

# **SENATE, No. 307**

## **STATE OF NEW JERSEY**

### **216th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

**Sponsored by:**

**Senator ROBERT M. GORDON**

**District 38 (Bergen and Passaic)**

**Senator DONALD NORCROSS**

**District 5 (Camden and Gloucester)**

**Co-Sponsored by:**

**Senators Cunningham, Ruiz, Allen, Beck, A.R.Bucco, T.Kean, Pennacchio  
and Singer**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As reported by the Senate Transportation Committee with technical review.



**(Sponsorship Updated As Of: 6/13/2014)**

1 **AN ACT** establishing a State Transportation Infrastructure Bank and  
 2 Energy Bank 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  
 11 as 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.

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

17 "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.

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" **[or "environmental infrastructure project"]** means the  
16 acquisition, construction, improvement, repair, or reconstruction of  
17 all or part of any structure, facility, or equipment, or real or  
18 personal property necessary for or ancillary to any: (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 energy  
26 project authorized pursuant to P.L. , c. (C. ) (pending  
27 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  
35 P.L.2003, c.162; or any work relating to any other project eligible  
36 for 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 **【his】** the officer's or employee's office or employment  
25 or any benefits or emoluments thereof by reason of **【his】** the  
26 officer's or employee's acceptance of the office of ex officio  
27 director of the trust or **【his】** the ex officio director's services  
28 thereon.

29 g. Each ex officio director may designate an officer of **【his】**  
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  
 40 P.L.1985, c.334 (C.58:11B-1 et seq.) **[or]**, P.L.1997, c.224  
 41 (C.58:11B-10.1 et al.), or P.L. , c. (C. ) (pending before the  
 42 Legislature as this 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.) **;** 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.) **;** 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.) **;** 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.) **;** 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 **;** 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 energy projects in accordance with the provisions of P.L. ,  
8 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  
30 P.L.1997, c.224 (C.58:11B-10.1), including the Emergency Loan  
31 Fund established pursuant to section 4 of P.L.2007, c.138  
32 (C.58:11B-9.1), and shall be available for any corporate purposes of  
33 the trust, including the Emergency Financing Program pursuant to  
34 section 4 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  
40 P.L.1985, c.334 (C.58:11B-1 et seq.) **【or】**, P.L.1997, c.224  
41 (C.58:11B-10.1 et al.), or P.L. , c. (C. ) (pending before the  
42 Legislature as this 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  
18 P.L.1985, c.334 (C.58:11B-18), including rights with respect to the  
19 sale or other disposition of notes, bonds, or other obligations of  
20 local government units pledged pursuant to a resolution or trust  
21 indenture for the benefit of the holders of bonds, notes, or other  
22 obligations of the trust and the right by suit or action to foreclose  
23 any mortgage pledged pursuant to the resolution or trust indenture  
24 for the benefit of the holders of the bonds, notes, or other  
25 obligations, and to limit or abrogate the right of the holders of any  
26 bonds, notes, or other obligations of the trust to appoint a trustee  
27 under the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) **[or]**,  
28 P.L.1997, c.224 (C.58:11B-10.1 et al.), or P.L. , c. (C. )  
29 (pending before the Legislature as this bill), and to limit the rights,  
30 duties, and powers 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]**,  
41 P.L.1997, c.224 (C.58:11B-10.1 et al.), or P.L. , c. (C. )  
42 (pending before the Legislature as this bill) of like or different  
43 character, and make covenants to do or refrain from doing any acts  
44 and things as may be necessary, or convenient and desirable, in  
45 order to better secure the bonds, notes, or other obligations of the  
46 trust, or which, in the absolute discretion of the trust, would make  
47 the bonds, notes, or other obligations more marketable,

1 notwithstanding that the covenants, acts, or things may not be  
2 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  
11 P.L.1997, c.224 (C.58:11B-10.1 et al.) to finance the cost of any  
12 wastewater treatment system project or water supply project, which  
13 the local government unit may lawfully undertake or acquire and for  
14 which the local government unit is authorized by law to borrow  
15 money.

