, adopted or readopted by the board in  
34 accordance with the provisions of the "Administrative Procedure  
35 Act."

36 f. The board may assess, by written order and after notice and  
37 opportunity for comment, a separate fee to cover the cost of  
38 implementing and overseeing an emission disclosure system or  
39 emission portfolio standard, which fee shall be assessed based on an  
40 electric power supplier's or basic generation service provider's share  
41 of the retail electricity supply market. The board shall not impose a  
42 fee for the cost of implementing and overseeing a greenhouse gas  
43 emissions portfolio standard adopted pursuant to paragraph (2) of  
44 subsection c. of this section, the electric energy efficiency portfolio  
45 standard adopted pursuant to subsection g. of this section, or the gas  
46 energy efficiency portfolio standard adopted pursuant to subsection  
47 h. of this section.

48 g. The board may adopt, pursuant to the "Administrative  
49 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), an electric

1 energy efficiency portfolio standard that may require each electric  
2 public utility to implement energy efficiency measures that reduce  
3 electricity usage in the State by 2020 to a level that is 20 percent  
4 below the usage projected by the board in the absence of such a  
5 standard. Nothing in this section shall be construed to prevent an  
6 electric public utility from meeting the requirements of this section  
7 by contracting with another entity for the performance of the  
8 requirements.

9 h. The board may adopt, pursuant to the "Administrative  
10 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), a gas energy  
11 efficiency portfolio standard that may require each gas public utility  
12 to implement energy efficiency measures that reduce natural gas  
13 usage for heating in the State by 2020 to a level that is 20 percent  
14 below the usage projected by the board in the absence of such a  
15 standard. Nothing in this section shall be construed to prevent a gas  
16 public utility from meeting the requirements of this section by  
17 contracting with another entity for the performance of the  
18 requirements.

19 i. After the board establishes a schedule of solar kilowatt-hour  
20 sale or purchase requirements pursuant to paragraph (3) of  
21 subsection d. of this section, the board may initiate subsequent  
22 proceedings and adopt, after appropriate notice and opportunity for  
23 public comment and public hearing, increased minimum solar  
24 kilowatt-hour sale or purchase requirements, provided that the  
25 board shall not reduce previously established minimum solar  
26 kilowatt-hour sale or purchase requirements, or otherwise impose  
27 constraints that reduce the requirements by any means.

28 j. The board shall determine an appropriate level of solar  
29 alternative compliance payment, and permit each supplier or  
30 provider to submit an SACP to comply with the solar electric  
31 generation requirements of paragraph (3) of subsection d. of this  
32 section. The value of the SACP for each Energy Year, for Energy  
33 Years 2014 through 2028 per megawatt hour from solar electric  
34 generation required pursuant to this section, shall be:

35

36	EY 2014	\$339
37	EY 2015	\$331
38	EY 2016	\$323
39	EY 2017	\$315
40	EY 2018	\$308
41	EY 2019	\$300
42	EY 2020	\$293
43	EY 2021	\$286
44	EY 2022	\$279
45	EY 2023	\$272
46	EY 2024	\$266
47	EY 2025	\$260
48	EY 2026	\$253
49	EY 2027	\$250

1 EY 2028 \$239.

2

3 The board may initiate subsequent proceedings and adopt, after  
4 appropriate notice and opportunity for public comment and public  
5 hearing, an increase in solar alternative compliance payments,  
6 provided that the board shall not reduce previously established  
7 levels of solar alternative compliance payments, nor shall the board  
8 provide relief from the obligation of payment of the SACP by the  
9 electric power suppliers or basic generation service providers in any  
10 form. Any SACP payments collected shall be refunded directly to  
11 the ratepayers by the electric public utilities.

12 k. The board may allow electric public utilities to offer long-  
13 term contracts through a competitive process, direct electric public  
14 utility investment and other means of financing, including but not  
15 limited to loans, for the purchase of SRECs and the resale of SRECs  
16 to suppliers or providers or others, provided that after such  
17 contracts have been approved by the board, the board's approvals  
18 shall not be modified by subsequent board orders. If the board  
19 allows the offering of contracts pursuant to this subsection, the  
20 board may establish a process, after hearing, and opportunity for  
21 public comment, to provide that a designated segment of the  
22 contracts approved pursuant to this subsection shall be contracts  
23 involving solar electric power generation facility projects with a  
24 capacity of up to 250 kilowatts.

25 l. The board shall implement its responsibilities under the  
26 provisions of this section in such a manner as to:

27 (1) place greater reliance on competitive markets, with the  
28 explicit goal of encouraging and ensuring the emergence of new  
29 entrants that can foster innovations and price competition;

30 (2) maintain adequate regulatory authority over non-competitive  
31 public utility services;

32 (3) consider alternative forms of regulation in order to address  
33 changes in the technology and structure of electric public utilities;

34 (4) promote energy efficiency and Class I renewable energy  
35 market development, taking into consideration environmental  
36 benefits and market barriers;

37 (5) make energy services more affordable for low and moderate  
38 income customers;

39 (6) attempt to transform the renewable energy market into one  
40 that can move forward without subsidies from the State or public  
41 utilities;

42 (7) achieve the goals put forth under the renewable energy  
43 portfolio standards;

44 (8) promote the lowest cost to ratepayers; and

45 (9) allow all market segments to participate.

46 m. The board shall ensure the availability of financial incentives  
47 under its jurisdiction, including, but not limited to, long-term  
48 contracts, loans, SRECs, or other financial support, to ensure  
49 market diversity, competition, and appropriate coverage across all

1 ratepayer segments, including, but not limited to, residential,  
2 commercial, industrial, non-profit, farms, schools, and public entity  
3 customers.

4 n. For projects which are owned, or directly invested in, by a  
5 public utility pursuant to section 13 of P.L.2007, c.340 (C.48:3-  
6 98.1), the board shall determine the number of SRECs with which  
7 such projects shall be credited; and in determining such number the  
8 board shall ensure that the market for SRECs does not detrimentally  
9 affect the development of non-utility solar projects and shall  
10 consider how its determination may impact the ratepayers.

11 o. The board, in consultation with the Department of  
12 Environmental Protection, electric public utilities, the Division of  
13 Rate Counsel in, but not of, the Department of the Treasury,  
14 affected members of the solar energy industry, and relevant  
15 stakeholders, shall periodically consider increasing the renewable  
16 energy portfolio standards beyond the minimum amounts set forth  
17 in subsection d. of this section, taking into account the cost impacts  
18 and public benefits of such increases including, but not limited to:

19 (1) reductions in air pollution, water pollution, land disturbance,  
20 and greenhouse gas emissions;

21 (2) reductions in peak demand for electricity and natural gas,  
22 and the overall impact on the costs to customers of electricity and  
23 natural gas;

24 (3) increases in renewable energy development, manufacturing,  
25 investment, and job creation opportunities in this State; and

26 (4) reductions in State and national dependence on the use of  
27 fossil fuels.

28 p. Class I RECs and ORECs shall be eligible for use in  
29 renewable energy portfolio standards compliance in the energy year  
30 in which they are generated, and for the following two energy years.  
31 SRECs shall be eligible for use in renewable energy portfolio  
32 standards compliance in the energy year in which they are  
33 generated, and for the following four energy years.

34 q. (1) During the energy years of 2014, 2015, and 2016, a solar  
35 electric power generation facility project that is not: (a) net  
36 metered; (b) an on-site generation facility; (c) qualified for net  
37 metering aggregation; or (d) certified as being located on a  
38 brownfield, on an area of historic fill or on a properly closed  
39 sanitary landfill facility, as provided pursuant to subsection t. of this  
40 section may file an application with the board for approval of a  
41 designation pursuant to this subsection that the facility is connected  
42 to the distribution system. An application filed pursuant to this  
43 subsection shall include a notice escrow of \$40,000 per megawatt of  
44 the proposed capacity of the facility. The board shall approve the  
45 designation if: the facility has filed a notice in writing with the  
46 board applying for designation pursuant to this subsection, together  
47 with the notice escrow; and the capacity of the facility, when added  
48 to the capacity of other facilities that have been previously  
49 approved for designation prior to the facility's filing under this

1 subsection, does not exceed 80 megawatts in the aggregate for each  
2 year. The capacity of any one solar electric power supply project  
3 approved pursuant to this subsection shall not exceed 10 megawatts.  
4 No more than 90 days after its receipt of a completed application  
5 for designation pursuant to this subsection, the board shall approve,  
6 conditionally approve, or disapprove the application. The notice  
7 escrow shall be reimbursed to the facility in full upon either  
8 rejection by the board or the facility entering commercial operation,  
9 or shall be forfeited to the State if the facility is designated pursuant  
10 to this subsection but does not enter commercial operation pursuant  
11 to paragraph (2) of this subsection.

12 (2) If the proposed solar electric power generation facility does  
13 not commence commercial operations within two years following  
14 the date of the designation by the board pursuant to this subsection,  
15 the designation of the facility shall be deemed to be null and void,  
16 and the facility shall not be considered connected to the distribution  
17 system thereafter.

18 r. (1) For all proposed solar electric power generation facility  
19 projects except for those solar electric power generation facility  
20 projects approved pursuant to subsection q. of this section, and for  
21 all projects proposed in each energy year following energy year  
22 2016, a proposed solar electric power generation facility that is  
23 neither net metered nor an on-site generation facility, may be  
24 considered "connected to the distribution system" only upon  
25 designation as such by the board, after notice to the public and  
26 opportunity for public comment or hearing. A proposed solar  
27 power electric generation facility seeking board designation as  
28 "connected to the distribution system" shall submit an application to  
29 the board that includes for the proposed facility: the nameplate  
30 capacity; the estimated energy and number of SRECs to be  
31 produced and sold per year; the estimated annual rate impact on  
32 ratepayers; the estimated capacity of the generator as defined by  
33 PJM for sale in the PJM capacity market; the point of  
34 interconnection; the total project acreage and location; the current  
35 land use designation of the property; the type of solar technology to  
36 be used; and such other information as the board shall require.

37 (2) The board shall approve the designation of the proposed  
38 solar power electric generation facility as "connected to the  
39 distribution system" if the board determines that:

40 (a) the SRECs forecasted to be produced by the facility do not  
41 have a detrimental impact on the SREC market or on the  
42 appropriate development of solar power in the State;

43 (b) the approval of the designation of the proposed facility  
44 would not significantly impact the preservation of open space in  
45 this State;

46 (c) the impact of the designation on electric rates and economic  
47 development is beneficial; and

48 (d) there will be no impingement on the ability of an electric  
49 public utility to maintain its property and equipment in such a

1 condition as to enable it to provide safe, adequate, and proper  
2 service to each of its customers.

3 (3) The board shall act within 90 days of its receipt of a  
4 completed application for designation of a solar power electric  
5 generation facility as "connected to the distribution system," to  
6 either approve, conditionally approve, or disapprove the  
7 application. If the proposed solar electric power generation facility  
8 does not commence commercial operations within two years  
9 following the date of the designation by the board pursuant to this  
10 subsection, the designation of the facility as "connected to the  
11 distribution system" shall be deemed to be null and void, and the  
12 facility shall thereafter be considered not "connected to the  
13 distribution system."

14 (4) Notwithstanding paragraph (3) of this subsection, a solar  
15 power electric generation facility project designated as "connected  
16 to the distribution system," as that term is defined in section 3 of  
17 P.L.1999, c.23 (C.48:3-51), but not having commenced commercial  
18 operations as of the date of enactment of P.L. \_\_\_\_\_,  
19 c. (C. ) (pending before the Legislature as this bill), shall  
20 remain designated as "connected to the distribution system" through  
21 May 31, 2018.

22 s. In addition to any other requirements of P.L.1999, c.23 or  
23 any other law, rule, regulation or order, a solar electric power  
24 generation facility that is not net metered or an on-site generation  
25 facility and which is located on land that has been actively devoted  
26 to agricultural or horticultural use that is valued, assessed, and  
27 taxed pursuant to the "Farmland Assessment Act of 1964,"  
28 P.L.1964, c.48 (C.54:4-23.1 et seq.) at any time within the 10-year  
29 period prior to the effective date of P.L.2012, c.24, shall only be  
30 considered "connected to the distribution system" if (1) the board  
31 approves the facility's designation pursuant to subsection q. of this  
32 section; or (2) (a) PJM issued a System Impact Study for the facility  
33 on or before June 30, 2011, (b) the facility files a notice with the  
34 board within 60 days of the effective date of P.L.2012,  
35 c.24, indicating its intent to qualify under this subsection, and (c)  
36 the facility has been approved as "connected to the distribution  
37 system" by the board. Nothing in this subsection shall limit the  
38 board's authority concerning the review and oversight of facilities,  
39 unless such facilities are exempt from such review as a result of  
40 having been approved pursuant to subsection q. of this section.

