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[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR
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STATE OF NEW JERSEY
215th LEGISLATURE

ADOPTED DECEMBER 5, 2013

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SYNOPSIS

Establishes State Transportation Infrastructure Bank and Energy Bank within New Jersey Environmental Infrastructure Trust.

CURRENT VERSION OF TEXT

As amended by the Senate on December 19, 2013.

(Sponsorship Updated As Of: 1/14/2014)

1 AN ACT establishing a State Transportation Infrastructure Bank
2 ¹and Energy Bank¹ within the New Jersey Environmental
3 Infrastructure Trust, amending various parts of the statutory law,
4 supplementing Title 58 of the Revised Statutes, and repealing
5 P.L.1997, c.142.

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

9
10 1. Section 3 of P.L.1985, c.334 (C.58:11B-3) is amended to read as
11 follows:

12 3. As used in sections 1 through 27 of P.L.1985, c.334
13 (C.58:11B-1 through 58:11B-27) **and**, sections 23 through 27 of
14 P.L.1997, c.224 (C.58:11B-10.1 et al.) , and sections 24 through 30
15 of P.L. , c. (C.) (pending before the Legislature as this
16 bill):

17 "Bonds" means bonds issued by the trust pursuant to P.L.1985,
18 c.334 (C.58:11B-1 et seq.) **or**, P.L.1997, c.224 (C.58:11B-10.1 et
19 al.) **;**, or P.L. , c. (C.) (pending before the Legislature as
20 this bill).

21 "Class I renewable energy" means electric energy produced from
22 solar technologies, photovoltaic technologies, wind energy, fuel
23 cells, geothermal technologies, wave or tidal action, small scale
24 hydropower facilities with a capacity of three megawatts or less and
25 put into service after the effective date of P.L.2012, c.24, and
26 methane gas from landfills or a biomass facility, provided that the
27 biomass is cultivated and harvested in a sustainable manner.

28 "Class II renewable energy" means electric energy produced at a
29 hydropower facility with a capacity of greater than three megawatts
30 or a resource recovery facility, provided that such facility is located
31 where retail competition is permitted and provided further that the
32 Commissioner of Environmental Protection has determined that the
33 facility meets the highest environmental standards and minimizes
34 any impacts to the environment and local communities.

35 "Combined sewer system" means a sewer system designed to
36 carry sanitary wastewater at all times, which is also designed to
37 collect and transport stormwater runoff from streets and other
38 sources, thereby serving a combined purpose **;**.

39 "Combined sewer overflow" means the discharge of untreated or
40 partially treated stormwater runoff and wastewater from a combined
41 sewer system into a body of water **;**.

42 "Commissioner" means the Commissioner of **the** Department
43 of **Environmental Protection** **;**.

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 Senate floor amendments adopted December 19, 2013.

1 "Cost" means the cost of all labor, materials, machinery and
2 equipment, lands, property, rights and easements, financing
3 charges, interest on bonds, notes, or other obligations, plans and
4 specifications, surveys or estimates of costs and revenues,
5 engineering and legal services, and all other expenses necessary or
6 incident to all or part of an environmental infrastructure project **;**.

7 "Department" means the Department of Environmental
8 Protection **;**.

9 **1["Eligible energy"] Energy¹ project** means any work relating to
10 the acquisition, construction, repair, or reconstruction of all or part
11 of any structure, facility, or equipment, or real or personal property
12 necessary for or ancillary to the: ¹**[(a)] (1)** production, collection,
13 storage, improvement, distribution, maintenance, transmission,
14 supply, consumption, or conservation of Class I renewable energy,
15 Class II renewable energy, and gas energy; or ¹**[(b)] (2)** relocation
16 of power lines underground.

17 **1"Environmental infrastructure project"** means the acquisition,
18 construction, improvement, repair, or reconstruction of all or part of
19 any structure, facility, or equipment, or real or personal property
20 necessary for or ancillary to any: (1) wastewater treatment system
21 project, including any stormwater management or combined sewer
22 overflow abatement projects; or (2) water supply project, as
23 authorized pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.) or
24 P.L.1997, c.224 (C.58:11B-10.1 et al.), including any water
25 resources project, as authorized pursuant to P.L.2003, c.162.¹

26 **"Federal infrastructure bank program"** means the United States
27 Department of Transportation State Infrastructure Bank Program
28 provided for in section 350 of Pub.L.104-59 and Pub.L.102-240 as
29 amended or superseded.

30 "Local government unit" means (1) a State authority, county,
31 municipality, municipal, county or regional sewerage or utility
32 authority, municipal sewerage district, joint meeting, improvement
33 authority, or any other political subdivision of the State authorized
34 to construct, operate, and maintain wastewater treatment systems;
35 or (2) a State authority, district water supply commission, county,
36 municipality, municipal, county or regional utilities authority,
37 municipal water district, joint meeting, or any other political
38 subdivision of the State authorized pursuant to law to operate or
39 maintain a public water supply system or to construct, rehabilitate,
40 operate, or maintain water supply facilities or otherwise provide
41 water for human consumption **;**.

42 "Notes" means notes issued by the trust pursuant to P.L.1985,
43 c.334 (C.58:11B-1 et seq.) **[or]**, P.L.1997, c.224 (C.58:11B-10.1 et
44 al.) **;**, or P.L. , c. (C.) (pending before the Legislature as
45 this bill).

46 "Onsite septic system ordinance or regulation" means an
47 ordinance adopted by a municipality or county or regulation

1 adopted by a regional planning agency establishing the
2 requirements for construction, maintenance, and repair of onsite
3 wastewater treatment and disposal systems **[;]**.

4 "Onsite wastewater treatment and disposal system" means an on-
5 site system designed to treat and dispose of domestic sewage **[;]**.

6 "Other assistance" means forms of financial assistance, in
7 addition to loans authorized by the federal infrastructure bank
8 program, and the section 129 loan program, including, but not
9 limited to, the use of funds to: provide credit enhancements; serve
10 as a capital reserve for bond or other debt instrument financing;
11 subsidize interest rates; ensure the issuance of letters of credit and
12 credit instruments; finance purchase and lease agreements with
13 respect to transit projects; and provide bond or other debt financing
14 instrument security.

15 "Project" ¹**[or "environmental infrastructure project"]**¹ means
16 the acquisition, construction, improvement, repair, or reconstruction
17 of all or part of any structure, facility^{1, 1} or equipment, or real or
18 personal property necessary for or ancillary to any^{1, 1} (1) wastewater
19 treatment system project, including any stormwater management or
20 combined sewer overflow abatement projects; **[or]** (2) water supply
21 project, as authorized pursuant to P.L.1985, c.334 (C.58:11B-1 et
22 seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.), including any water
23 resources project, as authorized pursuant to P.L.2003, c.162; (3) any
24 transportation project authorized pursuant to P.L. , c. (C.)
25 (pending before the Legislature as this bill); or (4) any ¹**[eligible]**¹
26 energy project authorized pursuant to P.L. , c. (C.)
27 (pending before the Legislature as this bill).

28 "Public water utility" means any investor-owned water company
29 or small water company **[;]**.

30 "Small water company" means any company, purveyor, or entity,
31 other than a governmental agency, that provides water for human
32 consumption and which regularly serves less than 1,000 customer
33 connections, including nonprofit, noncommunity water systems
34 owned or operated by a nonprofit group or organization **[;]**.

35 "Section 129 loan program" means the federal program
36 authorized and established pursuant to section 129 of the Title 23 of
37 the United States Code.

38 "Stormwater management system" means any equipment, plants,
39 structures, machinery, apparatus, management practices, or land, or
40 any combination thereof, acquired, used, constructed, implemented,
41 or operated to prevent nonpoint source pollution, abate improper
42 cross-connections and interconnections between stormwater and
43 sewer systems, minimize stormwater runoff, reduce soil erosion, or
44 induce groundwater recharge, or any combination thereof **[;]**.

45 "Transportation project" shall have the same meaning as set forth
46 in section 3 of P.L.1984, c.73 (C.27:1B-3).

1 "Trust" means the New Jersey Environmental Infrastructure
2 Trust created pursuant to section 4 of P.L.1985, c.334 (C.58:11B-
3 4) **;**.

4 "Wastewater" means residential, commercial, industrial, or
5 agricultural liquid waste, sewage, septage, stormwater runoff, or
6 any combination thereof, or other liquid residue discharged or
7 collected into a sewer system or stormwater management system, or
8 any combination thereof **;**.

9 "Wastewater treatment system" means any equipment, plants,
10 structures, machinery, apparatus, or land, or any combination
11 thereof, acquired, used, constructed, or operated by, or on behalf of,
12 a local government unit for the storage, collection, reduction,
13 recycling, reclamation, disposal, separation, or other treatment of
14 wastewater or sewage sludge, or for the collection or treatment, or
15 both, of stormwater runoff and wastewater, or for the final disposal
16 of residues resulting from the treatment of wastewater, including,
17 but not limited to, pumping and ventilating stations, treatment
18 plants and works, connections, outfall sewers, interceptors, trunk
19 lines, stormwater management systems, and other personal property
20 and appurtenances necessary for their use or operation; "wastewater
21 treatment system" shall include a stormwater management system
22 or a combined sewer system **;**.

23 "Wastewater treatment system project" means any work relating
24 to the acquisition, construction, improvement, repair, or
25 reconstruction of all or part of any structure, facility, or equipment,
26 or real or personal property necessary for or ancillary to any
27 wastewater treatment system that meets the requirements set forth
28 in sections 20, 21, and 22 of P.L.1985, c.334 (C.58:11B-20,
29 58:11B-21, and 58:11B-22); or any work relating to any of the
30 stormwater management or combined sewer overflow abatement
31 projects identified in the stormwater management and combined
32 sewer overflow abatement project priority list adopted by the
33 commissioner pursuant to section 28 of P.L.1989, c.181; or any
34 work relating to the purposes set forth in section 6 of P.L.2003,
35 c.162; or any work relating to any other project eligible for
36 financing under the Federal Water Pollution Control Act
37 Amendments of 1972 (33 U.S.C. s.1251 et seq.), or any amendatory
38 or supplementary acts thereto **;**.

39 "Water resources project" means any work related to transferring
40 water between public water systems during a state of water
41 emergency, to avert a drought emergency in all or any part of the
42 State, to plan, design, or construct interconnections of existing
43 water supplies, or to extend water supplies to areas with
44 contaminated ground water supplies **;**.

45 "Water supply facilities" means and refers to the real property
46 and the plants, structures, interconnections between existing water
47 supply facilities, machinery and equipment, and other property,

1 real, personal, and mixed, acquired, constructed, or operated, or to
 2 be acquired, constructed, or operated, in whole or in part, by or on
 3 behalf of a public water utility, or by or on behalf of the State or a
 4 local government unit, for the purpose of augmenting the natural
 5 water resources of the State and making available an increased
 6 supply of water for all uses, or of conserving existing water
 7 resources, and any and all appurtenances necessary, useful, or
 8 convenient for the collecting, impounding, storing, improving,
 9 treating, filtering, conserving, or transmitting of water, and for the
 10 preservation and protection of these resources and facilities,
 11 whether in public or private ownership, and providing for the
 12 conservation and development of future water supply resources, and
 13 facilitating incidental recreational uses thereof **;**.

14 "Water supply project" means any work relating to the
 15 acquisition, construction, improvement, repair, or reconstruction of
 16 all or part of any structure, facility or equipment, or real or personal
 17 property necessary for or ancillary to water supply facilities that
 18 meets the requirements set forth in sections 24, 25, and 26 of
 19 P.L.1997, c.224 (C.58:11B-20.1, C.58:11B-21.1, and C.58:11B-
 20 22.1); or any work relating to the purposes set forth in section 4 of
 21 P.L.1981, c.261; or any work relating to the purposes set forth in
 22 section 6 of P.L.2003, c.162; or any work relating to any other
 23 project eligible for funding pursuant to the federal "Safe Drinking
 24 Water Act Amendments of 1996," Pub.L.104-182, and any
 25 amendatory and supplementary acts thereto.
 26 (cf: P.L.2009, c.103, s.1)

27
 28 2. Section 4 of P.L.1985, c.334 (C.58:11B-4) is amended as
 29 follows:

30 4. a. There is established in, but not of, the Department of
 31 Environmental Protection a body corporate and politic, with
 32 corporate succession, to be known as the "New Jersey
 33 Environmental Infrastructure Trust." The trust is constituted as an
 34 instrumentality of the State exercising public and essential
 35 governmental functions, no part of whose revenues shall accrue to
 36 the benefit of any individual, and the exercise by the trust of the
 37 powers conferred by the provisions of P.L.1985, c.334 (C.58:11B-1
 38 et seq.) **[or]**, P.L.1997, c.224 (C.58:11B-10.1 et al.), or P.L. ,
 39 c. (C.) (pending before the Legislature as this bill), shall be
 40 deemed and held to be an essential governmental function of the
 41 State.

42 b. The trust shall consist of **[a seven-member]** an 11 member
 43 board of directors composed of the State Treasurer, the
 44 Commissioner of the Department of Community Affairs, the
 45 Commissioner of Transportation, the President of the Board of
 46 Public Utilities, and the Commissioner of **[the Department of]**
 47 Environmental Protection, who shall be members ex officio; **[one**

1 person] two people appointed by the Governor upon the
2 recommendation of the President of the Senate, and [one person]
3 two people appointed by the Governor upon the recommendation of
4 the Speaker of the General Assembly, who shall serve during the
5 two-year legislative term in which they are appointed; and two
6 residents of the State appointed by the Governor with the advice
7 and consent of the Senate, who shall serve for terms of four years,
8 except that the first two appointed shall serve terms of two and
9 three years respectively. Each appointed director shall serve until
10 [his] that director's successor has been appointed and qualified. A
11 director is eligible for reappointment. Any vacancy shall be filled in
12 the same manner as the original appointment, but for the unexpired
13 term only.

