

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>.

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

RWH 4/6/08

P.L. 2007, CHAPTER 306, *approved January 13, 2008*
Assembly, No. 374

1 AN ACT authorizing municipal utilities authorities to promote the
2 production and use of alternative electrical energy and amending
3 P.L.1957, c.183.

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

7
8 1. Section 3 of P.L.1957, c.183 (C.40:14B-3) shall be amended
9 to read as follows:

10 3. As used in this act, unless a different meaning clearly appears
11 from the context:

12 (1) "Municipality" shall mean any city of any class, any borough,
13 village, town, township, or any other municipality other than a
14 county or a school district, and except when used in section 4, 5, 6,
15 11, 12, 13, 42 or 45 of this act, any agency thereof or any two or
16 more thereof acting jointly or any joint meeting or other agency of
17 any two or more thereof;

18 (2) "County" shall mean any county of any class;

19 (3) "Governing body" shall mean, in the case of a county, the
20 board of chosen freeholders, or in the case of those counties
21 organized pursuant to the provisions of the "Optional County
22 Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), the board of
23 chosen freeholders and the county executive, the county supervisor
24 or the county manager, as appropriate, and, in the case of a
25 municipality, the commission, council, board or body, by whatever
26 name it may be known, having charge of the finances of the
27 municipality;

28 (4) "Person" shall mean any person, association, corporation,
29 nation, state or any agency or subdivision thereof, other than a
30 county or municipality of the State or a municipal authority;

31 (5) "Municipal or water reclamation authority" shall mean a
32 public body created or organized pursuant to section 4, 5 or 6 of this
33 act and shall include a municipal utilities authority created by one
34 or more municipalities and a county utilities authority created by a
35 county;

36 (6) Subject to the exceptions provided in section 10, 11 or 12 of
37 this act, "district" shall mean the area within the territorial
38 boundaries of the county, or of the municipality or municipalities,
39 which created or joined in or caused the creation or organization of
40 a municipal authority;

41 (7) "Local unit" shall mean the county, or any municipality,
42 which created or joined in or caused the creation or organization of
43 a municipal authority;

44 (8) "Water system" shall mean the plants, structures and other
45 real and personal property acquired, constructed or operated or to be

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 acquired, constructed or operated by a municipal authority or by
2 any person to whom a municipal authority has extended credit for
3 this purpose for the purposes of the municipal authority, including
4 reservoirs, basins, dams, canals, aqueducts, standpipes, conduits,
5 pipelines, mains, pumping stations, water distribution systems,
6 compensating reservoirs, waterworks or sources of water supply,
7 wells, purification or filtration plants or other plants and works,
8 connections, rights of flowage or division, and other plants,
9 structures, boats, conveyances, and other real and personal property,
10 and rights therein, and appurtenances necessary or useful and
11 convenient for the accumulation, supply and redistribution of water;

12 (9) "Sewerage system" shall mean the plants, structures, on-site
13 wastewater systems and other real and personal property acquired,
14 constructed or operated or to be acquired, constructed, maintained
15 or operated by a municipal authority or by any person to whom a
16 municipal authority has extended credit for this purpose for the
17 purposes of the municipal authority, including sewers, conduits,
18 pipelines, mains, pumping and ventilating stations, sewage
19 treatment or disposal systems, plants and works, connections,
20 outfalls, compensating reservoirs, and other plants, structures,
21 boats, conveyances, and other real and personal property, and rights
22 therein, and appurtenances necessary or useful and convenient for
23 the collection, treatment, purification or disposal in a sanitary
24 manner of any sewage, liquid or solid wastes, night soil or
25 industrial wastes;

26 (10) "Utility system" shall mean a water system, solid waste
27 system, sewerage system, or a hydroelectric system or any
28 combination of such systems, acquired, constructed or operated or
29 to be acquired, constructed or operated by a municipal authority or
30 by any person to whom a municipal authority has extended credit
31 for this purpose;

32 (11) "Cost" shall mean, in addition to the usual connotations
33 thereof, the cost of acquisition or construction of all or any part of a
34 utility system and of all or any property, rights, easements,
35 privileges, agreements and franchises deemed by the municipal
36 authority to be necessary or useful and convenient therefor or in
37 connection therewith and the cost of retiring the present value of the
38 unfunded accrued liability due and owing by a municipal authority,
39 as calculated by the system actuary for a date certain upon the
40 request of a municipal authority, for early retirement incentive
41 benefits granted by the municipal authority pursuant to P.L.1991,
42 c.230 and P.L.1993, c.181, including interest or discount on bonds,
43 cost of issuance of bonds, engineering and inspection costs and
44 legal expenses, cost of financial, professional and other estimates
45 and advice, organization, administrative, operating and other
46 expenses of the municipal authority prior to and during such
47 acquisition or construction, and all such other expenses as may be
48 necessary or incident to the financing, acquisition, construction and

1 completion of said utility system or part thereof and the placing of
2 the same in operation, and also such provision or reserves for
3 working capital, operating, maintenance or replacement expenses or
4 for payment or security of principal of or interest on bonds during
5 or after such acquisition or construction as the municipal authority
6 may determine, and also reimbursements to the municipal authority
7 or any county, municipality or other person of any moneys
8 theretofore expended for the purposes of the municipal authority or
9 to any county or municipality of any moneys theretofore expended
10 for or in connection with water supply, solid waste, water
11 distribution, sanitation or hydroelectric facilities;

12 (12) "Real property" shall mean lands both within or without the
13 State, and improvements thereof or thereon, or any rights or
14 interests therein;

15 (13) "Construct" and "construction" shall connote and include
16 acts of construction, reconstruction, replacement, extension,
17 improvement and betterment of a utility system;

18 (14) "Industrial wastes" shall mean liquid or other wastes
19 resulting from any processes of industry, manufacture, trade or
20 business or from the development of any natural resource, and shall
21 include any chemical wastes or hazardous wastes;

22 (15) "Sewage" shall mean the water-carried wastes created in and
23 carried, or to be carried, away from, or to be processed by on-site
24 wastewater systems, residences, hotels, apartments, schools,
25 hospitals, industrial establishments, or any other public or private
26 building, together with such surface or ground water and industrial
27 wastes and leacheate as may be present;

28 (16) "On-site wastewater system" means any of several facilities,
29 septic tanks or other devices, used to collect, treat, reclaim, or
30 dispose of wastewater or sewage on or adjacent to the property on
31 which the wastewater or sewage is produced, or to convey such
32 wastewater or sewage from said property to such facilities as the
33 authority may establish for its disposal;