41 t. (1) No more than 180 days after the date of enactment of  
42 P.L.2012, c.24, the board shall, in consultation with the Department  
43 of Environmental Protection and the New Jersey Economic  
44 Development Authority, and, after notice and opportunity for public  
45 comment and public hearing, complete a proceeding to establish a  
46 program to provide SRECs to owners of solar electric power  
47 generation facility projects certified by the board, in consultation  
48 with the Department of Environmental Protection, as being located  
49 on a brownfield, on an area of historic fill or on a properly closed

1 sanitary landfill facility, including those owned or operated by an  
2 electric public utility and approved pursuant to section 13 of  
3 P.L.2007, c.340 (C.48:3-98.1). Projects certified under this  
4 subsection shall be considered "connected to the distribution  
5 system", shall not require such designation by the board, and shall  
6 not be subject to board review required pursuant to subsections q.  
7 and r. of this section. Notwithstanding the provisions of section 3  
8 of P.L.1999, c.23 (C.48:3-51) or any other law, rule, regulation, or  
9 order to the contrary, for projects certified under this subsection, the  
10 board shall establish a financial incentive that is designed to  
11 supplement the SRECs generated by the facility in order to cover  
12 the additional cost of constructing and operating a solar electric  
13 power generation facility on a brownfield, on an area of historic fill  
14 or on a properly closed sanitary landfill facility. Any financial  
15 benefit realized in relation to a project owned or operated by an  
16 electric public utility and approved by the board pursuant to section  
17 13 of P.L.2007, c.340 (C.48:3-98.1), as a result of the provision of a  
18 financial incentive established by the board pursuant to this  
19 subsection, shall be credited to ratepayers. The issuance of SRECs  
20 for all solar electric power generation facility projects pursuant to  
21 this subsection shall be deemed "Board of Public Utilities financial  
22 assistance" as provided under section 1 of P.L.2009, c.89 (C.48:2-  
23 29.47).

24 (2) Notwithstanding the provisions of the "Spill Compensation  
25 and Control Act," P.L.1976, c.141 (C.58:10-23.11 et seq.) or any  
26 other law, rule, regulation, or order to the contrary, the board, in  
27 consultation with the Department of Environmental Protection, may  
28 find that a person who operates a solar electric power generation  
29 facility project that has commenced operation on or after the  
30 effective date of P.L.2012, c.24, which project is certified by the  
31 board, in consultation with the Department of Environmental  
32 Protection pursuant to paragraph (1) of this subsection, as being  
33 located on a brownfield for which a final remediation document has  
34 been issued, on an area of historic fill or on a properly closed  
35 sanitary landfill facility, which projects shall include, but not be  
36 limited to projects located on a brownfield for which a final  
37 remediation document has been issued, on an area of historic fill or  
38 on a properly closed sanitary landfill facility owned or operated by  
39 an electric public utility and approved pursuant to section 13 of  
40 P.L.2007, c.340 (C.48:3-98.1), or a person who owns property  
41 acquired on or after the effective date of P.L.2012, c.24 on which  
42 such a solar electric power generation facility project is constructed  
43 and operated, shall not be liable for cleanup and removal costs to  
44 the Department of Environmental Protection or to any other person  
45 for the discharge of a hazardous substance provided that:

46 (a) the person acquired or leased the real property after the  
47 discharge of that hazardous substance at the real property;

48 (b) the person did not discharge the hazardous substance, is not  
49 in any way responsible for the hazardous substance, and is not a

1 successor to the discharger or to any person in any way responsible  
2 for the hazardous substance or to anyone liable for cleanup and  
3 removal costs pursuant to section 8 of P.L.1976, c.141 (C.58:10-  
4 23.11g);

5 (c) the person, within 30 days after acquisition of the property,  
6 gave notice of the discharge to the Department of Environmental  
7 Protection in a manner the Department of Environmental Protection  
8 prescribes;

9 (d) the person does not disrupt or change, without prior written  
10 permission from the Department of Environmental Protection, any  
11 engineering or institutional control that is part of a remedial action  
12 for the contaminated site or any landfill closure or post-closure  
13 requirement;

14 (e) the person does not exacerbate the contamination at the  
15 property;

16 (f) the person does not interfere with any necessary remediation  
17 of the property;

18 (g) the person complies with any regulations and any permit the  
19 Department of Environmental Protection issues pursuant to section  
20 19 of P.L.2009, c.60 (C.58:10C-19) or paragraph (2) of subsection  
21 a. of section 6 of P.L.1970, c.39 (C.13:1E-6);

22 (h) with respect to an area of historic fill, the person has  
23 demonstrated pursuant to a preliminary assessment and site  
24 investigation, that hazardous substances have not been discharged;  
25 and

26 (i) with respect to a properly closed sanitary landfill facility, no  
27 person who owns or controls the facility receives, has received, or  
28 will receive, with respect to such facility, any funds from any post-  
29 closure escrow account established pursuant to section 10 of  
30 P.L.1981, c.306 (C.13:1E-109) for the closure and monitoring of  
31 the facility.

32 Only the person who is liable to clean up and remove the  
33 contamination pursuant to section 8 of P.L.1976, c.141 (C.58:10-  
34 23.11g) and who does not have a defense to liability pursuant to  
35 subsection d. of that section shall be liable for cleanup and removal  
36 costs.

37 u. No more than 180 days after the date of enactment of  
38 P.L.2012, c.24, the board shall complete a proceeding to establish a  
39 registration program. The registration program shall require the  
40 owners of solar electric power generation facility projects  
41 connected to the distribution system to make periodic milestone  
42 filings with the board in a manner and at such times as determined  
43 by the board to provide full disclosure and transparency regarding  
44 the overall level of development and construction activity of those  
45 projects Statewide.

46 v. The issuance of SRECs for all solar electric power  
47 generation facility projects pursuant to this section, for projects  
48 connected to the distribution system with a capacity of one  
49 megawatt or greater, shall be deemed "Board of Public Utilities

1 financial assistance" as provided pursuant to section 1 of P.L.2009,  
2 c.89 (C.48:2-29.47).

3 w. No more than 270 days after the date of enactment of  
4 P.L.2012, c.24, the board shall, after notice and opportunity for  
5 public comment and public hearing, complete a proceeding to  
6 consider whether to establish a program to provide, to owners of  
7 solar electric power generation facility projects certified by the  
8 board as being three megawatts or greater in capacity and being net  
9 metered, including facilities which are owned or operated by an  
10 electric public utility and approved by the board pursuant to section  
11 13 of P.L.2007, c.340 (C.48:3-98.1), a financial incentive that is  
12 designed to supplement the SRECs generated by the facility to  
13 further the goal of improving the economic competitiveness of  
14 commercial and industrial customers taking power from such  
15 projects. If the board determines to establish such a program  
16 pursuant to this subsection, the board may establish a financial  
17 incentive to provide that the board shall issue one SREC for no less  
18 than every 750 kilowatt-hours of solar energy generated by the  
19 certified projects. Any financial benefit realized in relation to a  
20 project owned or operated by an electric public utility and approved  
21 by the board pursuant to section 13 of P.L.2007, c.340 (C.48:3-  
22 98.1), as a result of the provisions of a financial incentive  
23 established by the board pursuant to this subsection, shall be  
24 credited to ratepayers.

25 x. Solar electric power generation facility projects that are  
26 located on an existing or proposed commercial, retail, industrial,  
27 municipal, professional, recreational, transit, commuter,  
28 entertainment complex, multi-use, or mixed-use parking lot with a  
29 capacity to park 350 or more vehicles where the area to be utilized  
30 for the facility is paved, or an impervious surface may be owned or  
31 operated by an electric public utility and may be approved by the  
32 board pursuant to section 13 of P.L.2007, c.340 (C.48:3-98.1).  
33 (cf: P.L.2015, c.94)

34

35 2. This act shall take effect immediately.

36

37

38

#### STATEMENT

39

40 This bill amends existing law to permit a solar electric power  
41 generation facility project designated as "connected to the  
42 distribution system" but not having commenced commercial  
43 operations as of the date of enactment of this bill, to remain  
44 designated as "connected to the distribution system" through May  
45 31, 2018. "Connected to the distribution system" means that the  
46 facility project is directly connected to the electric grid at 69  
47 kilovolts or less, regardless of how an electric public utility

**S3181 B.SMITH**

18

1 classifies that portion of its electric grid and is designated as  
2 "connected to the distribution system" by the Board of Public  
3 Utilities.

# SENATE ENVIRONMENT AND ENERGY COMMITTEE

## STATEMENT TO

### **SENATE, No. 3181**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 1, 2017

The Senate Environment and Energy Committee favorably reports Senate Bill No. 3181 with committee amendments.

This bill, as amended, would amend existing law to (1) permit a solar electric power generation facility project that has been designated as connected to the distribution system but has not commenced commercial operations as of May 31, 2017, to remain designated as connected to the distribution system until May 31, 2018, and (2) provide that such a facility project would maintain that designation thereafter if it commences commercial operations by May 31, 2018. “Connected to the distribution system” means that the facility project is directly connected to the electric grid at 69 kilovolts or less, regardless of how an electric public utility classifies that portion of its electric grid, and is designated as connected to the distribution system by the Board of Public Utilities.

The committee amendments would:

(1) change the bill so that it would apply to facilities affected by subsection q. of section 38 of P.L.1999, c.23 (C.48:3-87), rather than subsection r. of that section; and

(2) clarify that an affected facility that has been designated as connected to the distribution system as of May 31, 2017 would maintain the designation thereafter if it commences commercial operations by May 31, 2018.

STATEMENT TO  
[First Reprint]  
**SENATE, No. 3181**

with Assembly Floor Amendments  
(Proposed by Assemblyman DeANGELO)

ADOPTED: JUNE 29, 2017

These floor amendments make certain clarifications to the language extending the designation of certain solar electric power generation facility projects as being “connected to the distribution system” for the purpose of making this bill identical to Assembly Bill No. 4756 (2R).

# ASSEMBLY, No. 4756

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED MARCH 23, 2017

**Sponsored by:**

**Assemblyman WAYNE P. DEANGELO**  
**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Permits solar electric power generation facility projects not having commenced commercial operation to retain designation through May 31, 2018 as connected to distribution system.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning solar electric power generation facility projects  
2 and amending P.L.1999, c.23.

3

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

6

7 1. Section 38 of P.L.1999, c.23 (C.48:3-87) is amended to read  
8 as follows:

9 38. a. The board shall require an electric power supplier or basic  
10 generation service provider to disclose on a customer's bill or on  
11 customer contracts or marketing materials, a uniform, common set  
12 of information about the environmental characteristics of the energy  
13 purchased by the customer, including, but not limited to:

14 (1) Its fuel mix, including categories for oil, gas, nuclear, coal,  
15 solar, hydroelectric, wind and biomass, or a regional average  
16 determined by the board;

17 (2) Its emissions, in pounds per megawatt hour, of sulfur  
18 dioxide, carbon dioxide, oxides of nitrogen, and any other pollutant  
19 that the board may determine to pose an environmental or health  
20 hazard, or an emissions default to be determined by the board; and

21 (3) Any discrete emission reduction retired pursuant to rules and  
22 regulations adopted pursuant to P.L.1995, c.188.

23 b. Notwithstanding any provisions of the "Administrative  
24 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the  
25 contrary, the board shall initiate a proceeding and shall adopt, in  
26 consultation with the Department of Environmental Protection, after  
27 notice and opportunity for public comment and public hearing,  
28 interim standards to implement this disclosure requirement,  
29 including, but not limited to:

30 (1) A methodology for disclosure of emissions based on output  
31 pounds per megawatt hour;

32 (2) Benchmarks for all suppliers and basic generation service  
33 providers to use in disclosing emissions that will enable consumers  
34 to perform a meaningful comparison with a supplier's or basic  
35 generation service provider's emission levels; and

36 (3) A uniform emissions disclosure format that is graphic in  
37 nature and easily understandable by consumers. The board shall  
38 periodically review the disclosure requirements to determine if  
39 revisions to the environmental disclosure system as implemented  
40 are necessary.

41 Such standards shall be effective as regulations immediately  
42 upon filing with the Office of Administrative Law and shall be  
43 effective for a period not to exceed 18 months, and may, thereafter,  
44 be amended, adopted or readopted by the board in accordance with  
45 the provisions of the "Administrative Procedure Act."

**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 c. (1) The board may adopt, in consultation with the  
2 Department of Environmental Protection, after notice and  
3 opportunity for public comment, an emissions portfolio standard  
4 applicable to all electric power suppliers and basic generation  
5 service providers, upon a finding that:

6 (a) The standard is necessary as part of a plan to enable the  
7 State to meet federal Clean Air Act or State ambient air quality  
8 standards; and

9 (b) Actions at the regional or federal level cannot reasonably be  
10 expected to achieve the compliance with the federal standards.

11 (2) By July 1, 2009, the board shall adopt, pursuant to the  
12 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
13 1 et seq.), a greenhouse gas emissions portfolio standard to mitigate  
14 leakage or another regulatory mechanism to mitigate leakage  
15 applicable to all electric power suppliers and basic generation  
16 service providers that provide electricity to customers within the  
17 State. The greenhouse gas emissions portfolio standard or any other  
18 regulatory mechanism to mitigate leakage shall:

19 (a) Allow a transition period, either before or after the effective  
20 date of the regulation to mitigate leakage, for a basic generation  
21 service provider or electric power supplier to either meet the  
22 emissions portfolio standard or other regulatory mechanism to  
23 mitigate leakage, or to transfer any customer to a basic generation  
24 service provider or electric power supplier that meets the emissions  
25 portfolio standard or other regulatory mechanism to mitigate  
26 leakage. If the transition period allowed pursuant to this  
27 subparagraph occurs after the implementation of an emissions  
28 portfolio standard or other regulatory mechanism to mitigate  
29 leakage, the transition period shall be no longer than three years;  
30 and

31 (b) Exempt the provision of basic generation service pursuant to  
32 a basic generation service purchase and sale agreement effective  
33 prior to the date of the regulation.