14 With respect to those public members first appointed by the
15 Governor, the appointment of each of the two members upon the
16 advice and consent of the Senate shall become effective 30 days
17 after their nomination by the Governor if the Senate has not given
18 advice and consent on those nominations within that time period;
19 the President of the Senate and the Speaker of the General
20 Assembly each shall recommend to the Governor a public member
21 for appointment within 20 days following the effective date of [this
22 act] P.L.1985, c.334 (C.58:11B-1 et seq.), and a recommendation
23 made in this manner shall become effective if the Governor makes
24 the appointment in accordance with the recommendation, in writing,
25 within 10 days of the Governor's receipt thereof. In each instance
26 where the Governor fails to make the appointment, the President of
27 the Senate and the Speaker of the General Assembly shall make
28 new recommendations subject to appointment by the Governor as
29 determined in this section.

30 c. Each appointed director may be removed from office by the
31 Governor for cause, upon the Governor's consideration of the
32 findings and recommendations of an administrative law judge after
33 a public hearing before the judge, and may be suspended by the
34 Governor pending the completion of the hearing. Each director,
35 before entering upon [his] the director's duties, shall take and
36 subscribe an oath to perform the duties of [his] the director's office
37 faithfully, impartially, and justly to the best of [his] the director's
38 ability. A record of oaths shall be filed in the office of the Secretary
39 of State.

40 d. The Governor shall designate one of the appointed members
41 to be the chairman and chief executive officer of the trust and the
42 directors shall biannually elect a vice-chairman from among the
43 appointed directors. The chairman shall serve as such for a term of
44 two years and until a successor has been designated. A chairman
45 shall be eligible [to succeed himself] for one additional two-year
46 term. The directors shall elect a secretary and treasurer, who need

1 not be directors, and the same person may be elected to serve as
2 both secretary and treasurer.

3 The powers of the trust are vested in the directors in office from
4 time to time and ~~four~~ six directors shall constitute a quorum at
5 any meeting. Action may be taken and motions and resolutions
6 adopted by the trust by the affirmative majority vote of those
7 directors present, but in no event shall any action be taken or
8 motions or resolutions adopted without the affirmative vote of at
9 least ~~four members~~ six directors. No vacancy on the board of
10 directors of the trust shall impair the right of a quorum of the
11 directors to exercise the powers and perform the duties of the trust.

12 e. Each director and the treasurer of the trust shall execute a
13 bond to be conditioned upon the faithful performance of the duties
14 of the director or treasurer in a form and amount as may be
15 prescribed by the State Treasurer. Bonds shall be filed in the office
16 of the Secretary of State. At all times thereafter, the directors and
17 treasurer shall maintain these bonds in full effect. All costs of the
18 bonds shall be borne by the trust.

19 f. The directors of the trust shall serve without compensation,
20 but the trust shall reimburse the directors for actual and necessary
21 expenses incurred in the performance of their duties.
22 Notwithstanding the provisions of any other law to the contrary, no
23 officer or employee of the State shall be deemed to have forfeited or
24 shall forfeit ~~this~~ the officer's or employee's office or employment
25 or any benefits or emoluments thereof by reason of ~~this~~ the
26 officer's or employee's acceptance of the office of ex officio
27 director of the trust or ~~this~~ the ex officio director's services
28 thereon.

29 g. Each ex officio director may designate an officer of ~~this~~
30 the ex officio director's department to represent ~~him~~ the ex
31 officio director at meetings of the trust. Each designee may lawfully
32 vote and otherwise act on behalf of the director for whom ~~he~~ the
33 person constitutes the designee. The designation shall be delivered
34 in writing to the trust and shall continue in effect until revoked or
35 amended in writing and delivered to the trust.

36 h. The trust may be dissolved by law; provided the trust has no
37 debts or obligations outstanding or that provision has been made for
38 the payment or retirement of these debts or obligations. The trust
39 shall continue in existence until dissolved by act of the Legislature.
40 Upon any dissolution of the trust all property, funds, and assets of
41 the trust shall be vested in the State.

42 i. A true copy of the minutes of every meeting of the trust shall
43 be forthwith delivered by and under the certification of the secretary
44 thereof to the Governor and at the same time to the Senate and
45 General Assembly. The time and act of this delivery shall be duly
46 recorded on a delivery receipt. No action taken or motion or
47 resolution adopted at a meeting by the trust shall have effect until

1 10 days, exclusive of Saturdays, Sundays, and public holidays, after
2 a copy of the minutes has been delivered to the Governor, unless
3 during the 10-day period the Governor shall approve all or part of
4 the actions taken or motions or resolutions adopted, in which case
5 the action **[or]**, motion, or resolution shall become effective upon
6 the approval.

7 If, in the 10-day period, the Governor returns the copy of the
8 minutes with a veto of any action taken by the trust or any member
9 thereof at that meeting, the action shall be of no effect. The Senate
10 or General Assembly shall have the right to provide written
11 comments concerning the minutes to the Governor within the 10-
12 day period, which comments shall be returned to the trust by the
13 Governor with **[his]** the Governor's approval or veto of the
14 minutes.

15 The powers conferred in this subsection upon the Governor shall
16 be exercised with due regard for the rights of the holders of bonds,
17 notes, and other obligations of the trust at any time outstanding, and
18 nothing in, or done pursuant to, this subsection shall in any way
19 limit, restrict, or alter the obligation or powers of the trust or any
20 representative or officer of the trust to carry out and perform each
21 covenant, agreement, or contract made or entered into by or on
22 behalf of the trust with respect to its bonds, notes, or other
23 obligations or for the benefit, protection, or security of the holders
24 thereof.

25 j. No resolution or other action of the trust providing for the
26 issuance of bonds, refunding bonds, notes, or other obligations shall
27 be adopted or otherwise made effective by the trust without the
28 prior approval in writing of the Governor and the State Treasurer.
29 The trust shall provide the Senate and General Assembly with
30 written notice of any request for approval of the Governor and State
31 Treasurer at the time the request is made, and shall also provide the
32 Senate and General Assembly written notice of the response of the
33 Governor and State Treasurer at the time that the response is
34 received by the trust.

35 (cf: P.L.1997, c.224, s.5)

36
37 3. Section 5 of P.L.1985, c.334 (C.58:11B-5) is amended to
38 read as follows:

39 5. Except as otherwise limited by the provisions of P.L.1985,
40 c.334 (C.58:11B-1 et seq.) **[or]**, P.L.1997, c.224 (C.58:11B-10.1 et
41 al.), or P.L. , c. (C.) (pending before the Legislature as this
42 bill), the trust may:

43 a. Make and alter bylaws for its organization and internal
44 management and, subject to agreements with holders of its bonds,
45 notes or other obligations, make rules and regulations with respect
46 to its operations, properties, and facilities **[;]**.

47 b. Adopt an official seal and alter it **[;]**.

- 1 c. Sue and be sued **[:]**.
- 2 d. Make and enter into all contracts, leases, and agreements
3 necessary or incidental to the performance of its duties and the
4 exercise of its powers under the provisions of P.L.1985, c.334
5 (C.58:11B-1 et seq.) **[or]**, P.L.1997, c.224 (C.58:11B-10.1 et al.),
6 or P.L. , c. (C.) (pending before the Legislature as this bill),
7 and subject to any agreement with the holders of the trust's bonds,
8 notes, or other obligations, consent to any modification, amendment
9 or revision of any contract, lease, or agreement to which the trust is
10 a party **[:]**.
- 11 e. Enter into agreements or other transactions with and accept,
12 subject to the provisions of section 23 of P.L.1985, c.334
13 (C.58:11B-23), grants, appropriations, and the cooperation of the
14 State, or any State agency, in furtherance of the purposes of
15 P.L.1985, c.334 (C.58:11B-1 et seq.) **[or]**, P.L.1997, c.224
16 (C.58:11B-10.1 et al.), or P.L. , c. (C.) (pending before the
17 Legislature as this bill), and do anything necessary in order to avail
18 itself of that aid and cooperation **[:]**.
- 19 f. Receive and accept aid or contributions from any source of
20 money, property, labor, or other things of value, to be held, used,
21 and applied to carry out the purposes of P.L.1985, c.334 (C.58:11B-
22 1 et seq.) **[or]**, P.L.1997, c.224 (C.58:11B-10.1 et al.), or P.L. ,
23 c. (C.) (pending before the Legislature as this bill), subject to
24 the conditions upon which that aid and those contributions may be
25 made, including, but not limited to, gifts or grants from any
26 department or agency of the State, or any State agency, for any
27 purpose consistent with the provisions of P.L.1985, c.334
28 (C.58:11B-1 et seq.) **[or]**, P.L.1997, c.224 (C.58:11B-10.1 et al.),
29 or P.L. , c. (C.) (pending before the Legislature as this
30 bill), subject to the provisions of section 23 of P.L.1985, c.334
31 (C.58:11B-23) **[:]**.
- 32 g. Acquire, own, hold, construct, improve, rehabilitate,
33 renovate, operate, maintain, sell, assign, exchange, lease, mortgage,
34 or otherwise dispose of real and personal property, or any interest
35 therein, in the exercise of its powers and the performance of its
36 duties under the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.)
37 **[or]**, P.L.1997, c.224 (C.58:11B-10.1 et al.), or P.L. ,
38 c. (C.) (pending before the Legislature as this bill) **[:]**.
- 39 h. Appoint and employ an executive director and any other
40 officers or employees as it may require for the performance of its
41 duties, without regard to the provisions of Title 11A of the New
42 Jersey Statutes **[:]**.
- 43 i. Borrow money and issue bonds, notes, and other obligations,
44 and secure the same, and provide for the rights of the holders
45 thereof as provided in the provisions of P.L.1985, c.334 (C.58:11B-

1 1 et seq.) **【or】**, P.L.1997, c.224 (C.58:11B-10.1 et al.), or P.L.____,
2 c. (C.____) (pending before the Legislature as this bill) **【;】**.

3 j. Subject to any agreement with holders of its bonds, notes, or
4 other obligations, invest moneys of the trust not required for
5 immediate use, including proceeds from the sale of any bonds,
6 notes, or other obligations, in any obligations, securities, and other
7 investments in accordance with the rules and regulations of the
8 State Investment Council or as may otherwise be approved by the
9 Director of the Division of Investment in the Department of the
10 Treasury upon a finding that such investments are consistent with
11 the corporate purposes of the trust **【;】**.

12 k. Procure insurance to secure the payment of its bonds, notes,
13 or other obligations or the payment of any guarantees or loans made
14 by it in accordance with the provisions of P.L.1985, c.334
15 (C.58:11B-1 et seq.) **【or】**, P.L.1997, c.224 (C.58:11B-10.1 et al.),
16 or P.L.____, c. (C.____) (pending before the Legislature as this
17 bill), or against any loss in connection with its property and other
18 assets and operations, in any amounts and from any insurers as it
19 deems desirable **【;】**.

20 l. Engage the services of attorneys, accountants, engineers, and
21 financial experts and any other advisors, consultants, experts, and
22 agents as may be necessary in its judgment and fix their
23 compensation **【;】**.

24 m. (1) Make and contract to make loans to local government
25 units, or to a local government unit on behalf of another local
26 government unit, to finance the cost of wastewater treatment system
27 projects or water supply projects and acquire and contract to acquire
28 notes, bonds, or other obligations issued or to be issued by any local
29 government units to evidence the loans, all in accordance with the
30 provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997,
31 c.224 (C.58:11B-10.1 et al.);

32 (2) Make and contract to make loans to public water utilities, or
33 to any other person or local government unit on behalf of a public
34 water utility, to finance the cost of water supply projects in
35 accordance with the provisions of P.L.1985, c.334 (C.58:11B-1 et
36 seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.);

37 (3) Make and contract to make loans to private persons other
38 than local government units, or to any other person or local
39 government unit on behalf of a private person, to finance the cost of
40 onsite wastewater treatment and disposal systems or stormwater
41 management systems in accordance with the provisions of
42 P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-
43 10.1 et al.);

44 (4) Make and contract to make loans and provide other
45 assistance to any public or private entity to finance the cost of
46 transportation projects in accordance with the provisions of the
47 federal infrastructure bank program, the section 129 loan program

1 as permitted pursuant to federal law, any other applicable federal
2 laws regarding the use of federal funds for transportation projects,
3 and pursuant to P.L. , c. (C.) (pending before the
4 Legislature as this bill); and

5 (5) Make and contract to make loans and provide other
6 assistance to any public or private entity to finance the cost of
7 '[eligible]' energy projects in accordance with the provisions of
8 P.L. , c. (C.) (pending before the Legislature as this bill).

9 n. Subject to any agreement with holders of its bonds, notes, or
10 other obligations, purchase bonds, notes, and other obligations of
11 the trust and hold the same for resale or provide for the cancellation
12 thereof, all in accordance with the provisions of P.L.1985, c.334
13 (C.58:11B-1 et seq.) [or], P.L.1997, c.224 (C.58:11B-10.1 et al.),
14 or P.L. , c. (C.) (pending before the Legislature as this
15 bill)[;].