34 (17) "Pollution" means the condition of water resulting from the
35 introduction therein of substances of a kind and in quantities
36 rendering it detrimental or immediately or potentially dangerous to
37 the public health, or unfit for public or commercial use;

38 (18) "Bonds" shall mean bonds or other obligations issued
39 pursuant to this act;

40 (19) "Service charges" shall mean water service charges, solid
41 waste service charges, sewer service charges, hydroelectric service
42 charges or any combination of such charges, as said terms are
43 defined in section 21 or 22 of this act or in section 7 of this
44 amendatory and supplementary act;

45 (20) "Compensating reservoir" shall mean the structures,
46 facilities and appurtenances for the impounding, transportation and
47 release of water for the replenishment in periods of drought or at
48 other necessary times of all or a part of waters in or bordering the

1 State diverted into a utility system operated by a municipal
2 authority;

3 (21) "Sewage or water reclamation authority" shall mean a public
4 body created pursuant to the "sewerage authorities law," P.L.1946,
5 c.138 (C.40:14A-1 et seq.) or the acts amendatory thereof or
6 supplemental thereto;

7 (22) "County sewer authority" shall mean a sanitary sewer
8 district authority created pursuant to the act entitled "An act relating
9 to the establishment of sewerage districts in first- and second-class
10 counties, the creation of Sanitary Sewer District Authorities by the
11 establishing of such districts, prescribing the powers and duties of
12 any such authority and of other public bodies in connection with the
13 construction of sewers and sewage disposal facilities in any such
14 district, and providing the ways and means for paying the costs of
15 construction and operation thereof," approved April 23, 1946
16 (P.L.1946, c.123), or the acts amendatory thereof or supplemental
17 thereto;

18 (23) "Chemical waste" shall mean a material normally generated
19 by or used in chemical, petrochemical, plastic, pharmaceutical,
20 biochemical or microbiological manufacturing processes or
21 petroleum refining processes, which has been selected for waste
22 disposal and which is known to hydrolyze, ionize or decompose,
23 which is soluble, burns or oxidizes, or which may react with any of
24 the waste materials which are introduced into the landfill, or which
25 is buoyant on water, or which has a viscosity less than that of water
26 or which produces a foul odor. Chemical waste may be either
27 hazardous or nonhazardous;

28 (24) "Effluent" shall mean liquids which are treated in and
29 discharged by sewage treatment plants;

30 (25) "Hazardous wastes" shall mean any waste or combination of
31 waste which poses a present or potential threat to human health,
32 living organisms or the environment. "Hazardous waste" shall
33 include, but not be limited to, waste material that is toxic, corrosive,
34 irritating, sensitizing, radioactive, biologically infectious, explosive
35 or flammable;

36 (26) "Leachate" shall mean a liquid that has been in contact with
37 solid waste and contains dissolved or suspended materials from that
38 solid waste;

39 (27) "Recycling" shall mean the separation, collection,
40 processing or recovery of metals, glass, paper, solid waste and other
41 materials for reuse or for energy production and shall include
42 resource recovery;

43 (28) "Sludge" shall mean any solid, semisolid, or liquid waste
44 generated from a municipal, industrial or other sewage treatment
45 plant, water supply treatment plant, or air pollution control facility,
46 or any other such waste having similar characteristics and effects;
47 "sludge" shall not include effluent;

48 (29) "Solid waste" shall mean garbage, refuse, and other

1 discarded materials resulting from industrial, commercial and
2 agricultural operations, and from domestic and community
3 activities, and shall include all other waste materials including
4 sludge, chemical waste, hazardous wastes and liquids, except for
5 liquids which are treated in public sewage treatment plants and
6 except for solid animal and vegetable wastes collected by swine
7 producers licensed by the State Department of Agriculture to
8 collect, prepare and feed such wastes to swine on their own farms;

9 (30) "Solid waste system" shall mean and include the plants,
10 structures and other real and personal property acquired,
11 constructed or operated or to be acquired, constructed or operated
12 by an authority or by any person to whom a municipal authority has
13 extended credit for this purpose pursuant to the provisions of this
14 act, including transfer stations, incinerators, recycling facilities,
15 including facilities for the generation, transmission and distribution
16 of energy derived from the processing of solid waste, sanitary
17 landfill facilities or other property or plants for the collection,
18 recycling or disposal of solid waste and all vehicles, equipment and
19 other real and personal property and rights thereon and
20 appurtenances necessary or useful and convenient for the collection,
21 recycling, or disposal of solid waste in a sanitary manner;

22 (31) "Hydroelectric system" shall mean the plants, structures and
23 other real and personal property acquired, constructed or operated
24 or to be acquired, constructed or operated by an authority pursuant
25 to the provisions of this act, including all that which is necessary or
26 useful and convenient for the generation, transmission and sale of
27 hydroelectric power at wholesale;

28 (32) "Hydroelectric power" shall mean the production of electric
29 current by the energy of moving water;

30 (33) "Sale of hydroelectric power at wholesale" shall mean any
31 sale of hydroelectric power to any person for purposes of resale of
32 such power;

33 (34) "Alternative electrical energy" shall mean electrical energy
34 produced from solar, photovoltaic, wind, geothermal, or biomass
35 technologies, provided that in the case of biomass technology, the
36 biomass is cultivated and harvested in a sustainable manner; and

37 (35) "Alternative electrical energy system" shall mean any
38 system which uses alternative electrical energy to provide all or a
39 portion of the electricity for the heating, cooling, or general
40 electrical energy needs of a building.

41 (cf: P.L.2002, c.42, s.5)

42

43 2. Section 19 of P.L.1957, c.183 (C.40:14B-19) is amended to
44 read as follows:

45 19. (a) The purposes of every municipal authority shall be (1)
46 the provision and distribution of an adequate supply of water for the
47 public and private uses of the local units, and their inhabitants,
48 within the district, and (2) the relief of waters in or bordering the

1 State from pollution arising from causes within the district and the
2 relief of waters in, bordering or entering the district from pollution
3 or threatened pollution, and the consequent improvement of
4 conditions affecting the public health, (3) the provision of sewage
5 collection and disposal service within or without the district, and (4)
6 the provision of water supply and distribution service in such areas
7 without the district as are permitted by the provisions of this act,
8 and (5) the provision of solid waste services and facilities within or
9 without the district in a manner consistent with the Solid Waste
10 Management Act, P.L.1970, c.39 (C.13:1E-1 et seq.) and in
11 conformance with the solid waste management plans adopted by the
12 solid waste management districts created therein, and (6) the
13 generation, transmission and sale of hydroelectric power at
14 wholesale, and (7) the operation and maintenance of utility systems
15 owned by other governments located within the district through
16 contracts with said governments.

