[First Reprint]

ASSEMBLY, No. 4819

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED OCTOBER 19, 2020

Sponsored by:
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District 6 (Burlington and Camden)
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District 34 (Essex and Passaic)

Co-Sponsored by:
Assemblymen Benson, Bergen, McClellan, Assemblywoman Chaparro, Assemblymen Simonsen and Caputo

SYNOPSIS

Establishes School and Small Business Energy Efficiency Stimulus Program in BPU.

CURRENT VERSION OF TEXT

As reported by the Assembly Telecommunications and Utilities Committee on February 24, 2021, with amendments.

(Sponsorship Updated As Of: 10/22/2020)

AN ACT establishing the School and Small Business Energy Efficiency Stimulus Program in the Board of Public Utilities and supplementing Title 48 of the Revised Statutes and amending P.L.1999, c.23.

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

1. (New section) As used in in P.L. , c. (C.) (pending before the Legislature as this bill):

"ANSI" means American National Standards Institute.

"ASHRAE" means the American Society of Heating, Refrigerating and Air-Conditioning Engineers.

"Board" means the Board of Public Utilities or any successor agency.

"Board of education" means and includes the board of education of any local school district, consolidated school district, regional school district, county vocational school and any other board of education or other similar body other than the State Board of Education, the Commission on Higher Education or the Presidents' Council, established and operating under the provisions of Title 18A of the New Jersey Statutes and having authority to make purchases and to enter into contracts for the provision or performance of goods or services. "Board of education" shall include the board of trustees of a charter school established under P.L.1995, c.426 (C.18A:36A-1 et seq.).

[1]"Certified TAB technician" means a technician certified to perform testing, adjusting, and balancing of HVAC systems by the Associated Air Balance Council (AABC), the National Environmental Balancing Bureau (NEBB), or the Testing, Adjusting and Balancing Bureau (TABB).[1]

"Coronavirus 2019" means the coronavirus disease 2019, as announced by the World Health Organization on February 11, 2020, and first identified in Wuhan, China.

"HVAC" means heating, ventilation, and air conditioning.

[1]**[**"Licensed professional" means a professional licensed in this State to perform system design, construction, or installation of features, materials, components, or manufactured devices for mechanical systems required pursuant to P.L. , c. (C.) (pending before the Legislature as this bill).**]**

"Licensed mechanical engineer" means an engineer licensed by the State Board of Professional Engineers and Land Surveyors in active and good standing, subject to no disciplinary or other State board actions.

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:
[1]Assembly ATU committee amendments adopted February 24, 2021.

"MERV" means minimum efficiency reporting value.[1]

"Noncompliant appliance" means all of the following:

a. a commercial dishwasher that was manufactured prior to January 1, 2010, that does not meet the efficiency requirement of the Energy Star Product Specification for Commercial Dishwashers, Version 1.1;

b. an automatic commercial ice maker that was manufactured prior to January 1, 2010, that does not meet the efficiency requirement of the Energy Star Product Specification for Automatic Commercial Ice Makers, Version 1; or

c. a commercial clothes washer that was manufactured prior to 1 January 1, 2010, that does not meet the efficiency requirement of the Energy Star Product Specification for Clothes Washers, Version 5.0.

"Noncompliant plumbing fixture" means:

a. a toilet manufactured to use more than 1.6 gallons of water per flush;

b. a urinal manufactured to use more than one gallon of water per flush;

c. a showerhead manufactured to have a flow capacity of more than 2.5 gallons of water per minute; or

d. an interior faucet that emits more than 2.2 gallons of water per minute.

[1]"PPM" means parts per million.[1]

"Program" means the School and Small Business Energy Efficiency Stimulus Program established pursuant to section 2 of P.L. , c. (C.) (pending before the Legislature as this bill).

[1]"Qualified adjusting personnel" means either of the following:

a. a certified TAB technician; or

b. a skilled and trained workforce under the supervision of a certified TAB technician.

"Qualified testing personnel" means either of the following:

a. a certified TAB technician; or

b. a skilled and trained workforce under the supervision of a TAB technician.