16 o. (1) Charge to and collect from local government units, private
17 persons, or public water utilities any fees and charges in connection
18 with the trust's loans, guarantees, or other services, including, but
19 not limited to, fees and charges sufficient to reimburse the trust for
20 all reasonable costs necessarily incurred by it in connection with its
21 financings and the establishment and maintenance of reserve or
22 other funds, as the trust may determine to be reasonable. The fees
23 and charges shall be in accordance with a uniform schedule
24 published by the trust for the purpose of providing actual cost
25 reimbursement for the services rendered;

26 (2) Any fees and charges collected by the trust pursuant to this
27 subsection may be deposited and maintained in a special fund
28 separate from any other funds held by the trust pursuant to section
29 10 of P.L.1985, c.334 (C.58:11B-10) or section 23 of P.L.1997,
30 c.224 (C.58:11B-10.1), including the Emergency Loan Fund
31 established pursuant to section 4 of P.L.2007, c.138 (C.58:11B-9.1),
32 and shall be available for any corporate purposes of the trust,
33 including the Emergency Financing Program pursuant to section 4
34 of P.L.2007, c.138 (C.58:11B-9.1) [;].

35 p. Subject to any agreement with holders of its bonds, notes, or
36 other obligations, obtain as security or to provide liquidity for
37 payment of all or any part of the principal of and interest and
38 premium on the bonds, notes, and other obligations of the trust or
39 for the purchase upon tender or otherwise of the bonds, notes, or
40 other obligations, lines of credit, letters of credit, and other security
41 agreements or instruments in any amounts and upon any terms as
42 the trust may determine, and pay any fees and expenses required in
43 connection therewith [;].

44 q. Provide to local government units any financial and credit
45 advice as these local government units may request [;].

1 r. Make payments to the State from any moneys of the trust
2 available therefor as may be required pursuant to any agreement
3 with the State or act appropriating moneys to the trust **;** and**;**

4 s. Take any action necessary or convenient to the exercise of
5 the foregoing powers or reasonably implied therefrom.
6 (cf: P.L.2009, c.103, s.2)

7
8 4. Section 6 of P.L.1985, c.334 (C.58:11B-6) is amended to
9 read as follows:

10 6. a. Except as may be otherwise expressly provided in the
11 provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) **;** or**;** P.L.1997,
12 c.224 (C.58:11B-10.1 et al.), or P.L. , c. (C.) (pending
13 before the Legislature as this bill), the trust may from time to time
14 issue its bonds, notes, or other obligations in any principal amounts
15 as in the judgment of the trust shall be necessary to provide
16 sufficient funds for any of its corporate purposes, including the
17 payment, funding, or refunding of the principal of, or interest or
18 redemption premiums on, any bonds, notes, or other obligations
19 issued by it, whether the bonds, notes, or other obligations or the
20 interest or redemption premiums thereon to be funded or refunded
21 have or have not become due, the establishment or increase of
22 reserves or other funds to secure or to pay the bonds, notes, or other
23 obligations or interest thereon and all other costs or expenses of the
24 trust incident to and necessary to carry out its corporate purposes
25 and powers.

26 b. Whether or not the bonds, notes, or other obligations of the
27 trust are of a form and character as to be negotiable instruments
28 under the terms of Title 12A of the New Jersey Statutes, the bonds,
29 notes, and other obligations are made negotiable instruments within
30 the meaning of and for the purposes of Title 12A of the New Jersey
31 Statutes, subject only to the provisions of the bonds, notes, and
32 other obligations for registration.

33 c. Bonds, notes, or other obligations of the trust shall be
34 authorized by a resolution or resolutions of the trust and may be
35 issued in one or more series and shall bear any date or dates, mature
36 at any time or times, bear interest at any rate or rates of interest per
37 annum, be in any denomination or denominations, be in any form,
38 either coupon, registered, or book entry, carry any conversion or
39 registration privileges, have any rank or priority, be executed in any
40 manner, be payable in any coin or currency of the United States
41 which at the time of payment is legal tender for the payment of
42 public and private debts, at any place or places within or without
43 the State, and be subject to any terms of redemption by the trust or
44 the holders thereof, with or without premium, as the resolution or
45 resolutions may provide. A resolution of the trust authorizing the
46 issuance of bonds, notes, or other obligations may provide that the
47 bonds, notes, or other obligations be secured by a trust indenture

1 between the trust and a trustee, vesting in the trustee any property,
 2 rights, powers, and duties in trust consistent with the provisions of
 3 P.L.1985, c.334 (C.58:11B-1 et seq.) **or**, P.L.1997, c.224
 4 (C.58:11B-10.1 et al.), or P.L. , c. (C.) (pending before the
 5 Legislature as this bill) as the trust may determine.

6 d. Bonds, notes, or other obligations of the trust may be sold at
 7 any price or prices and in any manner as the trust may determine.
 8 Each bond, note, or other obligation shall mature and be paid not
 9 later than **20** 30 years from the effective date thereof, or the
 10 certified useful life of the project or projects to be financed by the
 11 bonds, whichever is less, or such shorter period of time as shall be
 12 applicable to any companion loan issued pursuant to federal law or
 13 regulation.

14 All bonds of the trust shall be sold at **such** a price or prices and
 15 in **such** a manner as the trust shall determine, either: (1) pursuant
 16 to a private negotiated sale; or (2) pursuant to a competitive sale,
 17 and in the case of a competitive sale, after notice of sale, a summary
 18 of which shall be published at least once in at least three
 19 newspapers published in the State of New Jersey and at least once
 20 in a publication carrying municipal bond notices and devoted
 21 primarily to financial news published in New Jersey or the city of
 22 New York, the first summary notice to be at least five days prior to
 23 the day of bidding. The notice of sale may contain a provision to the
 24 effect that any or all bids made in pursuance thereof may be
 25 rejected. In the event of such rejection or of failure to receive any
 26 acceptable bid, the trust, at any time within 60 days from the date of
 27 such advertised sale, may sell such bonds at private sale upon terms
 28 not less favorable to the State than the terms offered by any rejected
 29 bid. The trust may sell all or part of the bonds of any series as
 30 issued to any State fund or to the federal government or any agency
 31 thereof, at private sale, without advertisement.

32 e. Bonds, notes or other obligations of the trust may be issued
 33 under the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) **or**,
 34 P.L.1997, c.224 (C.58:11B-10.1 et al.), or P.L. , c. (C.)
 35 (pending before the Legislature as this bill) without obtaining the
 36 consent of any department, division, board, bureau, or agency of the
 37 State, and without any other proceedings or the happening of any
 38 other conditions, or things, other than those consents, proceedings,
 39 conditions or things which are specifically required by P.L.1985,
 40 c.334 (C.58:11B-1 et seq.) **or**, P.L.1997, c.224 (C.58:11B-10.1 et
 41 al.), or P.L. , c. (C.) (pending before the Legislature as this
 42 bill).

43 f. Bonds, notes, or other obligations of the trust issued under
 44 the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) **or**,
 45 P.L.1997, c.224 (C.58:11B-10.1 et al.), or P.L. , c. (C.)
 46 (pending before the Legislature as this bill) shall not be a debt or
 47 liability of the State or of any political subdivision thereof other

1 than the trust and shall not create or constitute any indebtedness,
2 liability, or obligation of the State or any political subdivision, but
3 all these bonds, notes, and other obligations, unless funded or
4 refunded by bonds, notes, or other obligations, shall be payable
5 solely from revenues or funds pledged or available for their
6 payment as authorized in P.L.1985, c.334 (C.58:11B-1 et seq.) **[or],**
7 P.L.1997, c.224 (C.58:11B-10.1 et al.), or P.L. , c. (C.)
8 (pending before the Legislature as this bill). Each bond, note, and
9 obligation shall contain on its face a statement to the effect that the
10 trust is obligated to pay the principal thereof or the interest thereon
11 only from its revenues, receipts, or funds pledged or available for
12 their payment as authorized in P.L.1985, c.334 (C.58:11B-1 et seq.)
13 **[or],** P.L.1997, c.224 (C.58:11B-10.1 et al.), or P.L. ,
14 c. (C.) (pending before the Legislature as this bill), and that
15 neither the State, nor any political subdivision thereof, is obligated
16 to pay the principal or interest and that neither the faith and credit
17 nor the taxing power of the State, or any political subdivision
18 thereof, is pledged to the payment of the principal of or the interest
19 on the bonds, notes, or other obligations.

20 g. The aggregate principal amount of bonds, notes, or other
21 obligations, including subordinated indebtedness of the trust, shall
22 not exceed (1) \$5,000,000,000 with respect to the combined bonds,
23 notes, or other obligations issued to finance the Disaster Relief
24 Emergency Financing Program established pursuant to section 1 of
25 P.L.2013, c.93 (C.58:11B-9.5), and (2) \$2,800,000,000 with respect
26 to bonds, notes, or other obligations issued for all other purposes of
27 the trust. In computing the foregoing limitations there shall be
28 excluded all the bonds, notes, or other obligations, including
29 subordinated indebtedness of the trust, which shall be issued for
30 refunding purposes, whenever the refunding shall be determined to
31 result in a savings.

32 (1) Upon the decision by the trust to issue refunding bonds,
33 except for current refunding, and prior to the sale of those bonds,
34 the trust shall transmit to the Joint Budget Oversight Committee, or
35 its successor, a report that a decision has been made, reciting the
36 basis on which the decision was made, including an estimate of the
37 debt service savings to be achieved and the calculations upon which
38 the trust relied when making the decision to issue refunding bonds.
39 The report shall also disclose the intent of the trust to issue and sell
40 the refunding bonds at public or private sale and the reasons
41 therefor.

42 (2) The Joint Budget Oversight Committee or its successor shall
43 have the authority to approve or disapprove the sales of refunding
44 bonds as included in each report submitted in accordance with
45 paragraph (1) of this subsection. The committee shall notify the
46 trust in writing of the approval or disapproval within 30 days of
47 receipt of the report. Should the committee not act within 30 days

1 of receipt of the report, the trust may proceed with the sale of the
2 refunding bonds, provided that the sale of refunding bonds shall
3 realize not less than **【3.00%】** 3 percent net present value debt
4 service savings.

5 (3) No refunding bonds shall be issued unless the report has
6 been submitted to and approved by the Joint Budget Oversight
7 Committee or its successor as set forth in paragraphs (1) and (2) of
8 this subsection.

9 (4) Within 30 days after the sale of the refunding bonds, the
10 trust shall notify the committee of the result of that sale, including
11 the prices and terms, conditions, and regulations concerning the
12 refunding bonds, the actual amount of debt service savings to be
13 realized as a result of the sale of refunding bonds, and the intended
14 use of the proceeds from the sale of those bonds.

15 (5) The committee shall review all information and reports
16 submitted in accordance with this subsection and may, on its own
17 initiative, make observations to the trust, or to the Legislature, or
18 both, as it deems appropriate.

19 h. Each issue of bonds, notes, or other obligations of the trust
20 may, if it is determined by the trust, be general obligations thereof
21 payable out of any revenues, receipts, or funds of the trust, or
22 special obligations thereof payable out of particular revenues,
23 receipts, or funds, subject only to any agreements with the holders
24 of bonds, notes, or other obligations, and may be secured by one or
25 more of the following:

26 (1) Pledge of revenues and other receipts to be derived from the
27 payment of the interest on and principal of notes, bonds, or other
28 obligations issued to the trust by one or more local government
29 units, and any other payment made to the trust pursuant to
30 agreements with any local government units, or a pledge or
31 assignment of any notes, bonds, or other obligations of any local
32 government unit and the rights and interest of the trust therein;

33 (2) Pledge of rentals, receipts, and other revenues to be derived
34 from leases or other contractual arrangements with any person or
35 entity, public or private, including one or more local government
36 units, or a pledge or assignment of those leases or other contractual
37 arrangements and the rights and interest of the trust therein;

38 (3) Pledge of all moneys, funds, accounts, securities, and other
39 funds, including the proceeds of the bonds, notes, or other
40 obligations;

41 (4) Pledge of the receipts to be derived from the payments of
42 State aid, payable to the trust pursuant to section 12 of P.L.1985,
43 c.334 (C.58:11B-12);

44 (5) A mortgage on all or any part of the property, real or
45 personal, of the trust then owned or thereafter to be acquired, or a
46 pledge or assignment of mortgages made to the trust by any person

1 or entity, public or private, including one or more local government
2 units and the rights and interest of the trust therein.

3 i. The trust shall not issue any bonds, notes, or other
4 obligations, or otherwise incur any additional indebtedness, on or
5 after June 30, 2033.