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

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

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

33 (5) The trust may make and contract to make loans and provide  
34 other assistance to any public or private entity to finance the cost of  
35 energy projects in accordance with and subject to the provisions of  
36 P.L. c. (C. ) (pending before the Legislature as 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 energy project,  
20 which the local government unit may lawfully undertake or acquire  
21 and for which the local government unit is authorized by law to  
22 borrow money, and the guarantee shall constitute an obligation of  
23 the trust for the purposes of P.L.1985, c.334 (C.58:11B-1 et seq.)  
24 **[or]**, P.L.1997, c.224 (C.58:11B-10.1 et al.), or P.L. c. (C. )  
25 (pending before the Legislature as this bill). Each guarantee by the  
26 trust and the terms and conditions thereof shall be subject to  
27 approval by the State Treasurer, and the trust shall make available  
28 to the State Treasurer all information, statistical data, and reports of  
29 independent consultants or experts as the State Treasurer shall deem  
30 necessary in order to evaluate the guarantee.

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

35 d. Notwithstanding any provision of P.L.1985, c.334  
36 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to  
37 the contrary, the trust may receive funds from any source or issue  
38 its bonds, notes, or other obligations in any principal amounts as in  
39 the judgment of the trust shall be necessary to provide sufficient  
40 funds to finance or refinance short-term or temporary loans to local  
41 government units, public water utilities, or private persons for any  
42 wastewater treatment system projects included on the Department  
43 of Environmental Protection project priority list and eligible for  
44 approval pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20)  
45 or water supply projects included on the Department of  
46 Environmental Protection project priority list and eligible for  
47 approval pursuant to section 24 of P.L.1997, c.224 (C.58:11B-20.1),

1 as applicable, without regard to any other provisions of  
2 P.L.1985, c.334 or P.L.1997, c.224, including, without limitation,  
3 any administrative or legislative approvals.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

39 The Emergency Loan Fund shall be credited with:

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

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

45 (3) any interest earnings received on the moneys in the fund;  
46 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 Environmental 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 Environmental 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 Environmental  
25 Financing Program Eligibility List pursuant to subsection d. of  
26 section 9 of P.L.1985, c.334 (C.58:11B-9), or any administrative or  
27 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 Environmental Financing Program Eligibility List pursuant  
 6 to subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9), or  
 7 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 Environmental  
 46 Financing Program Eligibility List pursuant to subsection d. of

1 section 9 of P.L.1985, c.334 (C.58:11B-9), or any administrative or  
2 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 Environmental  
45 Financing Program Eligibility List pursuant to subsection d. of  
46 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, and the other local government unit, fails or is unable  
36 to pay in full, when due, any of the obligations, and the State aid  
37 revenues for any reason have not been made available for the  
38 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 to  
23 the resolution or trust indenture for the benefit of the holders of the  
24 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 entity, which receives a loan, grant, or  
45 guarantee for a project to pay not less than the prevailing wage rate  
46 to workers employed in the performance of any construction  
47 contract for that project, in accordance with the rate determined by

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

3 c. Every contract subject to the provisions of P.L.1985, c.334  
4 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or  
5 P.L. , c. (C. ) (pending before the Legislature as this bill),  
6 shall provide that every worker employed in the performance of that  
7 contract is an apprentice participating in a registered apprenticeship  
8 program or has completed a registered apprenticeship, unless the  
9 contractor or subcontractor certifies that every worker shall be paid  
10 not less than the journeyworker's rate established for the  
11 apprenticeable trade performed pursuant to P.L.1963, c.150  
12 (C.34:11-56.25 et al.). "Registered apprenticeship program" means  
13 an apprenticeship program which is registered with and approved  
14 by the United States Department of Labor and which provides each  
15 trainee with combined classroom and on-the-job training under the  
16 direct and close supervision of a highly skilled worker in an  
17 occupation recognized as an apprenticeable trade and meets the  
18 program performance standards of enrollment and graduation under  
19 29 C.F.R. section 29.6.