17 (b) Every municipal authority is hereby authorized, subject to the
18 limitations of this act, to acquire, in its own name but for the local
19 unit or units, by purchase, gift, condemnation or otherwise, lease as
20 lessee, and, notwithstanding the provisions of any charter,
21 ordinance or resolution of any county or municipality to the
22 contrary, to construct, maintain, operate and use such reservoirs,
23 basins, dams, canals, aqueducts, standpipes, conduits, pipelines,
24 mains, pumping and ventilating stations, treatment, purification and
25 filtration plants or works, trunk, intercepting and outlet sewers,
26 water distribution systems, waterworks, sources of water supply and
27 wells at such places within or without the district, such
28 compensating reservoirs within a county in which any part of the
29 district lies, and such other plants, structures, boats and
30 conveyances, as in the judgment of the municipal authority will
31 provide an effective and satisfactory method for promoting
32 purposes of the municipal authority.

33 (c) Every municipal authority is hereby authorized and directed,
34 when in its judgment its sewerage system or any part thereof will
35 permit, to collect from any and all public systems within the district
36 all sewage and treat and dispose of the same in such manner as to
37 promote purposes of the municipal authority.

38 (d) Every municipal utilities authority is authorized to promote
39 the production and use of alternative electrical energy by
40 contracting with producers of alternative electrical energy for the
41 installation, construction, maintenance, repair, renewal, relocation,
42 or removal of alternative electrical energy systems, and for the
43 purchase of excess alternative electrical energy generated by a
44 producer of alternative electrical energy. Any purchase or sale of
45 alternative electrical energy where such energy is distributed using
46 the infrastructure of a public utility, as that term is defined in
47 R.S.48:2-13, shall include the payment by the purchaser of all
48 relevant non-bypassable charges as provided for in the "Electric

1 Discount and Energy Competition Act," P.L.1999, c.23 (C.48:3-49
2 et al.).

3 (cf: P.L.1980, c.34, s.6)

4

5 3. This act shall take effect immediately.

6

7

8

9

10 Permits municipal utilities authorities to promote production and
11 use of alternative electrical energy.

ASSEMBLY, No. 374

STATE OF NEW JERSEY 212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Assemblyman LARRY CHATZIDAKIS

District 8 (Burlington)

Assemblyman FRANCIS L. BODINE

District 8 (Burlington)

SYNOPSIS

Permits municipal utilities authorities to promote production and use of alternative electrical energy.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT authorizing municipal utilities authorities to promote the
2 production and use of alternative electrical energy and amending
3 P.L.1957, c.183.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. Section 3 of P.L.1957, c.183 (C.40:14B-3) shall be amended
9 to read as follows:

10 3. As used in this act, unless a different meaning clearly appears
11 from the context:

12 (1) "Municipality" shall mean any city of any class, any borough,
13 village, town, township, or any other municipality other than a
14 county or a school district, and except when used in section 4, 5, 6,
15 11, 12, 13, 42 or 45 of this act, any agency thereof or any two or
16 more thereof acting jointly or any joint meeting or other agency of
17 any two or more thereof;

18 (2) "County" shall mean any county of any class;

19 (3) "Governing body" shall mean, in the case of a county, the
20 board of chosen freeholders, or in the case of those counties
21 organized pursuant to the provisions of the "Optional County
22 Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), the board of
23 chosen freeholders and the county executive, the county supervisor
24 or the county manager, as appropriate, and, in the case of a
25 municipality, the commission, council, board or body, by whatever
26 name it may be known, having charge of the finances of the
27 municipality;

28 (4) "Person" shall mean any person, association, corporation,
29 nation, state or any agency or subdivision thereof, other than a
30 county or municipality of the State or a municipal authority;

31 (5) "Municipal or water reclamation authority" shall mean a
32 public body created or organized pursuant to section 4, 5 or 6 of this
33 act and shall include a municipal utilities authority created by one
34 or more municipalities and a county utilities authority created by a
35 county;

36 (6) Subject to the exceptions provided in section 10, 11 or 12 of
37 this act, "district" shall mean the area within the territorial
38 boundaries of the county, or of the municipality or municipalities,
39 which created or joined in or caused the creation or organization of
40 a municipal authority;

41 (7) "Local unit" shall mean the county, or any municipality,
42 which created or joined in or caused the creation or organization of
43 a municipal authority;

44 (8) "Water system" shall mean the plants, structures and other
45 real and personal property acquired, constructed or operated or to be

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 acquired, constructed or operated by a municipal authority or by
2 any person to whom a municipal authority has extended credit for
3 this purpose for the purposes of the municipal authority, including
4 reservoirs, basins, dams, canals, aqueducts, standpipes, conduits,
5 pipelines, mains, pumping stations, water distribution systems,
6 compensating reservoirs, waterworks or sources of water supply,
7 wells, purification or filtration plants or other plants and works,
8 connections, rights of flowage or division, and other plants,
9 structures, boats, conveyances, and other real and personal property,
10 and rights therein, and appurtenances necessary or useful and
11 convenient for the accumulation, supply and redistribution of water;

12 (9) "Sewerage system" shall mean the plants, structures, on-site
13 wastewater systems and other real and personal property acquired,
14 constructed or operated or to be acquired, constructed, maintained
15 or operated by a municipal authority or by any person to whom a
16 municipal authority has extended credit for this purpose for the
17 purposes of the municipal authority, including sewers, conduits,
18 pipelines, mains, pumping and ventilating stations, sewage
19 treatment or disposal systems, plants and works, connections,
20 outfalls, compensating reservoirs, and other plants, structures,
21 boats, conveyances, and other real and personal property, and rights
22 therein, and appurtenances necessary or useful and convenient for
23 the collection, treatment, purification or disposal in a sanitary
24 manner of any sewage, liquid or solid wastes, night soil or
25 industrial wastes;

26 (10) "Utility system" shall mean a water system, solid waste
27 system, sewerage system, or a hydroelectric system or any
28 combination of such systems, acquired, constructed or operated or
29 to be acquired, constructed or operated by a municipal authority or
30 by any person to whom a municipal authority has extended credit
31 for this purpose;