6 j. (Deleted by amendment, P.L.1996, c.88).
7 (cf: P.L.2013, c.93, s.2)
8

9 5. Section 7 of P.L.1985, c.334 (C.58:11B-7) is amended to
10 read as follows:

11 7. In any resolution of the trust authorizing or relating to the
12 issuance of any of its bonds, notes, or other obligations, the trust, in
13 order to secure the payment of the bonds, notes, or other obligations
14 and in addition to its other powers, may by provisions therein which
15 shall constitute covenants by the trust and contracts with the holders
16 of the bonds, notes, or other obligations:

17 a. Secure the bonds, notes, or other obligations as provided in
18 section 6 of P.L.1985, c.334 (C.58:11B-6);

19 b. Covenant against pledging all or part of its revenues or
20 receipts;

21 c. Covenant with respect to limitations on any right to sell,
22 mortgage, lease, or otherwise dispose of any notes, bonds, or other
23 obligations of local government units, or any part thereof, or any
24 property of any kind;

25 d. Covenant as to any bonds, notes, or other obligations to be
26 issued by the trust, and the limitations thereon, and the terms and
27 conditions thereof, and as to the custody, application, investment,
28 and disposition of the proceeds thereof;

29 e. Covenant as to the issuance of additional bonds, notes, or
30 other obligations of the trust or as to limitations on the issuance of
31 additional bonds, notes, or other obligations and on the incurring of
32 other debts by it;

33 f. Covenant as to the payment of the principal of or interest on
34 bonds, notes, or other obligations of the trust, as to the sources and
35 methods of payment, as to the rank or priority of the bonds, notes,
36 or other obligations with respect to any lien or security or as to the
37 acceleration of the maturity of the bonds, notes, or other
38 obligations;

39 g. Provide for the replacement of lost, stolen, destroyed, or
40 mutilated bonds, notes, or other obligations of the trust;

41 h. Covenant against extending the time for the payment of
42 bonds, notes, or other obligations of the trust or interest thereon;

43 i. Covenant as to the redemption of bonds, notes, and other
44 obligations by the trust or the holders thereof and privileges of
45 exchange thereof for other bonds, notes, or other obligations of the
46 trust;

1 j. Covenant to create or authorize the creation of special funds
2 or accounts to be held in trust or otherwise for the benefit of holders
3 of bonds, notes, and other obligations of the trust, or reserves for
4 other purposes and as to the use, investment, and disposition of
5 moneys held in those funds, accounts, or reserves;

6 k. Provide for the rights and liabilities, powers, and duties
7 arising upon the breach of any covenant, condition, or obligation
8 and prescribe the events of default and terms and conditions upon
9 which any or all of the bonds, notes, or other obligations of the trust
10 shall become or may be declared due and payable before maturity
11 and the terms and conditions upon which the declaration and its
12 consequences may be waived;

13 l. Vest in a trustee or trustees within or without the State any
14 property, rights, powers, and duties in trust as the trust may
15 determine, which may include any or all of the rights, powers, and
16 duties of any trustee appointed by the holders of any bonds, notes,
17 or other obligations of the trust pursuant to section 18 of P.L.1985,
18 c.334 (C.58:11B-18), including rights with respect to the sale or
19 other disposition of notes, bonds, or other obligations of local
20 government units pledged pursuant to a resolution or trust indenture
21 for the benefit of the holders of bonds, notes, or other obligations of
22 the trust and the right by suit or action to foreclose any mortgage
23 pledged pursuant to the resolution or trust indenture for the benefit
24 of the holders of the bonds, notes, or other obligations, and to limit
25 or abrogate the right of the holders of any bonds, notes, or other
26 obligations of the trust to appoint a trustee under the provisions of
27 P.L.1985, c.334 (C.58:11B-1 et seq.) **【or】**, P.L.1997, c.224
28 (C.58:11B-10.1 et al.), or P.L. , c. (C.) (pending before the
29 Legislature as this bill), and to limit the rights, duties, and powers
30 of the trustee;

31 m. Pay the costs or expenses incident to the enforcement of the
32 bonds, notes, or other obligations of the trust or of the provisions of
33 the resolution authorizing the issuance of those bonds, notes, or
34 other obligations or of any covenant or agreement of the trust with
35 the holders of the bonds, notes, or other obligations;

36 n. Limit the rights of the holders of any bonds, notes, or other
37 obligations of the trust to enforce any pledge or covenant securing
38 the bonds, notes, or other obligations; and

39 o. Make covenants other than or in addition to the covenants
40 authorized by P.L.1985, c.334 (C.58:11B-1 et seq.) **【or】**, P.L.1997,
41 c.224 (C.58:11B-10.1 et al.), or P.L. , c. (C.) (pending
42 before the Legislature as this bill) of like or different character, and
43 make covenants to do or refrain from doing any acts and things as
44 may be necessary, or convenient and desirable, in order to better
45 secure the bonds, notes, or other obligations of the trust, or which,
46 in the absolute discretion of the trust, would make the bonds, notes,

1 or other obligations more marketable, notwithstanding that the
2 covenants, acts, or things may not be enumerated herein.
3 (cf: P.L.1997, c.224, s.8)
4

5 6. Section 9 of P.L.1985, c.334 (C.58:11B-9) is amended to
6 read as follows:

7 9. a. (1) The trust may make and contract to make loans to
8 local government units, or to a local government unit on behalf of
9 another local government unit, in accordance with and subject to the
10 provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997,
11 c.224 (C.58:11B-10.1 et al.) to finance the cost of any wastewater
12 treatment system project or water supply project, which the local
13 government unit may lawfully undertake or acquire and for which
14 the local government unit is authorized by law to borrow money.

15 (2) The trust may make and contract to make loans to public
16 water utilities, or to any other person or local government unit on
17 behalf of a public water utility, in accordance with and subject to
18 the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997,
19 c.224 (C.58:11B-10.1 et al.) to finance the cost of any water supply
20 project, which the public water utility may lawfully undertake or
21 acquire.

22 (3) The trust may make and contract to make loans to private
23 persons other than local government units, or to any other person or
24 local government unit on behalf of a private person, in accordance
25 with and subject to the provisions of P.L.1985, c.334 (C.58:11B-1
26 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to finance the cost
27 of stormwater management systems.

28 (4) The trust may make and contract to make loans and provide
29 other assistance to any '1[public or private]1' entity to finance the
30 cost of transportation projects in accordance with and subject to
31 P.L. , c. (C.) (pending before the Legislature as this bill).

32 (5) The trust may make and contract to make loans and provide
33 other assistance to any public or private entity to finance the cost of
34 '1[eligible]1' energy projects in accordance with and subject to the
35 provisions of P.L. c. (C.) (pending before the Legislature as
36 this bill).

37 The loans may be made subject to those terms and conditions as
38 the trust shall determine to be consistent with the purposes thereof.
39 Each loan by the trust and the terms and conditions thereof shall be
40 subject to approval by the State Treasurer, and the trust shall make
41 available to the State Treasurer all information, statistical data, and
42 reports of independent consultants or experts as the State Treasurer
43 shall deem necessary in order to evaluate the loan. Each loan to a
44 local government unit, public water utility, or any other person shall
45 be evidenced by notes, bonds, or other obligations thereof issued to
46 the trust. In the case of each local government unit, notes and
47 bonds to be issued to the trust by the local government unit (1) shall

1 be authorized and issued as provided by law for the issuance of
 2 notes and bonds by the local government unit, (2) shall be approved
 3 by the Local Finance Board in the Division of Local Government
 4 Services in the Department of Community Affairs, and (3)
 5 notwithstanding the provisions of N.J.S.40A:2-27, N.J.S.40A:2-28,
 6 and N.J.S.40A:2-29 or any other provisions of law to the contrary,
 7 may be sold at private sale to the trust at any price, whether or not
 8 less than par value, and shall be subject to redemption prior to
 9 maturity at any times and at any prices as the trust and local
 10 government units may agree. Each loan to a local government unit,
 11 public water utility, or any other person and the notes, bonds, or
 12 other obligations thereby issued shall bear interest at a rate or rates
 13 per annum as the trust and the local government unit, public water
 14 utility, or any other person, as the case may be, may agree.

15 b. The trust is authorized to guarantee or contract to guarantee
 16 the payment of all or any portion of the principal and interest on
 17 bonds, notes, or other obligations issued by a local government unit
 18 to finance the cost of any wastewater treatment system project **[or]**,
 19 water supply project, transportation project, or 'eligible' energy
 20 project, which the local government unit may lawfully undertake or
 21 acquire and for which the local government unit is authorized by
 22 law to borrow money, and the guarantee shall constitute an
 23 obligation of the trust for the purposes of P.L.1985, c.334
 24 (C.58:11B-1 et seq.) **[or]**, P.L.1997, c.224 (C.58:11B-10.1 et al.),
 25 or P.L. c. (C.) (pending before the Legislature as this bill).
 26 Each guarantee by the trust and the terms and conditions thereof
 27 shall be subject to approval by the State Treasurer, and the trust
 28 shall make available to the State Treasurer all information,
 29 statistical data, and reports of independent consultants or experts as
 30 the State Treasurer shall deem necessary in order to evaluate the
 31 guarantee.

32 c. The trust shall not make or contract to make any loans or
 33 guarantees to local government units, public water utilities, or any
 34 other person, or otherwise incur any additional indebtedness, on or
 35 after June 30, 2033.

36 d. Notwithstanding any provision of P.L.1985, c.334
 37 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to
 38 the contrary, the trust may receive funds from any source or issue
 39 its bonds, notes, or other obligations in any principal amounts as in
 40 the judgment of the trust shall be necessary to provide sufficient
 41 funds to finance or refinance short-term or temporary loans to local
 42 government units, public water utilities, or private persons for any
 43 wastewater treatment system projects included on the Department
 44 of Environmental Protection project priority list and eligible for
 45 approval pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20)
 46 or water supply projects included on the Department of
 47 Environmental Protection project priority list and eligible for

1 approval pursuant to section 24 of P.L.1997, c.224 (C.58:11B-20.1),
2 as applicable, without regard to any other provisions of P.L.1985,
3 c.334 or P.L.1997, c.224, including, without limitation, any
4 administrative or legislative approvals.

5 The trust shall create and establish a special fund (hereinafter
6 referred to as the "Interim Environmental Financing Program
7 Fund") for the short-term or temporary loan financing or
8 refinancing program (hereinafter referred to as the "Interim
9 Environmental Financing Program").

10 Any short-term or temporary loans made by the trust pursuant to
11 this subsection may only be made in advance of the anticipated
12 loans the trust may make and contract to make under the provisions
13 of subsection a. of this section from any source of funds anticipated
14 to be received by the trust. Any such short-term or temporary loan
15 made pursuant to the Interim Environmental Financing Program
16 shall mature no later than the last day of the third succeeding fiscal
17 year following the closing date on which the short-term or
18 temporary loan was made by the trust to the project sponsor. The
19 trust may make short-term or temporary loans pursuant to the
20 Interim Environmental Financing Program to any one or more of
21 the project sponsors, for the respective projects thereof, identified in
22 the interim financing project priority list (hereinafter referred to as
23 the "Interim Environmental Financing Program Eligibility List") in
24 the form provided to the Legislature by the Commissioner of
25 Environmental Protection.

26 Incremental revisions or supplements to the Interim
27 Environmental Financing Program Eligibility List may be submitted
28 to the Legislature at any time between January 15th and May 15th
29 of each year.

30 The Interim Environmental Financing Program Eligibility List,
31 including any revision thereof or supplement thereto, shall be
32 submitted to the Legislature on or before June 30 of each year on a
33 day when both Houses are meeting. The President of the Senate and
34 the Speaker of the General Assembly shall cause the date of
35 submission to be entered upon the Senate Journal and the Minutes
36 of the General Assembly, respectively. Any environmental
37 infrastructure project or the project sponsor thereof not identified in
38 the Interim Environmental Financing Program Eligibility List shall
39 not be eligible for a short-term or temporary loan from the Interim
40 Financing Program Fund.

41 e. Notwithstanding any provision of P.L.1985, c.334
42 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or
43 P.L. , c. (C.) (pending before the Legislature as this bill) to
44 the contrary, the trust may receive funds from any source or issue
45 its bonds, notes, or other obligations in any principal amounts as in
46 the judgment of the trust shall be necessary to provide sufficient
47 funds to finance or refinance short-term or temporary loans to local

1 government units or private persons for any transportation project
2 included on the Department of Transportation project priority list
3 and eligible for approval pursuant to P.L. , c. (C.) (pending
4 before the Legislature as this bill), without regard to any other
5 provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224
6 (C.58:11B-10 et al.), or P.L. c. (C.) (pending before the
7 Legislature as this bill), including, without limitation, any
8 administrative or legislative approvals.

9 The trust shall create and establish a special fund (hereinafter
10 referred to as the “Interim Transportation Financing Program
11 Fund”) for the short-term or temporary loan financing or
12 refinancing program (hereinafter referred to as the “Interim
13 Transportation Financing Program”).

14 Any short-term or temporary loans made by the trust pursuant to
15 this subsection may only be made in advance of the anticipated
16 loans the trust may make and contract to make under the provisions
17 of subsection a. of this section from any source of funds anticipated
18 to be received by the trust. Any such short-term or temporary loan
19 pursuant to the Interim Transportation Financing Program shall
20 mature no later than the last day of the third succeeding fiscal year
21 following the closing date on which such short-term or temporary
22 loan was made by the trust to the project sponsor. The trust may
23 make short-term or temporary loans pursuant to the Interim
24 Transportation Financing Program to any one or more of the project
25 sponsors, for the respective projects thereof, identified in the
26 interim financing project priority list (hereinafter referred to as the
27 “Interim Transportation Financing Program Eligibility List”) in the
28 form provided to the Legislature by the Commissioner of
29 Transportation.

30 Incremental revisions or supplements to the Interim
31 Transportation Financing Program Eligibility List may be submitted
32 to the Legislature at any time between January 15th and May 15th
33 of each year.

