

SENATE, No. 3556

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED FEBRUARY 2, 2023

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator JEAN STANFIELD

District 8 (Atlantic, Burlington and Camden)

SYNOPSIS

Establishes new position of Clean Energy Advocate in BPU to facilitate coordination and cooperation among various State agencies in association with implementation of interagency clean energy projects.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/2/2023)

1 **AN ACT** concerning the facilitation of interagency clean energy
2 projects and supplementing Title 48 of the Revised Statutes.

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

6
7 1. As used in this act:

8 “Board” means the Board of Public Utilities.

9 “Clean energy” means and includes Class I renewable energy
10 and Class II renewable energy, as defined by section 3 of P.L.1999,
11 c.23 (C.48:3-51), as well as nuclear energy, fusion energy, and any
12 other form of energy, the production of which does not result in the
13 emission of carbon dioxide or other greenhouse gases.

14 “Clean energy sector” means the segment of industry that
15 involves the generation and supply of clean energy to energy
16 consumers.

17 “De-carbonization goals” means the renewable energy-related
18 and carbon emissions-related goals and targets established pursuant
19 to New Jersey’s Energy Master Plan; the greenhouse gas emissions
20 standards, renewable energy portfolio standards, emissions portfolio
21 standards, solar and offshore wind energy requirements, zero-
22 emissions certificate standards, energy storage, energy efficiency,
23 energy savings, and peak demand reduction standards and
24 requirements, community solar energy program standards, dual-use
25 solar energy program standards, and electric vehicle standards
26 variously established pursuant to the “Global Warming Response
27 Act,” P.L.2007, c.112 (C.26:2C-37 et al.), the “Electric Discount
28 and Energy Competition Act,” P.L.1999, c.23 (C.48:3-49 et al.), the
29 State’s offshore wind economic development act, P.L.2010, c.57
30 (C.48:3-87.1 et al.), the State’s zero emissions certificate act,
31 P.L.2018, c.16 (C.48:3-87.3 et al.), the State’s clean energy act,
32 P.L.2018, c.17 (C.48:3-87.8 et seq.), and the State’s electric
33 vehicles act, P.L.2019, c.362 (C.48:25-1 et seq.); and any other
34 similar standards or requirements related to carbon emissions or the
35 use of renewable energy resources by carbon emitters which are
36 now or hereinafter enacted into law.

37 “Interagency clean energy project” means any project, including,
38 but not limited to, a dual-use solar energy project, as defined by
39 section 1 of P.L.2021, c.170 (C.48:3-87.13), which involves the
40 construction, maintenance, restoration, modernization, updating, or
41 operation of a clean energy system, a microgrid system, an energy
42 storage system, or any components thereof, or which involves the
43 expansion, maintenance, restoration, modernization, updating,
44 improvement, or operation of the State’s energy grid, or which is
45 otherwise designed or intended, in any way, to promote or increase
46 energy efficiency in the State or to reduce or offset the amount of
47 carbon dioxide or other greenhouse gases or co-pollutants emitted
48 as a result of energy production or consumption in the State, and

1 which project is implemented, managed, or overseen, or entails the
2 undertaking of project-related activities, by more than one State
3 agency.

4 “President” means the President of the Board of Public Utilities.

5 “State agency” means any of the principal departments of the
6 Executive Branch of State Government; any agency, authority,
7 board, bureau, commission, division, institution, office, or other
8 instrumentality within, or created by, any such department; and any
9 other authority, commission, instrumentality, or agency that is
10 authorized to operate in this State, either as an independent entity or
11 pursuant to the Governor’s executive authority.

12

13 2. a. The President of the Board of Public Utilities shall
14 appoint a Clean Energy Advocate to serve within the board’s
15 Division of State Energy Services.

16 b. The purpose and duties of the Clean Energy Advocate shall
17 be to serve as a central point of contact for, proactively reach out to,
18 engage in interagency communications with, and act as a liaison
19 between and among, the heads and appropriate staff of State
20 agencies that are, in any way, involved in the development or
21 implementation of an interagency clean energy project in the State,
22 in order to identify and resolve interagency disputes, facilitate more
23 effective and efficient interagency interactions and planning, and
24 otherwise promote and facilitate improved interagency cooperation
25 and coordination, as necessary to ensure the timely and successful
26 interagency implementation and completion of the project.

27 c. The Clean Energy Advocate shall:

28 (1) serve at the pleasure of the president;

29 (2) be employed on a full-time basis and entitled to receive a
30 salary commensurate with the duties, responsibilities, and functions
31 of the position; and

32 (3) be qualified by appropriate education, training, and prior
33 work experience, as determined by the president, to perform the
34 duties and functions and fulfill the responsibilities of the position.