32 (11) "Cost" shall mean, in addition to the usual connotations
33 thereof, the cost of acquisition or construction of all or any part of a
34 utility system and of all or any property, rights, easements,
35 privileges, agreements and franchises deemed by the municipal
36 authority to be necessary or useful and convenient therefor or in
37 connection therewith and the cost of retiring the present value of the
38 unfunded accrued liability due and owing by a municipal authority,
39 as calculated by the system actuary for a date certain upon the
40 request of a municipal authority, for early retirement incentive
41 benefits granted by the municipal authority pursuant to P.L.1991,
42 c.230 and P.L.1993, c.181, including interest or discount on bonds,
43 cost of issuance of bonds, engineering and inspection costs and
44 legal expenses, cost of financial, professional and other estimates
45 and advice, organization, administrative, operating and other
46 expenses of the municipal authority prior to and during such
47 acquisition or construction, and all such other expenses as may be
48 necessary or incident to the financing, acquisition, construction and

1 completion of said utility system or part thereof and the placing of
2 the same in operation, and also such provision or reserves for
3 working capital, operating, maintenance or replacement expenses or
4 for payment or security of principal of or interest on bonds during
5 or after such acquisition or construction as the municipal authority
6 may determine, and also reimbursements to the municipal authority
7 or any county, municipality or other person of any moneys
8 theretofore expended for the purposes of the municipal authority or
9 to any county or municipality of any moneys theretofore expended
10 for or in connection with water supply, solid waste, water
11 distribution, sanitation or hydroelectric facilities;

12 (12) "Real property" shall mean lands both within or without the
13 State, and improvements thereof or thereon, or any rights or
14 interests therein;

15 (13) "Construct" and "construction" shall connote and include
16 acts of construction, reconstruction, replacement, extension,
17 improvement and betterment of a utility system;

18 (14) "Industrial wastes" shall mean liquid or other wastes
19 resulting from any processes of industry, manufacture, trade or
20 business or from the development of any natural resource, and shall
21 include any chemical wastes or hazardous wastes;

22 (15) "Sewage" shall mean the water-carried wastes created in
23 and carried, or to be carried, away from, or to be processed by on-
24 site wastewater systems, residences, hotels, apartments, schools,
25 hospitals, industrial establishments, or any other public or private
26 building, together with such surface or ground water and industrial
27 wastes and leacheate as may be present;

28 (16) "On-site wastewater system" means any of several facilities,
29 septic tanks or other devices, used to collect, treat, reclaim, or
30 dispose of wastewater or sewage on or adjacent to the property on
31 which the wastewater or sewage is produced, or to convey such
32 wastewater or sewage from said property to such facilities as the
33 authority may establish for its disposal;

34 (17) "Pollution" means the condition of water resulting from the
35 introduction therein of substances of a kind and in quantities
36 rendering it detrimental or immediately or potentially dangerous to
37 the public health, or unfit for public or commercial use;

38 (18) "Bonds" shall mean bonds or other obligations issued
39 pursuant to this act;

40 (19) "Service charges" shall mean water service charges, solid
41 waste service charges, sewer service charges, hydroelectric service
42 charges or any combination of such charges, as said terms are
43 defined in section 21 or 22 of this act or in section 7 of this
44 amendatory and supplementary act;

45 (20) "Compensating reservoir" shall mean the structures,
46 facilities and appurtenances for the impounding, transportation and
47 release of water for the replenishment in periods of drought or at
48 other necessary times of all or a part of waters in or bordering the

1 State diverted into a utility system operated by a municipal
2 authority;

3 (21) "Sewage or water reclamation authority" shall mean a
4 public body created pursuant to the "sewerage authorities law,"
5 P.L.1946, c.138 (C.40:14A-1 et seq.) or the acts amendatory thereof
6 or supplemental thereto;

7 (22) "County sewer authority" shall mean a sanitary sewer
8 district authority created pursuant to the act entitled "An act relating
9 to the establishment of sewerage districts in first- and second-class
10 counties, the creation of Sanitary Sewer District Authorities by the
11 establishing of such districts, prescribing the powers and duties of
12 any such authority and of other public bodies in connection with the
13 construction of sewers and sewage disposal facilities in any such
14 district, and providing the ways and means for paying the costs of
15 construction and operation thereof," approved April 23, 1946
16 (P.L.1946, c.123), or the acts amendatory thereof or supplemental
17 thereto;

18 (23) "Chemical waste" shall mean a material normally generated
19 by or used in chemical, petrochemical, plastic, pharmaceutical,
20 biochemical or microbiological manufacturing processes or
21 petroleum refining processes, which has been selected for waste
22 disposal and which is known to hydrolyze, ionize or decompose,
23 which is soluble, burns or oxidizes, or which may react with any of
24 the waste materials which are introduced into the landfill, or which
25 is buoyant on water, or which has a viscosity less than that of water
26 or which produces a foul odor. Chemical waste may be either
27 hazardous or nonhazardous;

28 (24) "Effluent" shall mean liquids which are treated in and
29 discharged by sewage treatment plants;

30 (25) "Hazardous wastes" shall mean any waste or combination
31 of waste which poses a present or potential threat to human health,
32 living organisms or the environment. "Hazardous waste" shall
33 include, but not be limited to, waste material that is toxic, corrosive,
34 irritating, sensitizing, radioactive, biologically infectious, explosive
35 or flammable;

36 (26) "Leachate" shall mean a liquid that has been in contact with
37 solid waste and contains dissolved or suspended materials from that
38 solid waste;

39 (27) "Recycling" shall mean the separation, collection,
40 processing or recovery of metals, glass, paper, solid waste and other
41 materials for reuse or for energy production and shall include
42 resource recovery;

43 (28) "Sludge" shall mean any solid, semisolid, or liquid waste
44 generated from a municipal, industrial or other sewage treatment
45 plant, water supply treatment plant, or air pollution control facility,
46 or any other such waste having similar characteristics and effects;
47 "sludge" shall not include effluent;

48 (29) "Solid waste" shall mean garbage, refuse, and other

1 discarded materials resulting from industrial, commercial and
2 agricultural operations, and from domestic and community
3 activities, and shall include all other waste materials including
4 sludge, chemical waste, hazardous wastes and liquids, except for
5 liquids which are treated in public sewage treatment plants and
6 except for solid animal and vegetable wastes collected by swine
7 producers licensed by the State Department of Agriculture to
8 collect, prepare and feed such wastes to swine on their own farms;