"Registered apprenticeship program" means a plan containing all the terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices, as required under Part 29 and Part 30 of Title 49 of the Code of Federal Regulations, including meeting all requirements set forth under section 2 of P.L.2019, c.518 (C.34:11-56.71).

"Skilled and trained workforce" means a workforce where at least 60 percent of the construction workers are graduates of a registered apprenticeship program for the applicable occupation.[1]

"Small business" means a sole proprietorship, partnership or corporation that has its principal place of business in the State, is of a size and type determined by the board, and is a women's business

or minority business, as those terms are defined in section 2 of P.L.1987, c.55 (C.52:27H-21.8).

"SSBNPFA Program" means the School and Small Business Noncompliant Plumbing Fixture and Appliance Program established pursuant to section 4 of P.L. , c. (C.) (pending before the Legislature as this bill).

"SSBVEEVR Program" means the School and Small Business Ventilation and Energy Efficiency Verification and Repair Program established pursuant to section 3 of P.L. , c. (C.) (pending before the Legislature as this bill).

[1]"TAB" means testing, adjusting, and balancing.[1]

"Underserved community" means a school district in which at least 75 percent of public school students are eligible to receive free or reduced-price meals under the National School Lunch Program established pursuant to the "Richard B. Russell National School Lunch Act," Pub.L.79-396 (42 U.S.C. s.1751 et seq.).

"Water-conserving appliance" means any of the following:

a. a commercial dishwasher that meets the criteria of the Energy Star Product Specification for Commercial Dishwashers, Version 2.0, or any revision to those criteria published by the United States Environmental Protection Agency that is adopted by the board for the program;

b. an automatic commercial ice maker that meets the criteria of the Energy Star Product Specification for Automatic Commercial Ice Makers, Version 3.0, or any revision to those criteria published by the United States Environmental Protection Agency that is adopted by the board for the program; or

c. a commercial clothes washer that meets the criteria of the Energy Star Product Specification for Clothes Washers, Version 8.0, or any revision to those criteria published by the United States Environmental Protection Agency that is adopted by the board for the program.

2. (New section) a. The Board of Public Utilities shall establish and administer a School and Small Business Energy Efficiency Stimulus Program for the purpose of providing grants to boards of education and small businesses for the installation of certain HVAC systems and energy efficient and water-conserving appliances to improve air quality and energy efficiency in school districts under the jurisdiction of a board of education and small businesses, including school districts and small businesses in underserved communities. The program shall consist of the following programs:

(1) The School and Small Business Ventilation and Energy Efficiency Verification and Repair Program; and

(2) The School and Small Business Noncompliant Plumbing Fixture and Appliance Program.

b. Not less than 25 percent of projects funded by the SSBVEEVR Program or SSBNPFA Program shall be allocated for school districts and small businesses located in underserved communities. The SSBVEEVR Program and SSBNPFA Program shall prioritize an underserved community by ensuring that all boards of education and small businesses that are located in an underserved community are offered the opportunity to apply for and receive grants, pursuant to this section, before those boards of education and small businesses that are not located in an underserved community.

c. The board shall begin to solicit applications from boards of education and small businesses for grants made pursuant to this section on or before April 1, 2021 and begin to approve applications for a grant no later than May 1, 2021, subject to the availability of funds.

d. The program shall be funded by monies collected from the societal benefits charge, as determined by the board, pursuant to paragraph (6) of subsection a. of section 12 of P.L.1999, c.23 (C.48:3-60) and shall be allocated as follows:

(1) 75 percent of funds for the SSBVEEVR Program; and

(2) 25 percent of funds for the SSBNPFA Program.

