

[Second Reprint]
SENATE, No. 601

STATE OF NEW JERSEY
218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Assemblywoman NANCY J. PINKIN

District 18 (Middlesex)

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Co-Sponsored by:

**Assemblyman Conaway, Assemblywoman Jasey, Assemblyman
Karabinchak, Assemblywoman Lampitt and Assemblyman Houghtaling**

SYNOPSIS

Establishes "New Jersey Solar Panel Recycling Commission."

CURRENT VERSION OF TEXT

As reported by the Assembly Budget Committee on June 17, 2019, with amendments.



(Sponsorship Updated As Of: 6/21/2019)

1 AN ACT concerning recycling of solar and photovoltaic energy
2 generation facilities and structures, and supplementing Title 13
3 of the Revised Statutes.

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

7
8 ²[1. a. The owner of a solar or photovoltaic energy generation
9 facility or structure shall remove and recycle the facility or
10 structure, including any related equipment or infrastructure, ¹after
11 termination of its use,¹ in accordance with rules and regulations
12 adopted by the Department of Environmental Protection pursuant to
13 subsection b. of this section.

14 b. The department shall adopt, pursuant to the "Administrative
15 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
16 regulations necessary to implement the provisions of this section
17 which shall include, but need not be limited to, minimum
18 requirements for the removal and recycling of solar and
19 photovoltaic energy generation facilities and structures.

20 c. Any person who violates the provisions of this section, or
21 any rules or regulations adopted pursuant thereto, shall be subject to
22 a civil penalty up to ¹["\$1000"] \$1,000¹, to be collected in a civil
23 action by a summary proceeding under the "Penalty Enforcement
24 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior
25 Court and the municipal court shall have jurisdiction to enforce the
26 provisions of the "Penalty Enforcement Law of 1999" pursuant to
27 this subsection.]²

28
29 ²1. There is established the "New Jersey Solar Panel Recycling
30 Commission." The purpose of the commission shall be to
31 investigate options for recycling and other end-of-life management
32 methods for photovoltaic and other solar energy generation
33 structures, and to develop recommendations for legislative,
34 administrative, or private sector action.

35 a. The commission shall consist of nine voting members as
36 follows:

37 (1) the Commissioner of Environmental Protection, or the
38 commissioner's designee, who shall serve ex officio as chairperson;

39 (2) the Commissioner of Community Affairs, or the
40 commissioner's designee, who shall serve ex officio as vice-
41 chairperson; and

42 (3) seven members who shall be appointed by the Governor no
43 later than the 90th day next following the effective date of this act
44 as follows:

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:

¹Senate SEN committee amendments adopted May 21, 2018.

²Assembly ABU committee amendments adopted June 17, 2019.

1 (a) two members of the State's business community with
2 expertise, knowledge, or experience in Class D recycling and the
3 disposal of consumer electronics;

4 (b) one representative of a non-profit organization that promotes
5 recycling in the State;

6 (c) two members who are currently employed in the solar power
7 industry; and

8 (d) two members representing the State's academic community
9 with expertise in recycling issues.

10 b. The commission shall organize as soon as practicable, but no
11 later than the 30th day after the appointment of all its members.
12 Any vacancy in the membership shall be filled in the same manner
13 as the original appointment.

14 c. The commission shall meet at the call of the chairperson,
15 and it may hold hearings at the times and in the places it may deem
16 appropriate and necessary to fulfill its charge.

17 d. A simple majority of the commission shall constitute a
18 quorum for the transaction of commission business. Action may be
19 taken and motions and resolutions adopted by the commission at
20 any meeting thereof by the affirmative vote of a majority of the
21 membership of the commission.

22 e. Members of the commission shall serve without
23 compensation, but the commission may, within the limits of funds
24 appropriated or otherwise made available to it, reimburse its
25 members for actual and necessary expenses incurred in the
26 discharge of their official duties.

27 f. The commission shall be entitled to call to its assistance and
28 avail itself of the services of the employees of any State, county, or
29 municipal department, board, bureau, commission, authority, or
30 agency as it may require and as may be available to it for its
31 purposes; to employ stenographic and clerical assistance; and to
32 incur traveling and other miscellaneous expenses as may be
33 necessary in order to perform its duties, within the limits of funds
34 appropriated or otherwise made available to it for its purposes. The
35 Department of Environmental Protection shall provide staff support
36 to the commission.

37 g. The commission shall submit its findings and conclusions in
38 a final report, together with any recommendations for legislative,
39 administrative, or private sector action, to the Governor and,
40 pursuant to section 2 of P.L.1991, c.164 (C:52:14-19.1), to the
41 Legislature within one year after the appointment of all its
42 members. The commission may extend the deadline to submit the
43 report by one additional year upon notice to the Governor and the
44 Legislature. The report shall be posted on the Department of
45 Environmental Protection's Internet website.²

46
47 ²2. The Department of Environmental Protection may adopt,
48 pursuant to the "Administrative Procedure Act," P.L.1968, c.410

1 (C.52:14B-1 et seq.), rules and regulations based on the
2 recommendations contained in the report submitted by the "Solar
3 Panel Recycling Commission," established pursuant to section 1 of
4 this act, concerning recycling or other end-of-life management
5 methods for photovoltaic and other solar energy generation
6 structures.²

7
8 ²~~2.~~ 3.² This act shall take effect ²~~on the~~ ¹~~180th~~ 365th¹ day
9 next following the date of enactment, except that the Department of
10 Environmental Protection may take any administrative action in
11 advance thereof as shall be necessary for the implementation of this
12 act] immediately and section 1 shall expire upon the submittal by
13 the commission of the final report required pursuant to subsection
14 g. of section 1 of this act² .