34 Unless the Attorney General or the Attorney General's designee  
35 determines that a greenhouse gas emissions portfolio standard  
36 would unconstitutionally burden interstate commerce or would be  
37 preempted by federal law, the adoption by the board of an electric  
38 energy efficiency portfolio standard pursuant to subsection g. of this  
39 section, a gas energy efficiency portfolio standard pursuant to  
40 subsection h. of this section, or any other enhanced energy  
41 efficiency policies to mitigate leakage shall not be considered  
42 sufficient to fulfill the requirement of this subsection for the  
43 adoption of a greenhouse gas emissions portfolio standard or any  
44 other regulatory mechanism to mitigate leakage.

45 d. Notwithstanding any provisions of the "Administrative  
46 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the  
47 contrary, the board shall initiate a proceeding and shall adopt, after

1 notice, provision of the opportunity for comment, and public  
 2 hearing, renewable energy portfolio standards that shall require:

3 (1) that two and one-half percent of the kilowatt hours sold in  
 4 this State by each electric power supplier and each basic generation  
 5 service provider be from Class I or Class II renewable energy  
 6 sources;

7 (2) beginning on January 1, 2001, that one-half of one percent  
 8 of the kilowatt hours sold in this State by each electric power  
 9 supplier and each basic generation service provider be from Class I  
 10 renewable energy sources. The board shall increase the required  
 11 percentage for Class I renewable energy sources so that by January  
 12 1, 2006, one percent of the kilowatt hours sold in this State by each  
 13 electric power supplier and each basic generation service provider  
 14 shall be from Class I renewable energy sources and shall  
 15 additionally increase the required percentage for Class I renewable  
 16 energy sources by one-half of one percent each year until January 1,  
 17 2012, when four percent of the kilowatt hours sold in this State by  
 18 each electric power supplier and each basic generation service  
 19 provider shall be from Class I renewable energy sources.

20 An electric power supplier or basic generation service provider  
 21 may satisfy the requirements of this subsection by participating in a  
 22 renewable energy trading program approved by the board in  
 23 consultation with the Department of Environmental Protection;

24 (3) that the board establish a multi-year schedule, applicable to  
 25 each electric power supplier or basic generation service provider in  
 26 this State, beginning with the one-year period commencing on June  
 27 1, 2010, and continuing for each subsequent one-year period up to  
 28 and including, the one-year period commencing on June 1, 2028,  
 29 that requires the following number or percentage, as the case may  
 30 be, of kilowatt-hours sold in this State by each electric power  
 31 supplier and each basic generation service provider to be from solar  
 32 electric power generators connected to the distribution system in  
 33 this State:

34

35	EY 2011	306 Gigawatthours (Gwhrs)
36	EY 2012	442 Gwhrs
37	EY 2013	596 Gwhrs
38	EY 2014	2.050%
39	EY 2015	2.450%
40	EY 2016	2.750%
41	EY 2017	3.000%
42	EY 2018	3.200%
43	EY 2019	3.290%
44	EY 2020	3.380%
45	EY 2021	3.470%
46	EY 2022	3.560%
47	EY 2023	3.650%
48	EY 2024	3.740%

1	EY 2025	3.830%
2	EY 2026	3.920%
3	EY 2027	4.010%

4  
5 EY 2028 4.100【%】 percent, and for every energy year thereafter, at  
6 least 4.100% per energy year to reflect an increasing number of  
7 kilowatt-hours to be purchased by suppliers or providers from solar  
8 electric power generators connected to the distribution system in  
9 this State, and to establish a framework within which, of the  
10 electricity that the generators sell in this State, suppliers and  
11 providers shall each obtain at least 3.470【%】 percent in the energy  
12 year 2021 and 4.100【%】 percent in the energy year 2028 from solar  
13 electric power generators connected to the distribution system in  
14 this State, provided, however, that:

15 (a) The board shall determine an appropriate period of no less  
16 than 120 days following the end of an energy year prior to which a  
17 provider or supplier must demonstrate compliance for that energy  
18 year with the annual renewable portfolio standard;

19 (b) No more than 24 months following the date of enactment of  
20 P.L.2012, c.24, the board shall complete a proceeding to investigate  
21 approaches to mitigate solar development volatility and prepare and  
22 submit, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), a  
23 report to the Legislature, detailing its findings and  
24 recommendations. As part of the proceeding, the board shall  
25 evaluate other techniques used nationally and internationally;

26 (c) The solar renewable portfolio standards requirements in this  
27 paragraph shall exempt those existing supply contracts which are  
28 effective prior to the date of enactment of P.L.2012, c.24 from any  
29 increase beyond the number of SRECs mandated by the solar  
30 renewable portfolio standards requirements that were in effect on  
31 the date that the providers executed their existing supply contracts.  
32 This limited exemption for providers' existing supply contracts shall  
33 not be construed to lower the Statewide solar sourcing requirements  
34 set forth in this paragraph. Such incremental requirements that  
35 would have otherwise been imposed on exempt providers shall be  
36 distributed over the providers not subject to the existing supply  
37 contract exemption until such time as existing supply contracts  
38 expire and all providers are subject to the new requirement in a  
39 manner that is competitively neutral among all providers and  
40 suppliers. The board shall implement the provisions of this  
41 subsection in a manner so as to prevent any subsidies between  
42 suppliers and providers and to promote competition in the  
43 electricity supply industry.

44 An electric power supplier or basic generation service provider  
45 may satisfy the requirements of this subsection by participating in a  
46 renewable energy trading program approved by the board in  
47 consultation with the Department of Environmental Protection, or  
48 compliance with the requirements of this subsection may be

1 demonstrated to the board by suppliers or providers through the  
2 purchase of SRECs.

3 The renewable energy portfolio standards adopted by the board  
4 pursuant to paragraphs (1) and (2) of this subsection shall be  
5 effective as regulations immediately upon filing with the Office of  
6 Administrative Law and shall be effective for a period not to exceed  
7 18 months, and may, thereafter, be amended, adopted or readopted  
8 by the board in accordance with the provisions of the  
9 "Administrative Procedure Act."

10 The renewable energy portfolio standards adopted by the board  
11 pursuant to this paragraph shall be effective as regulations  
12 immediately upon filing with the Office of Administrative Law and  
13 shall be effective for a period not to exceed 30 months after such  
14 filing, and shall, thereafter, be amended, adopted or readopted by  
15 the board in accordance with the "Administrative Procedure Act";  
16 and

17 (4) within 180 days after the date of enactment of  
18 P.L.2010, c.57 (C.48:3-87.1 et al.), that the board establish an  
19 offshore wind renewable energy certificate program to require that a  
20 percentage of the kilowatt hours sold in this State by each electric  
21 power supplier and each basic generation service provider be from  
22 offshore wind energy in order to support at least 1,100 megawatts  
23 of generation from qualified offshore wind projects.

24 The percentage established by the board pursuant to this  
25 paragraph shall serve as an offset to the renewable energy portfolio  
26 standard established pursuant to paragraphs (1) and (2) of this  
27 subsection and shall reduce the corresponding Class I renewable  
28 energy requirement.

29 The percentage established by the board pursuant to this  
30 paragraph shall reflect the projected OREC production of each  
31 qualified offshore wind project, approved by the board pursuant to  
32 section 3 of P.L.2010, c.57 (C.48:3-87.1), for twenty years from the  
33 commercial operation start date of the qualified offshore wind  
34 project which production projection and OREC purchase  
35 requirement, once approved by the board, shall not be subject to  
36 reduction.

37 An electric power supplier or basic generation service provider  
38 shall comply with the OREC program established pursuant to this  
39 paragraph through the purchase of offshore wind renewable energy  
40 certificates at a price and for the time period required by the board.  
41 In the event there are insufficient offshore wind renewable energy  
42 certificates available, the electric power supplier or basic generation  
43 service provider shall pay an offshore wind alternative compliance  
44 payment established by the board. Any offshore wind alternative  
45 compliance payments collected shall be refunded directly to the  
46 ratepayers by the electric public utilities.

47 The rules established by the board pursuant to this paragraph  
48 shall be effective as regulations immediately upon filing with the

1 Office of Administrative Law and shall be effective for a period not  
2 to exceed 18 months, and may, thereafter, be amended, adopted or  
3 readopted by the board in accordance with the provisions of the  
4 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
5 1 et seq.).

6 e. Notwithstanding any provisions of the "Administrative  
7 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the  
8 contrary, the board shall initiate a proceeding and shall adopt, after  
9 notice, provision of the opportunity for comment, and public  
10 hearing:

11 (1) net metering standards for electric power suppliers and basic  
12 generation service providers. The standards shall require electric  
13 power suppliers and basic generation service providers to offer net  
14 metering at non-discriminatory rates to industrial, large  
15 commercial, residential and small commercial customers, as those  
16 customers are classified or defined by the board, that generate  
17 electricity, on the customer's side of the meter, using a Class I  
18 renewable energy source, for the net amount of electricity supplied  
19 by the electric power supplier or basic generation service provider  
20 over an annualized period. Systems of any sized capacity, as  
21 measured in watts, are eligible for net metering. If the amount of  
22 electricity generated by the customer-generator, plus any kilowatt  
23 hour credits held over from the previous billing periods, exceeds the  
24 electricity supplied by the electric power supplier or basic  
25 generation service provider, then the electric power supplier or  
26 basic generation service provider, as the case may be, shall credit  
27 the customer-generator for the excess kilowatt hours until the end of  
28 the annualized period at which point the customer-generator will be  
29 compensated for any remaining credits or, if the customer-generator  
30 chooses, credit the customer-generator on a real-time basis, at the  
31 electric power supplier's or basic generation service provider's  
32 avoided cost of wholesale power or the PJM electric power pool's  
33 real-time locational marginal pricing rate, adjusted for losses, for  
34 the respective zone in the PJM electric power pool. Alternatively,  
35 the customer-generator may execute a bilateral agreement with an  
36 electric power supplier or basic generation service provider for the  
37 sale and purchase of the customer-generator's excess generation.  
38 The customer-generator may be credited on a real-time basis, so  
39 long as the customer-generator follows applicable rules prescribed  
40 by the PJM electric power pool for its capacity requirements for the  
41 net amount of electricity supplied by the electric power supplier or  
42 basic generation service provider. The board may authorize an  
43 electric power supplier or basic generation service provider to cease  
44 offering net metering to customers that are not already net metered  
45 whenever the total rated generating capacity owned and operated by  
46 net metering customer-generators Statewide equals 2.9 percent of  
47 the total annual kilowatt-hours sold in this State by each electric

1 power supplier and each basic generation service provider during  
2 the prior one-year period;

3 (2) safety and power quality interconnection standards for Class  
4 I renewable energy source systems used by a customer-generator  
5 that shall be eligible for net metering.

6 Such standards or rules shall take into consideration the goals of  
7 the New Jersey Energy Master Plan, applicable industry standards,  
8 and the standards of other states and the Institute of Electrical and  
9 **【Electronic】** Electronics Engineers. The board shall allow electric  
10 public utilities to recover the costs of any new net meters, upgraded  
11 net meters, system reinforcements or upgrades, and interconnection  
12 costs through either their regulated rates or from the net metering  
13 customer-generator;

14 (3) credit or other incentive rules for generators using Class I  
15 renewable energy generation systems that connect to New Jersey's  
16 electric public utilities' distribution system but who do not net  
17 meter; and

18 (4) net metering aggregation standards to require electric public  
19 utilities to provide net metering aggregation to single electric public  
20 utility customers that operate a solar electric power generation  
21 system installed at one of the customer's facilities or on property  
22 owned by the customer, provided that any such customer is a State  
23 entity, school district, county, county agency, county authority,  
24 municipality, municipal agency, or municipal authority. The  
25 standards shall provide that, in order to qualify for net metering  
26 aggregation, the customer must operate a solar electric power  
27 generation system using a net metering billing account, which  
28 system is located on property owned by the customer, provided that:  
29 (a) the property is not land that has been actively devoted to  
30 agricultural or horticultural use and that is valued, assessed, and  
31 taxed pursuant to the "Farmland Assessment Act of 1964,"  
32 P.L.1964, c.48 (C.54:4-23.1 et seq.) at any time within the 10-year  
33 period prior to the effective date of P.L.2012, c.24, provided,  
34 however, that the municipal planning board of a municipality in  
35 which a solar electric power generation system is located may  
36 waive the requirement of this subparagraph (a), (b) the system is not  
37 an on-site generation facility, (c) all of the facilities of the single  
38 customer combined for the purpose of net metering aggregation are  
39 facilities owned or operated by the single customer and are located  
40 within its territorial jurisdiction except that all of the facilities of a  
41 State entity engaged in net metering aggregation shall be located  
42 within five miles of one another, and (d) all of those facilities are  
43 within the service territory of a single electric public utility and are  
44 all served by the same basic generation service provider or by the  
45 same electric power supplier. The standards shall provide that in  
46 order to qualify for net metering aggregation, the customer's solar  
47 electric power generation system shall be sized so that its annual  
48 generation does not exceed the combined metered annual energy

1 usage of the qualified customer facilities, and the qualified  
2 customer facilities shall all be in the same customer rate class under  
3 the applicable electric public utility tariff. For the customer's  
4 facility or property on which the solar electric generation system is  
5 installed, the electricity generated from the customer's solar electric  
6 generation system shall be accounted for pursuant to the provisions  
7 of paragraph (1) of this subsection to provide that the electricity  
8 generated in excess of the electricity supplied by the electric power  
9 supplier or the basic generation service provider, as the case may  
10 be, for the customer's facility on which the solar electric generation  
11 system is installed, over the annualized period, is credited at the  
12 electric power supplier's or the basic generation service provider's  
13 avoided cost of wholesale power or the PJM electric power pool  
14 real-time locational marginal pricing rate. All electricity used by  
15 the customer's qualified facilities, with the exception of the facility  
16 or property on which the solar electric power generation system is  
17 installed, shall be billed at the full retail rate pursuant to the electric  
18 public utility tariff applicable to the customer class of the customer  
19 using the electricity. A customer may contract with a third party to  
20 operate a solar electric power generation system, for the purpose of  
21 net metering aggregation. Any contractual relationship entered into  
22 for operation of a solar electric power generation system related to  
23 net metering aggregation shall include contractual protections that  
24 provide for adequate performance and provision for construction  
25 and operation for the term of the contract, including any appropriate  
26 bonding or escrow requirements. Any incremental cost to an  
27 electric public utility for net metering aggregation shall be fully and  
28 timely recovered in a manner to be determined by the board. The  
29 board shall adopt net metering aggregation standards within 270  
30 days after the effective date of P.L.2012, c.24.