34 The Interim Transportation Financing Program Eligibility List,
35 including any revision thereof or supplement thereto, shall be
36 submitted to the Legislature on or before June 30 of each year on a
37 day when both Houses are meeting. The President of the Senate and
38 the Speaker of the General Assembly shall cause the date of
39 submission to be entered upon the Senate Journal and the Minutes
40 of the General Assembly, respectively. Any transportation project
41 or the project sponsor thereof not identified in the Interim
42 Transportation Financing Program Eligibility List shall not be
43 eligible for a short-term or temporary loan from the Interim
44 Transportation Financing Program Fund.

45 f. Notwithstanding any provision of P.L.1985, c.334
46 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or
47 P.L. , c. (C.) (pending before the Legislature as this bill) to

1 the contrary, the trust may receive funds from any source or issue
 2 its bonds, notes, or other obligations in any principal amounts as in
 3 the judgment of the trust shall be necessary to provide sufficient
 4 funds to finance or refinance short-term or temporary loans to local
 5 government units or private persons for any 'eligible' energy
 6 project eligible for approval pursuant to P.L. , c. (C.)
 7 (pending before the Legislature as this bill), without regard to any
 8 other provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997,
 9 c.224 (C.58:11B-10 et al.), or P.L. c. (C.) (pending before
 10 the Legislature as this bill), including, without limitation, any
 11 administrative or legislative approvals.

12 The trust shall create and establish a special fund (hereinafter
 13 referred to as the "Interim Energy Financing Program Fund") for
 14 the short-term or temporary loan financing or refinancing program
 15 (hereinafter referred to as the "Interim Energy Financing
 16 Program").

17 Any short-term or temporary loans made by the trust pursuant to
 18 this subsection may only be made in advance of the anticipated
 19 loans the trust may make and contract to make under the provisions
 20 of subsection a. of this section from any source of funds anticipated
 21 to be received by the trust. Any such short-term or temporary loan
 22 pursuant to the Interim Energy Financing Program shall mature no
 23 later than the last day of the third succeeding fiscal year following
 24 the closing date on which such short-term or temporary loan was
 25 made by the trust to the project sponsor. The trust may make short-
 26 term or temporary loans pursuant to the Interim Energy Financing
 27 Program to any one or more of the project sponsors, for the
 28 respective projects thereof, identified in a manner consistent with
 29 subsections b. and c. of this section of P.L. , c. (C.)
 30 (pending before the Legislature as this bill).

31 (cf: P.L.2013, c.93, s.3)

32
 33 7. Section 4 of P.L.2007, c.138 (C.58:11B-9.1) is amended to
 34 read as follows:

35 4. a. The trust shall create and establish a special emergency
 36 fund (hereinafter referred to as the "Emergency Loan Fund") for the
 37 emergency short-term or temporary loan financing or refinancing
 38 program (hereinafter referred to as the "Emergency Financing
 39 Program").

40 The Emergency Loan Fund shall be credited with:

41 (1) moneys deposited in the fund as administrative fees received
 42 by the trust pursuant to subsection o. of section 5 of P.L.1985, c.334
 43 (C.58:11B-5);

44 (2) moneys received by the trust as repayment of the principal
 45 of and the interest or premium on loans made from the fund;

46 (3) any interest earnings received on the moneys in the fund;
 47 and

(4) such other moneys as the Legislature may appropriate to the trust for deposit into the fund at any time to finance or refinance emergency short-term or temporary loans pursuant to the Emergency Financing Program.

b. Notwithstanding any provision of P.L.1985, c.334 (C.58:11B-1 et seq.) ~~【or】~~ P.L.1997, c.224 (C.58:11B-10.1 et al.), or P.L. , c. (C.) (pending before the Legislature as this bill) to the contrary, the trust may make emergency short-term or temporary loans to (1) local government units to finance or refinance wastewater treatment system projects not included on the project priority list for the ensuing fiscal year or eligible for approval pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20); or (2) public water utilities or private persons to finance or refinance water supply projects not included on the project priority list for the ensuing fiscal year or eligible for approval pursuant to section 24 of P.L.1997, c.224 (C.58:11B-20.1), as applicable, whenever the Commissioner of Environmental Protection has determined and certified, in writing, that any such project constitutes an emergency project because of an imminent threat to the environment or the public health, safety, or welfare caused by structural or mechanical failure, sabotage or act of God, without regard to any other provisions of P.L.1985, c.334 ~~【or】~~ (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.) or P.L. , c. (C.) (pending before the Legislature as this bill), including, without limitation, the provisions of section 20 of P.L.1985, c.334 (C.58:11B-20), section 24 of P.L.1997, c.224 (C.58:11B-20.1), the Interim ¹Environmental Financing Program Eligibility List pursuant to subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9), or any administrative or legislative approvals. (cf: P.L.2007, c.138, s.4)

8. Section 1 of P.L.2009, c.59 (C.58:11B-9.2) is amended to read as follows:

1. a. The trust shall create and establish a special fund (hereinafter referred to as the "Planning and Design Fund") for the short-term or temporary financing or refinancing of environmental planning and engineering design costs (hereinafter referred to as the "Planning and Design Financing Program").

The Planning and Design Fund shall be credited with:

(1) moneys deposited in the fund as administrative fees received by the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5);

(2) moneys received by the trust as repayment of the principal of and the interest or premium on loans made from the fund;

(3) any interest earnings received on the moneys in the fund;

(4) moneys deposited in the Interim ¹Environmental Financing Program Fund established pursuant to section 9 of P.L.1985, c.334

1 (C.58:11B-9) subject to the provisions of subsection c. of this
2 section; and

3 (5) such other moneys as the Legislature may appropriate to the
4 trust for deposit into the fund at any time to finance or refinance
5 short-term or temporary loans pursuant to the Planning and Design
6 Financing Program.

7 b. Notwithstanding any provision of P.L.1985, c.334
8 (C.58:11B-1 et seq.) **[or]**, P.L.1997, c.224 (C.58:11B-10.1 et al.),
9 or P.L. , c. (C.) (pending before the Legislature as this bill)
10 to the contrary, the trust may make short-term or temporary loans
11 for environmental planning and engineering design costs to (1) local
12 government units to finance or refinance wastewater treatment
13 system projects not included on the project priority list for the
14 ensuing fiscal year or eligible for approval pursuant to section 20 of
15 P.L.1985, c.334 (C.58:11B-20); or (2) public water utilities or
16 private persons to finance or refinance water supply projects not
17 included on the project priority list for the ensuing fiscal year or
18 eligible for approval pursuant to section 24 of P.L.1997, c.224
19 (C.58:11B-20.1), as applicable, without regard to any other
20 provisions of P.L.1985, c.334 **[or]** (C.58:11B-1 et seq.), P.L.1997,
21 c.224 (C.58:11B-10.1 et al.), or P.L. , c. (C.) (pending
22 before the Legislature as this bill), including, without limitation, the
23 provisions of section 20 of P.L.1985, c.334 (C.58:11B-20), section
24 24 of P.L.1997, c.224 (C.58:11B-20.1), the Interim
25 'Environmental' Financing Program Eligibility List pursuant to
26 subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9), or any
27 administrative or legislative approvals.

28 c. Notwithstanding any provision of P.L.1985, c.334
29 (C.58:11B-1 et seq.) **[or]**, P.L.1997, c.224 (C.58:11B-10.1 et al.),
30 or P.L. , c. (C.) (pending before the Legislature as this bill)
31 to the contrary, the trust may utilize moneys deposited in the
32 Interim 'Environmental' Financing Program Fund established
33 pursuant to subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-
34 9) to make short-term or temporary loans for environmental
35 planning and engineering design costs to (1) local government units
36 to finance or refinance wastewater treatment system projects
37 included on the project priority list pursuant to section 20 of
38 P.L.1985, c.334 (C.58:11B-20); or (2) public water utilities or
39 private persons to finance or refinance water supply projects
40 included on the project priority list pursuant to section 24 of
41 P.L.1997, c.224 (C.58:11B-20.1), as applicable, in advance of the
42 anticipated loans the trust may make and contract to make under the
43 provisions of subsection a. of section 9 of P.L.1985, c.334
44 (C.58:11B-9) to be financed or refinanced through the issuance of
45 bonds, notes or other obligations of the trust authorized under
46 section 6 of P.L.1985, c.334 (C.58:11B-6), without regard to any
47 other provisions of P.L.1985, c.334 **[or]** (C.58:11B-1 et seq.),

1 P.L.1997, c.224 (C.58:11B-10.1 et al.), or P.L. , c. (C.)
2 (pending before the Legislature as this bill), including, without
3 limitation, the provisions of section 20 of P.L.1985, c.334
4 (C.58:11B-20), section 24 of P.L.1997, c.224 (C.58:11B-20.1), the
5 Interim ¹Environmental Financing Program Eligibility List
6 pursuant to subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-
7 9), or any administrative or legislative approvals.
8 (cf: P.L.2009, c.59, s.1)
9
10 9. Section 5 of P.L.2009, c.103 (C.58:11B-9.3) is amended to
11 read as follows:
12 5. a. The trust shall create and establish a special fund
13 (hereinafter referred to as the "Onsite Wastewater Disposal Loan
14 Fund") for the purposes of an onsite wastewater disposal loan
15 financing or refinancing program (hereinafter referred to as the
16 "Onsite Wastewater Disposal Financing Program").
17 The Onsite Wastewater Disposal Loan Fund shall be credited
18 with:
19 (1) moneys deposited in the fund as administrative fees received
20 by the trust pursuant to subsection o. of section 5 of P.L.1985, c.334
21 (C.58:11B-5);
22 (2) moneys received by the trust as repayment of the principal
23 of and the interest or premium on loans made from the fund;
24 (3) any interest earnings received on the moneys in the fund;
25 and
26 (4) such other moneys as the Legislature may appropriate to the
27 trust for deposit into the fund at any time to finance or refinance
28 onsite wastewater disposal loans pursuant to the Onsite Wastewater
29 Disposal Financing Program.
30 b. Notwithstanding any provision of P.L.1985, c.334
31 (C.58:11B-1 et seq.) **【or】** P.L.1997, c.224 (C.58:11B-10.1 et al.),
32 or P.L. , c. (C.) (pending before the Legislature as this bill)
33 to the contrary, the trust may make onsite wastewater disposal loans
34 for a period not to exceed 10 years to private persons or to local
35 government units on behalf of private persons to finance the cost of
36 alterations, repairs, or replacements to individual subsurface sewage
37 disposal systems performed pursuant to an onsite septic system
38 ordinance approved by the Department of Environmental
39 Protection, the New Jersey Pinelands Commission, or the New
40 Jersey Highlands Council, without regard to any other provisions of
41 P.L.1985, c.334 **【or】** (C.58:11B-1 et seq.), P.L.1997, c.224
42 (C.58:11B-10.1 et al.), or P.L. , c. (C.) (pending before the
43 Legislature as this bill), including, without limitation, the
44 provisions of section 20 of P.L.1985, c.334 (C.58:11B-20), section
45 24 of P.L.1997, c.224 (C.58:11B-20.1), the Interim
46 ¹Environmental Financing Program Eligibility List pursuant to

1 subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9), or any
2 administrative or legislative approvals.
3 (cf: P.L.2011, c.94, s.1)
4

5 10. Section 2 of P.L.2011, c.94 (C.58:11B-9.4) is amended to
6 read as follows:

7 2. a. The trust shall create and establish a special fund
8 **[(hereinafter referred] to be known** as the "Supplemental Loan
9 Fund"**)]** for the short-term or temporary supplemental loan
10 financing or refinancing program (hereinafter referred to as the
11 "Supplemental Financing Program").

12 The Supplemental Loan Fund shall be credited with:

13 (1) moneys deposited in the fund as administrative fees received
14 by the trust pursuant to subsection o. of section 5 of P.L.1985, c.334
15 (C.58:11B-5);

16 (2) moneys received by the trust as repayment of the principal
17 of and the interest or premium on loans made from the fund;

18 (3) any interest earnings received on the moneys in the fund;
19 and

20 (4) such other moneys as the Legislature may appropriate to the
21 trust for deposit into the fund at any time to finance or refinance
22 short-term or temporary supplemental loans pursuant to the
23 Supplemental Financing Program.

24 b. Notwithstanding any provision of P.L.1985, c.334
25 (C.58:11B-1 et seq.) **[or]**, P.L.1997, c.224 (C.58:11B-10.1 et al.),
26 or P.L. , c. (C.) (pending before the Legislature as this bill)
27 to the contrary, the trust may make short-term or temporary loans
28 for a project for which a loan has been previously issued pursuant to
29 subsection a. of section 9 of P.L.1985, c.334 (C.58:11B-9) to pay
30 for eligible costs incurred in excess of the previous loan amount for
31 activities specifically approved in the previous project loan to: (1)
32 local government units to finance or refinance wastewater treatment
33 system projects not included on the project priority list for the
34 ensuing fiscal year or eligible for approval pursuant to section 20 of
35 P.L.1985, c.334 (C.58:11B-20); or (2) public water utilities or
36 private persons to finance or refinance water supply projects not
37 included on the project priority list for the ensuing fiscal year or
38 eligible for approval pursuant to section 24 of P.L.1997, c.224
39 (C.58:11B-20.1), as applicable, without regard to any other
40 provisions of P.L.1985, c.334 **[or]** (C.58:11B-1 et seq.), P.L.1997,
41 c.224 (C.58:11B-10.1 et al.), or P.L. , c. (C.) (pending
42 before the Legislature as this bill), including, without limitation, the
43 provisions of section 20 of P.L.1985, c.334 (C.58:11B-20), section
44 24 of P.L.1997, c.224 (C.58:11B-20.1), the Interim
45 'Environmental' Financing Program Eligibility List pursuant to
46 subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9), or any

1 administrative or legislative approvals.