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

21  
22 23. Section 27 of P.L.1985, c.334 (C.58:11B-27) is amended to  
23 read as follows:

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

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

33  
34 24. (New section) a. There is established in the New Jersey  
35 Environmental Infrastructure Trust a special fund to be known as  
36 the State Transportation Infrastructure Bank Fund. There shall be  
37 established within the fund, two subaccounts:

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

45 (2) a State-funded account that shall be approved to receive only  
46 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; (2) water supply projects; (3) other environmental  
35 infrastructure projects; or (4) energy projects, that are not  
36 transportation projects.

37 d. All moneys placed into the State-funded subaccount of the  
38 State Transportation Infrastructure Bank Fund shall be held separate  
39 from any federal funds provided for the federal account of the State  
40 Transportation Infrastructure Bank Fund or section 129 loans as  
41 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 any  
46 entity or consortia thereof for the purpose of financing all or a  
47 portion of the costs incurred for the planning, acquisition,

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

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

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

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

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

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

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

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

40

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

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

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

22  
23 26. (New section) a. The Commissioner of Transportation shall,  
24 for each fiscal year, develop a priority system for candidate  
25 transportation projects for loans or grants under the State  
26 Transportation Infrastructure Bank Fund. The Commissioner of  
27 Transportation shall set forth a Department of Transportation  
28 project priority list for funding by the trust for each fiscal year and  
29 shall include the aggregate amount of funds of the trust to be  
30 authorized for these purposes. The commissioner may include a  
31 transportation project on the Department of Transportation project  
32 priority list if it meets the eligibility requirements for funding  
33 pursuant to Pub.L.109-59, the "Safe, Accountable, Flexible,  
34 Efficient Transportation Equity Act: A Legacy for Users," or any  
35 successor legislation. The Department of Transportation project  
36 priority list shall include a description of each project and an  
37 explanation of the manner in which projects were ranked. The  
38 priority system and Department of Transportation project priority  
39 list for the ensuing fiscal year shall be submitted to the Legislature  
40 on or before January 15 of each year.

41 b. The project priority list established pursuant to subsection a.  
42 of this section shall be considered by the budget committees of each  
43 House of the Legislature for inclusion in the annual appropriations  
44 act. On or before July 1 of each year, the Legislature shall include  
45 the Department of Transportation project priority list with any  
46 modifications in the annual appropriations act, including any  
47 amendatory or supplementary provisions thereto, which shall

1 include the authorization of an aggregate amount of funds of the  
2 trust to be expended for loans and guarantees for the specific  
3 transportation projects, including the individual amounts therefor,  
4 on the list.

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

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

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

41 The financial plan shall also set forth a complete operating and  
42 financial statement covering proposed operations through the fund  
43 during the forthcoming fiscal year, including amounts of income  
44 from all sources, and the uniform schedule of fees and charges  
45 established by the trust pursuant to subsection o. of section 5 of  
46 P.L.1985, c.334 (C.58:11B-5), and the amounts to be derived  
47 therefrom, and shall summarize the status of each transportation



1 project for which loans or guarantees have been made by the trust,  
2 and shall describe major impediments to the accomplishment of the  
3 planned transportation projects.

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

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

16

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

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

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

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

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

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

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

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

44 (8) any other source of available funds that may be deemed by  
45 the trust to be necessary or appropriate to provide sufficient funds  
46 for deposit into the Clean Energy and Infrastructure Modernization  
47 Fund for the purposes set forth in this section.

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

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

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

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

28  
29 30. (New section) Nothing in this act shall decrease, diminish,  
30 lessen, or otherwise reduce allocations made to counties and  
31 municipalities pursuant to P.L.1984, c.73 (C.27:1B-25 et seq.).

32  
33 31. P.L.1997, c.142 (C.27:1B-21.10 through C.27:1B-21.13) is  
34 repealed.

35  
36 32. This act shall take effect immediately, but the provisions  
37 relating to the financing of transportation projects shall be  
38 inoperative until the State Transportation Infrastructure Bank Fund  
39 is credited with monies pursuant to subsection b. of Section 24 of  
40 P.L. , c. (C. ) (pending before the Legislature as this bill).