9 (30) "Solid waste system" shall mean and include the plants,
10 structures and other real and personal property acquired,
11 constructed or operated or to be acquired, constructed or operated
12 by an authority or by any person to whom a municipal authority has
13 extended credit for this purpose pursuant to the provisions of this
14 act, including transfer stations, incinerators, recycling facilities,
15 including facilities for the generation, transmission and distribution
16 of energy derived from the processing of solid waste, sanitary
17 landfill facilities or other property or plants for the collection,
18 recycling or disposal of solid waste and all vehicles, equipment and
19 other real and personal property and rights thereon and
20 appurtenances necessary or useful and convenient for the collection,
21 recycling, or disposal of solid waste in a sanitary manner;

22 (31) "Hydroelectric system" shall mean the plants, structures
23 and other real and personal property acquired, constructed or
24 operated or to be acquired, constructed or operated by an authority
25 pursuant to the provisions of this act, including all that which is
26 necessary or useful and convenient for the generation, transmission
27 and sale of hydroelectric power at wholesale;

28 (32) "Hydroelectric power" shall mean the production of electric
29 current by the energy of moving water;

30 (33) "Sale of hydroelectric power at wholesale" shall mean any
31 sale of hydroelectric power to any person for purposes of resale of
32 such power;

33 (34) "Alternative electrical energy" shall mean electrical energy
34 produced from solar, photovoltaic, wind, geothermal, or biomass
35 technologies, provided that in the case of biomass technology, the
36 biomass is cultivated and harvested in a sustainable manner; and

37 (35) "Alternative electrical energy system" shall mean any
38 system which uses alternative electrical energy to provide all or a
39 portion of the electricity for the heating, cooling, or general
40 electrical energy needs of a building.

41 (cf: P.L.2002, c.42, s.5)

42

43 2. Section 19 of P.L.1957, c.183 (C.40:14B-19) is amended to
44 read as follows:

45 19. (a) The purposes of every municipal authority shall be (1)
46 the provision and distribution of an adequate supply of water for the
47 public and private uses of the local units, and their inhabitants,
48 within the district, and (2) the relief of waters in or bordering the

1 State from pollution arising from causes within the district and the
2 relief of waters in, bordering or entering the district from pollution
3 or threatened pollution, and the consequent improvement of
4 conditions affecting the public health, (3) the provision of sewage
5 collection and disposal service within or without the district, and (4)
6 the provision of water supply and distribution service in such areas
7 without the district as are permitted by the provisions of this act,
8 and (5) the provision of solid waste services and facilities within or
9 without the district in a manner consistent with the Solid Waste
10 Management Act, P.L.1970, c.39 (C.13:1E-1 et seq.) and in
11 conformance with the solid waste management plans adopted by the
12 solid waste management districts created therein, and (6) the
13 generation, transmission and sale of hydroelectric power at
14 wholesale, and (7) the operation and maintenance of utility systems
15 owned by other governments located within the district through
16 contracts with said governments.

17 (b) Every municipal authority is hereby authorized, subject to the
18 limitations of this act, to acquire, in its own name but for the local
19 unit or units, by purchase, gift, condemnation or otherwise, lease as
20 lessee, and, notwithstanding the provisions of any charter,
21 ordinance or resolution of any county or municipality to the
22 contrary, to construct, maintain, operate and use such reservoirs,
23 basins, dams, canals, aqueducts, standpipes, conduits, pipelines,
24 mains, pumping and ventilating stations, treatment, purification and
25 filtration plants or works, trunk, intercepting and outlet sewers,
26 water distribution systems, waterworks, sources of water supply and
27 wells at such places within or without the district, such
28 compensating reservoirs within a county in which any part of the
29 district lies, and such other plants, structures, boats and
30 conveyances, as in the judgment of the municipal authority will
31 provide an effective and satisfactory method for promoting
32 purposes of the municipal authority.

33 (c) Every municipal authority is hereby authorized and directed,
34 when in its judgment its sewerage system or any part thereof will
35 permit, to collect from any and all public systems within the district
36 all sewage and treat and dispose of the same in such manner as to
37 promote purposes of the municipal authority.

38 (d) Every municipal utilities authority is authorized to promote
39 the production and use of alternative electrical energy by
40 contracting with producers of alternative electrical energy for the
41 installation, construction, maintenance, repair, renewal, relocation,
42 or removal of alternative electrical energy systems, and for the
43 purchase of excess alternative electrical energy generated by a
44 producer of alternative electrical energy. Any purchase or sale of
45 alternative electrical energy where such energy is distributed using
46 the infrastructure of a public utility, as that term is defined in
47 R.S.48:2-13, shall include the payment by the purchaser of all
48 relevant non-bypassable charges as provided for in the "Electric

1 Discount and Energy Competition Act," P.L.1999, c.23 (C.48:3-49
2 et al.).

3 (cf: P.L.1980, c.34, s.6)

4

5 3. This act shall take effect immediately.

6

7

8

STATEMENT

9

10 This bill permits municipal utilities authorities to promote the
11 production and use of alternative electrical energy by contracting
12 with producers of alternative electrical energy for the installation,
13 construction, maintenance, repair, renewal, relocation, or removal
14 of alternative electrical energy systems, and for the purchase of
15 excess alternative electrical energy generated by a producer of
16 alternative electrical energy. The bill defines "alternative electrical
17 energy" as electrical energy produced from solar, photovoltaic,
18 wind, geothermal, or biomass technologies and an "alternative
19 electrical energy system" as any system which uses alternative
20 electrical energy to provide all or a portion of the electricity for the
21 heating, cooling, or general electrical energy needs of a building.

22 The primary objective of these systems is to lower the cost of
23 power and heat to consumers by offering alternatives to existing
24 energy sources. The use of these systems would encourage the
25 development of alternatives to fossil fuel-based energy technology.

ASSEMBLY TELECOMMUNICATIONS AND UTILITIES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 374

STATE OF NEW JERSEY

DATED: FEBRUARY 23, 2006

The Assembly Telecommunications and Utilities Committee reports favorably Assembly Bill No. 374.