3. (New section) a. The board shall establish and administer the SSBVEEVR Program to award grants to boards of education and small businesses to ensure schools under board of education jurisdiction and small businesses shall have functional HVAC systems that are tested, adjusted, and, if necessary or cost effective, repaired, upgraded, or replaced to increase efficiency and performance.

b. A board of education or small business may apply for a grant pursuant to section 2 of P.L. , c. (C.) (pending before the Legislature as this bill) by submitting an application to the board, in a form and manner determined by the board, for reasonable costs of the HVAC assessment, assessment report, general maintenance, adjustment of ventilation rates, filter replacement, and carbon dioxide monitor installation.

c. (1) The board shall award a grant if the amount requested in the application is verified by a licensed **[1]** **[**professional's**]** <u>mechanical engineer's</u> **[1]** estimate and the board of education and small business meet other requirements determined by the board to be appropriate to achieve the purposes of P.L. , c. (C.) (pending before the Legislature as this bill). A grant shall be awarded in the amount requested plus, as contingency funding, an additional amount, up to 20 percent of the requested amount for repairs, upgrades, or replacements necessary, as identified by the licensed **[1]** **[**professional**]** <u>mechanical engineer</u> **[1]**, to make the system functional or more energy efficient.

(2) If a licensed [1]⟦professional⟧ mechanical engineer[1] identifies cost-effective energy efficiency upgrades or repairs that would exceed the additional 20 percent awarded, a board of education or small business may apply for additional funding for the cost-effective energy efficiency upgrades or repairs.

(3) The board shall award a grant pursuant to section 2 of P.L. , c. (C.) (pending before the Legislature as this bill) for reimbursement of work already performed where the work was contracted and performed after August 1, 2020, and meets the requirements of P.L. , c. (C.) (pending before the Legislature as this bill), and the board of education and small business meet other requirements determined by the board to be appropriate to achieve the purposes of P.L. , c. (C.) (pending before the Legislature as this bill).

(4) The 20-percent contingency funding set forth in paragraph (1) of this subsection shall be returned to the SSBVEEVR Program if not used for the purposes specified in P.L. , c. (C.) (pending before the Legislature as this bill). A board of education and small business shall provide the board with documentation, as specified by the board, demonstrating how contingency funds were spent.

(5) The board shall have the authority to establish the timing of grant funding, including the ability to provide some or all funding in advance of the performance of work where requirements to ensure performance are established.

[1]d. (1) Qualified testing personnel or qualified adjusting personnel shall do all of the following:

(a) For a board of education or small business receiving a grant to install filtration with a MERV of 13 or better in the HVAC system of a school and small business building, where feasible, qualified testing personnel shall review system capacity and airflow to determine the highest MERV filtration that can be installed without adversely impacting equipment, shall replace or upgrade filters where needed, and shall verify that those filters are installed correctly. If a HVAC system uses ultraviolet germicidal irradiation to disinfect the air, the ultraviolet germicidal irradiation lamp shall be checked for proper operation, replacing bulbs as needed and verifying that the ultraviolet light does not shine on filters. Recommendations for additional maintenance, replacement, or upgrades to allow for more protective filtration shall be recorded in the assessment report.

(b) For HVAC systems with economizers, qualified testing personnel shall test HVAC system economizer dampers. Economizer dampers and controls that are not properly functioning shall be repaired by a skilled and trained workforce. Recommendations for additional maintenance, replacement, or upgrades shall be recorded in the assessment report.

(c) Concerning a school building, after completing the requirements of subparagraph (b) of this paragraph, qualified testing personnel shall verify the ventilation rates in the school and small business building, and other occupied areas to assess whether they meet the minimum ventilation rate requirements set forth in ANSI/ASHRAE Standard 62.1-2019, Ventilation for Acceptable Indoor Air. Assessment, which shall include all of the following:

(i) A calculation of the required minimum outside air ventilation rates for each occupied area based on the anticipated occupancy and the minimum required ventilation rate per occupant. Calculations shall be based on maximum anticipated building or other occupied area occupancy rates and determined by the performing technician. Natural ventilation shall be designed in accordance with Section 402 of the 2018 International Mechanical Code and shall include mechanical ventilation systems designed in accordance with Section 403 of the 2018 International Mechanical Code; and

(ii) The measurement of outside air and verification of whether the HVAC system provides the minimum outside air ventilation rates calculated under this subparagraph.