2 (cf: P.L.2011, c.94, s.2)

3

4 11. Section 10 of P.L.1985, c.334 (C.58:11B-10) is amended to
5 read as follows:

6 10. The trust shall create and establish a special fund to be
7 known as the "wastewater treatment system general loan fund."

8 Subject to the provisions of the legislation appropriating moneys
9 to the trust, subject to any other provision of P.L.1985, c.334
10 (C.58:11B-1 et seq.) **【or】**, P.L.1997, c.224 (C.58:11B-10.1 et al.),
11 or P.L. , c. (C.) (pending before the Legislature as this bill)
12 providing otherwise, and subject to agreements with the holders of
13 bonds, notes, and other obligations of the trust, the trust shall
14 deposit into the wastewater treatment system general loan fund all
15 revenues and receipts of the trust, including moneys received by the
16 trust as payment of the principal of and the interest or premium on
17 loans made from moneys in any wastewater treatment system fund
18 or account held by the trust under P.L.1985, c.334 (C.58:11B-1 et
19 seq.) **【or】**, P.L.1997, c.224 (C.58:11B-10.1 et al.), or P.L. ,
20 c. (C.) (pending before the Legislature as this bill), and the
21 earnings on the moneys in any wastewater treatment system fund or
22 account of the trust, and all grants, appropriations, other than those
23 referred to in section 11 of P.L.1985, c.334 (C.58:11B-11),
24 contributions, or other moneys from any source, available for the
25 making of loans to local government units. The amounts in the
26 wastewater treatment system general loan fund shall be available
27 for application by the trust for loans to local government units for
28 the cost of wastewater treatment system projects, and for other
29 corporate purposes of the trust related to wastewater treatment
30 systems, subject to agreements with the holders of bonds, notes, or
31 other obligations of the trust.

32 (cf: P.L.1997, c.224, s.10)

33

34 12. Section 23 of P.L.1997, c.224 (C.58:11B-10.1) is amended
35 to read as follows:

36 23. The trust shall create and establish a special fund to be
37 known as the "water supply facilities general loan fund."

38 Subject to the provisions of the legislation appropriating moneys
39 to the trust, subject to any other provision of P.L.1985, c.334
40 (C.58:11B-1 et seq.) **【or】**, P.L.1997, c.224 (C.58:11B-10.1 et al.),
41 or P.L. , c. (C.) (pending before the Legislature as this bill)
42 providing otherwise, and subject to agreements with the holders of
43 bonds, notes, and other obligations of the trust, the trust shall
44 deposit into the water supply facilities general loan fund all
45 revenues and receipts of the trust, including moneys received by the
46 trust as payment of the principal of and the interest or premium on
47 loans made from moneys in any fund or account held by the trust

1 under the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) **【or】**,
 2 P.L.1997, c.224 (C.58:11B-10.1 et al.), or P.L. , c. (C.)
 3 (pending before the Legislature as this bill), and the earnings on the
 4 moneys in any fund or account of the trust, and all grants,
 5 appropriations, other than those referred to in section 11 of
 6 P.L.1985, c.334 (C.58:11B-11), contributions, or other moneys
 7 from any source, available for the making of loans to local
 8 government units, public water utilities, or to any other person or
 9 local government unit on behalf of a public water utility, for water
 10 supply projects. The amounts in the water supply facilities general
 11 loan fund shall be available for application by the trust for loans to
 12 local government units, public water utilities, or any other person
 13 for the cost of water supply projects, and for other corporate
 14 purposes of the trust, subject to agreements with the holders of
 15 bonds, notes, or other obligations of the trust.
 16 (cf: P.L.1999, c.175, s.4)

17
 18 13. Section 12 of P.L.1985, c.334 (C.58:11B-12) is amended to
 19 read as follows:

20 12. a. To assure the continued operation and solvency of the
 21 trust, the trust may require that if a local government unit fails or is
 22 unable to pay to the trust in full when due any obligations of the
 23 local government unit to the trust, an amount sufficient to satisfy
 24 the deficiency shall be paid by the State Treasurer to the trust from
 25 State aid payable to the local government unit. As used in this
 26 section, obligations of the local government unit include the
 27 principal of or interest on bonds, notes, or other obligations of a
 28 local government unit issued to or guaranteed by the trust, including
 29 the subrogation of the trust to the right of the holders of those
 30 obligations, any fees or charges payable to the trust, and any
 31 amounts payable by a local government unit under any service
 32 contract or other contractual arrangement the payments under which
 33 are pledged to secure any bonds or notes issued to the trust by
 34 another local government unit. State aid includes business personal
 35 property tax replacement revenues, State urban aid, and State
 36 revenue sharing, as these terms are defined in section 2 of P.L.1976,
 37 c.38 (C.40A:3-3), or other similar forms of State aid payable to the
 38 local government unit and to the extent permitted by federal law,
 39 federal moneys appropriated or apportioned to the local government
 40 unit by the State. State aid shall also include county and municipal
 41 transportation aid issued pursuant to section 25 of P.L.1984, c.73
 42 (C.27:1B-25) for loans made in support of transportation projects.

43 (1) If the trust requires, and there has been a failure or inability
 44 by a local government unit to pay its obligations to the trust
 45 remaining uncured for a period of 30 days, the chairman of the trust
 46 shall certify to the State Treasurer, with written notice to the fiscal
 47 officer of the local government unit and to the Legislature, the

1 amount remaining unpaid, and the State Treasurer shall pay that
2 amount to the trust, or if the right to receive those payments has
3 been pledged or assigned to a trustee for benefit of the holders of
4 bonds, notes, or other obligations of the trust, to that trustee, out of
5 the State aid payable to the local government unit, until the amount
6 so certified is paid.

7 (2) The amount paid over to the trust shall be deducted from the
8 corresponding appropriation or apportionment of State aid payable
9 to the local government unit and shall not obligate the State to
10 make, nor entitle the local government unit to receive, any
11 additional appropriation or apportionment. The obligation of the
12 State Treasurer to make payments to the trust or trustee and the
13 right of the trust or trustee to receive those payments shall be
14 subject and subordinate to the rights of holders of qualified bonds
15 issued or to be issued pursuant to P.L. 1976,c.38 (C.40A:3-1 et
16 seq.).

17 (3) In those instances where the local government units are
18 municipal or county sewerage, utility or improvement authorities
19 created pursuant to P.L.1946, c.138 (C.40:14A-1 et seq.) or
20 P.L.1957, c.183 [(C 40:14B-1 et seq.)] (C.40:14B-1 et seq.), the
21 trust may require the municipalities or counties which receive
22 service or other benefits from the districts or authorities to enter
23 into service contracts or other contractual arrangements under
24 which they would be required to make payments which would
25 satisfy any deficiencies in the revenues of the districts or authorities
26 to repay the loans made by the trust, which contracts would be
27 pledged to secure the payment of the loans of the trust.

28 b. Whenever a local government unit covenants or pledges to
29 or secures the payment of its obligations to the trust by, in whole or
30 in part, certain revenues of the local government unit derived by the
31 local government unit from the imposition of rates, fees, and
32 charges, [and the local government unit,] and if payments by
33 another local government unit under a service contract or other
34 contractual arrangement are pledged to the payment of the
35 obligations, ¹and¹ the other local government unit, fails or is unable
36 to pay in full ¹,¹ when due ¹,¹ any of the obligations ¹,¹ and the
37 State aid revenues for any reason have not been made available for
38 the payment of the obligations or have not been made available in
39 sufficient amounts to pay the obligations in full, the trust is
40 authorized during the period of such failure to cause the local
41 government unit, in accordance with the covenants or pledges
42 established in any loan or other agreement relating thereto, to
43 establish and collect rates, fees, and charges in the amounts required
44 to pay the obligations in accordance with the covenants or pledges
45 established in the loan or other agreement relating thereto.

46 c. In the event that a private entity receiving a loan from the trust
47 fails or is unable to pay to the trust in full when due any obligations

1 of the private entity to the trust, the trust shall have the authority to
2 exercise any and all recourses available to it under the law in an
3 effort to recover any amounts owed to the trust.

4 (cf: P.L.1985, c.334, s.12)

5
6 14. Section 13 of P.L.1985, c.334 (C.58:11B-13) is amended to
7 read as follows:

8 13. Neither the directors of the trust nor any person executing
9 bonds, notes, or other obligations of the trust issued pursuant to
10 P.L.1985, c.334 (C.58:11B-1 et seq.) **【or】**, P.L.1997, c.224
11 (C.58:11B-10.1 et al.), or P.L. , c. (C.) (pending before the
12 Legislature as this bill) shall be liable personally on the bonds,
13 notes, or other obligations by reason of the issuance thereof.

14 (cf: P.L.1997, c.224, s.11)

15
16 15. Section 14 of P.L.1985, c.334 (C.58:11B-14) is amended to
17 read as follows:

18 14. The State does pledge to and covenant and agree with the
19 holders of any bonds, notes, or other obligations of the trust issued
20 pursuant to authorization of P.L.1985, c.334 (C.58:11B-1 et seq.)
21 **【or】**, P.L.1997, c.224 (C.58:11B-10.1 et al.), or P.L. , c. (C.)
22 (pending before the Legislature as this bill) that the State shall not
23 limit or alter the rights or powers vested in the trust to perform and
24 fulfill the terms of any agreement made with the holders of the
25 bonds, notes, or other obligations or to fix, establish, charge, and
26 collect any rents, fees, rates, payments, or other charges as may be
27 convenient or necessary to produce sufficient revenues to meet all
28 expenses of the trust and to fulfill the terms of any agreement made
29 with the holders of bonds, notes, or other obligations, including the
30 obligations to pay the principal of and interest and premium on
31 those bonds, notes, or other obligations, with interest on any unpaid
32 installments of interest, and all costs and expenses in connection
33 with any action or proceedings by or on behalf of the holders, and
34 shall not limit or alter the rights and powers of any local
35 government unit to pay and perform its obligations owed to the trust
36 in connection with loans received from the trust, until the bonds,
37 notes, and other obligations of the trust, together with interest
38 thereon, are fully met and discharged or provided for.

39 (cf: P.L.1997, c.224, s.12)

40
41 16. Section 15 of P.L.1985, c.334 (C.58:11B-15) is amended to
42 read as follows:

43 15. The State and all public officers, governmental units, and
44 agencies thereof, all banks, trust companies, savings banks and
45 institutions, building and loan associations, savings and loan
46 associations, investment companies, and other persons carrying on a
47 banking business, all insurance companies, insurance associations,

1 and other persons carrying on an insurance business, and all
2 executors, administrators, guardians, trustees, and other fiduciaries
3 may legally invest any sinking funds, moneys, or other funds
4 belonging to them or within their control in any bonds, notes, or
5 other obligations issued pursuant to P.L.1985, c.334 (C.58:11B-1 et
6 seq.) **【or】**, P.L.1997, c.224 (C.58:11B-10.1 et al.), or P.L. _____,
7 c. (C. _____) (pending before the Legislature as this bill), and those
8 bonds, notes, or other obligations shall be authorized security for
9 any and all public deposits.

10 (cf: P.L.1997, c.224, s.13)

11
12 17. Section 17 of P.L.1985, c.334 (C.58:11B-17) is amended to
13 read as follows:

14 17. All property of the trust is declared to be public property
15 devoted to an essential public and governmental function and
16 purpose and the revenues, income, and other moneys received or to
17 be received by the trust shall be exempt from all taxes of the State
18 or any political subdivision thereof. All bonds, notes, and other
19 obligations of the trust issued pursuant to P.L.1985, c.334
20 (C.58:11B-1 et seq.) **【or】**, P.L.1997, c.224 (C.58:11B-10.1 et al.),
21 or P.L. _____, c. (C. _____) (pending before the Legislature as this bill)
22 are declared to be issued by a body corporate and politic of the
23 State and for an essential public and governmental purpose and
24 those bonds, notes, and other obligations, and interest thereon and
25 the income therefrom and from the sale, exchange, or other transfer
26 thereof shall at all times be exempt from taxation, except for
27 transfer inheritance and estate taxes.

28 (cf: P.L.1997, c.224, s.14)

29
30 18. Section 18 of P.L.1985, c.334 (C.58:11B-18) is amended to
31 read as follows:

32 18. a. If the trust defaults in the payment of principal of, or
33 interest on, any issue of its bonds, notes, or other obligations after
34 these are due, whether at maturity or upon call for redemption, and
35 the default continues for a period of 30 days or if the trust defaults
36 in any agreement made with the holders of any issue of bonds,
37 notes, or other obligations, the holders of **【25%】** 25 percent in
38 aggregate principal amount of the bonds, notes, or other obligations
39 of the issue then outstanding, by instrument or instruments filed in
40 the office of the clerk of any county in which the trust operates and
41 has an office and proved or acknowledged in the same manner as
42 required for a deed to be recorded, may direct a trustee to represent
43 the holders of the bonds, notes, or other obligations of the issuers
44 for the purposes herein provided.