31 Such rules shall require the board or its designee to issue a credit  
32 or other incentive to those generators that do not use a net meter but  
33 otherwise generate electricity derived from a Class I renewable  
34 energy source and to issue an enhanced credit or other incentive,  
35 including, but not limited to, a solar renewable energy credit, to  
36 those generators that generate electricity derived from solar  
37 technologies.

38 Such standards or rules shall be effective as regulations  
39 immediately upon filing with the Office of Administrative Law and  
40 shall be effective for a period not to exceed 18 months, and may,  
41 thereafter, be amended, adopted or readopted by the board in  
42 accordance with the provisions of the "Administrative Procedure  
43 Act."

44 f. The board may assess, by written order and after notice and  
45 opportunity for comment, a separate fee to cover the cost of  
46 implementing and overseeing an emission disclosure system or  
47 emission portfolio standard, which fee shall be assessed based on an  
48 electric power supplier's or basic generation service provider's share

1 of the retail electricity supply market. The board shall not impose a  
2 fee for the cost of implementing and overseeing a greenhouse gas  
3 emissions portfolio standard adopted pursuant to paragraph (2) of  
4 subsection c. of this section, the electric energy efficiency portfolio  
5 standard adopted pursuant to subsection g. of this section, or the gas  
6 energy efficiency portfolio standard adopted pursuant to subsection  
7 h. of this section.

8 g. The board may adopt, pursuant to the "Administrative  
9 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), an electric  
10 energy efficiency portfolio standard that may require each electric  
11 public utility to implement energy efficiency measures that reduce  
12 electricity usage in the State by 2020 to a level that is 20 percent  
13 below the usage projected by the board in the absence of such a  
14 standard. Nothing in this section shall be construed to prevent an  
15 electric public utility from meeting the requirements of this section  
16 by contracting with another entity for the performance of the  
17 requirements.

18 h. The board may adopt, pursuant to the "Administrative  
19 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), a gas energy  
20 efficiency portfolio standard that may require each gas public utility  
21 to implement energy efficiency measures that reduce natural gas  
22 usage for heating in the State by 2020 to a level that is 20 percent  
23 below the usage projected by the board in the absence of such a  
24 standard. Nothing in this section shall be construed to prevent a gas  
25 public utility from meeting the requirements of this section by  
26 contracting with another entity for the performance of the  
27 requirements.

28 i. After the board establishes a schedule of solar kilowatt-hour  
29 sale or purchase requirements pursuant to paragraph (3) of  
30 subsection d. of this section, the board may initiate subsequent  
31 proceedings and adopt, after appropriate notice and opportunity for  
32 public comment and public hearing, increased minimum solar  
33 kilowatt-hour sale or purchase requirements, provided that the  
34 board shall not reduce previously established minimum solar  
35 kilowatt-hour sale or purchase requirements, or otherwise impose  
36 constraints that reduce the requirements by any means.

37 j. The board shall determine an appropriate level of solar  
38 alternative compliance payment, and permit each supplier or  
39 provider to submit an SACP to comply with the solar electric  
40 generation requirements of paragraph (3) of subsection d. of this  
41 section. The value of the SACP for each Energy Year, for Energy  
42 Years 2014 through 2028 per megawatt hour from solar electric  
43 generation required pursuant to this section, shall be:

44

45	EY 2014	\$339
46	EY 2015	\$331
47	EY 2016	\$323
48	EY 2017	\$315

1	EY 2018	\$308
2	EY 2019	\$300
3	EY 2020	\$293
4	EY 2021	\$286
5	EY 2022	\$279
6	EY 2023	\$272
7	EY 2024	\$266
8	EY 2025	\$260
9	EY 2026	\$253
10	EY 2027	\$250
11	EY 2028	\$239.

12

13       The board may initiate subsequent proceedings and adopt, after  
14 appropriate notice and opportunity for public comment and public  
15 hearing, an increase in solar alternative compliance payments,  
16 provided that the board shall not reduce previously established  
17 levels of solar alternative compliance payments, nor shall the board  
18 provide relief from the obligation of payment of the SACP by the  
19 electric power suppliers or basic generation service providers in any  
20 form. Any SACP payments collected shall be refunded directly to  
21 the ratepayers by the electric public utilities.

22       k. The board may allow electric public utilities to offer long-  
23 term contracts through a competitive process, direct electric public  
24 utility investment and other means of financing, including but not  
25 limited to loans, for the purchase of SRECs and the resale of SRECs  
26 to suppliers or providers or others, provided that after such  
27 contracts have been approved by the board, the board's approvals  
28 shall not be modified by subsequent board orders. If the board  
29 allows the offering of contracts pursuant to this subsection, the  
30 board may establish a process, after hearing, and opportunity for  
31 public comment, to provide that a designated segment of the  
32 contracts approved pursuant to this subsection shall be contracts  
33 involving solar electric power generation facility projects with a  
34 capacity of up to 250 kilowatts.

35       1. The board shall implement its responsibilities under the  
36 provisions of this section in such a manner as to:

37       (1) place greater reliance on competitive markets, with the  
38 explicit goal of encouraging and ensuring the emergence of new  
39 entrants that can foster innovations and price competition;

40       (2) maintain adequate regulatory authority over non-competitive  
41 public utility services;

42       (3) consider alternative forms of regulation in order to address  
43 changes in the technology and structure of electric public utilities;

44       (4) promote energy efficiency and Class I renewable energy  
45 market development, taking into consideration environmental  
46 benefits and market barriers;

47       (5) make energy services more affordable for low and moderate  
48 income customers;

1 (6) attempt to transform the renewable energy market into one  
2 that can move forward without subsidies from the State or public  
3 utilities;

4 (7) achieve the goals put forth under the renewable energy  
5 portfolio standards;

6 (8) promote the lowest cost to ratepayers; and

7 (9) allow all market segments to participate.

8 m. The board shall ensure the availability of financial incentives  
9 under its jurisdiction, including, but not limited to, long-term  
10 contracts, loans, SRECs, or other financial support, to ensure  
11 market diversity, competition, and appropriate coverage across all  
12 ratepayer segments, including, but not limited to, residential,  
13 commercial, industrial, non-profit, farms, schools, and public entity  
14 customers.

15 n. For projects which are owned, or directly invested in, by a  
16 public utility pursuant to section 13 of P.L.2007, c.340 (C.48:3-  
17 98.1), the board shall determine the number of SRECs with which  
18 such projects shall be credited; and in determining such number the  
19 board shall ensure that the market for SRECs does not detrimentally  
20 affect the development of non-utility solar projects and shall  
21 consider how its determination may impact the ratepayers.

22 o. The board, in consultation with the Department of  
23 Environmental Protection, electric public utilities, the Division of  
24 Rate Counsel in, but not of, the Department of the Treasury,  
25 affected members of the solar energy industry, and relevant  
26 stakeholders, shall periodically consider increasing the renewable  
27 energy portfolio standards beyond the minimum amounts set forth  
28 in subsection d. of this section, taking into account the cost impacts  
29 and public benefits of such increases including, but not limited to:

30 (1) reductions in air pollution, water pollution, land disturbance,  
31 and greenhouse gas emissions;

32 (2) reductions in peak demand for electricity and natural gas,  
33 and the overall impact on the costs to customers of electricity and  
34 natural gas;

35 (3) increases in renewable energy development, manufacturing,  
36 investment, and job creation opportunities in this State; and

37 (4) reductions in State and national dependence on the use of  
38 fossil fuels.

39 p. Class I RECs and ORECs shall be eligible for use in  
40 renewable energy portfolio standards compliance in the energy year  
41 in which they are generated, and for the following two energy years.  
42 SRECs shall be eligible for use in renewable energy portfolio  
43 standards compliance in the energy year in which they are  
44 generated, and for the following four energy years.

45 q. (1) During the energy years of 2014, 2015, and 2016, a solar  
46 electric power generation facility project that is not: (a) net  
47 metered; (b) an on-site generation facility; (c) qualified for net  
48 metering aggregation; or (d) certified as being located on a

1 brownfield, on an area of historic fill or on a properly closed  
2 sanitary landfill facility, as provided pursuant to subsection t. of this  
3 section may file an application with the board for approval of a  
4 designation pursuant to this subsection that the facility is connected  
5 to the distribution system. An application filed pursuant to this  
6 subsection shall include a notice escrow of \$40,000 per megawatt of  
7 the proposed capacity of the facility. The board shall approve the  
8 designation if: the facility has filed a notice in writing with the  
9 board applying for designation pursuant to this subsection, together  
10 with the notice escrow; and the capacity of the facility, when added  
11 to the capacity of other facilities that have been previously  
12 approved for designation prior to the facility's filing under this  
13 subsection, does not exceed 80 megawatts in the aggregate for each  
14 year. The capacity of any one solar electric power supply project  
15 approved pursuant to this subsection shall not exceed 10 megawatts.  
16 No more than 90 days after its receipt of a completed application  
17 for designation pursuant to this subsection, the board shall approve,  
18 conditionally approve, or disapprove the application. The notice  
19 escrow shall be reimbursed to the facility in full upon either  
20 rejection by the board or the facility entering commercial operation,  
21 or shall be forfeited to the State if the facility is designated pursuant  
22 to this subsection but does not enter commercial operation pursuant  
23 to paragraph (2) of this subsection.

24 (2) If the proposed solar electric power generation facility does  
25 not commence commercial operations within two years following  
26 the date of the designation by the board pursuant to this subsection,  
27 the designation of the facility shall be deemed to be null and void,  
28 and the facility shall not be considered connected to the distribution  
29 system thereafter.

30 r. (1) For all proposed solar electric power generation facility  
31 projects except for those solar electric power generation facility  
32 projects approved pursuant to subsection q. of this section, and for  
33 all projects proposed in each energy year following energy year  
34 2016, a proposed solar electric power generation facility that is  
35 neither net metered nor an on-site generation facility, may be  
36 considered "connected to the distribution system" only upon  
37 designation as such by the board, after notice to the public and  
38 opportunity for public comment or hearing. A proposed solar  
39 power electric generation facility seeking board designation as  
40 "connected to the distribution system" shall submit an application to  
41 the board that includes for the proposed facility: the nameplate  
42 capacity; the estimated energy and number of SRECs to be  
43 produced and sold per year; the estimated annual rate impact on  
44 ratepayers; the estimated capacity of the generator as defined by  
45 PJM for sale in the PJM capacity market; the point of  
46 interconnection; the total project acreage and location; the current  
47 land use designation of the property; the type of solar technology to  
48 be used; and such other information as the board shall require.

1 (2) The board shall approve the designation of the proposed  
2 solar power electric generation facility as "connected to the  
3 distribution system" if the board determines that:

4 (a) the SRECs forecasted to be produced by the facility do not  
5 have a detrimental impact on the SREC market or on the  
6 appropriate development of solar power in the State;

7 (b) the approval of the designation of the proposed facility  
8 would not significantly impact the preservation of open space in  
9 this State;

10 (c) the impact of the designation on electric rates and economic  
11 development is beneficial; and

12 (d) there will be no impingement on the ability of an electric  
13 public utility to maintain its property and equipment in such a  
14 condition as to enable it to provide safe, adequate, and proper  
15 service to each of its customers.