If the HVAC system does not meet the minimum ventilation rate requirements, the licensed mechanical engineer or qualified adjusting personnel shall review the HVAC system airflow and capacity to determine if additional ventilation can be provided without adversely impacting equipment performance and building indoor environmental quality. If additional ventilation can be provided, qualified adjusting personnel shall adjust ventilation rates to meet the minimum ventilation rate requirements set forth, pursuant to this paragraph, to the extent feasible. After the adjustment, the measurement of outside air and verification of whether the HVAC system provides the minimum outside air ventilation rates calculated under this subparagraph shall be repeated. If minimum ventilation rate requirements cannot be met, this deficiency shall be reported in the assessment report and the verification report and shall be addressed by a licensed mechanical engineer as required.

(d) Survey readings of inlets and outlets to verify that all ventilation is reaching the served zone and that there is adequate distribution. Qualified testing personnel or qualified adjusting personnel shall verify if inlets and outlets are balanced within tolerance of the system design. Qualified testing personnel or qualified adjusting personnel shall document read values and deficiencies. If the original HVAC system design values are not available, qualified testing personnel or qualified adjusting personnel shall document the available information and note the unavailability of HVAC system design values in the assessment report.

(e) Verify building pressure relative to the outdoors to ensure positive pressure differential and to ensure the building is not over pressurized.

(f) Verify coil velocities and coil and unit discharge air temperatures as required to maintain desired indoor conditions and to avoid moisture carry over from cooling coils.

(g) Verify that separation between outdoor air intakes and exhaust discharge outlets meet requirements of the 2018 International Mechanical Code.

(h) Confirm that the air handling unit is bringing in outdoor air and removing exhaust air as intended by the system design.

(i) Measure all exhaust air volume for exhaust fans, including restrooms and document any discrepancies from system design.

(j) If a demand control ventilation system is installed, qualified testing personnel or qualified adjusting personnel shall test it and adjust the ventilation to a carbon dioxide set point of 800 PPM or less. If the demand control ventilation system does not maintain average daily maximum carbon dioxide levels below 1,100 PPM, it shall be disabled until such time as the board of education or small business determines that the COVID-19 pandemic has ended, unless disabling the control would adversely affect operation of the overall system. When disabling a demand control ventilation system, the system shall be configured to meet the minimum ventilation rate requirements and tested and adjusted in accordance with subparagraph (b) of this paragraph. Recommendations for additional maintenance, replacement or upgrades shall be recorded in the assessment report.

(k) A qualified testing personnel or a skilled and trained workforce shall verify coil condition, condensate drainage, cooling coil air temperature differentials, heat exchanger operation, and drive assembly. If repairs, replacement, or upgrades are necessary, these deficiencies shall be reported in the assessment report and the verification report, and addressed by a licensed mechanical engineer.

(l) Review control sequences to verify the HVAC systems will maintain intended ventilation, temperature and humidity conditions during school and small business operation. Previously unoccupied buildings shall perform the recommended practices of reopening a building as covered in the ASHRAE Building Readiness document – Restarting a Building.

(m) Verify a daily flush is scheduled for two hours before and after scheduled occupancy or demonstrate calculation of flush times per ASHRAE Guidance for Reopening and Operating Schools and Buildings or otherwise applicable local or State guidance.

(n) Verify that HVAC system operational times, exhaust fans operation times, setpoints, and enabled features meet ASHRAE Guidance for Reopening and Operating Schools and Buildings or otherwise applicable local or State guidance.

(2) Requirements for filtration levels, ventilation rates, and ventilation schedules may be amended by the board based on the latest COVID-19 or other applicable guidance.

(3) If installed HVAC systems or system components are broken, fail to meet minimum ventilation requirements, or are unable to operate to the original design and intent, this information shall be set forth in the assessment report prepared and be provided to a licensed mechanical engineer for determination of appropriate corrective measures. Repairs, upgrades, or replacements shall be performed by a skilled and trained workforce.