45 b. Upon default, the trustee may, and upon written request of
46 the holders of **【25%】** 25 percent in principal amount of the bonds,

1 notes, or other obligations of the trust of a particular issue then
2 outstanding shall, in **his or its** the trustee's own name:

3 (1) By suit, action or proceeding enforce all rights of the holders
4 of bonds, notes, or other obligations of the issue, to require the trust
5 to carry out any other agreements with the holders of the bonds,
6 notes, or other obligations of the issue and to perform its duties
7 under P.L.1985, c.334 (C.58:11B-1 et seq.) **or**, P.L.1997, c.224
8 (C.58:11B-10.1 et al.), or P.L. , c. (C.) (pending before the
9 Legislature as this bill);

10 (2) Bring suit upon the bonds, notes, or other obligations of the
11 issue;

12 (3) By action or suit, require the trust to account as if it were the
13 trustee of an express trust for the holders of the bonds, notes, or
14 other obligations of the issue;

15 (4) By action or suit, enjoin any acts or things which may be
16 unlawful or in violation of the rights of the holders of the bonds,
17 notes, or other obligations of the issue;

18 (5) Sell or otherwise dispose of bonds and notes of local
19 government units pledged pursuant to resolution or trust indenture
20 for benefit of holders of bonds, notes, or other obligations of the
21 issue on any terms as resolution or trust indenture may provide;

22 (6) By action or suit, foreclose any mortgage pledged pursuant
23 to the resolution or trust indenture for the benefit of the holders of
24 the bonds, notes, or other obligations of the issue;

25 (7) Declare all bonds, notes, or other obligations of the issue due
26 and payable, and if all defaults are made good, then with the
27 consent of the holders of **50%** 50 percent of the principal amount
28 of the bonds, notes or other obligations of the issue then
29 outstanding, to annul the declaration and its consequences.

30 c. The trustee shall, in addition to the foregoing, have those
31 powers necessary or appropriate for the exercise of any function
32 specifically set forth herein or incident to the general representation
33 of holders of bonds, notes, or other obligations of the trust in the
34 enforcement and protection of their rights.

35 d. The Superior Court shall have jurisdiction over any suit,
36 action, or proceeding by the trustees on behalf of the holders of
37 bonds, notes, or other obligations of the trust. The venue of any
38 suit, action, or proceeding shall be in the county in which the
39 principal office of the trust is located.

40 e. Before declaring the principal of bonds, notes, or other
41 obligations of the trust due and payable as a result of a trust default
42 on any of its bonds, notes, or other obligations, the trustee shall first
43 give 30 days' notice in writing to the trust and to the Governor,
44 State Treasurer, President of the Senate, and Speaker of the General
45 Assembly.

46 (cf: P.L.1997, c.224, s.15)

1 19. Section 19 of P.L.1985, c.334 (C.58:11B-19) is amended to
2 read as follows:

3 19. Sums of money received pursuant to the authority of
4 P.L.1985, c.334 (C.58:11B-1 et seq.) **【or】**, P.L.1997, c.224
5 (C.58:11B-10.1 et al.), or P.L. , c. (C.) (pending before the
6 Legislature as this bill), whether as proceeds from the sale of
7 particular bonds, notes, or other obligations of the trust or as
8 particular revenues or receipts of the trust, are deemed to be trust
9 funds, to be held and applied solely as provided in the resolution or
10 trust indenture under which the bonds, notes, or obligations are
11 authorized or secured. Any officer with whom or any bank or trust
12 company with which those sums of money are deposited as trustee
13 thereof shall hold and apply the same for the purposes thereof,
14 subject to any provision as the aforementioned acts and the
15 resolution or trust indenture authorizing or securing the bonds,
16 notes, or other obligations of the trust may provide.

17 (cf: P.L.1997, c.224, s.16)

18
19 20. Section 23 of P.L.1985, c.334 (C.58:11B-23) is amended to
20 read as follows:

21 23. a. No funds from State sources or State bond issues used to
22 capitalize the trust shall be available for use by the trust unless
23 appropriated by law to the trust.

24 b. No funds shall be expended by the trust for its annual
25 operating expenses unless appropriated by law to the trust. Unless
26 required to be otherwise applied pursuant to law, funds generated
27 by the operation of the trust, including, but not limited to: proceeds
28 from the sale of the trust's bonds, notes, or other obligations;
29 revenues derived from investments by the trust; loan repayments
30 from local government units; and fees and charges levied by the
31 trust, may thereafter be applied in accordance with the provisions of
32 P.L.1985, c.334 (C.58:11B-1 et seq.) **【or】**, P.L.1997, c.224
33 (C.58:11B-10.1 et al.), or P.L. , c. (C.) (pending before the
34 Legislature as this bill) for any corporate purpose of the trust
35 without appropriation; except that the funds shall only be used to
36 make loans or guarantees approved by the Legislature in accordance
37 with the provisions of sections 20, 21, and 22 of P.L.1985, c.334
38 (C.58:11B-20, 58:11B-21, and 58:11B-22), **【or】** sections 24, 25,
39 and 26 of P.L.1997, c.224 (C.58:11B-20.1, C.58:11B-21.1, and
40 C.58:11B-22.1), or sections 24 and 28 of P.L. , c. (C.)
41 (pending before the Legislature as this bill).

42 c. The trust shall not apply for any federal funds, including
43 funds which are authorized pursuant to the "Federal Water Pollution
44 Control Act Amendments of 1972," Pub.L.92-500 (33 U.S.C.
45 s.1251 et al.), and any amendatory or supplementary acts thereto.

46 The trust, with the concurrence of the Commissioner of
47 Environmental Protection, may receive, accept, or utilize moneys

1 received from local government units as repayments of principal
2 and interest on loans made from the State Revolving Fund Accounts
3 established pursuant to section 1 of P.L.1988, c.133.
4 (cf: P.L.1997, c.224, s.20)

5
6 21. Section 25 of P.L.1985, c.334 (C.58:11B-25) is amended to
7 read as follows:

8 25. The trust shall establish the rules and regulations governing
9 the making and use of loans or guarantees, including, but not
10 limited to, procedures for the submission of loan guarantee
11 requests, standards for the evaluation of requests, provisions
12 implementing priority systems for projects, reporting requirements
13 of the recipient of any loan or guarantee concerning the progress
14 and the expenditure of funds, and limitations, restrictions, or
15 requirements concerning the use of loan funds as the trust shall
16 prescribe; provided that the rules and regulations shall be in
17 compliance with the terms and provisions of P.L.1985, c.334
18 (C.58:11B-1 et seq.) **or**, P.L.1997, c.224 (C.58:11B-10.1 et al.),
19 or P.L. , c. (C.) (pending before the Legislature as this bill)
20 relating to the making of or eligibility for loans or guarantees for
21 environmental infrastructure projects generally or for any particular
22 type or class of wastewater treatment system or water supply
23 projects.
24 (cf: P.L.1997, c.224, s.21)

25
26 22. Section 26 of P.L.1985, c.334 (C.58:11B-26) is amended to
27 read as follows:

28 26. a. The trust shall adopt the rules and regulations requiring a
29 local government unit which receives a loan or guarantee for a
30 project to establish an affirmative action program for the hiring of
31 minority workers in the performance of any construction contract
32 for that project and to establish a program to provide opportunities
33 for socially and economically disadvantaged contractors and
34 vendors to supply materials and services for the contract, consistent
35 with the provisions of the "Law Against Discrimination," P.L.1945,
36 c.169 (C.10:5-1 et seq.). Not less than **10%** 10 percent of the
37 amount of any contract for construction, materials, or services for a
38 project shall be awarded to small business concerns owned and
39 controlled by socially and economically disadvantaged individuals
40 as defined in section 8(a) and 8(d) of the "Small Business Act,"
41 Pub.L.75-536 (15 U.S.C. s.637(a) and (d)), and any regulations
42 promulgated pursuant thereto.

43 b. The trust shall adopt the rules and regulations requiring **a**
44 **local government unit** any 'public or private' entity, which
45 receives a loan, grant, or guarantee for a project to pay not less than
46 the prevailing wage rate to workers employed in the performance of
47 any construction contract for that project, in accordance with the

rate determined by the Commissioner of Labor and Workforce Development pursuant to P.L.1963, c 150 (C.34:11-56.25 et seq.).

¹c. Every contract subject to the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or P.L. , c. (C.) (pending before the Legislature as this bill), shall provide that every worker employed in the performance of that contract is an apprentice participating in a registered apprenticeship program or has completed a registered apprenticeship, unless the contractor or subcontractor certifies that every worker shall be paid not less than the journeyworker's rate established for the apprenticeable trade performed pursuant to P.L.1963, c.150 (C.34:11-56.25 et al.). "Registered apprenticeship program" means an apprenticeship program which is registered with and approved by the United States Department of Labor and which provides each trainee with combined classroom and on-the-job training under the direct and close supervision of a highly skilled worker in an occupation recognized as an apprenticeable trade and meets the program performance standards of enrollment and graduation under 29 C.F.R. section 29.6.¹

(cf: P.L.1985, c.334, s.26)

23. Section 27 of P.L.1985, c.334 (C.58:11B-27) is amended to read as follows:

27. The trust shall adopt such rules and regulations as it deems necessary to effectuate the purposes of P.L.1985, c.334 (C.58:11B-1 et seq.) **【or】**, P.L.1997, c.224 (C.58:11B-10.1 et al.), including those required pursuant to sections 25 and 26 of P.L.1985, c.334 (C.58:11B-25 and 58:11B-26), or P.L. , c. (C.) (pending before the Legislature as this bill), in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

(cf: P.L.1997, c.224, s.22)

24. (New section) a. There is established in the New Jersey Environmental Infrastructure Trust a special fund to be known as the State Transportation Infrastructure Bank Fund. There shall be established within the fund, two subaccounts:

(1) a federally funded subaccount that shall be approved to receive federal funds and related State matching funds pursuant to the federal State Infrastructure Bank program provided for in section 350 of Pub.L.104-59 and Pub.L.102-240 as amended or superseded, the section 129 loan program as permitted pursuant to federal law, and any other applicable federal laws regarding the use of federal funds for transportation projects; and

(2) a State-funded account that shall be approved to receive only State funds in excess of those required to be deposited in the

1 federally-funded account. The State account shall be ineligible to
2 receive any federal funds.

3 b. The State Transportation Infrastructure Bank Fund shall be
4 credited with:

5 (1)(a) State and federal funds appropriated to the federal account
6 of the State Transportation Infrastructure Bank Fund pursuant to the
7 federal State Infrastructure Bank program provided for in section
8 350 of Pub.L.104-59 and Pub.L.102-240 as amended or superseded,
9 the section 129 loan program as permitted pursuant to federal law,
10 and any other applicable federal laws regarding the use of federal
11 funds for transportation projects; and

12 (b) State funds in excess of any minimum State match required
13 under the federal State Infrastructure Bank program, appropriated to
14 the State-only account of the State Infrastructure Bank Fund;

15 (2) monetary donations from public or private sources made
16 available to the State to support the State Transportation
17 Infrastructure Bank Fund;

18 (3) moneys received as repayment of the principal of and the
19 interest or premium on loans made from the fund;

20 (4) any interest earnings received on the moneys in the fund;

21 (5) private investment funds which seek a return on investment
22 from the trust; and

23 (6) any other moneys the Legislature may appropriate to the
24 trust for deposit into the fund at any time to finance or refinance
25 transportation loans issued from the State Transportation
26 Infrastructure Bank Fund.

27 c. Notwithstanding any provision of P.L.1985, c.334
28 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.) or
29 P.L. , c. (C.) (pending before the Legislature as this bill) to
30 the contrary, all moneys placed into the State Transportation
31 Infrastructure Bank Fund shall be held separate from other funds of
32 the trust, and no transportation funds shall be combined or
33 comingled with any funds that finance: (1) wastewater treatment
34 system projects ¹[L.]; (2) water supply projects ¹[L.]; (3) other
35 environmental infrastructure projects ¹[L.]; or (4) ¹[eligible]
36 energy projects, that are not transportation projects.

37 d. All moneys placed into the ¹[State account] State-funded
38 subaccount¹ of the State Transportation Infrastructure Bank Fund
39 shall be held separate from any federal funds provided for the
40 federal account of the¹ State Transportation Infrastructure Bank
41 Fund or section 129 loans as permitted pursuant to federal law.

42 e. Notwithstanding any provision of P.L.1985, c.334
43 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or
44 P.L. , c. (C.) (pending before the Legislature as this bill) to
45 the contrary, the trust may provide loans or other assistance to
46 ¹[public or private entities] any entity¹ or consortia thereof for the
47 purpose of financing all or a portion of the costs incurred for the

1 planning, acquisition, engineering, construction, reconstruction,
2 repair, and rehabilitation of a transportation project or for any other
3 purpose permitted under the federal infrastructure bank program,
4 including but not limited to projects which support pedestrian
5 infrastructure.

6 f. In addition to the financing authorized pursuant to
7 subsection e. of this section, a portion, not to exceed 20 percent, of
8 the assistance provided from the State-funded ¹[**account**]
9 subaccount¹ of the State Transportation Infrastructure Bank Fund
10 may be issued in the form of grants.

11 g. Loans or other assistance granted pursuant to this section
12 shall be considered an investment or reinvestment by the State
13 Transportation Infrastructure Bank Fund consistent with the federal
14 infrastructure bank program or the section 129 loan program as
15 permitted pursuant to federal law, and not a loan within the
16 meaning of section 12 of P.L.1995, c.108 (C.27:1B-21.5).

17 h. The refinancing of an existing transportation project shall
18 not be an eligible form of assistance from the State Transportation
19 Infrastructure Bank Fund, and a loan shall not be granted for an
20 existing transportation project unless the applicant can demonstrate
21 to the satisfaction of the trust that the assistance being sought is not
22 for the refinancing of an existing transportation project.

