

[First Reprint]

**ASSEMBLY, No. 4866**

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**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

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INTRODUCED NOVEMBER 14, 2022

**Sponsored by:**

**Assemblyman ROY FREIMAN**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Assemblywoman SADAF F. JAFFER**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Co-Sponsored by:**

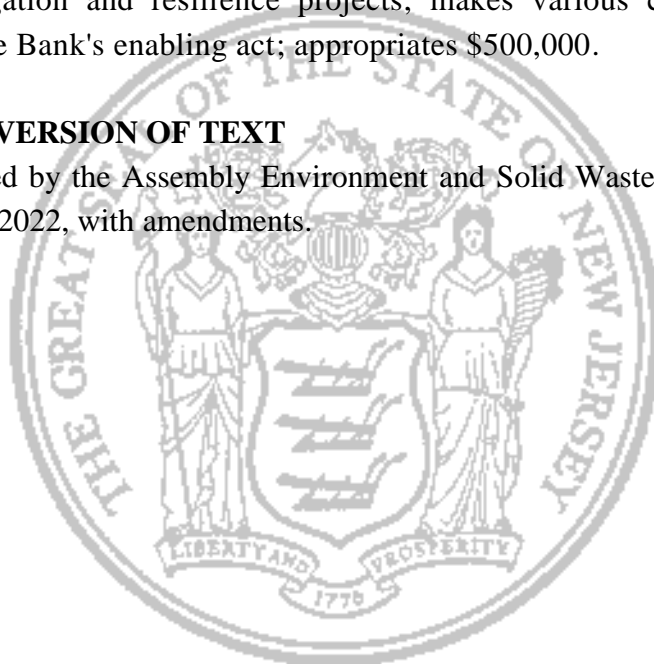
**Assemblymen Verrelli, Karabinchak, Guardian and Spearman**

**SYNOPSIS**

Establishes Community Hazard Assistance Mitigation Program in, and authorizes issuance of bonds by, NJ Infrastructure Bank to fund certain hazard mitigation and resilience projects; makes various changes to NJ Infrastructure Bank's enabling act; appropriates \$500,000.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Environment and Solid Waste Committee on December 8, 2022, with amendments.



**(Sponsorship Updated As Of: 12/12/2022)**

AN ACT concerning the financing of certain resilience and hazard mitigation projects, the establishment of a “<sup>1</sup>**Resilient New Jersey** Community Hazard Assistance Mitigation Program<sup>1</sup> Revolving Loan Fund,” and the authority of the New Jersey Infrastructure Bank, supplementing Title 58 of the Revised Statutes, <sup>1</sup>**and**<sup>1</sup> amending P.L.1985, c.334 and P.L.2009, c.59 <sup>1</sup>, and making an appropriation<sup>1</sup> .

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

1. (New section) Sections 1 through 9 of P.L. , c. (C. ) (pending before the Legislature as this bill) shall be known and may be cited as the “<sup>1</sup>**Resilient NJ** Community Hazard Assistance Mitigation Program<sup>1</sup> Revolving Loan Fund Act.”

2. (New section) As used in sections 1 through 9 of P.L. , c. (C. ) (pending before the Legislature as this bill):

“Bank” means the New Jersey Infrastructure Bank, created pursuant to section 4 of P.L.1985, c.334 (C.58:11B-4).

“Bonds” mean the bonds issued, or authorized to be issued, by the bank pursuant to sections 1 through 9 of P.L. , c. (C. ) (pending before the Legislature as this bill) and in compliance with the bank’s authority pursuant to, and subject to the same conditions as provided in, P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.), as applicable.

“Commissioner” means the Commissioner of Environmental Protection.

<sup>1</sup>“Community Hazard Assistance Mitigation Program” means the program established by the bank pursuant to sections 1 through 9 of P.L. , c. (C. ) (pending before the Legislature as this bill).<sup>1</sup>

“Fund” means the <sup>1</sup>**Resilient New Jersey** Community Hazard Assistance Mitigation Program<sup>1</sup> Revolving Loan Fund established pursuant to section 3 of P.L. , c. (C. ) (pending before the Legislature as this bill).

“Hazard mitigation and <sup>1</sup>**resiliency** resilience<sup>1</sup> project” means a hazard mitigation and <sup>1</sup>**resiliency** resilience<sup>1</sup> project identified on a State or local hazard mitigation plan, undertaken by the State, a local government unit, or a nonprofit organization in accordance with the provisions of the STORM Act.

“Loan origination fee” means the fee charged by the bank in connection with services provided to a sponsor of a hazard mitigation and resilience project pursuant to the sponsor’s participation in the <sup>1</sup>**Resilient New Jersey Financing** Community

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AEN committee amendments adopted December 8, 2022.

1 Hazard Assistance Mitigation<sup>1</sup> Program. A project sponsor may  
 2 finance any portion of the loan origination fee through the bank by  
 3 a hazard mitigation and resilience project assistance loan to pay a  
 4 portion of the costs incurred by the bank in the implementation of  
 5 the <sup>1</sup>**["Resilient New Jersey Financing"]** Community Hazard  
 6 Assistance Mitigation<sup>1</sup> Program.

7 "Local government unit" means any county or municipality, or  
 8 any agency, instrumentality, authority, or corporation of any county  
 9 or municipality <sup>1</sup>, or any other entity eligible to receive federal  
 10 funds pursuant to the STORM act<sup>1</sup> .

11 "Nonprofit organization" means a private nonprofit organization  
 12 that is exempt from federal taxation pursuant to section 501 (c)(3)  
 13 of the federal Internal Revenue Code, 26 U.S.C. s.501 (c)(3).

14 "Other assistance" means the same as the same as the term is  
 15 defined in section 3 of P.L.1985, c.334 (C.58:11B-3).

16 <sup>1</sup>**["Resilient New Jersey Financing Program"]** means the program  
 17 established by the bank pursuant to sections 1 through 9 of P.L. ,  
 18 c. (C. ) (pending before the Legislature as this bill).<sup>1</sup>

19 "State Office of Emergency Management" means the Office of  
 20 Emergency Management in the Division of State Police in the  
 21 Department of Law and Public Safety.

22 "STORM Act" means the "Safeguarding Tomorrow through  
 23 Ongoing Risk Management Act," Pub. L. 116-284, <sup>1</sup>**["or any**  
 24 **amendatory or supplementary acts thereto"]** as amended or  
 25 superseded<sup>1</sup> , and any rules, regulations, or guidance adopted  
 26 pursuant thereto by the Federal Emergency Management Agency.