(4) (a) For a school building, to ensure proper ventilation is maintained throughout the school year, all classrooms shall be equipped with a carbon dioxide monitor that meets all of the following requirements:

(i) The monitor shall be hard-wired or plugged-in and mounted to the wall between three and six feet above the floor and at least five feet away from the door and operable windows.

(ii) The monitor shall display the carbon dioxide readings to the teacher or other building staff through a display on the device or other means such as a web-based application or cellular phone application.

(iii) The monitor shall provide a notification through a visual indicator on the monitor, such as an indicator light, or other alert system, such as an electronic mail, text, or cellular telephone application, when the carbon dioxide levels in the classroom have exceeded 1,100 PPM.

(iv) The monitor shall maintain a record of previous data that includes at least the maximum carbon dioxide concentration measured.

(v) The monitor shall have a carbon dioxide concentration range of 400 PPM to 2000 PPM or greater.

(vi) The monitor shall be certified by the manufacturer to be accurate within 75 PPM at 1,000 PPM carbon dioxide concentration and certified by the manufacturer to require calibration no more frequently than once every five years.

(b) If a classroom carbon dioxide concentration exceeds 1,100 PPM more than once a week as observed by the teacher or other building staff, the classroom ventilation rates shall be adjusted by qualified personnel to ensure peak carbon dioxide concentrations in the classroom remain below the maximum allowable carbon dioxide PPM setpoint. Verification of the installation of carbon dioxide monitors in all classrooms shall be included in the assessment report.

(c) The requirements of subsubparagraphs (i) to (vi) of subparagraph (a) of this paragraph, may be amended by the board as necessary to reflect available technology and to achieve the intent of this paragraph.

(5) A qualified testing personnel or qualified adjusting personnel shall prepare an assessment report for review by a licensed mechanical engineer. The licensed mechanical engineer shall review the assessment report and determine what, if any, additional adjustments or repairs would be necessary to meet the minimum ventilation and filtration requirements, determine whether any cost-effective energy efficiency upgrades or replacements are warranted or recommended, and provide an estimated cost for this work. If the cost of recommended repairs, upgrades, or replacements are greater than the contingency amount provided in the grant, then the licensed mechanical engineer and the board of education and small business shall submit an application for additional funding pursuant to this section. The provision of any additional funding for repairs, upgrades, or replacements shall be conditioned on the applicant ensuring that all construction work funded, in whole or in part, by the additional funding is performed by a skilled and trained workforce. The assessment report shall include all of the following information:

(a) Name and address of the school and small business building and person or contractor preparing and certifying assessment report.

(b) Documentation of HVAC equipment model number, serial number, general condition of unit, and any additional information that could be used to assess replacement and repair options given potential for increased energy efficiency benefits.

(c) Either verification that MERV 13 filters have been installed or verification that the maximum MERV-rated filter that the HVAC system is able to effectively handle has been installed and what that MERV-rating is.

(d) For a school building, the verified ventilation rates for facility classrooms, auditoriums, gymnasiums, nurses' offices, restrooms, offices, and other occupied areas, and whether those rates meet the requirements set forth in ANSI/ASHRAE Standard 62.1-2019. If ventilation rates do not meet applicable requirements, then an explanation for why the current system is unable to meet those rates shall be provided.

(e) For a school building, the verified exhaust rates for building classrooms, auditoriums, gymnasiums, nurses' offices, restrooms, and other occupied areas and whether those rates meet the requirements set forth in the design intent.

(f) Documentation of system deficiencies and recommendations for additional maintenance, replacement, or upgrades to improve energy efficiency, safety, or performance.

(6) Upon completion of all work funded by a grant pursuant to this section, the board of education shall have prepared an HVAC verification report. The HVAC verification report shall include all of the following information:

(a) The name and address of the school and small business building and person or who prepared and certified the report.

(b) A description of the assessment, maintenance, adjustment, repair, upgrade, and replacement activities and outcomes.

(c) A verification that the board of education has complied with all requirements of this section.

(d) A verification that either MERV 13 filters have been installed or a verification that the maximum MERV-rated filter that the HVAC system is able to effectively handle has been installed and the MERV-rating level.