35 At a minimum, the person appointed to the position shall have a
36 sufficient combination of education, training, and prior work
37 experience to demonstrate, to the president’s satisfaction, that the
38 person has an in-depth understanding and awareness of: (a) the
39 foundational sciences relevant to the clean energy sector; (b) the
40 history and evolution of the clean energy sector in this State and
41 nation, including, but not limited to, the nature and progression of
42 scientific and technological advancements and innovations in this
43 area; (c) the nature, parameters, and purpose of the State’s de-
44 carbonization goals, clean energy programs and initiatives, and
45 laws, rules, and regulations governing the clean energy sector in the
46 State; and (d) the various means, methods, and tools, such as
47 negotiation and mediation, that may be used to develop and
48 maintain productive, cooperative, and coordinated relationships

1 amongst the various State agencies involved in a multi-agency
2 project.

3 d. The president shall assign additional administrative and
4 clerical staff to the Division of State Energy Services, as may be
5 necessary to support the Clean Energy Advocate in the performance
6 of the advocate's duties.

7

8 3. a. The Clean Energy Advocate shall annually submit, to the
9 president, a written report identifying:

10 (1) the activities that have been undertaken, and the State
11 agencies that have been contacted, by the Clean Energy Advocate in
12 the prior year;

13 (2) the interagency clean energy projects that were the subject of
14 the advocate's activities and contacts in the prior year, and the
15 current status of each such project;

16 (3) any interagency issues that remain unresolved by the Clean
17 Energy Advocate and that are, or may be, hindering the timely or
18 successful completion of an interagency clean energy project; and

19 (4) the means and methods that will be employed by the Clean
20 Energy Advocate, in the upcoming year, to facilitate the effective
21 resolution of each unresolved project-related issue, as necessary to
22 ensure the prompt and successful completion of each relevant
23 project.

24 b. Not more than 30 days after receipt of a written report
25 submitted pursuant to subsection a. of this section, the president
26 shall post a copy of the report at a publicly accessible location on
27 the board's Internet website.

28

29 4. This act shall take effect on the first day of the third month
30 next following the date of enactment, except that the President of
31 the Board of Public Utilities may take such anticipatory
32 administrative action, in advance of the effective date, as may be
33 necessary to implement the provisions of this act.

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36 STATEMENT

37

38 This bill would require the President of the Board of Public
39 Utilities (BPU) to establish the new position of Clean Energy
40 Advocate, and appoint a person to serve as Clean Energy Advocate,
41 within the BPU's existing Division of State Energy Services. The
42 purpose and duties of the Clean Energy Advocate would be to serve
43 as a central point of contact for, proactively reach out to, engage in
44 interagency communications with, and act as a liaison between and
45 among, the heads and appropriate staff of State agencies that are, in
46 any way, involved in the development or implementation of an
47 interagency clean energy project in the State, in order to identify
48 and resolve interagency disputes, facilitate more effective and

1 efficient interagency interactions and planning, and otherwise
2 promote and facilitate improved interagency cooperation and
3 coordination, as necessary to ensure the timely and successful
4 interagency implementation and completion of the project. The bill
5 would require the President of the BPU to assign additional
6 administrative and clerical staff to the Division of State Energy
7 Services, as may be necessary to support the Clean Energy
8 Advocate in the performance of the advocate's duties.

9 The Clean Energy Advocate would serve, on a full-time basis, at
10 the pleasure of the president, would be entitled to receive a salary
11 commensurate with the duties, responsibilities, and functions of the
12 position, and would need to be qualified by appropriate education,
13 training, and prior work experience, as determined by the president,
14 to perform the duties and functions and fulfill the responsibilities of
15 the position. At a minimum, the person appointed to the position
16 would be required to have a sufficient combination of education,
17 training, and prior work experience to demonstrate, to the
18 president's satisfaction, that the person has an in-depth
19 understanding and awareness of: (1) the foundational sciences
20 relevant to the clean energy sector; (2) the history and evolution of
21 the clean energy sector in this State and nation, including, but not
22 limited to, the nature and progression of scientific and technological
23 advancements and innovations in this area; (3) the nature,
24 parameters, and purpose of the State's de-carbonization goals, clean
25 energy programs and initiatives, and laws, rules, and regulations
26 governing the clean energy sector in the State; and (4) the various
27 means, methods, and tools, such as negotiation and mediation, that
28 may be used to develop and maintain productive, cooperative, and
29 coordinated relationships amongst the various State agencies
30 involved in a multi-agency project.

31 The bill would require the Clean Energy Advocate to annually
32 submit, to the President of the BPU, a written report identifying:
33 (1) the activities that have been undertaken, and the State agencies
34 that have been contacted, by the Clean Energy Advocate in the prior
35 year; (2) the interagency clean energy projects that were the subject
36 of the advocate's activities and contacts in the prior year, and the
37 current status of each such project; (3) any interagency issues that
38 remain unresolved by the Clean Energy Advocate and that are, or
39 may be, hindering the timely or successful completion of an
40 interagency clean energy project; and (4) describing the means and
41 methods that will be employed by the Clean Energy Advocate, in
42 the upcoming year, to facilitate the effective resolution of each
43 unresolved project-related issue, as necessary to ensure the prompt
44 and successful completion of each relevant project. Not more than
45 30 days after receipt of the written report, the president would be
46 required to post a copy of the report at a publicly accessible
47 location on the BPU's Internet website.