27  
 28 3. (New section) a. (1) There is established in the New Jersey  
 29 Infrastructure Bank a special, nonlapsing fund to be known as the  
 30 <sup>1</sup>**["Resilient New Jersey"]** Community Hazard Assistance Mitigation  
 31 Program<sup>1</sup> Revolving Loan Fund." Monies in the fund shall be held  
 32 separately and be available in perpetuity solely for the purpose of  
 33 funding hazard mitigation and resilience projects undertaken by the  
 34 State, local government units, and nonprofit organizations in  
 35 accordance with the provisions of the STORM Act and sections 1  
 36 through 9 of P.L. , c. (C. ) (pending before the Legislature  
 37 as this bill).

38 (2) There shall be established within the fund three subaccounts:

39 (a) a federally-funded hazard mitigation and resilience project  
 40 subaccount approved to receive federal funds, repayments of loans,  
 41 and interest earned on amounts in the subaccount;

42 (b) a State-funded hazard mitigation and resilience project  
 43 subaccount approved to receive State matching funds, and funds in  
 44 excess of those required to be deposited in the federally-funded  
 45 hazard mitigation and resilience project subaccount; and

46 (c) a <sup>1</sup>**["Resilient New Jersey Financing"]** Community Hazard  
 47 Assistance Mitigation<sup>1</sup> Program Loan Origination Fee subaccount

1 established pursuant to section 4 of P.L. , c. (C. ) (pending  
2 before the Legislature as this bill).

3 b. The fund shall be credited with:

4 (1) any federal funds apportioned and allocated to the State  
5 pursuant to the STORM Act;

6 (2) proceeds from bonds, notes, or any other credit instrument  
7 issued by the bank pursuant to sections 1 through 9 of P.L. ,  
8 c. (C. ) (pending before the Legislature as this bill);

9 (3) any other moneys appropriated by the Legislature or  
10 otherwise made available to the fund for the purposes of sections 1  
11 through 9 of P.L. , c. (C. ) (pending before the Legislature  
12 as this bill);

13 (4) moneys obtained from the payment of interest assessed on,  
14 and the repayment of principal of, any loans made pursuant to  
15 sections 1 through 9 of P.L. , c. (C. ) (pending before the  
16 Legislature as this bill);

17 (5) any interest earnings or other investment income earned or  
18 received on the moneys in the fund; and

19 (6) loan origination fees paid and received pursuant to section 4  
20 of P.L. , c. (C. ) (pending before the Legislature as this bill).

21 c. All money appropriated or otherwise made available to the  
22 fund shall be dedicated for the purposes of the fund. Pending use,  
23 moneys in the fund may be invested and reinvested in the same  
24 manner as other moneys of the bank in the manner provided by law.  
25 All earnings received from the investment or deposit of such  
26 moneys shall be paid into and become a part of the fund and be  
27 available for use pursuant to sections 1 through 9 of P.L. ,  
28 c. (C. ) (pending before the Legislature as this bill).

29 d. Notwithstanding any provision of P.L.1985, c.334  
30 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or  
31 sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3  
32 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3), to the  
33 contrary, all moneys in the fund shall be held separate from other  
34 funds of the bank, and shall not be combined or comingled with any  
35 funds that finance wastewater treatment system projects, water  
36 supply projects, other environmental infrastructure projects, or  
37 transportation projects. The amounts of federal capitalization  
38 grants appropriated pursuant to the STORM act and associated State  
39 matching funds, the repayments of loans, and the interest earned on  
40 amounts in the fund shall be accounted for separately from other  
41 amounts in the fund.

42 e. The State Office of Emergency Management, in conjunction  
43 with the bank, shall apply to the Federal Emergency Management  
44 Agency when funding is made available to states under the  
45 provisions of the STORM Act and the State Office of Emergency  
46 Management and the bank shall have the authority to enter into any  
47 agreement necessary to capitalize the fund.

1 f. The bank shall establish terms for providing assistance from  
2 the fund, including below market interest rates, deferred payment  
3 schedules, and other provisions that will enable these funds to be  
4 used effectively and in accordance with the provisions of the  
5 STORM Act, any agreement entered into with the Federal  
6 Emergency Management Agency, and sections 1 through 9 of  
7 P.L. , c. (C. ) (pending before the Legislature as this bill).

8 g. The bank shall include an itemized account of expenditures  
9 from the fund in the financial plan required pursuant to section 7 of  
10 P.L. , c. (C. ) (pending before the Legislature as this bill).

11  
12 4. (New section) a. There is established in the <sup>1</sup>**Resilient New**  
13 **Jersey** Community Hazard Assistance Mitigation Program<sup>1</sup>  
14 Revolving Loan Fund a special subaccount to be known as the  
15 <sup>1</sup>**Resilient New Jersey Financing** Community Hazard Assistance  
16 Mitigation<sup>1</sup> Program Loan Origination Fee subaccount.

17 The <sup>1</sup>**Resilient New Jersey Financing** Community Hazard  
18 Assistance Mitigation<sup>1</sup> Program Loan Origination Fee subaccount  
19 shall be credited with:

20 (1) moneys deposited into the subaccount as loan origination fees  
21 received by the bank and paid by loan applicants for hazard  
22 mitigation and <sup>1</sup>**resiliency** resilience<sup>1</sup> projects <sup>1</sup>**Resilient New**  
23 **Jersey Financing Program**<sup>1</sup> ; and

24 (2) any interest paid on the amounts of the loan origination fees.

25 b. Moneys in the <sup>1</sup>**Resilient New Jersey Financing**  
26 Community Hazard Assistance Mitigation<sup>1</sup> Program Loan  
27 Origination Fee subaccount shall be drawn and used by the bank to  
28 reimburse the bank for administrative and operating expenses  
29 incurred in administering the <sup>1</sup>**Resilient New Jersey Financing**  
30 Community Hazard Assistance Mitigation<sup>1</sup> Program. The monies  
31 in the <sup>1</sup>**Resilient New Jersey Financing** Community Hazard  
32 Assistance Mitigation<sup>1</sup> Program Loan Origination Fee subaccount  
33 shall also be available for application by the bank for loans to local  
34 government units and nonprofit organizations for the cost of hazard  
35 mitigation and <sup>1</sup>**resiliency** resilience<sup>1</sup> projects. Amounts in  
36 excess of the funds drawn by the bank from the subaccount  
37 established pursuant to this section during any given fiscal year  
38 shall be carried forward into the following fiscal year and held on  
39 deposit in the fund.