(e) The verified ventilation rates for building classrooms, auditoriums, gymnasiums, nurses' offices, restrooms, offices, and other occupied areas and whether those rates meet the requirements set forth in ANSI/ASHRAE Standard 62.1-2019. If ventilation rates do not meet applicable guidance, then the report shall provide an explanation for why the current system is unable to meet those rates.

(f) The verified exhaust for building classrooms, auditoriums, gymnasiums, nurses' offices, restrooms, and other occupied areas and whether those rates meet the requirements set forth in the design intent.

(g) Documentation of HVAC system deficiencies and recommendations for additional maintenance, replacement, or upgrades to improve energy efficiency, safety, or performance.

(h) Documentation of the initial operating verifications, adjustments, and final operating verifications of the HVAC system, and documentation of any adjustments or repairs performed on the HVAC system.

(i) Verification of the installation of carbon dioxide monitors, including the make and model of the monitors.

(j) Verification that all work has been performed by qualified personnel, including the provision of the contractor's name, TAB technician name and certification number, and verification that all construction work has been performed by a skilled and trained workforce.

(7) Other than the workforce qualification requirements, the technical and reporting requirements of the SSBVEEVR Program may be amended by the board as necessary, to reflect the latest COVID-19 or other applicable guidance, or otherwise to achieve the intent of the SSBVEEVR Program and to ensure consistency with the related requirements and codes.

(8) The board of education shall maintain a copy of the HVAC verification report and make it available to any member of the public or the board upon request.[1]

[1]**[**d.**]** e.[1] As a condition for receiving a grant pursuant to section 2 of P.L. , c. (C.) (pending before the Legislature as this bill), a board of education and small business shall comply with the requirements of this section for all air-handling units, rooftop units, and unitary and single zone equipment in its schools' or small business' HVAC system or systems. [1]Any costs associated with

complying with this subsection shall be automatically included in any grant amount awarded under the program.[1]

(1) An HVAC system installed pursuant to this section shall meet the ANSI/ASHRAE Standard 62.1-2010, Ventilation for Acceptable Indoor Air Quality and shall have a licensed [1]**[**professional**]** mechanical engineer[1] perform the following:

(a) review control sequences to verify HVAC systems will maintain intended ventilation, temperature, and humidity conditions during school and small business operation. Previously unoccupied buildings shall perform the recommended practices of reopening a building as covered in the ASHRAE Building Readiness document –Restarting a Building;

(b) verify a daily flush is scheduled for two hours before and after scheduled occupancy or demonstrate calculation of flush times per ASHRAE Guidance for Reopening and Operating Schools or Commercial Buildings, as applicable, or otherwise applicable local or State guidance; and

(c) verify that HVAC system operational times, exhaust fans operation times, setpoints, and enabled features meet ASHRAE Guidance for Reopening and Operating Schools or Commercial Buildings, as applicable, or otherwise applicable local or State guidance.

(2) A requirement for filtration levels, ventilation rates, and ventilation schedules may be amended by the board based on the latest coronavirus 2019, or other applicable, guidance.

[1]**[**e.**]** f.[1] Concerning a school, to ensure proper ventilation is maintained throughout the school year, all school district classrooms shall be equipped with a carbon dioxide monitor that meets requirements determined by the board. If a classroom carbon dioxide concentration exceeds 1,100 parts per million more than once a week as observed by the teacher or the facilities staff, the classroom ventilation rates shall be adjusted by licensed [1]**[**professional**]** mechanical engineer[1] to ensure peak carbon dioxide concentrations in the classroom remain below the maximum allowable carbon dioxide parts per million setpoint.

[1]**[**f.**]** g.[1] A licensed [1]**[**professional**]** mechanical engineer[1] shall determine what, if any, additional adjustments or repairs would be necessary to meet the minimum ventilation and filtration requirements, pursuant to this section, determine whether any further cost-effective energy efficiency upgrades or replacements are warranted or recommended, and provide an estimated cost for this work. If the cost of recommended repairs, upgrades, or replacements are greater than the contingency amount provided in the grant, then the licensed [1]**[**professional**]** mechanical engineer[1] and the board of education or small business shall submit an application for additional funding pursuant to section 2 of P.L. , c. (C.) (pending before the Legislature as this bill).