16 (3) The board shall act within 90 days of its receipt of a  
17 completed application for designation of a solar power electric  
18 generation facility as "connected to the distribution system," to  
19 either approve, conditionally approve, or disapprove the  
20 application. If the proposed solar electric power generation facility  
21 does not commence commercial operations within two years  
22 following the date of the designation by the board pursuant to this  
23 subsection, the designation of the facility as "connected to the  
24 distribution system" shall be deemed to be null and void, and the  
25 facility shall thereafter be considered not "connected to the  
26 distribution system."

27 (4) Notwithstanding paragraph (3) of this subsection, a solar  
28 power electric generation facility project designated as "connected  
29 to the distribution system," as that term is defined in section 3 of  
30 P.L.1999, c.23 (C.48:3-51), but not having commenced commercial  
31 operations as of the date of enactment of P.L. \_\_\_\_\_, c. \_\_\_\_\_  
32 (pending before the Legislature as this bill), shall remain designated  
33 as "connected to the distribution system" through May 31, 2018.

34 s. In addition to any other requirements of P.L.1999, c.23 or  
35 any other law, rule, regulation or order, a solar electric power  
36 generation facility that is not net metered or an on-site generation  
37 facility and which is located on land that has been actively devoted  
38 to agricultural or horticultural use that is valued, assessed, and  
39 taxed pursuant to the "Farmland Assessment Act of 1964,"  
40 P.L.1964, c.48 (C.54:4-23.1 et seq.) at any time within the 10-year  
41 period prior to the effective date of P.L.2012, c.24, shall only be  
42 considered "connected to the distribution system" if (1) the board  
43 approves the facility's designation pursuant to subsection q. of this  
44 section; or (2) (a) PJM issued a System Impact Study for the facility  
45 on or before June 30, 2011, (b) the facility files a notice with the  
46 board within 60 days of the effective date of P.L.2012, c.24,  
47 indicating its intent to qualify under this subsection, and (c) the  
48 facility has been approved as "connected to the distribution system"

1 by the board. Nothing in this subsection shall limit the board's  
2 authority concerning the review and oversight of facilities, unless  
3 such facilities are exempt from such review as a result of having  
4 been approved pursuant to subsection q. of this section.

5 t. (1) No more than 180 days after the date of enactment of  
6 P.L.2012, c.24, the board shall, in consultation with the Department  
7 of Environmental Protection and the New Jersey Economic  
8 Development Authority, and, after notice and opportunity for public  
9 comment and public hearing, complete a proceeding to establish a  
10 program to provide SRECs to owners of solar electric power  
11 generation facility projects certified by the board, in consultation  
12 with the Department of Environmental Protection, as being located  
13 on a brownfield, on an area of historic fill or on a properly closed  
14 sanitary landfill facility, including those owned or operated by an  
15 electric public utility and approved pursuant to section 13 of  
16 P.L.2007, c.340 (C.48:3-98.1). Projects certified under this  
17 subsection shall be considered "connected to the distribution  
18 system", shall not require such designation by the board, and shall  
19 not be subject to board review required pursuant to subsections q.  
20 and r. of this section. Notwithstanding the provisions of section 3  
21 of P.L.1999, c.23 (C.48:3-51) or any other law, rule, regulation, or  
22 order to the contrary, for projects certified under this subsection, the  
23 board shall establish a financial incentive that is designed to  
24 supplement the SRECs generated by the facility in order to cover  
25 the additional cost of constructing and operating a solar electric  
26 power generation facility on a brownfield, on an area of historic fill  
27 or on a properly closed sanitary landfill facility. Any financial  
28 benefit realized in relation to a project owned or operated by an  
29 electric public utility and approved by the board pursuant to section  
30 13 of P.L.2007, c.340 (C.48:3-98.1), as a result of the provision of a  
31 financial incentive established by the board pursuant to this  
32 subsection, shall be credited to ratepayers. The issuance of SRECs  
33 for all solar electric power generation facility projects pursuant to  
34 this subsection shall be deemed "Board of Public Utilities financial  
35 assistance" as provided under section 1 of P.L.2009, c.89 (C.48:2-  
36 29.47).

37 (2) Notwithstanding the provisions of the "Spill Compensation  
38 and Control Act," P.L.1976, c.141 (C.58:10-23.11 et seq.) or any  
39 other law, rule, regulation, or order to the contrary, the board, in  
40 consultation with the Department of Environmental Protection, may  
41 find that a person who operates a solar electric power generation  
42 facility project that has commenced operation on or after the  
43 effective date of P.L.2012, c.24, which project is certified by the  
44 board, in consultation with the Department of Environmental  
45 Protection pursuant to paragraph (1) of this subsection, as being  
46 located on a brownfield for which a final remediation document has  
47 been issued, on an area of historic fill or on a properly closed  
48 sanitary landfill facility, which projects shall include, but not be

1 limited to projects located on a brownfield for which a final  
2 remediation document has been issued, on an area of historic fill or  
3 on a properly closed sanitary landfill facility owned or operated by  
4 an electric public utility and approved pursuant to section 13 of  
5 P.L.2007, c.340 (C.48:3-98.1), or a person who owns property  
6 acquired on or after the effective date of P.L.2012, c.24 on which  
7 such a solar electric power generation facility project is constructed  
8 and operated, shall not be liable for cleanup and removal costs to  
9 the Department of Environmental Protection or to any other person  
10 for the discharge of a hazardous substance provided that:

11 (a) the person acquired or leased the real property after the  
12 discharge of that hazardous substance at the real property;

13 (b) the person did not discharge the hazardous substance, is not  
14 in any way responsible for the hazardous substance, and is not a  
15 successor to the discharger or to any person in any way responsible  
16 for the hazardous substance or to anyone liable for cleanup and  
17 removal costs pursuant to section 8 of P.L.1976, c.141 (C.58:10-  
18 23.11g);

19 (c) the person, within 30 days after acquisition of the property,  
20 gave notice of the discharge to the Department of Environmental  
21 Protection in a manner the Department of Environmental Protection  
22 prescribes;

23 (d) the person does not disrupt or change, without prior written  
24 permission from the Department of Environmental Protection, any  
25 engineering or institutional control that is part of a remedial action  
26 for the contaminated site or any landfill closure or post-closure  
27 requirement;

28 (e) the person does not exacerbate the contamination at the  
29 property;

30 (f) the person does not interfere with any necessary remediation  
31 of the property;

32 (g) the person complies with any regulations and any permit the  
33 Department of Environmental Protection issues pursuant to section  
34 19 of P.L.2009, c.60 (C.58:10C-19) or paragraph (2) of subsection  
35 a. of section 6 of P.L.1970, c.39 (C.13:1E-6);

36 (h) with respect to an area of historic fill, the person has  
37 demonstrated pursuant to a preliminary assessment and site  
38 investigation, that hazardous substances have not been discharged;  
39 and

40 (i) with respect to a properly closed sanitary landfill facility, no  
41 person who owns or controls the facility receives, has received, or  
42 will receive, with respect to such facility, any funds from any post-  
43 closure escrow account established pursuant to section 10 of  
44 P.L.1981, c.306 (C.13:1E-109) for the closure and monitoring of  
45 the facility.

46 Only the person who is liable to clean up and remove the  
47 contamination pursuant to section 8 of P.L.1976, c.141 (C.58:10-  
48 23.11g) and who does not have a defense to liability pursuant to

1 subsection d. of that section shall be liable for cleanup and removal  
2 costs.

3 u. No more than 180 days after the date of enactment of  
4 P.L.2012, c.24, the board shall complete a proceeding to establish a  
5 registration program. The registration program shall require the  
6 owners of solar electric power generation facility projects  
7 connected to the distribution system to make periodic milestone  
8 filings with the board in a manner and at such times as determined  
9 by the board to provide full disclosure and transparency regarding  
10 the overall level of development and construction activity of those  
11 projects Statewide.

12 v. The issuance of SRECs for all solar electric power  
13 generation facility projects pursuant to this section, for projects  
14 connected to the distribution system with a capacity of one  
15 megawatt or greater, shall be deemed "Board of Public Utilities  
16 financial assistance" as provided pursuant to section 1 of P.L.2009,  
17 c.89 (C.48:2-29.47).

18 w. No more than 270 days after the date of enactment of  
19 P.L.2012, c.24, the board shall, after notice and opportunity for  
20 public comment and public hearing, complete a proceeding to  
21 consider whether to establish a program to provide, to owners of  
22 solar electric power generation facility projects certified by the  
23 board as being three megawatts or greater in capacity and being net  
24 metered, including facilities which are owned or operated by an  
25 electric public utility and approved by the board pursuant to section  
26 13 of P.L.2007, c.340 (C.48:3-98.1), a financial incentive that is  
27 designed to supplement the SRECs generated by the facility to  
28 further the goal of improving the economic competitiveness of  
29 commercial and industrial customers taking power from such  
30 projects. If the board determines to establish such a program  
31 pursuant to this subsection, the board may establish a financial  
32 incentive to provide that the board shall issue one SREC for no less  
33 than every 750 kilowatt-hours of solar energy generated by the  
34 certified projects. Any financial benefit realized in relation to a  
35 project owned or operated by an electric public utility and approved  
36 by the board pursuant to section 13 of P.L.2007, c.340 (C.48:3-  
37 98.1), as a result of the provisions of a financial incentive  
38 established by the board pursuant to this subsection, shall be  
39 credited to ratepayers.

40 x. Solar electric power generation facility projects that are  
41 located on an existing or proposed commercial, retail, industrial,  
42 municipal, professional, recreational, transit, commuter,  
43 entertainment complex, multi-use, or mixed-use parking lot with a  
44 capacity to park 350 or more vehicles where the area to be utilized  
45 for the facility is paved, or an impervious surface may be owned or  
46 operated by an electric public utility and may be approved by the  
47 board pursuant to section 13 of P.L.2007, c.340 (C.48:3-98.1).

48 (cf: P.L.2015, c.94)

1       2. This act shall take effect immediately.

2

3

4

STATEMENT

5

6       This bill amends existing law to permit a solar electric power  
7 generation facility project designated as “connected to the  
8 distribution system” but not having commenced commercial  
9 operations as of the date of enactment of this bill, to remain  
10 designated as “connected to the distribution system” through May  
11 31, 2018. “Connected to the distribution system” means that the  
12 facility project is directly connected to the electric grid at 69  
13 kilovolts or less, regardless of how an electric public utility  
14 classifies that portion of its electric grid and is designated as  
15 "connected to the distribution system" by the Board of Public  
16 Utilities.

ASSEMBLY TELECOMMUNICATIONS AND UTILITIES  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 4756**

**STATE OF NEW JERSEY**

DATED: MAY 11, 2017

The Assembly Telecommunications and Utilities Committee reports favorably Assembly Bill No. 4756.

As reported, this bill amends existing law to permit a solar electric power generation facility project designated as “connected to the distribution system” but not having commenced commercial operations as of the date of enactment of this bill, to remain designated as “connected to the distribution system” through May 31, 2018. In this bill, “connected to the distribution system” means that the facility project is directly connected to the electric grid at 69 kilovolts or less, regardless of how an electric public utility classifies that portion of its electric grid, and is designated as "connected to the distribution system" by the Board of Public Utilities.

STATEMENT TO  
**ASSEMBLY, No. 4756**

with Assembly Floor Amendments  
(Proposed by Assemblyman DEANGELO)

ADOPTED: MAY 22, 2017

These floor amendments remove the May 31, 2018 extension of the designation as “connected to the distribution system” from solar electric power generation facility projects affected under section r. of the bill and apply that extension to solar electric power generation facility projects affected under section q. of the bill.

## Governor Christie Takes Action on Pending Legislation

Friday, July 21, 2017

Tags: [Bill Action](#)



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...

**Trenton, NJ** – Governor Chris Christie today took action on dozens of bills, including S-359/A-2320 (Codey, Vitale/Vainieri Huttle, Conaway, Jimenez, Lampitt, Jasey, Sumter), which raises the minimum age from 19 to 21 of a person to whom a vendor may sell, offer for sale, distribute, give or furnish tobacco products in New Jersey. This new law also amends various related statues concerning penalties, fines, signage requirements, non-face-to-face transactions, and enforcement provisions to reflect the increased minimum age.

“By raising the minimum age to purchase tobacco products to 21, we are giving young people more time to develop a maturity and better understanding of how dangerous smoking can be and that it is better to not start smoking in the first place,” Governor Christie said. “My mother died from the effects of smoking, and no one should lose their life due to any addictive substance. Additionally, the less people who develop costly tobacco habits that can cause health problems, such as lung cancer, heart disease and developmental issues, the less strain there will be on our healthcare system.”

Governor Christie also took action on pending legislation related to:

### Further Addressing the Opioid Epidemic

Governor Christie signed four bills that continue New Jersey's leadership role in fighting the national opioid epidemic. The legislation that requires the Department of Human Services develop, maintain, and post on their website daily information about the number of open beds available in facilities in the state for people in need of mental health or substance use disorder treatment; help inform parents of student athletes and cheerleaders about the use and misuse of prescription opioids; allows hospice programs to accept the unused prescription medicines of their hospice patients for safe disposal and implements the use of current-day, sensitive terminology when referring to persons with substance use disorders or certain disabilities.