40  
41 5. (New section) a. In addition to its powers and duties set  
42 forth in P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224  
43 (C.58:11B-10.1 et al.), and sections 22 and 34 through 38 of  
44 P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-  
45 20.2, C.58:11B-22.3, and C.58:11B-22.4), the New Jersey  
46 Infrastructure Bank shall establish a “<sup>1</sup>**Resilient New Jersey**

1    Financing] Community Hazard Assistance Mitigation<sup>1</sup> Program” to  
2    fund hazard mitigation and <sup>1</sup>[resiliency] resilience<sup>1</sup> projects  
3    undertaken by the State, local government units, and nonprofit  
4    organizations in accordance with the provisions of the STORM Act  
5    and sections 1 through 9 of P.L.     , c.     (C.     ) (pending before  
6    the Legislature as this bill).

7        b. Except as otherwise provided in sections 1 through 9 of  
8    P.L.     , c.     (C.     ) (pending before the Legislature as this bill),  
9    the <sup>1</sup>[Resilient New Jersey Financing] Community Hazard  
10   Assistance Mitigation<sup>1</sup> Program shall comply with all provisions of  
11   P.L.1985, c.334 (C.58:11B-1 et seq.), unless such provision is  
12   specifically related to environmental infrastructure or transportation  
13   projects as defined in section 3 of P.L.1985, c.334 (C.58:11B-3).

14        In establishing this program and issuing bonds pursuant to  
15   sections 1 through 9 of P.L.     , c.     (C.     ) (pending before the  
16   Legislature as this bill), the bank shall have the same powers and  
17   duties set forth in the “New Jersey Infrastructure Trust Act,”  
18   P.L.1985, c.334 (C.58:11B-1 et seq.). The bank shall borrow  
19   money and issue bonds, notes, and other obligations, and secure the  
20   same, and provide for the rights of the holders thereof in the same  
21   manner as provided pursuant to P.L.1985, c.334 (C.58:11B-1 et  
22   seq.).

23        c. The bank shall make and contract to make loans and provide  
24   other assistance to State entities, local government units, and  
25   nonprofit organizations to finance the cost of hazard mitigation and  
26   <sup>1</sup>[resiliency] resilience<sup>1</sup> projects in accordance with the provisions  
27   of the STORM Act and sections 1 through 9 of P.L.     , c.     (C.     )  
28   (pending before the Legislature as this bill) and acquire and contract  
29   to acquire notes, bonds or other obligations issued or to be issued  
30   by any local government units to evidence the loans, all in  
31   accordance with the provisions of P.L.1985, c.334 (C.58:11B-1 et  
32   seq.). The loans shall be made subject to those terms and  
33   conditions as the bank shall determine to be consistent with the  
34   purposes of the STORM Act and sections 1 through 9 of P.L.     ,  
35   c.     (C.     ) (pending before the Legislature as this bill). Each  
36   loan by the bank and the terms and conditions thereof shall be  
37   subject to approval by the State Treasurer, and the bank shall make  
38   available to the State Treasurer all information, statistical data, and  
39   reports of independent consultants or experts as the State Treasurer  
40   shall deem necessary in order to evaluate the loan.

41  
42        6. (New section) a. The State Office of Emergency  
43   Management, in <sup>1</sup>[conjunction] consultation<sup>1</sup> with the <sup>1</sup>[bank]  
44   commissioner<sup>1</sup> , shall for each fiscal year develop a priority system  
45   for the ranking of hazard mitigation and <sup>1</sup>[resiliency] resilience<sup>1</sup>  
46   projects to be financed through the <sup>1</sup>[Resilient New Jersey  
47   Financing] Community Hazard Assistance Mitigation<sup>1</sup> Program and

1 the **‘[Resilient New Jersey] Community Hazard Assistance**  
2 **Mitigation Program**<sup>1</sup> Revolving Loan Fund.

3 b. (1) The State Office of Emergency Management, in  
4 **‘[conjunction] consultation**<sup>1</sup> with the **‘[bank] commissioner**<sup>1</sup> ,  
5 shall set forth a **‘[Resilient New Jersey Financing] Community**  
6 **Hazard Assistance Mitigation**<sup>1</sup> Program Project Priority List,  
7 **‘[hereinafter referred to as the “hazard mitigation and resiliency**  
8 **project priority list,”]**<sup>1</sup> for funding by the bank for each fiscal year  
9 and shall include **‘: (a)**<sup>1</sup> the aggregate amount of funds of the bank  
10 to be authorized for these purposes **‘[. The hazard mitigation and**  
11 **resiliency project priority list shall include]** ; **(b)**<sup>1</sup> a description of  
12 each **‘hazard mitigation and resilience**<sup>1</sup> project **‘;’**<sup>1</sup> and **‘(c)**<sup>1</sup> an  
13 explanation of the manner in which projects are ranked.

14 The **‘[hazard mitigation and resiliency]**<sup>1</sup> project priority list for  
15 the ensuing fiscal year shall be submitted to the Legislature  
16 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) on or before  
17 January 15 of each year. The Senate Secretary and the Clerk of the  
18 General Assembly shall cause the date of submission to be entered  
19 upon the Senate Journal and the Minutes of the General Assembly,  
20 respectively.

21 (2) Any hazard mitigation and **‘[resiliency] resilience**<sup>1</sup> project,  
22 or sponsor thereof, not identified in the **‘[hazard mitigation and**  
23 **resiliency]**<sup>1</sup> project priority list **‘pursuant to paragraph (1) of this**  
24 **subsection**<sup>1</sup> shall not be eligible for a loan from the **‘[Resilient New**  
25 **Jersey] Community Hazard Assistance Mitigation Program**<sup>1</sup>  
26 Revolving Loan Fund. The bank may revise or supplement the  
27 **‘[hazard mitigation and resiliency]**<sup>1</sup> project priority list no more  
28 than four times during the fiscal year and shall submit the revised  
29 list to the Legislature when the revisions are made.

30 No funds may be disbursed pursuant to this subsection for hazard  
31 mitigation and **‘[resiliency] resilience**<sup>1</sup> project activities prior to  
32 certification in writing, from the bank to the State Treasurer, that  
33 the project activities satisfy the provisions of the STORM Act,  
34 sections 1 through 9 of P.L. , c. (C. ) (pending before the  
35 Legislature as this bill), and P.L.1985, c.334 (C.58:11B-1 et seq.).