23 i. A project, the use or purpose of which is private and for
24 which no public benefit is created shall not be eligible for financial
25 assistance from the authority.

26 j. The trust shall consider the following factors when setting an
27 interest rate or a loan provided pursuant to this section: (1) the
28 current market rates for comparable obligations; (2) the nature of
29 the project; (3) the financing structure of the project; and (4) the
30 creditworthiness of the borrower.

31 k. The repayment schedule for each project shall require: (1)
32 the repayment of the loan commencing not later than five years
33 after the project has been completed or, in the case of a highway
34 project, when the facility has opened to traffic, whichever is later;
35 and (2) a final maturity date of not more than 35 years following the
36 completion of the project.

37 l. The trust may establish or direct the establishment of federal
38 and State accounts or subaccounts as may be necessary to meet any
39 applicable federal law requirements or that may be desirable for the
40 efficient administration of the program.

41
42 25. (New section) a. The trust shall maintain the administrative
43 responsibilities for financing projects approved for assistance
44 through the State Transportation Infrastructure Bank Fund in
45 accordance with the provisions of the federal State Infrastructure
46 Bank program, the section 129 loan program as permitted pursuant
47 to federal law, any other applicable federal laws regarding the use

1 of federal funds on transportation projects, as well as any provision
2 of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224
3 (C.58:11B-10.1 et al.), and P.L. , c. (C.) (pending before
4 the Legislature as this bill), and is authorized to enter into
5 agreements with **¹['public or private entities'] any entity¹** or
6 consortia thereof for the use of monies from the State
7 Transportation Infrastructure Bank Fund to provide loans or other
8 assistance for the purpose of financing all or a portion of the costs
9 incurred for the planning, acquisition, engineering, construction,
10 reconstruction, repair, and rehabilitation of a transportation project
11 or for any other purpose permitted under the federal State
12 Infrastructure Bank Program. The terms of the agreements shall be
13 consistent with the requirements of the federal State Infrastructure
14 Bank Program and the trust may adopt rules and regulations to carry
15 out these functions.

16 b. The trust shall also develop a **¹['formal relationship']**
17 **memorandum of understanding¹** with the Department of
18 Transportation for purposes including, but not limited to, the
19 evaluation of potential transportation projects, fulfilling federal
20 regulations regarding capital projects, coordinating with
21 metropolitan planning organizations, ensuring that any projects
22 obtaining assistance are consistent with the Statewide capital
23 investment strategy, and advancing local, regional, and Statewide
24 transportation objectives.

25

26 26. (New section) a. The Commissioner of Transportation shall,
27 for each fiscal year, develop a priority system for candidate
28 transportation projects for loans or grants under the State
29 Transportation Infrastructure Bank Fund. The Commissioner of
30 Transportation shall set forth a Department of Transportation
31 project priority list for funding by the trust for each fiscal year and
32 shall include the aggregate amount of funds of the trust to be
33 authorized for these purposes. The commissioner may include a
34 transportation project on the Department of Transportation project
35 priority list if it meets the eligibility requirements for funding
36 pursuant to Pub.L.109-59, the "Safe, Accountable, Flexible,
37 Efficient Transportation Equity Act: A Legacy for Users," or any
38 successor legislation. The Department of Transportation project
39 priority list shall include a description of each project and an
40 explanation of the manner in which projects were ranked. The
41 priority system and Department of Transportation project priority
42 list for the ensuing fiscal year shall be submitted to the Legislature
43 on or before January 15 of each year.

44 b. The project priority list established pursuant to subsection a.
45 of this section shall be considered by the budget committees of each
46 House of the Legislature for inclusion in the annual appropriations
47 act. On or before July 1 of each year, the Legislature shall include

1 the Department of Transportation project priority list with any
2 modifications in the annual appropriations act, including any
3 amendatory or supplementary provisions thereto, which shall
4 include the authorization of an aggregate amount of funds of the
5 trust to be expended for loans and guarantees for the specific
6 transportation projects, including the individual amounts therefor,
7 on the list.

8 c. The trust shall not expend any money for a loan or guarantee
9 during a fiscal year for any transportation project unless the
10 expenditure is authorized pursuant to a State annual appropriations
11 act of the current or immediately preceding three fiscal years, as
12 provided in the provisions of this section, or as otherwise set forth
13 in the State's annual appropriations act.

14 d. The source of projects for the project priority list shall be:
15 (1) applications made by counties and municipalities seeking aid
16 through the section 129 loan program or through the State
17 Transportation Infrastructure Bank Fund in accordance with section
18 25 of P.L.1984, c.73 (C.27:1B-25) and the procedures established
19 therein for the allocation of State aid to counties and municipalities
20 through the local aid program, and (2) projects within the most
21 recent 10-year Statewide Transportation Improvement Program as
22 issued by the Department of Transportation. In addition, projects
23 deriving from either of these sources shall identify a consistent
24 source of revenue that will be utilized to repay any loan financing
25 provided by the trust either from the project itself or from the
26 sponsoring public or private entity that will be receiving assistance.

27
28 27. (New section) a. On or before May 15 of each year, the trust
29 shall submit to the Speaker of the General Assembly and the
30 President of the Senate, a financial plan designed to implement the
31 financing of the transportation projects either on the project priority
32 list approved pursuant to Section 26 of P.L. , c. (C.)
33 (pending before the Legislature as this bill) or as otherwise
34 approved by the Legislature. The financial plan shall list the bonds,
35 notes, or other obligations of the trust which the trust intends to
36 issue, including the amounts and the terms and conditions thereof, a
37 list of loans to be made to local government units or private
38 persons, including the terms and conditions and the anticipated rate
39 of interest per annum and repayment schedule therefor, and a list of
40 loan guarantees or contracts to guarantee the payment of all or a
41 portion of the principal and interest on bonds, notes, or other
42 obligations issued by a local government unit to finance the cost of
43 a transportation project, and the terms and conditions thereof.

44 The financial plan shall also set forth a complete operating and
45 financial statement covering proposed operations through the fund
46 during the forthcoming fiscal year, including amounts of income
47 from all sources, and the uniform schedule of fees and charges

1 established by the trust pursuant to subsection o. of section 5 of
2 P.L.1985, c.334 (C.58:11B-5), and the amounts to be derived
3 therefrom, and shall summarize the status of each transportation
4 project for which loans or guarantees have been made by the trust,
5 and shall describe major impediments to the accomplishment of the
6 planned transportation projects.

7 b. On or before June 15 of each year, the Legislature may
8 approve the financial plan by passing a concurrent resolution of
9 both houses. If the Legislature does not approve the financial plan
10 required pursuant to subsection a. of this section, the project list
11 shall be removed from the annual appropriations act and the trust
12 shall not undertake any of the proposed activities contained therein.
13 If the Legislature takes no action, the financial plan shall be deemed
14 not approved.

15 c. The financial plan for the State Transportation Infrastructure
16 Bank Fund shall not be eligible for inclusion in a consolidated
17 financial plan as established in section 27 of P.L.1997, c.224
18 (C.58:11B-22.2).

19

20 28. (New section) a. There is established in the New Jersey
21 Environmental Infrastructure Trust a special fund to be known as
22 the "Clean Energy and Infrastructure Modernization Fund." The
23 Clean Energy and Infrastructure Modernization Fund shall be
24 credited with:

25 (1) monetary contributions or donations made available to the
26 State by any source, including, without limitation, any federal
27 source, including, without limitation, the Department of Energy, to
28 support the Clean Energy and Infrastructure Modernization Fund;

29 (2) moneys deposited in the fund as administrative fees received
30 by the trust pursuant to subsection o. of section 5 of P.L.1985, c.334
31 (C.58:11B-5);

32 (3) moneys received as repayment of the principal of and the
33 interest or premium on loans made from the fund;

34 (4) any interest earnings received on the moneys in the fund;

35 (5) such other moneys, including, without limitation, moneys
36 from the General Fund or the Clean Energy Fund, as the Legislature
37 may appropriate to the trust for deposit into the fund at any time to
38 finance or refinance energy loans or grants issued from the Clean
39 Energy and Infrastructure Modernization Fund;

40 (6) the proceeds of any bonds, notes, or other obligations that
41 may be issued by the trust from time to time in any principal
42 amounts as in the judgment of the trust shall be necessary or
43 appropriate to provide sufficient funds for deposit into the Clean
44 Energy and Infrastructure Modernization Fund;

45 (7) private investment funds which seek a return on investment
46 from the trust; and,

- 1 (8) any other source of available funds that may be deemed by
2 the trust to be necessary or appropriate to provide sufficient funds
3 for deposit into the Clean Energy and Infrastructure Modernization
4 Fund for the purposes set forth in this section.
- 5 b. Notwithstanding any provision of P.L.1985, c.334
6 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or
7 P.L. , c. (C.) (pending before the Legislature as this bill) to
8 the contrary, all moneys placed into the Clean Energy and
9 Infrastructure Modernization Fund shall be held separate from other
10 funds of the trust, and no moneys deposited into the Clean Energy
11 and Infrastructure Modernization Fund may be combined or
12 comingled with any funds that finance: (1) wastewater treatment
13 system projects; (2) water supply projects; (3) transportation
14 projects; or (4) other environmental infrastructure projects that are
15 not ¹**[eligible]**¹ energy projects.
- 16 c. Notwithstanding any provision of P.L.1985, c.334
17 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or
18 P.L. , c. (C.) (pending before the Legislature as this bill) to
19 the contrary, the trust may make loans or provide other assistance to
20 public or private entities or consortia thereof for the purpose of
21 financing all or a portion of the costs incurred with respect to
22 ¹**[eligible]** ¹an¹ energy ¹**[projects]** project as defined pursuant to
23 section 3 of P.L.1985, c.334 (C.58:11B-3)¹.
- 24 d. In addition to the financing provided in subsection c. of this
25 section, assistance provided from Legislative appropriations to the
26 Clean Energy and Infrastructure Modernization Fund may be
27 provided in the form of grants for ¹**[eligible]** energy¹ projects.
- 28 e. The refinancing of an existing energy or utility project shall
29 not be an eligible form of assistance from the Clean Energy and
30 Infrastructure Modernization Fund, and a loan shall not be granted
31 unless the applicant can demonstrate to the satisfaction of the trust
32 that the assistance being sought is not for the refinancing of an
33 existing energy or utility project.
- 34 f. Any project, the use or purpose of which is private and for
35 which no public benefit is created shall not be eligible for financial
36 assistance from the trust.
- 37 g. The trust shall consider the following factors when
38 establishing an interest rate for a loan provided pursuant to this
39 section: (1) the current market rates for comparable obligations; (2)
40 the nature of the project; (3) the financing structure of the project;
41 (4) the amount of public benefit to be realized from the project; and
42 (5) the creditworthiness of the borrower.
- 43 h. The trust may establish or direct the establishment of
44 accounts or subaccounts as may be: (1) necessary to meet any
45 applicable State or federal law requirements; or (2) deemed by the
46 trust to be desirable for the efficient administration of the trust.

1 29. (New section) a. The trust shall provide administrative
2 responsibilities for the financing of ¹**['eligible']** energy projects
3 approved for assistance through the Clean Energy and Infrastructure
4 Modernization Fund in accordance with the provisions of P.L.1985,
5 c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.),
6 and P.L. , c. (C.) (pending before the Legislature as this
7 bill), and is authorized to enter into agreements with public or
8 private entities or consortia thereof for the use of monies from the
9 Clean Energy and Infrastructure Modernization Fund to provide
10 loans or other assistance for the purpose of financing all or a
11 portion of the costs incurred with respect to eligible energy projects.
12 The trust may adopt rules and regulations to carry out these
13 functions as it deems necessary.

14 b. The trust shall develop a ¹**['formal relationship']**
15 memorandum of understanding¹ with the Board of Public Utilities
16 for purposes including, but not limited to: (1) evaluating and
17 ranking potential eligible utility and energy projects; (2) complying
18 with federal and State regulations regarding capital projects; (3)
19 coordinating with local government units and public utilities; (4)
20 ensuring that any projects obtaining assistance are consistent with
21 the State Energy Master Plan; and (5) advancing local, regional, and
22 Statewide energy objectives.

23 c. The trust shall establish a formal process for reviewing,
24 evaluating, and ranking applicants for grant or loan funding from
25 the Clean Energy and Infrastructure Modernization Fund. The
26 process of selecting loan and grant recipients shall be a
27 collaborative effort between the trust and the Board of Public
28 Utilities. The role of the Board of Public Utilities is to evaluate the
29 merits of the projects in advancing Statewide energy and utility
30 objectives and the value such projects would contribute to the State.
31 The role of the trust is to evaluate the financial merits of the eligible
32 energy projects and the applicants with respect thereto.
33

34 30. (New section) Nothing in this act shall decrease, diminish,
35 lessen, or otherwise reduce allocations made to counties and
36 municipalities pursuant to P.L.1984, c.73 (C.27:1B-25 et seq.).
37

38 31. P.L.1997, c.142 (C.27:1B-21.10 through C.27:1B-21.13) is
39 repealed.
40

41 32. This act shall take effect immediately, but the provisions
42 relating to the financing of transportation projects shall be
43 inoperative until the State Transportation Infrastructure Bank Fund
44 is credited with monies pursuant to subsection b. of Section 24 of
45 P.L. , c. (C.) (pending before the Legislature as this bill).