

SENATE CONCURRENT RESOLUTION No. 162

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED DECEMBER 6, 2021

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

SYNOPSIS

Proposes amendment to Constitution to dedicate revenues from societal benefits charge for certain energy-related uses established by law.

CURRENT VERSION OF TEXT

As introduced.



1 **A CONCURRENT RESOLUTION** proposing to amend Article VIII,
2 Section II of the Constitution of the State of New Jersey by
3 adding a new paragraph thereto.

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5 **BE IT RESOLVED** *by the Senate of the State of New Jersey (the*
6 *General Assembly concurring):*

7
8 1. The following proposed amendment to the Constitution of
9 the State of New Jersey is agreed to:

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11 PROPOSED AMENDMENT

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13 Amend Article VIII, Section II by adding a new paragraph 10 to
14 read as follows:

15 10. (a) Commencing July 1, 2023, there shall be credited in
16 each State fiscal year to a special account in the General Fund an
17 amount equivalent to the revenue derived from the societal benefits
18 charge imposed pursuant to section 12 of P.L.1999, c.23 (C.48:3-
19 60), as amended and supplemented, or any other State law of
20 similar effect.

21 (b) Except as otherwise provided in subparagraph (c) of this
22 paragraph, the amounts annually credited to the special account
23 established pursuant to subparagraph (a) of this paragraph shall be
24 dedicated and shall be appropriated from time to time by the
25 Legislature only for providing funding for the following purposes:
26 demand side management energy programs; energy efficiency
27 programs; renewable energy programs; manufactured gas plant
28 remediation; nuclear plant decommissioning; energy consumer
29 education programs; plug-in electric vehicles and plug-in electric
30 vehicle charging infrastructure; and social programs specified in
31 section 12 of P.L.1999, c.23 (C.48:3-60).

32 (c) (1) For State fiscal year 2024, up to \$92,000,000 of the
33 amount credited to the special account established pursuant to
34 subparagraph (a) of this paragraph may be appropriated by the
35 Legislature for providing funding for any purpose or purposes other
36 than those specified in paragraph (b) of this paragraph.

37 (2) For State fiscal year 2025, up to \$46,000,000 of the amount
38 credited to the special account established pursuant to subparagraph
39 (a) of this paragraph may be appropriated by the Legislature for
40 providing funding for any purpose or purposes other than those
41 specified in paragraph (b) of this paragraph.

42 (3) For State fiscal year 2026, up to \$23,000,000 of the amount
43 credited to the special account established pursuant to subparagraph
44 (a) of this paragraph may be appropriated by the Legislature for
45 providing funding for any purpose or purposes other than those
46 specified in paragraph (b) of this paragraph.

47 (d) It shall not be competent for the Legislature, under any
48 pretense whatever, to borrow, appropriate, or use the amounts

1 annually credited to the special account established pursuant to
2 subparagraph (a) of this paragraph, or any portion thereof, for any
3 purpose or in any manner other than as enumerated in this
4 paragraph.

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6 2. When this proposed amendment to the Constitution is finally
7 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it
8 shall be submitted to the people at the next general election
9 occurring more than three months after the final agreement and
10 shall be published at least once in at least one newspaper of each
11 county designated by the President of the Senate, the Speaker of the
12 General Assembly and the Secretary of State, not less than three
13 months prior to the general election.

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15 3. This proposed amendment to the Constitution shall be
16 submitted to the people at that election in the following manner and
17 form:

18 There shall be printed on each official ballot to be used at the
19 general election, the following:

20 a. In every municipality in which voting machines are not used,
21 a legend which shall immediately precede the question as follows:

22 If you favor the proposition printed below make a cross (X), plus
23 (+), or check (✓) in the square opposite the word "Yes." If you are
24 opposed thereto make a cross (X), plus (+) or check (✓) in the
25 square opposite the word "No."

26 b. In every municipality the following question:

	YES	<p>CONSTITUTIONAL AMENDMENT</p> <p>DEDICATING MONEYS COLLECTED FROM THE SOCIETAL BENEFITS CHARGE TO PAY FOR CERTAIN ENERGY PROGRAMS</p> <p>Do you approve amending the Constitution to dedicate all moneys collected from the societal benefits charge to pay for certain energy programs? By law, this charge is imposed on all electric and natural gas public utility customers.</p>
	NO	<p>INTERPRETIVE STATEMENT</p> <p>Every electric and natural gas public utility customer must pay an extra charge on their utility bill called the “societal benefits charge.” The law which created this charge requires that the moneys collected from it be used to pay for certain energy programs listed in that law. However, in recent years the State Budget law has allowed some of the moneys collected from the charge to be used for other purposes.</p> <p>This amendment would ensure that all of the moneys collected from the charge are used only to pay for certain energy programs. The programs that the charge would fund include energy efficiency, clean energy, and energy conservation programs, energy assistance for low-income residents, nuclear plant closing costs, plug-in electric vehicles and plug-in electric vehicle charging infrastructure, and site cleanup costs for certain closed energy plants.</p> <p>The amendment would gradually phase in the dedication over three years.</p>

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STATEMENT

This constitutional amendment would dedicate all revenue derived from the societal benefits charge imposed on electric and natural gas utility customers pursuant to section 12 of the “Electric Discount and Energy Competition Act” (EDECA), P.L.1999, c.23 (C.48:3-60), to provide funding for the following purposes: demand side management energy programs; energy efficiency programs; renewable energy programs; manufactured gas plant remediation; nuclear plant decommissioning; energy consumer education programs; plug-in electric vehicles and plug-in electric vehicle charging infrastructure; and social programs specified in section 12 of EDECA.

In recent years, the State’s annual appropriations act has appropriated some of the monies collected from the societal benefits charge to be used for purposes other than those specified above by law. This constitutional amendment would end that practice. The constitutional amendment, would phase-in the full dedication over a period of three years.