36 Any short-term or temporary loans made by the bank may only  
37 be made in advance of an anticipated long-term hazard mitigation  
38 and **‘[resiliency] resilience**<sup>1</sup> project loan. Any such short-term or  
39 temporary loan made shall mature no later than the last day of the  
40 fifth succeeding fiscal year following the closing date on which the  
41 short-term or temporary loan was made by the bank. Any short-  
42 term or temporary loan made by the bank pursuant to this  
43 subsection may mature in a shorter period of time as may be  
44 necessary to align with construction completion. With respect to  
45 any short-term or temporary loan for planning, design, and  
46 construction expenses, the bank may authorize one short-term

1 supplemental loan for residual expenses thereof upon receipt by the  
2 bank from the State Office of Emergency Management of a  
3 certification that states that the time required to complete  
4 construction of the project exceeds the maximum maturity date of  
5 the short-term or temporary loan. Any such short-term  
6 supplemental loan shall not exceed in duration the last day of the  
7 third succeeding fiscal year following the loan closing of the short-  
8 term supplemental loan.

9 c. The State Office of Emergency Management in  
10 <sup>1</sup>~~['conjunction']~~ consultation<sup>1</sup> with the <sup>1</sup>~~['bank']~~ commissioner<sup>1</sup> ,  
11 shall set forth a <sup>1</sup>~~['Resilient New Jersey Financing']~~ Community  
12 Hazard Mitigation Assistance<sup>1</sup> Program Project Eligibility List for  
13 long-term funding by the bank and shall include the aggregate  
14 amount of funds to be authorized for these purposes.

15 On or before May 15 of each year, the bank shall submit the  
16 <sup>1</sup>~~['Resilient New Jersey Financing']~~ Community Hazard Mitigation  
17 Assistance<sup>1</sup> Program Project Eligibility List, to the Legislature  
18 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) to be  
19 introduced in each House in the form of legislative appropriations  
20 bills, which shall be referred to the Senate Environment and Energy  
21 Committee and the Assembly Environment and Solid Waste  
22 Committee, or their successors, for their respective consideration.  
23 The Senate Secretary and the Clerk of the General Assembly shall  
24 cause the date of submission to be entered upon the Senate Journal  
25 and the Minutes of the General Assembly, respectively.

26 The Senate Environment and Energy Committee and the  
27 Assembly Environment and Solid Waste Committee shall, either  
28 individually or jointly, consider the legislation containing the  
29 <sup>1</sup>~~['Resilient New Jersey']~~ Community Hazard Mitigation Assistance<sup>1</sup>  
30 Program Project Eligibility List, and shall report the legislation,  
31 together with any modifications, out of committee for consideration  
32 by each House of the Legislature. On or before July 1 of each year,  
33 the Legislature shall approve an appropriations act containing the  
34 <sup>1</sup>~~['Resilient New Jersey']~~ Community Hazard Mitigation Assistance<sup>1</sup>  
35 Program Project Eligibility List, which act shall include the  
36 authorization of an aggregate amount of funds of the bank to be  
37 expended for long-term loans and guarantees for the hazard  
38 mitigation and <sup>1</sup>~~['resiliency']~~ resilience<sup>1</sup> projects, including the  
39 individual amounts therefor, on the list.

40 On or before October 15 of each year the bank may submit an  
41 additional <sup>1</sup>~~['Resilient New Jersey Financing']~~ Community Hazard  
42 Mitigation Assistance<sup>1</sup> Program Project Eligibility List, to be  
43 introduced in each House in the form of legislative appropriations  
44 bills, which shall be referred to the Senate Environment and Energy  
45 Committee and the Assembly Environment and Solid Waste  
46 Committee, or their successors, for their respective consideration.  
47 The Secretary of the Senate and the Clerk of the General Assembly



1 shall cause the date of submission to be entered upon the Senate  
2 Journal and the Minutes of the General Assembly, respectively.

3 d. <sup>1</sup>The State Office of Emergency Management shall consult  
4 with the commissioner when developing the priority system  
5 pursuant to subsection a. of this section, the project priority list  
6 pursuant to subsection b. of this section, and the project eligibility  
7 list pursuant to subsection c. of this section, however, responsibility  
8 for determining assistance priorities and carrying out oversight  
9 activities shall be the responsibility of the State Office of  
10 Emergency Management.

11 e.<sup>1</sup> The bank shall not expend any money for a loan or  
12 guarantee during a fiscal year for any hazard mitigation or  
13 <sup>1</sup>**[resiliency]** resilience<sup>1</sup> project unless the expenditure is  
14 authorized pursuant to an appropriations act of the current or three  
15 immediate preceding fiscal years as provided in the provisions of  
16 this section, or as otherwise set forth in an appropriations act.

17 <sup>1</sup>**[e.] f.**<sup>1</sup> The bank shall submit to the Secretary of the Senate  
18 and the Clerk of the General Assembly on or before January 15 of  
19 each year a report which shall identify the hazard mitigation  
20 <sup>1</sup>**[resiliency]** and resilience<sup>1</sup> projects financed during the prior  
21 fiscal year, including a project description, the amount of the loan  
22 provided for each project, and the duration of each loan.

23  
24 7. (New section) a. On or before May 15 of each year, the  
25 bank shall submit to the Legislature pursuant to section 2 of  
26 P.L.1991, c.164 (C.52:14-19.1), a financial plan designed to  
27 implement the financing of hazard mitigation and <sup>1</sup>**[resiliency]**  
28 resilience<sup>1</sup> projects on the <sup>1</sup>**[Resilient New Jersey Financing]**  
29 Community Hazard Mitigation Assistance<sup>1</sup> Program Project  
30 Eligibility List approved pursuant to section 6 of P.L. ,  
31 c. (C. ) (pending before the Legislature as this bill) or as  
32 otherwise approved by the Legislature. The financial plan shall list  
33 the bonds, notes, or other obligations of the bank which the bank  
34 intends to issue, including the amounts thereof and the terms and  
35 conditions thereof, a list of loans to be made, including the terms  
36 and conditions thereof and the anticipated rate of interest per annum  
37 and repayment schedule therefor, and a list of loan guarantees or  
38 contracts to guarantee the payment of all or a portion of the  
39 principal and interest on the bonds, notes, or other obligations.

40 The financial plan shall also set forth a complete operating and  
41 financial statement covering the proposed operations of the  
42 <sup>1</sup>**[Resilient New Jersey Financing]** Community Hazard Mitigation  
43 Assistance<sup>1</sup> Program during the forthcoming fiscal year, including  
44 amounts of income from all sources, and the uniform schedule of  
45 fees and charges established by the bank, and the amounts to be  
46 derived therefrom. The financial plan shall also summarize the  
47 status of each hazard mitigation and <sup>1</sup>**[resiliency]** resilience<sup>1</sup>

1 project for which loans or guarantees have been made by the bank,  
2 and shall describe major impediments to the accomplishment of the  
3 planned hazard mitigation and **‘[resiliency] resilience’** projects.