- **A-1662/S-2466 (Schaer, Vainieri Huttle, Coughlin, McKnight, Mukherji/Vitale, Allen)** - Requires development and maintenance of data dashboard report to advise of open bed availability in residential facilities providing behavioral health services
- **A-3944/S-2402 (Mazzeo, Lagana, Vainieri Huttle, Benson, Caride, Wimberly/Diegnan, Vitale)** - Requires DOE to develop educational fact sheet for distribution to parents of student-athletes and cheerleaders concerning use and misuse of prescription opioids
- **S-2970/A-4522 (Vitale, Diegnan/Lampitt, Vainieri Huttle, Jimenez)** - Allows hospice care programs to accept unused prescription medications for disposal under certain circumstances
- **S-2721/ACS for A-926 (Vitale, Whelan/Vainieri Huttle, Benson, Tucker, Eustace, McKnight, Mosquera)** - Implements person-first language and changes pejorative terminology referring to persons with certain disabilities or substance use disorders

### Protecting and Preserving the Environment

The Governor also signed several bills to protect people and improve the quality of life by strengthening New Jersey's environment.

“These new laws will create more open space preservation opportunities, green energy solutions and safeguards to ensure quality drinking water for all New Jerseyans,” Governor Christie said. “They provide greater flexibility for counties and municipalities to use the roughly \$270 million open space tax dollars they collect each year for the intended mission of protecting New Jersey's environment, improving communities with more recreation and

conservation, and preventing overcrowding of our towns and schools. They also ensure reliable, sustainable and safe environmental infrastructure across the state, by investing nearly \$100 million in critical projects this year."

- **A-1645/S-195 (Schaer, Webber, Dancer, Pintor Marin/Kyrillos, Smith)** - Expands definition of "acquisition," for purposes of county and municipal open space trust funds, to include demolition, removal of debris, and restoration of lands being acquired
- **S-3352/A-5045 (Ruiz, Bateman/Oliver, Chaparro, Singleton, Lagana, Bramnick, Vainieri Huttie, Zwicker)** - Appropriates \$71,700,224 from constitutionally dedicated CBT revenues and various Green Acres funds to DEP for local government open space acquisition and park development projects
- **S-3353/A-5046 (Greenstein, Thompson/Eustace, Land, Mukherji, Schaer, Bramnick, Vainieri Huttie, Wimberly)** - Appropriates \$12.3 million from constitutionally dedicated CBT revenues for recreation and conservation purposes to DEP for State capital and park development projects
- **S-3354/A-5044 (Gordon, Allen/McKeon, Mazzeo, Muoio, Moriarty, Bramnick, Zwicker, Vainieri Huttie)** - Appropriates \$8,992,898 to DEP from constitutionally dedicated CBT revenues and various Green Acres funds for grants to certain nonprofit entities to acquire or develop lands for recreation and conservation purposes
- **S-3240/A-4996 (Greenstein, Codey/Mukherji, Mazzeo, Schaer, Holley, Land)** - Authorizes NJ Environmental Infrastructure Trust to expend certain sums to make loans for environmental infrastructure projects for FY2018
- **CC for S-3241/A-4998 (Smith, Codey/Eustace, Muoio, Moriarty, Conaway, Andrzejczak)** - Appropriates funds to DEP for environmental infrastructure projects for FY2018
- **S-3242/A-4997 (Gordon, Oroho/McKeon, Prieto)** - Clarifies procedures for approval of environmental and transportation infrastructure projects
- **S-3181/A-4756 (Smith, Diegnan/DeAngelo, Eustace, Gusciora)** - Permits solar electric power generation facility projects not having commenced commercial operation to retain designation through May 31, 2018 as connected to distribution system
- **S-2834/A-4569 (Sweeney, Greenstein, Bateman/Eustace, Karabinchak, McKeon, Vainieri Huttie, Benson, Muoio)** - The "Water Quality Accountability Act"; imposes certain testing, reporting, management, and infrastructure investment requirements on water purveyors

Governor Christie also took action on the following bills:

#### BILL SIGNINGS:

**S-5/A-4925 (Vitale, Sweeney/Conaway, O'Scanlon, Houghtaling, Quijano, Giblin, DeAngelo, Munoz, Mukherji, A.M. Bucco)** - Establishes data reporting requirements for emergency medical services providers and dispatch centers

**SS SCS SCS for S-291, 652, 1954/ACS for A-1464 (Vitale, Whelan, Allen, Turner/Lampitt, Coughlin, Conaway, Vainieri Huttie, Lagana, Mukherji, Moriarty)** - Authorizes health care providers to engage in telemedicine and telehealth

**S-742/A-1205 (Beach/Mosquera, Holley, Wimberly, Jones)** - Requires board of education to enter into agreement with law enforcement authorities regarding access to live video streams of public school buildings

**S-1295/A-3701 (Vitale/Eustace, Munoz)** - Amends and repeals sections of "Respiratory Care Practitioner Licensing Act"

**S-1315/A-1839 (Vitale/Giblin, Wimberly, McKeon, Mukherji, Sumter)** - Revises statutes regarding practice of physical therapy

**S-1840/A-2085 (Ruiz, Gill/Mukherji, Oliver, McKnight)** - Prohibits charging fee to stop publishing personal identifying information obtained through the criminal justice system

**S-1913/A-2794 (Addiego, Greenstein/Lagana, Moriarty, Mukherji, Downey)** - "Personal Information and Privacy Protection Act"; restricts collection and use of personal information by retail establishments for certain purposes

**S-2058/A-671 (T. Kean, Pou/Munoz, Giblin, Mukherji, Moriarty)** - Adds two nurse educators to the New Jersey Board of Nursing

**S-2331/A-3962 (Codey, Vitale/Jasey, McKeon, Vainieri Huttie, Munoz, Mukherji, Mosquera, Lampitt)** - Establishes tuition reimbursement program for certain psychiatrists who work in underserved areas or psychiatric hospitals in New Jersey

**CC S-2403/A-3717 (Rice, Turner/Sumter, Vainieri Huttie, Lampitt, Downey)** - Establishes Women's Vocational Training Pilot Program to promote economic self-sufficiency of low-income women through increased participation in high-wage, high-demand occupations; authorizes allocation of certain funds therefor

**S-2452/A-4007 (Diegnan, Stack/Houghtaling, Downey, Mosquera, Mazzeo)** - Requires Director of Division of Taxation to promulgate Property Taxpayer Bill of Rights

**S-2577/A-4238 (Cunningham, Ruiz, Gordon/Sumter, Jasey, Muoio, Lagana, Downey, Benson)** - Requires Higher Education Student Assistance Authority to provide annual New Jersey College Loans to Assist State Students Loan Program report to Governor and Legislature and develop student loan comparison information document to increase program transparency

**S-2618/A-4691 (Cunningham, Pou/Caride, McKeon, Jasey, Giblin)** - Requires institutions of higher education to enter into collective Statewide reverse transfer agreement

**S-2819/A-4363 (Sweeney, Ruiz, Lesniak/Taliaferro, Andrzejczak, Lampitt, Mosquera, Holley, Quijano)** - Creates "Nourishing Young Minds Initiative Fund" in Dept. of Agriculture to help pay for child food and nutrition programs

**S-3027/A-4631 (Smith, Greenstein/Lampitt, Quijano, Eustace, Kennedy, Benson, Muoio, Zwicker, Mukherji)** - Establishes State food waste reduction goal of 50 percent by 2030

**S-3067/A-4652 (Ruiz, Vitale/Vainieri Huttie, Caride, Eustace, Jasey, Wimberly, Gusciora)** - Requires Commissioner of Education to develop guidelines for school districts regarding transgender students

**S-3176/A-4898 (Madden/Mukherji, Singleton)** - Changes year used to calculate TDI and FLI employee taxes from most recent calendar year to most recent fiscal year

**S-3191/A-3370 (Sweeney, Bateman/Burzichelli, Jones)** - Extends voting rights of representatives of sending districts on receiving district board of education

**S-3219/A-4859 (Sweeney, T. Kean, Greenstein, Holzapfel/Vainieri Huttie, Prieto, Downey)** - Establishes additional penalties related to child pornography and expands crime to include portrayal of child in sexual manner; establishes crime of leader of child pornography network

**S-3331/A-5039 (Cruz-Perez/Jones)** - Authorizes State Treasurer to sell surplus real property in City of Camden, County of Camden to Camden County Improvement Authority

**SJR-105/AJR-157 (Diegnan, Cruz-Perez, Sweeney/Pinkin, Karabinchak, Coughlin)** - Designates August 29, 2017 as Governor James Florio Day in New Jersey

**SJR-113/AJR-165 (Gordon/Vainieri Huttie, Chiaravalloti)** - Clarifies intent of law subjecting PANYNJ to open public records and freedom of information laws in New Jersey and New York

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**A-2297/S-659 (Vainieri Huttle, Sumter, Mukherji, Caride, Downey, Zwicker, Wimberly/Turner, Allen)** - **CONDITIONAL** - Requires health insurance coverage for contraceptives to include prescriptions for 12 months

**A-3338/S-862 (Eustace, Lagana, Vainieri Huttle, Muoio, Mukherji, Benson, Jimenez, Giblin, Moriarty, Lampitt/Stack, Weinberg)** - **CONDITIONAL** - Dedicates one percent of cigarette and other tobacco products tax revenues to anti-smoking initiatives

**ACS for A-3480, 4119/S-2536 (Downey, Lampitt, Schaer, Houghtaling, Benson, Singleton, Muoio, DeAngelo/Gill, Weinberg)** - **ABSOLUTE** - Concerns employer inquiries about worker's wage and salary experience

**A-4253/S-2634 (Quijano, Mukherji, Vainieri Huttle, Eustace, Jones, McKeon/Weinberg, Diegnan) - CONDITIONAL** - Establishes "New Jersey Nonprofit Security Grant Pilot Program"; appropriates \$3,000,000 over next three fiscal years

**A-4453/S-2881 (Downey, Houghtaling/Ruiz) – CONDITIONAL** - Requires pupils who reside on certain federal property to enroll in resident school district in accordance with schedule determined by executive county superintendent of schools

**A-4496/S-2977 (Wimberly, Sumter, Lampitt/Lesniak) – CONDITIONAL** - "Healthy Small Food Retailer Act"; provides funding to small food retailers to sell fresh and nutritious food; appropriates \$1 million

**A-4587/SCS for S-2574 (Quijano, Vainieri Huttle, Mukherji, Giblin/Diegnan, Sarlo) – ABSOLUTE** - Imposes State sales and use tax and hotel and motel occupancy fee on transient accommodations; authorizes various municipal taxes and fees on transient accommodations

**A-4870/S-3226 (Prieto, Oliver, Quijano, Pintor Marin, Schaer, Vainieri Huttle, Eustace/Ruiz, Sweeney, Greenstein) – ABSOLUTE** - "Safe Transportation Jobs and Fair Employment Rules Act"

**ACS for A-4927/SCS for S-3085 (Prieto, Oliver, Gusciora, Jasey/Sweeney, Diegnan, Ruiz) – CONDITIONAL** - Revises law concerning family leave, temporary disability and family temporary disability leave, and domestic or sexual violence safety leave

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609-777-2600



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STATEMENT TO  
[First Reprint]  
**ASSEMBLY, No. 4756**

with Assembly Floor Amendments  
(Proposed by Assemblyman DEANGELO)

ADOPTED: JUNE 8, 2017

These floor amendments provide that a solar power electric generation facility project that as of May 31, 2017 was designated as “connected to the distribution system,” but failed to commence commercial operations as of that date, is to maintain that designation if it commences commercial operations by May 31, 2018.

## Governor Christie Takes Action on Pending Legislation

Friday, July 21, 2017

Tags: [Bill Action](#)



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...

Trenton, NJ – Governor Chris Christie today took action on dozens of bills, including S-359/A-2320 (Codey, Vitale/Vainieri Huttle, Conaway, Jimenez, Lampitt, Jasey, Sumter), which raises the minimum age from 19 to 21 of a person to whom a vendor may sell, offer for sale, distribute, give or furnish tobacco products in New Jersey. This new law also amends various related statues concerning penalties, fines, signage requirements, non-face-to-face transactions, and enforcement provisions to reflect the increased minimum age.

“By raising the minimum age to purchase tobacco products to 21, we are giving young people more time to develop a maturity and better understanding of how dangerous smoking can be and that it is better to not start smoking in the first place,” Governor Christie said. “My mother died from the effects of smoking, and no one should lose their life due to any addictive substance. Additionally, the less people who develop costly tobacco habits that can cause health problems, such as lung cancer, heart disease and developmental issues, the less strain there will be on our healthcare system.”

Governor Christie also took action on pending legislation related to:

### Further Addressing the Opioid Epidemic

Governor Christie signed four bills that continue New Jersey's leadership role in fighting the national opioid epidemic. The legislation that requires the Department of Human Services develop, maintain, and post on their website daily information about the number of open beds available in facilities in the state for people in need of mental health or substance use disorder treatment; help inform parents of student athletes and cheerleaders about the use and misuse of prescription opioids; allows hospice programs to accept the unused prescription medicines of their hospice patients for safe disposal and implements the use of current-day, sensitive terminology when referring to persons with substance use disorders or certain disabilities.