[1]**[**g.**]** h.[1] Upon completion of all work funded by a grant pursuant to P.L. , c. (C.) (pending before the Legislature as this bill), a board of education and small business shall prepare an HVAC verification report. The HVAC verification report shall include all of the following information:

(1) the name and address of a school facility or small business and person or contractor preparing and certifying the report;

(2) a description of the assessment, maintenance, adjustment, repair, upgrade, and replacement activities and outcomes;

(3) verification that the board of education and small business has complied with all requirements of P.L. , c. (C.) (pending before the Legislature as this bill);

(4) verification that the school facility and small business meet ANSI/ASHRAE Standard 62.1-2010, Ventilation for Acceptable Indoor Air Quality;

(5) documentation of HVAC system deficiencies and recommendations for additional maintenance, replacement, or upgrades to improve energy efficiency, safety, or performance;

(6) verification of the installation of carbon dioxide monitors, pursuant to subsection e. of this section, including the make and model of the monitors; and

(7) verification that all work has been performed by a licensed [1]**[**professional**]** mechanical engineer[1], including the provision of the contractor's name and license.

[1]**[**h.**]** i.[1] The requirements of this section may be amended by the board as necessary to reflect available technology and to achieve the intent of P.L. , c. (C.) (pending before the Legislature as this bill).

[1]**[**i.**]** j.[1] A board of education and small business shall maintain a copy of the HVAC verification report made pursuant to subsection [1]**[**g.**]** h.[1] of this section and make it to any member of the public or the board upon request.

4. (New section) a. The board shall establish and administer the School and Small Business Noncompliant Plumbing Fixture and Appliance Program to provide grants to boards of education to replace noncompliant plumbing fixtures and appliances that fail to meet water efficiency standards, and waste and potable water and the energy used to convey that water, with water-conserving plumbing fixtures and appliances.

b. A board of education and small business may apply for a grant pursuant to section 2 P.L. , c. (C.) (pending before the Legislature as this bill) by submitting an application to the board, in a form and manner determined by the board, showing the existence of noncompliant plumbing fixtures or appliances in the school or small business for which the grant funding will be used and a cost estimate that is verified by a contractor for the

replacement of the noncompliant plumbing fixtures and appliances with water-conserving plumbing fixtures and water-conserving appliances, and the board of education and small business meet other requirements determined by the board to be appropriate to achieve the purposes of this section.

c. The board is authorized to provide technical assistance or award grants pursuant to the SSBNPFA Program to assist a board of education and small business in identifying noncompliant plumbing fixtures and noncompliant appliances eligible for replacement pursuant to this section.

5. (New section) The Board of Public Utilities may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations necessary to effectuate the purposes of P.L. , c. (C.) (pending before the Legislature as this bill).

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

12. a. Simultaneously with the starting date for the implementation of retail choice as determined by the board pursuant to subsection a. of section 5 of P.L.1999, c.23 (C.48:3-53), the board shall permit each electric public utility and gas public utility to recover some or all of the following costs through a societal benefits charge that shall be collected as a non-bypassable charge imposed on all electric public utility customers and gas public utility customers, as appropriate:

(1) The costs for the social programs for which rate recovery was approved by the board prior to April 30, 1997. For the purpose of establishing initial unbundled rates pursuant to section 4 of P.L.1999, c.23 (C.48:3-52), the societal benefits charge shall be set to recover the same level of social program costs as is being collected in the bundled rates of the electric public utility on the effective date of P.L.1999, c.23 (C.48:3-49 et al.). The board may subsequently order, pursuant to its rules and regulations, an increase or decrease in the societal benefits charge to reflect changes in the costs to the utility of administering existing social programs. Nothing in P.L.1999, c.23 (C.48:3-49 et al.) shall be construed to abolish or change any social program required by statute or board order or rule or regulation to be provided by an electric public utility. Any such social program shall continue to be provided by the utility until otherwise provided by law, unless the board determines that it is no longer appropriate for the electric public utility to provide the program, or the board chooses to modify the program;