4 b. On or before June 30 of each year, the Legislature may  
5 reject the financial plan through the adoption by both houses of a  
6 concurrent resolution. If the Legislature takes no action on or  
7 before June 30, the financial plan shall be deemed approved.

8 c. The financial plan required by this section shall not be  
9 eligible for inclusion in a consolidated financial plan as established  
10 in section 27 of P.L.1997, c.224 (C.58:11B-22.2).

11  
12 8. (New section) a. Monies in the **‘[Resilient New Jersey]**  
13 **Community Hazard Mitigation Assistance Program’** Revolving  
14 Loan Fund (1) shall be used in accordance with the provisions of  
15 the STORM Act and sections 1 through 9 of P.L. , c. (C. )  
16 (pending before the Legislature as this bill) for the purpose of  
17 providing loans or other financial assistance for hazard mitigation  
18 and **‘[resiliency] resilience’** projects undertaken by State entities,  
19 local government units, and nonprofit organizations, and (2) shall  
20 be supplemental to, and not intended to take the place of, funding  
21 that otherwise would be appropriated to State agencies, local  
22 government units, or nonprofit organizations for hazard mitigation  
23 **‘[or resiliency] and resilience’** projects.

24 b. The bank may provide loans or other financial assistance from  
25 the fund to local government units and nonprofit organizations to  
26 (1) supplement, as allowable under federal law, rule, or regulation,  
27 funding received from other federal resilience grant programs,  
28 including the Building Resilient Infrastructures and Communities  
29 (BRIC) program, the Flood Mitigation Assistance (FMA) program,  
30 the Hazard Mitigation Grant Program (HMGP), and the United  
31 States Department of Housing and Urban Development’s  
32 Community Development Block Grant Mitigation program, and (2)  
33 participate in the United States Army Corps of Engineers’ Flood  
34 Risk Management Program.

35 c. (1) The bank may provide loans or other financial assistance  
36 from the fund to local government units for the purpose of  
37 establishing a program to provide loan funds to private property  
38 owners to use for hazard mitigation and resilience projects for a  
39 building. Hazard mitigation projects for private property owners  
40 shall include, but not be limited to, wind retrofit, flood mitigation  
41 elevation, floodproofing, fire retrofit mitigation, hurricane retrofit  
42 mitigation projects, and any other eligible projects pursuant to the  
43 STORM act.

44 (2) Repayment of a loan provided by a local government unit to a  
45 private property owner may be collected in the same manner as  
46 property taxes and shall be collateralized by a lien on the real  
47 property that is the site of the hazard mitigation and resilience

1 project. A property owner may sell property after receiving a loan  
2 pursuant to this subsection, provided that the property owner repays  
3 the loan.

4 (3) To the extent permitted by federal law, a local government  
5 unit that provides loans to private property owners pursuant to  
6 paragraph (1) of this subsection shall establish a graduated loan  
7 forgiveness program that shall, at minimum:

8 (a) provide full loan forgiveness for eligible households with  
9 income between 80 percent and 50 percent of the median income  
10 for the municipality in which the property to which the loan applies  
11 is located;

12 (b) provide 50 percent loan forgiveness for eligible households  
13 with income between 80 percent to 100 percent of the median  
14 income for the municipality in which the property to which the loan  
15 applies is located; and

16 (c) provide additional loan forgiveness percentages for  
17 households not covered by subparagraph (a) or (b) of this  
18 paragraph, based on:

19 (i) the number of private property owners with loans issued  
20 pursuant to this subsection that are outstanding;

21 (ii) the availability of funding; and

22 (iii) any other factor that the local government unit, in  
23 consultation with the State Office of Emergency Management, finds  
24 reasonable and necessary.

25 d. The bank may provide grants or other financial assistance to  
26 nonprofit organizations for **'[natural]'** hazard **'[or resiliency]'**  
27 mitigation and resilience<sup>1</sup> projects.

28 e. The bank shall, taking into consideration and in accordance  
29 with the requirements of the STORM Act, establish, in consultation  
30 with the State Office of Emergency Management, application  
31 procedures and eligibility criteria for State entities, local  
32 government units, and nonprofit organizations to receive loans or  
33 other financial assistance from the fund. The eligibility criteria  
34 shall require that an applicant demonstrate:

35 (1) the need for the loan or other financial assistance to address  
36 hazard mitigation; and

37 (2) the ability to repay the loan or other financial assistance, if  
38 required, at a later date.

39 f. Long-term loans provided from the fund shall be for a fixed  
40 loan period, and shall comply with all applicable requirements of  
41 the STORM Act and any rules, regulations, or guidelines adopted  
42 by the Federal Emergency Management Agency governing funding  
43 provided pursuant to the STORM Act. The bank shall establish  
44 terms for providing assistance from the fund, including short-term  
45 loans for planning, design, and construction, below market interest  
46 rates, deferred payment schedules, and other provisions that will  
47 enable these funds to be used effectively.

1       9. (New section) The bank and the Department of Law and  
2 Public Safety <sup>1</sup>~~shall~~ may<sup>1</sup> adopt, pursuant to the “Administrative  
3 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), any rules and  
4 regulations deemed appropriate and necessary for the  
5 implementation of sections 1 through 9 of P.L. , c. (C. )  
6 (pending before the Legislature as this bill). These rules and  
7 regulations <sup>1</sup>~~shall~~ may<sup>1</sup> include, but not be limited to: procedures  
8 for the submission of applications; standards for the evaluation of  
9 applications; provisions implementing priority systems for projects;  
10 reporting requirements of the recipient of any loan concerning the  
11 progress and the expenditure of funds; and limitations, restrictions,  
12 or requirements concerning the use of monies in the fund as may be  
13 necessary pursuant to the provisions of the STORM Act and any  
14 rules or regulations adopted pursuant thereto.