- **A-1662/S-2466 (Schaer, Vainieri Huttle, Coughlin, McKnight, Mukherji/Vitale, Allen)** - Requires development and maintenance of data dashboard report to advise of open bed availability in residential facilities providing behavioral health services
- **A-3944/S-2402 (Mazzeo, Lagana, Vainieri Huttle, Benson, Caride, Wimberly/Diegnan, Vitale)** - Requires DOE to develop educational fact sheet for distribution to parents of student-athletes and cheerleaders concerning use and misuse of prescription opioids
- **S-2970/A-4522 (Vitale, Diegnan/Lampitt, Vainieri Huttle, Jimenez)** - Allows hospice care programs to accept unused prescription medications for disposal under certain circumstances
- **S-2721/ACS for A-926 (Vitale, Whelan/Vainieri Huttle, Benson, Tucker, Eustace, McKnight, Mosquera)** - Implements person-first language and changes pejorative terminology referring to persons with certain disabilities or substance use disorders

### Protecting and Preserving the Environment

The Governor also signed several bills to protect people and improve the quality of life by strengthening New Jersey's environment.

“These new laws will create more open space preservation opportunities, green energy solutions and safeguards to ensure quality drinking water for all New Jerseyans,” Governor Christie said. “They provide greater flexibility for counties and municipalities to use the roughly \$270 million open space tax dollars they collect each year for the intended mission of protecting New Jersey's environment, improving communities with more recreation and

conservation, and preventing overcrowding of our towns and schools. They also ensure reliable, sustainable and safe environmental infrastructure across the state, by investing nearly \$100 million in critical projects this year."

- **A-1645/S-195 (Schaer, Webber, Dancer, Pintor Marin/Kyrillos, Smith)** - Expands definition of "acquisition," for purposes of county and municipal open space trust funds, to include demolition, removal of debris, and restoration of lands being acquired
- **S-3352/A-5045 (Ruiz, Bateman/Oliver, Chaparro, Singleton, Lagana, Bramnick, Vainieri Huttie, Zwicker)** - Appropriates \$71,700,224 from constitutionally dedicated CBT revenues and various Green Acres funds to DEP for local government open space acquisition and park development projects
- **S-3353/A-5046 (Greenstein, Thompson/Eustace, Land, Mukherji, Schaer, Bramnick, Vainieri Huttie, Wimberly)** - Appropriates \$12.3 million from constitutionally dedicated CBT revenues for recreation and conservation purposes to DEP for State capital and park development projects
- **S-3354/A-5044 (Gordon, Allen/McKeon, Mazzeo, Muoio, Moriarty, Bramnick, Zwicker, Vainieri Huttie)** - Appropriates \$8,992,898 to DEP from constitutionally dedicated CBT revenues and various Green Acres funds for grants to certain nonprofit entities to acquire or develop lands for recreation and conservation purposes
- **S-3240/A-4996 (Greenstein, Codey/Mukherji, Mazzeo, Schaer, Holley, Land)** - Authorizes NJ Environmental Infrastructure Trust to expend certain sums to make loans for environmental infrastructure projects for FY2018
- **CC for S-3241/A-4998 (Smith, Codey/Eustace, Muoio, Moriarty, Conaway, Andrzejczak)** - Appropriates funds to DEP for environmental infrastructure projects for FY2018
- **S-3242/A-4997 (Gordon, Oroho/McKeon, Prieto)** - Clarifies procedures for approval of environmental and transportation infrastructure projects
- **S-3181/A-4756 (Smith, Diegnan/DeAngelo, Eustace, Gusciora)** - Permits solar electric power generation facility projects not having commenced commercial operation to retain designation through May 31, 2018 as connected to distribution system
- **S-2834/A-4569 (Sweeney, Greenstein, Bateman/Eustace, Karabinchak, McKeon, Vainieri Huttie, Benson, Muoio)** - The "Water Quality Accountability Act"; imposes certain testing, reporting, management, and infrastructure investment requirements on water purveyors

Governor Christie also took action on the following bills:

#### BILL SIGNINGS:

**S-5/A-4925 (Vitale, Sweeney/Conaway, O'Scanlon, Houghtaling, Quijano, Giblin, DeAngelo, Munoz, Mukherji, A.M. Bucco)** - Establishes data reporting requirements for emergency medical services providers and dispatch centers

**SS SCS SCS for S-291, 652, 1954/ACS for A-1464 (Vitale, Whelan, Allen, Turner/Lampitt, Coughlin, Conaway, Vainieri Huttie, Lagana, Mukherji, Moriarty)** - Authorizes health care providers to engage in telemedicine and telehealth

**S-742/A-1205 (Beach/Mosquera, Holley, Wimberly, Jones)** - Requires board of education to enter into agreement with law enforcement authorities regarding access to live video streams of public school buildings

**S-1295/A-3701 (Vitale/Eustace, Munoz)** - Amends and repeals sections of "Respiratory Care Practitioner Licensing Act"

**S-1315/A-1839 (Vitale/Giblin, Wimberly, McKeon, Mukherji, Sumter)** - Revises statutes regarding practice of physical therapy

**S-1840/A-2085 (Ruiz, Gill/Mukherji, Oliver, McKnight)** - Prohibits charging fee to stop publishing personal identifying information obtained through the criminal justice system

**S-1913/A-2794 (Addiego, Greenstein/Lagana, Moriarty, Mukherji, Downey)** - "Personal Information and Privacy Protection Act"; restricts collection and use of personal information by retail establishments for certain purposes

**S-2058/A-671 (T. Kean, Pou/Munoz, Giblin, Mukherji, Moriarty)** - Adds two nurse educators to the New Jersey Board of Nursing

**S-2331/A-3962 (Codey, Vitale/Jasey, McKeon, Vainieri Huttie, Munoz, Mukherji, Mosquera, Lampitt)** - Establishes tuition reimbursement program for certain psychiatrists who work in underserved areas or psychiatric hospitals in New Jersey

**CC S-2403/A-3717 (Rice, Turner/Sumter, Vainieri Huttie, Lampitt, Downey)** - Establishes Women's Vocational Training Pilot Program to promote economic self-sufficiency of low-income women through increased participation in high-wage, high-demand occupations; authorizes allocation of certain funds therefor

**S-2452/A-4007 (Diegnan, Stack/Houghtaling, Downey, Mosquera, Mazzeo)** - Requires Director of Division of Taxation to promulgate Property Taxpayer Bill of Rights

**S-2577/A-4238 (Cunningham, Ruiz, Gordon/Sumter, Jasey, Muoio, Lagana, Downey, Benson)** - Requires Higher Education Student Assistance Authority to provide annual New Jersey College Loans to Assist State Students Loan Program report to Governor and Legislature and develop student loan comparison information document to increase program transparency

**S-2618/A-4691 (Cunningham, Pou/Caride, McKeon, Jasey, Giblin)** - Requires institutions of higher education to enter into collective Statewide reverse transfer agreement

**S-2819/A-4363 (Sweeney, Ruiz, Lesniak/Taliaferro, Andrzejczak, Lampitt, Mosquera, Holley, Quijano)** - Creates "Nourishing Young Minds Initiative Fund" in Dept. of Agriculture to help pay for child food and nutrition programs

**S-3027/A-4631 (Smith, Greenstein/Lampitt, Quijano, Eustace, Kennedy, Benson, Muoio, Zwicker, Mukherji)** - Establishes State food waste reduction goal of 50 percent by 2030

**S-3067/A-4652 (Ruiz, Vitale/Vainieri Huttie, Caride, Eustace, Jasey, Wimberly, Gusciora)** - Requires Commissioner of Education to develop guidelines for school districts regarding transgender students

**S-3176/A-4898 (Madden/Mukherji, Singleton)** - Changes year used to calculate TDI and FLI employee taxes from most recent calendar year to most recent fiscal year

**S-3191/A-3370 (Sweeney, Bateman/Burzichelli, Jones)** - Extends voting rights of representatives of sending districts on receiving district board of education

**S-3219/A-4859 (Sweeney, T. Kean, Greenstein, Holzapfel/Vainieri Huttie, Prieto, Downey)** - Establishes additional penalties related to child pornography and expands crime to include portrayal of child in sexual manner; establishes crime of leader of child pornography network

**S-3331/A-5039 (Cruz-Perez/Jones)** - Authorizes State Treasurer to sell surplus real property in City of Camden, County of Camden to Camden County Improvement Authority

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STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 4756**

with Assembly Floor Amendments  
(Proposed by Assemblyman DEANGELO)

ADOPTED: JUNE 8, 2017

These floor amendments provide that a solar power electric generation facility project that as of May 31, 2017 was designated as “connected to the distribution system,” but failed to commence commercial operations as of that date, is to maintain that designation if it commences commercial operations by May 31, 2018.

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## Governor Christie Takes Action on Pending Legislation

Friday, July 21, 2017

Tags: [Bill Action](#)



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Trenton, NJ – Governor Chris Christie today took action on dozens of bills, including S-359/A-2320 (Codey, Vitale/Vainieri Huttie, Conaway, Jimenez, Lampitt, Jasey, Sumter), which raises the minimum age from 19 to 21 of a person to whom a vendor may sell, offer for sale, distribute, give or furnish tobacco products in New Jersey. This new law also amends various related statues concerning penalties, fines, signage requirements, non-face-to-face transactions, and enforcement provisions to reflect the increased minimum age.

“By raising the minimum age to purchase tobacco products to 21, we are giving young people more time to develop a maturity and better understanding of how dangerous smoking can be and that it is better to not start smoking in the first place,” Governor Christie said. “My mother died from the effects of smoking, and no one should lose their life due to any addictive substance. Additionally, the less people who develop costly tobacco habits that can cause health problems, such as lung cancer, heart disease and developmental issues, the less strain there will be on our healthcare system.”

Governor Christie also took action on pending legislation related to:

### Further Addressing the Opioid Epidemic

Governor Christie signed four bills that continue New Jersey's leadership role in fighting the national opioid epidemic. The legislation that requires the Department of Human Services develop, maintain, and post on their website daily information about the number of open beds available in facilities in the state for people in need of mental health or substance use disorder treatment; help inform parents of student athletes and cheerleaders about the use and misuse of prescription opioids; allows hospice programs to accept the unused prescription medicines of their hospice patients for safe disposal and implements the use of current-day, sensitive terminology when referring to persons with substance use disorders or certain disabilities.

- **A-1662/S-2466 (Schaer, Vainieri Huttie, Coughlin, McKnight, Mukherji/Vitale, Allen)** - Requires development and maintenance of data dashboard report to advise of open bed availability in residential facilities providing behavioral health services
- **A-3944/S-2402 (Mazzeo, Lagana, Vainieri Huttie, Benson, Caride, Wimberly/Diegnan, Vitale)** - Requires DOE to develop educational fact sheet for distribution to parents of student-athletes and cheerleaders concerning use and misuse of prescription opioids
- **S-2970/A-4522 (Vitale, Diegnan/Lampitt, Vainieri Huttie, Jimenez)** - Allows hospice care programs to accept unused prescription medications for disposal under certain circumstances
- **S-2721/ACS for A-926 (Vitale, Whelan/Vainieri Huttie, Benson, Tucker, Eustace, McKnight, Mosquera)** - Implements person-first language and changes pejorative terminology referring to persons with certain disabilities or substance use disorders

### Protecting and Preserving the Environment

The Governor also signed several bills to protect people and improve the quality of life by strengthening New Jersey's environment.

“These new laws will create more open space preservation opportunities, green energy solutions and safeguards to ensure quality drinking water for all New Jerseyans,” Governor Christie said. “They provide greater flexibility for counties and municipalities to use the roughly \$270 million open space tax dollars they collect each year for the intended mission of protecting New Jersey's environment, improving communities with more recreation and

conservation, and preventing overcrowding of our towns and schools. They also ensure reliable, sustainable and safe environmental infrastructure across the state, by investing nearly \$100 million in critical projects this year."