As reported, this bill permits municipal utilities authorities to promote the production and use of alternative electrical energy by contracting with producers of alternative electrical energy for the installation, construction, maintenance, repair, renewal, relocation, or removal of alternative electrical energy systems, and for the purchase of excess alternative electrical energy generated by a producer of alternative electrical energy. The bill defines "alternative electrical energy" as electrical energy produced from solar, photovoltaic, wind, geothermal, or biomass technologies and an "alternative electrical energy system" as any system which uses alternative electrical energy to provide all or a portion of the electricity for the heating, cooling, or general electrical energy needs of a building.

The primary objective of these systems is to lower the cost of power and heat to consumers by offering alternatives to existing energy sources. The use of these systems would encourage the development of alternatives to fossil fuel-based energy technology.

This bill was pre-filed for introduction in the 2006-2007 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

ASSEMBLY, No. 374

STATE OF NEW JERSEY

DATED: DECEMBER 3, 2007

The Senate Economic Growth Committee reports favorably Assembly Bill No. 374.

As reported, this bill permits county and municipal utilities authorities to promote the production and use of alternative electrical energy by contracting with producers of alternative electrical energy for the installation, construction, maintenance, repair, renewal, relocation, or removal of alternative electrical energy systems, and for the purchase of excess alternative electrical energy generated by a producer of alternative electrical energy. The bill defines "alternative electrical energy" as electrical energy produced from solar, photovoltaic, wind, geothermal, or biomass technologies and an "alternative electrical energy system" as any system which uses alternative electrical energy to provide all or a portion of the electricity for the heating, cooling, or general electrical energy needs of a building.

The primary objective of these systems is to lower the cost of power and heat to consumers by offering alternatives to existing energy sources. The use of these systems would encourage the development of alternatives to fossil fuel-based energy technology.

As reported by the committee, Assembly Bill No. 374 is identical to Senate Bill No. 866 which was also reported by the committee on this date.

SENATE, No. 866

STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED JANUARY 17, 2006

Sponsored by:
Senator MARTHA W. BARK
District 8 (Burlington)

SYNOPSIS

Permits municipal utilities authorities to promote production and use of alternative electrical energy.

CURRENT VERSION OF TEXT

As introduced.



S866 BARK

2

1 AN ACT authorizing municipal utilities authorities to promote the
2 production and use of alternative electrical energy and amending
3 P.L.1957, c.183.

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

7
8 1. Section 3 of P.L.1957, c.183 (C.40:14B-3) shall be amended
9 to read as follows:

10 3. As used in this act, unless a different meaning clearly appears
11 from the context:

12 (1) "Municipality" shall mean any city of any class, any borough,
13 village, town, township, or any other municipality other than a
14 county or a school district, and except when used in section 4, 5, 6,
15 11, 12, 13, 42 or 45 of this act, any agency thereof or any two or
16 more thereof acting jointly or any joint meeting or other agency of
17 any two or more thereof;

18 (2) "County" shall mean any county of any class;

19 (3) "Governing body" shall mean, in the case of a county, the
20 board of chosen freeholders, or in the case of those counties
21 organized pursuant to the provisions of the "Optional County
22 Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), the board of
23 chosen freeholders and the county executive, the county supervisor
24 or the county manager, as appropriate, and, in the case of a
25 municipality, the commission, council, board or body, by whatever
26 name it may be known, having charge of the finances of the
27 municipality;

28 (4) "Person" shall mean any person, association, corporation,
29 nation, state or any agency or subdivision thereof, other than a
30 county or municipality of the State or a municipal authority;

31 (5) "Municipal or water reclamation authority" shall mean a
32 public body created or organized pursuant to section 4, 5 or 6 of this
33 act and shall include a municipal utilities authority created by one
34 or more municipalities and a county utilities authority created by a
35 county;

36 (6) Subject to the exceptions provided in section 10, 11 or 12 of
37 this act, "district" shall mean the area within the territorial
38 boundaries of the county, or of the municipality or municipalities,
39 which created or joined in or caused the creation or organization of
40 a municipal authority;

41 (7) "Local unit" shall mean the county, or any municipality,
42 which created or joined in or caused the creation or organization of
43 a municipal authority;

44 (8) "Water system" shall mean the plants, structures and other
45 real and personal property acquired, constructed or operated or to be

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 acquired, constructed or operated by a municipal authority or by
2 any person to whom a municipal authority has extended credit for
3 this purpose for the purposes of the municipal authority, including
4 reservoirs, basins, dams, canals, aqueducts, standpipes, conduits,
5 pipelines, mains, pumping stations, water distribution systems,
6 compensating reservoirs, waterworks or sources of water supply,
7 wells, purification or filtration plants or other plants and works,
8 connections, rights of flowage or division, and other plants,
9 structures, boats, conveyances, and other real and personal property,
10 and rights therein, and appurtenances necessary or useful and
11 convenient for the accumulation, supply and redistribution of water;

12 (9) "Sewerage system" shall mean the plants, structures, on-site
13 wastewater systems and other real and personal property acquired,
14 constructed or operated or to be acquired, constructed, maintained
15 or operated by a municipal authority or by any person to whom a
16 municipal authority has extended credit for this purpose for the
17 purposes of the municipal authority, including sewers, conduits,
18 pipelines, mains, pumping and ventilating stations, sewage
19 treatment or disposal systems, plants and works, connections,
20 outfalls, compensating reservoirs, and other plants, structures,
21 boats, conveyances, and other real and personal property, and rights
22 therein, and appurtenances necessary or useful and convenient for
23 the collection, treatment, purification or disposal in a sanitary
24 manner of any sewage, liquid or solid wastes, night soil or
25 industrial wastes;

26 (10) "Utility system" shall mean a water system, solid waste
27 system, sewerage system, or a hydroelectric system or any
28 combination of such systems, acquired, constructed or operated or
29 to be acquired, constructed or operated by a municipal authority or
30 by any person to whom a municipal authority has extended credit
31 for this purpose;

32 (11) "Cost" shall mean, in addition to the usual connotations
33 thereof, the cost of acquisition or construction of all or any part of a
34 utility system and of all or any property, rights, easements,
35 privileges, agreements and franchises deemed by the municipal
36 authority to be necessary or useful and convenient therefor or in
37 connection therewith and the cost of retiring the present value of the
38 unfunded accrued liability due and owing by a municipal authority,
39 as calculated by the system actuary for a date certain upon the
40 request of a municipal authority, for early retirement incentive
41 benefits granted by the municipal authority pursuant to P.L.1991,
42 c.230 and P.L.1993, c.181, including interest or discount on bonds,
43 cost of issuance of bonds, engineering and inspection costs and
44 legal expenses, cost of financial, professional and other estimates
45 and advice, organization, administrative, operating and other
46 expenses of the municipal authority prior to and during such
47 acquisition or construction, and all such other expenses as may be
48 necessary or incident to the financing, acquisition, construction and