15  
16       10. Section 3 of P.L.1985, c.334 (C.58:11B-3) is amended to  
17 read as follows:

18       3. As used in sections 1 through 27 of P.L.1985, c.334  
19 (C.58:11B-1 through C.58:11B-27), sections 23 through 27 of  
20 P.L.1997, c.224 (C.58:11B-10.1, C.58:11B-20.1, C.58:11B-21.1,  
21 C.58:11B-22.1, and C.58:11B-22.2), and sections 22 and 34 through  
22 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5,  
23 C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4):

24       “Aviation project” means a project to develop or improve county  
25 or municipal airport facilities, or airport facilities owned or  
26 operated by a regional transportation authority that is not a bi-state  
27 authority, and related infrastructure or capital equipment, including,  
28 but not limited to, any design, planning, acquisition, construction,  
29 reconstruction, relocation, installation, removal, repair, or  
30 rehabilitation project that facilitates, increases the efficiency of, or  
31 improves the capacity for inter-modal trade for commercial and  
32 industrial facilities that are part of airport facilities. “Aviation  
33 project” includes, but is not limited to, any project to develop or  
34 improve terminal facilities designed for public use and for the  
35 transportation of persons or property, such as airports, runways,  
36 berms, basins, storage places, sheds, warehouses, and related  
37 infrastructure;

38       “Bonds” means bonds issued by the trust pursuant to P.L.1985,  
39 c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et  
40 al.);

41       “Combined sewer overflow” means the discharge of untreated or  
42 partially treated stormwater runoff and wastewater from a combined  
43 sewer system into a body of water;

44       “Combined sewer system” means a sewer system designed to  
45 carry sanitary wastewater at all times, which is also designed to  
46 collect and transport stormwater runoff from streets and other  
47 sources, thereby serving a combined purpose;

1 “Commissioner” means the Commissioner of the Department of  
2 Environmental Protection;

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

9 “Department” means the Department of Environmental  
10 Protection;

11 “Environmental infrastructure project” means the acquisition,  
12 construction, improvement, repair or reconstruction of all or part of  
13 any structure, facility or equipment, or real or personal property  
14 necessary for or ancillary to any: (1) wastewater treatment system  
15 project, including any stormwater management or combined sewer  
16 overflow abatement projects; or (2) water supply project, as  
17 authorized pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.) or  
18 P.L.1997, c.224 (C.58:11B-10.1 et al.), including any water  
19 resources project, as authorized pursuant to P.L.2003, c.162;

20 “Federal infrastructure bank program” means the United States  
21 Department of Transportation State Infrastructure Bank Program  
22 provided for in section 350 of Pub.L.104-59 and Pub.L.102-240 as  
23 amended or superseded;

24 “Local government unit” means (1) a State authority, county,  
25 municipality, municipal, county or regional sewerage or utility  
26 authority, municipal sewerage district, joint meeting, improvement  
27 authority, or any other political subdivision of the State authorized  
28 to construct, operate, and maintain wastewater treatment systems;  
29 (2) a State authority, district water supply commission, county,  
30 municipality, municipal, county or regional utilities authority,  
31 municipal water district, joint meeting, or any other political  
32 subdivision of the State authorized pursuant to law to operate or  
33 maintain a public water supply system or to construct, rehabilitate,  
34 operate, or maintain water supply facilities or otherwise provide  
35 water for human consumption; (3) a county, municipality,  
36 municipal, county or regional transportation authority, or any other  
37 political subdivision of the State authorized to construct, operate, or  
38 maintain public highways or transportation projects; (4) a county,  
39 municipality, or other political subdivision or instrumentality of the  
40 State, or a municipal, county, or State authority that is not a bi-state  
41 authority, authorized to construct, operate, or maintain ports or  
42 marine projects; **【or】** (5) a county, municipality, municipal or  
43 regional transportation authority, or other political subdivision or  
44 instrumentality of the State authorized to construct, operate, or  
45 maintain airports or aviation projects; or (6) a local government unit  
46 as defined in section 2 of P.L. , c. (C. ) (pending before the  
47 Legislature as this bill) authorized to receive funds pursuant to the  
48 “Safeguarding Tomorrow Through Ongoing Risk Mitigation

1 (STORM) Act,” Pub.L. 116-284 (42 U.S.C. s. 5135), as amended or  
2 supplemented, and P.L. , c. (C. ) (pending before the  
3 Legislature as this bill);

4 “Marine project” means a project to develop or improve public  
5 port or terminal facilities, and related infrastructure or capital  
6 equipment, including, but not limited to, any design, planning,  
7 acquisition, construction, reconstruction, relocation, installation,  
8 removal, repair, or rehabilitation project that facilitates, increases  
9 the efficiency of, or improves the capacity for inter-modal trade and  
10 cargo movement for commercial or industrial facilities that are part  
11 of port or terminal facilities. “Marine project” includes, but is not  
12 limited to, dredging, soil hardening, and paving of the port  
13 facilities, and ferry terminal facilities designed for public use and  
14 the transportation of persons or property such as water craft, docks,  
15 wharves, piers, slips, storage places, sheds, warehouses, and related  
16 infrastructure. “Marine project” shall not include any project that  
17 relates to or supports recreational or commercial boating activities;

18 “New Jersey Environmental Infrastructure Financing Program”  
19 means the financing program to fund environmental infrastructure  
20 projects;

21 “New Jersey Transportation Infrastructure Financing Program”  
22 means the financing program to fund transportation projects,  
23 aviation projects, and marine projects;

24 “Notes” means notes issued by the trust pursuant to P.L.1985,  
25 c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.),  
26 or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3  
27 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and  
28 C.58:11B-22.4);

29 “Onsite wastewater treatment and disposal system” means an on-  
30 site system designed to treat and dispose of domestic sewage;

31 “Other assistance” means forms of financial assistance, in  
32 addition to loans, authorized by the New Jersey Infrastructure Bank  
33 from the State Transportation Infrastructure Bank Fund, the  
34 wastewater treatment system general loan fund, **[or]** the water  
35 supply facilities general loan fund, or the <sup>1</sup>**[Resilient New Jersey]**  
36 Community Hazard Assistance Mitigation Program<sup>1</sup> Revolving  
37 Loan Fund established pursuant to section 3 of P.L. , c. (C. )  
38 (pending before the Legislature as this bill), including, but not  
39 limited to, use of funds to: provide credit enhancements; serve as a  
40 capital reserve for bond or other debt instrument financing;  
41 subsidize interest rates; ensure the issuance of letters of credit and  
42 credit instruments; finance purchase and lease agreements with  
43 respect to transit projects; and provide bond or other debt financing  
44 instrument security;

45 “Planning, design, and construction loan” means a short-term or  
46 temporary loan for eligible costs incurred in project planning,  
47 engineering design, or construction issued before or during the  
48 planning stage of a project;

1       “Project” means the acquisition, construction, improvement,  
2 repair or reconstruction of all or part of any structure, facility, or  
3 equipment, or real or personal property necessary for or ancillary to  
4 any: (1) wastewater treatment system project, including any  
5 stormwater management or combined sewer overflow abatement  
6 projects; (2) water supply project, as authorized pursuant to  
7 P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-  
8 10.1 et al.), including any water resources project, as authorized  
9 pursuant to P.L.2003, c.162; or (3) transportation project, aviation  
10 project, or marine project authorized pursuant to sections 22 and 34  
11 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-  
12 10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4);