- **A-1645/S-195 (Schaer, Webber, Dancer, Pintor Marin/Kyrillos, Smith)** - Expands definition of "acquisition," for purposes of county and municipal open space trust funds, to include demolition, removal of debris, and restoration of lands being acquired
- **S-3352/A-5045 (Ruiz, Bateman/Oliver, Chaparro, Singleton, Lagana, Bramnick, Vainieri Huttie, Zwicker)** - Appropriates \$71,700,224 from constitutionally dedicated CBT revenues and various Green Acres funds to DEP for local government open space acquisition and park development projects
- **S-3353/A-5046 (Greenstein, Thompson/Eustace, Land, Mukherji, Schaer, Bramnick, Vainieri Huttie, Wimberly)** - Appropriates \$12.3 million from constitutionally dedicated CBT revenues for recreation and conservation purposes to DEP for State capital and park development projects
- **S-3354/A-5044 (Gordon, Allen/McKeon, Mazzeo, Muoio, Moriarty, Bramnick, Zwicker, Vainieri Huttie)** - Appropriates \$8,992,898 to DEP from constitutionally dedicated CBT revenues and various Green Acres funds for grants to certain nonprofit entities to acquire or develop lands for recreation and conservation purposes
- **S-3240/A-4996 (Greenstein, Codey/Mukherji, Mazzeo, Schaer, Holley, Land)** - Authorizes NJ Environmental Infrastructure Trust to expend certain sums to make loans for environmental infrastructure projects for FY2018
- **CC for S-3241/A-4998 (Smith, Codey/Eustace, Muoio, Moriarty, Conaway, Andrzejczak)** - Appropriates funds to DEP for environmental infrastructure projects for FY2018
- **S-3242/A-4997 (Gordon, Oroho/McKeon, Prieto)** - Clarifies procedures for approval of environmental and transportation infrastructure projects
- **S-3181/A-4756 (Smith, Diegnan/DeAngelo, Eustace, Gusciora)** - Permits solar electric power generation facility projects not having commenced commercial operation to retain designation through May 31, 2018 as connected to distribution system
- **S-2834/A-4569 (Sweeney, Greenstein, Bateman/Eustace, Karabinchak, McKeon, Vainieri Huttie, Benson, Muoio)** - The "Water Quality Accountability Act"; imposes certain testing, reporting, management, and infrastructure investment requirements on water purveyors

Governor Christie also took action on the following bills:

#### BILL SIGNINGS:

**S-5/A-4925 (Vitale, Sweeney/Conaway, O'Scanlon, Houghtaling, Quijano, Giblin, DeAngelo, Munoz, Mukherji, A.M. Bucco)** - Establishes data reporting requirements for emergency medical services providers and dispatch centers

**SS SCS SCS for S-291, 652, 1954/ACS for A-1464 (Vitale, Whelan, Allen, Turner/Lampitt, Coughlin, Conaway, Vainieri Huttie, Lagana, Mukherji, Moriarty)** - Authorizes health care providers to engage in telemedicine and telehealth

**S-742/A-1205 (Beach/Mosquera, Holley, Wimberly, Jones)** - Requires board of education to enter into agreement with law enforcement authorities regarding access to live video streams of public school buildings

**S-1295/A-3701 (Vitale/Eustace, Munoz)** - Amends and repeals sections of "Respiratory Care Practitioner Licensing Act"

**S-1315/A-1839 (Vitale/Giblin, Wimberly, McKeon, Mukherji, Sumter)** - Revises statutes regarding practice of physical therapy

**S-1840/A-2085 (Ruiz, Gill/Mukherji, Oliver, McKnight)** - Prohibits charging fee to stop publishing personal identifying information obtained through the criminal justice system

**S-1913/A-2794 (Addiego, Greenstein/Lagana, Moriarty, Mukherji, Downey)** - "Personal Information and Privacy Protection Act"; restricts collection and use of personal information by retail establishments for certain purposes

**S-2058/A-671 (T. Kean, Pou/Munoz, Giblin, Mukherji, Moriarty)** - Adds two nurse educators to the New Jersey Board of Nursing

**S-2331/A-3962 (Codey, Vitale/Jasey, McKeon, Vainieri Huttie, Munoz, Mukherji, Mosquera, Lampitt)** - Establishes tuition reimbursement program for certain psychiatrists who work in underserved areas or psychiatric hospitals in New Jersey

**CC S-2403/A-3717 (Rice, Turner/Sumter, Vainieri Huttie, Lampitt, Downey)** - Establishes Women's Vocational Training Pilot Program to promote economic self-sufficiency of low-income women through increased participation in high-wage, high-demand occupations; authorizes allocation of certain funds therefor

**S-2452/A-4007 (Diegnan, Stack/Houghtaling, Downey, Mosquera, Mazzeo)** - Requires Director of Division of Taxation to promulgate Property Taxpayer Bill of Rights

**S-2577/A-4238 (Cunningham, Ruiz, Gordon/Sumter, Jasey, Muoio, Lagana, Downey, Benson)** - Requires Higher Education Student Assistance Authority to provide annual New Jersey College Loans to Assist State Students Loan Program report to Governor and Legislature and develop student loan comparison information document to increase program transparency

**S-2618/A-4691 (Cunningham, Pou/Caride, McKeon, Jasey, Giblin)** - Requires institutions of higher education to enter into collective Statewide reverse transfer agreement

**S-2819/A-4363 (Sweeney, Ruiz, Lesniak/Taliaferro, Andrzejczak, Lampitt, Mosquera, Holley, Quijano)** - Creates "Nourishing Young Minds Initiative Fund" in Dept. of Agriculture to help pay for child food and nutrition programs

**S-3027/A-4631 (Smith, Greenstein/Lampitt, Quijano, Eustace, Kennedy, Benson, Muoio, Zwicker, Mukherji)** - Establishes State food waste reduction goal of 50 percent by 2030

**S-3067/A-4652 (Ruiz, Vitale/Vainieri Huttie, Caride, Eustace, Jasey, Wimberly, Gusciora)** - Requires Commissioner of Education to develop guidelines for school districts regarding transgender students

**S-3176/A-4898 (Madden/Mukherji, Singleton)** - Changes year used to calculate TDI and FLI employee taxes from most recent calendar year to most recent fiscal year

**S-3191/A-3370 (Sweeney, Bateman/Burzichelli, Jones)** - Extends voting rights of representatives of sending districts on receiving district board of education

**S-3219/A-4859 (Sweeney, T. Kean, Greenstein, Holzapfel/Vainieri Huttie, Prieto, Downey)** - Establishes additional penalties related to child pornography and expands crime to include portrayal of child in sexual manner; establishes crime of leader of child pornography network

**S-3331/A-5039 (Cruz-Perez/Jones)** - Authorizes State Treasurer to sell surplus real property in City of Camden, County of Camden to Camden County Improvement Authority

**SJR-105/AJR-157 (Diegnan, Cruz-Perez, Sweeney/Pinkin, Karabinchak, Coughlin)** - Designates August 29, 2017 as Governor James Florio Day in New Jersey

**SJR-113/AJR-165 (Gordon/Vainieri Huttie, Chiaravalloti)** - Clarifies intent of law subjecting PANYNJ to open public records and freedom of information laws in New Jersey and New York

**A-222/S-2171 (DeAngelo, Giblin, Singleton, Holley, Benson/Bateman, Greenstein, Stack)** - "New Jersey Library Construction Bond Act"; authorizes issuance of \$125,000,000 in general obligation bonds to finance capital projects at public libraries; appropriates \$5,000

**A-373/S-607 (Auth, Vainieri Huttie, McGuckin, Schepisi, Peterson, Jimenez/Addiego, A.R. Bucco)** - Requires life imprisonment without parole for persons convicted of the murder of a minor under the age of 18 in the course of the commission of a sex crime

**A-555/S-1847 (Pinkin, Eustace/Diegnan)** - Revises statutes concerning incorporation and governance of the Protestant Episcopal Church to remove gender-specific references

**A-621/S-2328 (Lagana, Greenwald, Moriarty, Mosquera, Mukherji/Cruz-Perez, Turner)** - Permits bowling alleys, including alleys licensed to sell alcoholic beverages, to conduct amusement games

**A-1458/S-2449 (Lampitt, Mosquera, Downey, Singleton, Vainieri Huttie/Vitale, Ruiz)** - Requires health care professionals engaged in prenatal care to provide parents of newborns with information on health insurance coverage for newborn children

**A-1761/S-332 (Eustace, Mukherji, Gusciora/Scutari, Bateman)** - Creates fencing crime involving stolen domestic companion animals

**A-2060/S-2333 (Gusciora, Sumter, Oliver, Jasey, McKnight/Cruz-Perez, Turner)** - Establishes process for consideration of offers from short sale buyers during residential mortgage foreclosures

**A-2221/S-2453 (Benson, Russo, DeAngelo, A.M. Bucco/Diegnan, Greenstein)** - Allows gross income taxpayers to use returns to make voluntary contributions to the Boy Scouts of America Councils in New Jersey

**A-2441/S-2910 (Eustace, Gusciora, Kennedy, Mazzeo, Mukherji/Gordon, Turner)** - Authorizes the Unclaimed Property Administrator to verify certain governmental debts before delivering abandoned property

**A-2926/S-3197 (Greenwald, Vainieri Huttie, Schaer, Mukherji, Holley, Mosquera, Muoio, Sumter, Mazzeo/Cruz-Perez, Cunningham)** - Repeals law suspending certain licenses, registrations and certifications for failure to repay student loans

**A-2993/S-1305 (Conaway, Pinkin, Sumter, Wimberly, McKnight, Mukherji/Vitale, Madden)** - Requires Medicaid coverage for diabetes self-management education, training, services, and equipment for patients diagnosed with diabetes, gestational diabetes, and pre-diabetes

**A-3347/S-2242 (Wolfe, Holley, Jasey, McKnight, Wimberly/Diegnan)** - Establishes New Jersey School Safety Specialist Academy in Department of Education and requires school districts to designate school safety specialist

**A-3438/S-1564 (DeAngelo, Danielsens, Holley, Houghtaling, Downey, Wimberly, Quijano/Turner, Beach)** - Requires initial determination of unemployment benefits to be made within three weeks of filing of claim

**A-3463/S-2038 (Coughlin/Vitale, Codey)** - Updates references to DOC and DHS and refers to persons receiving services from DHS

**A-3686/S-2423 (McKeon, Jasey, Munoz, Vainieri Huttie, A.M. Bucco/Codey, Oroho)** - Establishes new crime of strict liability vehicular homicide; renames existing vehicular homicide as reckless vehicular homicide; designated as Ralph and David's Law

**A-4011/S-2887 (Jones, Barclay, Moriarty, Mosquera, Greenwald, Lampitt, Mazzeo, Chiaravalloti/Cruz-Perez, Beach)** - Designates USS New Jersey as New Jersey State Ship

**A-4081/S-2662 (Lampitt, Vainieri Huttle, Benson, Wimberly, Greenwald/Allen, Sweeney)** - "Charlie's Law"; Establishes civil penalties for persons who interfere with or deny persons with disabilities accompanied by service or guide dogs access to places of public accommodation

**A-4088/S-2567 (Schaer, Jasey, Benson, Wimberly/Cruz-Perez, Singer)** - Establishes "High School to College Readiness Commission" to examine issues and develop recommendations to enhance student preparation for postsecondary education

**A-4175/S-2808 (Caride, McKnight, Holley, Pintor Marin, Wimberly/Ruiz, Turner)** -Requires Commissioner of Education to develop guidance on identifying English language learners for gifted and talented programs

**A-4246/S-3194 (Dancer/Lesniak, Beck)** - Decreases annual thoroughbred race dates to 50 minimum upon written consent from New Jersey Thoroughbred Horsemen's Association

**A-4317/S-3206 (Prieto, Giblin/Diegnan)** - Concerns violations of certain occupational licensing laws

**A-4568/S-3017 (Vainieri Huttle, Eustace, Pinkin, Jasey, Johnson/Vitale, Ruiz)** - Prohibits health insurers, SHBP, SEHBP, certain health care providers, and Medicaid from discriminating in providing coverage and services based on gender identity

**A-4875/S-1996 (Muoio, Gusciora/Beach, Van Drew)** - Requires gubernatorial candidates' statements be posted online

**A-4969/S-3281 (Oliver, Giblin, Jasey, McKnight, Schaer, Wimberly/Gill, Cunningham)** - Establishes Montclair State University as public research university

**ACS for A-4994/S-3314 (McKeon, Burzichelli, Singleton, Caride/Sarlo, Oroho)** - Requires certain State and local government agency employees with access to federal tax information to undergo criminal history background checks

**AJR-37/SJR-67 (Mosquera, Chaparro/Weinberg)** - Designates June 21 of each year as "ASK Day" to promote children's health and gun safety

**ACS for AJR-54/SJR-104 (Benson, Mosquera, Chiaravalloti, Holley, McKnight, Wimberly/Sweeney, Beach)** - Designates April 2nd of each year as "World Autism Awareness Day"

**AJR-72/SJR-31 (Gove, Rumpf, A.M. Bucco, Holley/A.R. Bucco)** - Designates September 17 through September 23 of each year as "Constitution Week"

**AJR-115/SJR-81 (Vainieri Huttle, Lampitt, Giblin, Benson/Diegnan, A.R. Bucco)** - Designates third Friday in September of every year as Concussion Awareness Day

**AJR-126/SJR-85 (Dancer, DeAngelo, Munoz, A.M. Bucco, Mukherji, Houghtaling, Downey/Allen, Madden)** - Commemorates establishment and service of the New Jersey State Police and celebrates 95th anniversary of first graduating class

**AJR-137/SJR-102 (Mazzeo/Whelan)** - Urges United States President Trump, members of his administration, and Congress to oppose measures and actions to prohibit states from authorizing and conducting Internet gaming

#### **BILLS VETOED:**

**SCS for S-1297, 1990/A-3751 (Vitale, Sweeney/Jasey, Coughlin)** - **CONDITIONAL** - Permits candidates for school board to circulate petitions jointly and be bracketed together on ballot; permits short nonpolitical designation of principles on petitions and ballots

**A-31/S-3315 (Prieto, Muoio, Oliver, Schaer, Holley, Mukherji, Quijano, Wimberly, Pintor Marin/Vitale, Cruz-Perez)** - **ABSOLUTE** - Increases amount of benefits under Work First New Jersey program by 30 percent over three years and according to Social Security cost of living increases thereafter

**A-33/S-3316 (Muoio, Vainieri Huttle, Mukherji, Oliver, Gusciora, Pintor Marin/Vitale, Cruz-Perez)** - **ABSOLUTE** - Repeals family cap in Work First New Jersey program

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