S866 BARK

1 completion of said utility system or part thereof and the placing of
2 the same in operation, and also such provision or reserves for
3 working capital, operating, maintenance or replacement expenses or
4 for payment or security of principal of or interest on bonds during
5 or after such acquisition or construction as the municipal authority
6 may determine, and also reimbursements to the municipal authority
7 or any county, municipality or other person of any moneys
8 theretofore expended for the purposes of the municipal authority or
9 to any county or municipality of any moneys theretofore expended
10 for or in connection with water supply, solid waste, water
11 distribution, sanitation or hydroelectric facilities;

12 (12) "Real property" shall mean lands both within or without the
13 State, and improvements thereof or thereon, or any rights or
14 interests therein;

15 (13) "Construct" and "construction" shall connote and include
16 acts of construction, reconstruction, replacement, extension,
17 improvement and betterment of a utility system;

18 (14) "Industrial wastes" shall mean liquid or other wastes
19 resulting from any processes of industry, manufacture, trade or
20 business or from the development of any natural resource, and shall
21 include any chemical wastes or hazardous wastes;

22 (15) "Sewage" shall mean the water-carried wastes created in and
23 carried, or to be carried, away from, or to be processed by on-site
24 wastewater systems, residences, hotels, apartments, schools,
25 hospitals, industrial establishments, or any other public or private
26 building, together with such surface or ground water and industrial
27 wastes and leacheate as may be present;

28 (16) "On-site wastewater system" means any of several facilities,
29 septic tanks or other devices, used to collect, treat, reclaim, or
30 dispose of wastewater or sewage on or adjacent to the property on
31 which the wastewater or sewage is produced, or to convey such
32 wastewater or sewage from said property to such facilities as the
33 authority may establish for its disposal;

34 (17) "Pollution" means the condition of water resulting from the
35 introduction therein of substances of a kind and in quantities
36 rendering it detrimental or immediately or potentially dangerous to
37 the public health, or unfit for public or commercial use;

38 (18) "Bonds" shall mean bonds or other obligations issued
39 pursuant to this act;

40 (19) "Service charges" shall mean water service charges, solid
41 waste service charges, sewer service charges, hydroelectric service
42 charges or any combination of such charges, as said terms are
43 defined in section 21 or 22 of this act or in section 7 of this
44 amendatory and supplementary act;

45 (20) "Compensating reservoir" shall mean the structures,
46 facilities and appurtenances for the impounding, transportation and
47 release of water for the replenishment in periods of drought or at
48 other necessary times of all or a part of waters in or bordering the

1 State diverted into a utility system operated by a municipal
2 authority;

3 (21) "Sewage or water reclamation authority" shall mean a public
4 body created pursuant to the "sewerage authorities law," P.L.1946,
5 c.138 (C.40:14A-1 et seq.) or the acts amendatory thereof or
6 supplemental thereto;

7 (22) "County sewer authority" shall mean a sanitary sewer
8 district authority created pursuant to the act entitled "An act relating
9 to the establishment of sewerage districts in first- and second-class
10 counties, the creation of Sanitary Sewer District Authorities by the
11 establishing of such districts, prescribing the powers and duties of
12 any such authority and of other public bodies in connection with the
13 construction of sewers and sewage disposal facilities in any such
14 district, and providing the ways and means for paying the costs of
15 construction and operation thereof," approved April 23, 1946
16 (P.L.1946, c.123), or the acts amendatory thereof or supplemental
17 thereto;

18 (23) "Chemical waste" shall mean a material normally generated
19 by or used in chemical, petrochemical, plastic, pharmaceutical,
20 biochemical or microbiological manufacturing processes or
21 petroleum refining processes, which has been selected for waste
22 disposal and which is known to hydrolyze, ionize or decompose,
23 which is soluble, burns or oxidizes, or which may react with any of
24 the waste materials which are introduced into the landfill, or which
25 is buoyant on water, or which has a viscosity less than that of water
26 or which produces a foul odor. Chemical waste may be either
27 hazardous or nonhazardous;

28 (24) "Effluent" shall mean liquids which are treated in and
29 discharged by sewage treatment plants;

30 (25) "Hazardous wastes" shall mean any waste or combination of
31 waste which poses a present or potential threat to human health,
32 living organisms or the environment. "Hazardous waste" shall
33 include, but not be limited to, waste material that is toxic, corrosive,
34 irritating, sensitizing, radioactive, biologically infectious, explosive
35 or flammable;

36 (26) "Leachate" shall mean a liquid that has been in contact with
37 solid waste and contains dissolved or suspended materials from that
38 solid waste;

39 (27) "Recycling" shall mean the separation, collection,
40 processing or recovery of metals, glass, paper, solid waste and other
41 materials for reuse or for energy production and shall include
42 resource recovery;

43 (28) "Sludge" shall mean any solid, semisolid, or liquid waste
44 generated from a municipal, industrial or other sewage treatment
45 plant, water supply treatment plant, or air pollution control facility,
46 or any other such waste having similar characteristics and effects;
47 "sludge" shall not include effluent;

48 (29) "Solid waste" shall mean garbage, refuse, and other

S866 BARK

1 discarded materials resulting from industrial, commercial and
2 agricultural operations, and from domestic and community
3 activities, and shall include all other waste materials including
4 sludge, chemical waste, hazardous wastes and liquids, except for
5 liquids which are treated in public sewage treatment plants and
6 except for solid animal and vegetable wastes collected by swine
7 producers licensed by the State Department of Agriculture to
8 collect, prepare and feed such wastes to swine on their own farms;

9 (30) "Solid waste system" shall mean and include the plants,
10 structures and other real and personal property acquired,
11 constructed or operated or to be acquired, constructed or operated
12 by an authority or by any person to whom a municipal authority has
13 extended credit for this purpose pursuant to the provisions of this
14 act, including transfer stations, incinerators, recycling facilities,
15 including facilities for the generation, transmission and distribution
16 of energy derived from the processing of solid waste, sanitary
17 landfill facilities or other property or plants for the collection,
18 recycling or disposal of solid waste and all vehicles, equipment and
19 other real and personal property and rights thereon and
20 appurtenances necessary or useful and convenient for the collection,
21 recycling, or disposal of solid waste in a sanitary manner;