(2) Nuclear plant decommissioning costs;

(3) The costs of demand side management programs that were approved by the board pursuant to its demand side management

regulations prior to April 30, 1997. For the purpose of establishing initial unbundled rates pursuant to section 4 of P.L.1999, c.23 (C.48:3-52), the societal benefits charge shall be set to recover the same level of demand side management program costs as is being collected in the bundled rates of the electric public utility on the effective date of P.L.1999, c.23 (C.48:3-49 et al.). Within four months of the effective date of P.L.1999, c.23 (C.48:3-49 et al.), and every four years thereafter, the board shall initiate a proceeding and cause to be undertaken a comprehensive resource analysis of energy programs, and within eight months of initiating such proceeding and after notice, provision of the opportunity for public comment, and public hearing, the board, in consultation with the Department of Environmental Protection, shall determine the appropriate level of funding for energy efficiency , plug-in electric vehicles and plug-in electric vehicle charging infrastructure, and Class I renewable energy programs that provide environmental benefits above and beyond those provided by standard offer or similar programs in effect as of the effective date of P.L.1999, c.23 (C.48:3-49 et al.); provided that the funding for such programs be no less than 50 percent of the total Statewide amount being collected in electric and gas public utility rates for demand side management programs on the effective date of P.L.1999, c.23 (C.48:3-49 et al.) for an initial period of four years from the issuance of the first comprehensive resource analysis following the effective date of P.L.1999, c.23 (C.48:3-49 et al..), and provided that 25 percent of this amount shall be used to provide funding for Class I renewable energy projects in the State. In each of the following fifth through eighth years, the Statewide funding for such programs shall be no less than 50 percent of the total Statewide amount being collected in electric and gas public utility rates for demand side management programs on the effective date of P.L.1999, c.23 (C.48:3-49 et al.), except that as additional funds are made available as a result of the expiration of past standard offer or similar commitments, the minimum amount of funding for such programs shall increase by an additional amount equal to 50 percent of the additional funds made available, until the minimum amount of funding dedicated to such programs reaches $140,000,000 total. After the eighth year the board shall make a determination as to the appropriate level of funding for these programs. Such programs shall include a program to provide financial incentives for the installation of Class I renewable energy projects in the State, and the board, in consultation with the Department of Environmental Protection, shall determine the level and total amount of such incentives as well as the renewable technologies eligible for such incentives which shall include, at a minimum, photovoltaic, wind, and fuel cells. The board shall simultaneously determine, as a result of the comprehensive resource analysis, the programs to be funded by the societal benefits charge, the level of cost recovery and

performance incentives for old and new programs and whether the recovery of demand side management programs' costs currently approved by the board may be reduced or extended over a longer period of time. The board shall make these determinations taking into consideration existing market barriers and environmental benefits, with the objective of transforming markets, capturing lost opportunities, making energy services more affordable for low income customers and eliminating subsidies for programs that can be delivered in the marketplace without electric public utility and gas public utility customer funding;

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

(5) The cost, of consumer education, as determined by the board, which shall be in an amount that, together with the consumer education surcharge imposed on electric power supplier license fees pursuant to subsection h. of section 29 of P.L.1999, c.23 (C.48:3-78) and the consumer education surcharge imposed on gas supplier license fees pursuant to subsection g. of section 30 of P.L.1999, c.23 (C.48:3-79), shall be sufficient to fund the consumer education program established pursuant to section 36 of P.L.1999, c.23 (C.48:3-85) ; and

(6) School and Small Business Energy Efficiency Stimulus Program grants, as determined by the board, issued pursuant to P.L. , c. (C.) (pending before the Legislature as this bill).

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

(cf: P.L.2019, c.362, c.13)

7. This act shall take effect immediately.