13       “Public highway” means public roads, streets, expressways,  
14 freeways, parkways, motorways and boulevards, including bridges,  
15 tunnels, overpasses, underpasses, interchanges, express bus  
16 roadways, bus pullouts and turnarounds, park-ride facilities, traffic  
17 circles, grade separations, traffic control devices, the elimination or  
18 improvement of crossings of railroads and highways, whether at-  
19 grade or not at-grade, bicycle and pedestrian pathways and  
20 pedestrian and bicycle bridges, and any property, rights of way,  
21 easements and interests therein needed for the construction,  
22 improvement, and maintenance of highways;

23       “Public water utility” means any investor-owned water company  
24 or small water company;

25       “Small water company” means any company, purveyor or entity,  
26 other than a governmental agency, that provides water for human  
27 consumption and which regularly serves less than 1,000 customer  
28 connections, including nonprofit, noncommunity water systems  
29 owned or operated by a nonprofit group or organization;

30       “Stormwater management system” means any equipment, plants,  
31 structures, machinery, apparatus, management practices, or land, or  
32 any combination thereof, acquired, used, constructed, implemented  
33 or operated to prevent nonpoint source pollution, abate improper  
34 cross-connections and interconnections between stormwater and  
35 sewer systems, minimize stormwater runoff, reduce soil erosion, or  
36 induce groundwater recharge, or any combination thereof;

37       “Transportation project” means a capital project for public  
38 highways, approach roadways and other necessary land-side  
39 improvements, ramps, signal systems, roadbeds, transit lanes or  
40 rights of way, pedestrian walkways and bridges connecting to  
41 passenger stations and servicing facilities, bridges, and grade  
42 crossings;

43       “Trust” means the New Jersey Infrastructure Bank created  
44 pursuant to section 4 of P.L.1985, c.334 (C.58:11B-4);

45       “Wastewater” means residential, commercial, industrial, or  
46 agricultural liquid waste, sewage, septage, stormwater runoff, or  
47 any combination thereof, or other liquid residue discharged or

1 collected into a sewer system or stormwater management system, or  
2 any combination thereof;

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

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

33 “Water resources project” means any work related to transferring  
34 water between public water systems during a state of water  
35 emergency, to avert a drought emergency in all or any part of the  
36 State, to plan, design or construct interconnections of existing water  
37 supplies, or to extend water supplies to areas with contaminated  
38 ground water supplies;

39 “Water supply facilities” means and refers to the real property  
40 and the plants, structures, interconnections between existing water  
41 supply facilities, machinery and equipment and other property, real,  
42 personal and mixed, acquired, constructed or operated, or to be  
43 acquired, constructed or operated, in whole or in part, by or on  
44 behalf of a public water utility, or by or on behalf of the State or a  
45 local government unit, for the purpose of augmenting the natural  
46 water resources of the State and making available an increased  
47 supply of water for all uses, or of conserving existing water  
48 resources, and any and all appurtenances necessary, useful or



1 convenient for the collecting, impounding, storing, improving,  
2 treating, filtering, conserving or transmitting of water, and for the  
3 preservation and protection of these resources and facilities,  
4 whether in public or private ownership, and providing for the  
5 conservation and development of future water supply resources, and  
6 facilitating incidental recreational uses thereof;

7 “Water supply project” means any work relating to the  
8 acquisition, construction, improvement, repair or reconstruction of  
9 all or part of any structure, facility or equipment, or real or personal  
10 property necessary for or ancillary to water supply facilities that  
11 meets the requirements set forth in sections 24, 25, and 26 of  
12 P.L.1997, c.224 (C.58:11B-20.1, C.58:11B-21.1, and C.58:11B-  
13 22.1); or any work relating to the purposes set forth in section 4 of  
14 P.L.1981, c.261; or any work relating to the purposes set forth in  
15 section 6 of P.L.2003, c.162; or any work relating to any other  
16 project eligible for funding pursuant to the federal “Safe Drinking  
17 Water Act Amendments of 1996,” Pub.L.104-182, and any  
18 amendatory and supplementary acts thereto.

19 (cf: P.L.2021, c.74, s.1)

20  
21 11. Section 5 of P.L.1985, c.334 (C.58:11B-5) is amended to  
22 read as follows:

23 5. Except as otherwise limited by the provisions of P.L.1985,  
24 c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.),  
25 or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3  
26 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and  
27 C.58:11B-22.4), the trust may:

28 a. Make and alter bylaws for its organization and internal  
29 management and, subject to agreements with holders of its bonds,  
30 notes or other obligations, make rules and regulations with respect  
31 to its operations, properties and facilities;

32 b. Adopt an official seal and alter it;

33 c. Sue and be sued;

34 d. Make and enter into all contracts, leases and agreements  
35 necessary or incidental to the performance of its duties and the  
36 exercise of its powers under the provisions of P.L.1985, c.334  
37 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or  
38 sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3  
39 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and  
40 C.58:11B-22.4), and subject to any agreement with the holders of  
41 the trust's bonds, notes or other obligations, consent to any  
42 modification, amendment or revision of any contract, lease or  
43 agreement to which the trust is a party;

44 e. Enter into agreements or other transactions with and accept,  
45 subject to the provisions of section 23 of P.L.1985, c.334  
46 (C.58:11B-23), grants, appropriations and the cooperation of the  
47 State, or any State agency, in furtherance of the purposes of  
48 P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-

1 10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56  
2 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-  
3 22.3, and C.58:11B-22.4), and do anything necessary in order to  
4 avail itself of that aid and cooperation;

5 f. Receive and accept aid or contributions from any source of  
6 money, property, labor or other things of value, to be held, used and  
7 applied to carry out the purposes of P.L.1985, c.334 (C.58:11B-1 et  
8 seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34  
9 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-  
10 10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), subject  
11 to the conditions upon which that aid and those contributions may  
12 be made, including, but not limited to, gifts or grants from any  
13 department or agency of the State, or any State agency, for any  
14 purpose consistent with the provisions of P.L.1985, c.334  
15 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or  
16 sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3  
17 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and  
18 C.58:11B-22.4), subject to the provisions of section 23 of P.L.1985,  
19 c.334 (C.58:11B-23);

20 g. Acquire, own, hold, construct, improve, rehabilitate,  
21 renovate, operate, maintain, sell, assign, exchange, lease, mortgage  
22 or otherwise dispose of real and personal property, or any interest  
23 therein, in the exercise of its powers and the performance of its  
24 duties under the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.),  
25 P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34  
26 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-  
27 10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4);