22 (31) "Hydroelectric system" shall mean the plants, structures and
23 other real and personal property acquired, constructed or operated
24 or to be acquired, constructed or operated by an authority pursuant
25 to the provisions of this act, including all that which is necessary or
26 useful and convenient for the generation, transmission and sale of
27 hydroelectric power at wholesale;

28 (32) "Hydroelectric power" shall mean the production of electric
29 current by the energy of moving water;

30 (33) "Sale of hydroelectric power at wholesale" shall mean any
31 sale of hydroelectric power to any person for purposes of resale of
32 such power;

33 (34) "Alternative electrical energy" shall mean electrical energy
34 produced from solar, photovoltaic, wind, geothermal, or biomass
35 technologies, provided that in the case of biomass technology, the
36 biomass is cultivated and harvested in a sustainable manner; and

37 (35) "Alternative electrical energy system" shall mean any
38 system which uses alternative electrical energy to provide all or a
39 portion of the electricity for the heating, cooling, or general
40 electrical energy needs of a building.

41 (cf: P.L.2002, c.42, s.5)

42

43 2. Section 19 of P.L.1957, c.183 (C.40:14B-19) is amended to
44 read as follows:

45 19. (a) The purposes of every municipal authority shall be (1)
46 the provision and distribution of an adequate supply of water for the
47 public and private uses of the local units, and their inhabitants,
48 within the district, and (2) the relief of waters in or bordering the

1 State from pollution arising from causes within the district and the
2 relief of waters in, bordering or entering the district from pollution
3 or threatened pollution, and the consequent improvement of
4 conditions affecting the public health, (3) the provision of sewage
5 collection and disposal service within or without the district, and (4)
6 the provision of water supply and distribution service in such areas
7 without the district as are permitted by the provisions of this act,
8 and (5) the provision of solid waste services and facilities within or
9 without the district in a manner consistent with the Solid Waste
10 Management Act, P.L.1970, c.39 (C.13:1E-1 et seq.) and in
11 conformance with the solid waste management plans adopted by the
12 solid waste management districts created therein, and (6) the
13 generation, transmission and sale of hydroelectric power at
14 wholesale, and (7) the operation and maintenance of utility systems
15 owned by other governments located within the district through
16 contracts with said governments.

17 (b) Every municipal authority is hereby authorized, subject to the
18 limitations of this act, to acquire, in its own name but for the local
19 unit or units, by purchase, gift, condemnation or otherwise, lease as
20 lessee, and, notwithstanding the provisions of any charter,
21 ordinance or resolution of any county or municipality to the
22 contrary, to construct, maintain, operate and use such reservoirs,
23 basins, dams, canals, aqueducts, standpipes, conduits, pipelines,
24 mains, pumping and ventilating stations, treatment, purification and
25 filtration plants or works, trunk, intercepting and outlet sewers,
26 water distribution systems, waterworks, sources of water supply and
27 wells at such places within or without the district, such
28 compensating reservoirs within a county in which any part of the
29 district lies, and such other plants, structures, boats and
30 conveyances, as in the judgment of the municipal authority will
31 provide an effective and satisfactory method for promoting
32 purposes of the municipal authority.

33 (c) Every municipal authority is hereby authorized and directed,
34 when in its judgment its sewerage system or any part thereof will
35 permit, to collect from any and all public systems within the district
36 all sewage and treat and dispose of the same in such manner as to
37 promote purposes of the municipal authority.

38 (d) Every municipal utilities authority is authorized to promote
39 the production and use of alternative electrical energy by
40 contracting with producers of alternative electrical energy for the
41 installation, construction, maintenance, repair, renewal, relocation,
42 or removal of alternative electrical energy systems, and for the
43 purchase of excess alternative electrical energy generated by a
44 producer of alternative electrical energy. Any purchase or sale of
45 alternative electrical energy where such energy is distributed using
46 the infrastructure of a public utility, as that term is defined in
47 R.S.48:2-13, shall include the payment by the purchaser of all
48 relevant non-bypassable charges as provided for in the "Electric

1 Discount and Energy Competition Act," P.L.1999, c.23 (C.48:3-49
2 et al.).

3 (cf: P.L.1980, c.34, s.6)

4

5 3. This act shall take effect immediately.

6

7

8

STATEMENT

9

10 This bill permits municipal utilities authorities to promote the
11 production and use of alternative electrical energy by contracting
12 with producers of alternative electrical energy for the installation,
13 construction, maintenance, repair, renewal, relocation, or removal
14 of alternative electrical energy systems, and for the purchase of
15 excess alternative electrical energy generated by a producer of
16 alternative electrical energy. Any purchase or sale of alternative
17 electrical energy where such energy is distributed using the
18 infrastructure of a public utility, as that term is defined in R.S.48:2-
19 13, shall include the payment by the purchaser of all relevant non-
20 bypassable charges as provided for in the "Electric Discount and
21 Energy Competition Act," P.L.1999, c.23 (C.48:3-49 et al.). The
22 bill defines "alternative electrical energy" as electrical energy
23 produced from solar, photovoltaic, wind, geothermal, or biomass
24 technologies and an "alternative electrical energy system" as any
25 system which uses alternative electrical energy to provide all or a
26 portion of the electricity for the heating, cooling, or general
27 electrical energy needs of a building.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

SENATE, No. 866

STATE OF NEW JERSEY

DATED: DECEMBER 3, 2007

The Senate Economic Growth Committee reports favorably Senate Bill No. 866.

As reported, this bill permits county and municipal utilities authorities to promote the production and use of alternative electrical energy by contracting with producers of alternative electrical energy for the installation, construction, maintenance, repair, renewal, relocation, or removal of alternative electrical energy systems, and for the purchase of excess alternative electrical energy generated by a producer of alternative electrical energy. The bill defines "alternative electrical energy" as electrical energy produced from solar, photovoltaic, wind, geothermal, or biomass technologies and an "alternative electrical energy system" as any system which uses alternative electrical energy to provide all or a portion of the electricity for the heating, cooling, or general electrical energy needs of a building.

The primary objective of these systems is to lower the cost of power and heat to consumers by offering alternatives to existing energy sources. The use of these systems would encourage the development of alternatives to fossil fuel-based energy technology.

As reported by the committee, Senate Bill No. 866 is identical to Assembly Bill No. 374 which was also reported by the committee on this date.