28 h. Appoint and employ an executive director and any other  
29 officers or employees as it may require for the performance of its  
30 duties, without regard to the provisions of Title 11A of the New  
31 Jersey Statutes;

32 i. Borrow money and issue bonds, notes and other obligations,  
33 and secure the same, and provide for the rights of the holders  
34 thereof as provided in the provisions of P.L.1985, c.334 (C.58:11B-  
35 1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and  
36 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-  
37 10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4);

38 j. Subject to any agreement with holders of its bonds, notes or  
39 other obligations, invest moneys of the trust not required for  
40 immediate use, including proceeds from the sale of any bonds, notes  
41 or other obligations, in any obligations, securities and other  
42 investments in accordance with the rules and regulations of the  
43 State Investment Council or as may otherwise be approved by the  
44 Director of the Division of Investment in the Department of the  
45 Treasury upon a finding that such investments are consistent with  
46 the corporate purposes of the trust;

47 k. Procure insurance to secure the payment of its bonds, notes  
48 or other obligations or the payment of any guarantees or loans made

1 by it in accordance with the provisions 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 sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3  
4 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and  
5 C.58:11B-22.4), or against any loss in connection with its property  
6 and other assets and operations, in any amounts and from any  
7 insurers as it deems desirable;

8 l. Engage the services of attorneys, accountants, engineers, and  
9 financial experts and any other advisors, consultants, experts and  
10 agents as may be necessary in its judgment and fix their  
11 compensation;

12 m. (1) Make and contract to make loans and provide other  
13 assistance to local government units, or to a local government unit  
14 on behalf of another local government unit, to finance the cost of  
15 wastewater treatment system projects or water supply projects and  
16 acquire and contract to acquire notes, bonds or other obligations  
17 issued or to be issued by any local government units to evidence the  
18 loans, all in accordance with the provisions of P.L.1985, c.334  
19 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.);

20 (2) Make and contract to make loans and provide other  
21 assistance to public water utilities, or to any other person or local  
22 government unit on behalf of a public water utility, to finance the  
23 cost of water supply projects in accordance with the provisions of  
24 P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-  
25 10.1 et al.);

26 (3) Make and contract to make loans and provide other  
27 assistance to private persons other than local government units, or  
28 to any other person or local government unit on behalf of a private  
29 person, to finance the cost of onsite wastewater treatment and  
30 disposal systems or stormwater management systems in accordance  
31 with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or  
32 P.L.1997, c.224 (C.58:11B-10.1 et al.);

33 (4) Make and contract to make loans and provide other  
34 assistance to one or more local government units or consortia  
35 thereof to finance the cost of transportation projects, aviation  
36 projects, and marine projects in accordance with applicable  
37 provisions of the federal infrastructure bank program and pursuant  
38 to sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3  
39 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and  
40 C.58:11B-22.4);

41 n. Subject to any agreement with holders of its bonds, notes or  
42 other obligations, purchase bonds, notes and other obligations of the  
43 trust and (1) hold the same for resale for any duration, including  
44 until maturity thereof, including in connection with any cross-  
45 investment initiative of the trust, or (2) provide for the cancellation  
46 thereof, all in accordance with the provisions of P.L.1985, c.334  
47 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or  
48 sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3

1 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and  
2 C.58:11B-22.4);

3 o. (1) Charge to and collect from local government units,  
4 private persons **【or】**, public water utilities <sup>1</sup>,<sup>1</sup> or **‘【.】’** nonprofit  
5 organizations any fees and charges in connection with the trust's  
6 loans, guarantees or other services, including, but not limited to,  
7 fees and charges sufficient to reimburse the trust for all reasonable  
8 costs necessarily incurred by it in connection with its financings and  
9 the establishment and maintenance of reserve or other funds, as the  
10 trust may determine to be reasonable. The fees and charges shall be  
11 in accordance with a uniform schedule published by the trust for the  
12 purpose of providing actual cost reimbursement for the services  
13 rendered;

14 (2) Any fees and charges collected by the trust pursuant to this  
15 subsection may be deposited and maintained in a special fund  
16 separate from any other funds held by the trust pursuant to section  
17 10 of P.L.1985, c.334 (C.58:11B-10) or section 23 of P.L.1997,  
18 c.224 (C.58:11B-10.1), and shall be available for any corporate  
19 purposes of the trust;

20 p. Subject to any agreement with holders of its bonds, notes or  
21 other obligations, obtain as security or to provide liquidity for  
22 payment of all or any part of the principal of and interest and  
23 premium on the bonds, notes and other obligations of the trust or  
24 for the purchase upon tender or otherwise of the bonds, notes or  
25 other obligations, lines of credit, letters of credit and other security  
26 agreements or instruments in any amounts and upon any terms as  
27 the trust may determine, and pay any fees and expenses required in  
28 connection therewith;

29 q. Provide to local government units any financial and credit  
30 advice <sup>1</sup>, and any form of technical assistance,<sup>1</sup> as these local  
31 government units may request;

32 r. Make payments to the State from any moneys of the trust  
33 available therefor as may be required pursuant to any agreement  
34 with the State or act appropriating moneys to the trust; and

35 s. Take any action necessary or convenient to the exercise of  
36 the foregoing powers or reasonably implied therefrom.

37 (cf: P.L.2021, c.74, s.2)

38  
39 12. Section 6 of P.L.1985, c.334 (C.58:11B-6) is amended to  
40 read as follows:

41 6. a. Except as may be otherwise expressly provided in the  
42 provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224  
43 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of  
44 P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-  
45 20.2, C.58:11B-22.3, and C.58:11B-22.4), the trust may from time  
46 to time issue its bonds, notes, or other obligations in any principal  
47 amounts as in the judgment of the trust shall be necessary to  
48 provide sufficient funds for any of its corporate purposes, including

1 the payment, funding, or refunding of the principal of, or interest or  
2 redemption premiums on, any bonds, notes, or other obligations  
3 issued by it, whether the bonds, notes, or other obligations or the  
4 interest or redemption premiums thereon to be funded or refunded  
5 have or have not become due, the establishment or increase of  
6 reserves or other funds to secure or to pay the bonds, notes, or other  
7 obligations or interest thereon and all other costs or expenses of the  
8 trust incident to and necessary to carry out its corporate purposes  
9 and powers.

10 b. Whether or not the bonds, notes or other obligations of the  
11 trust are of a form and character as to be negotiable instruments  
12 under the terms of Title 12A of the New Jersey Statutes, the bonds,  
13 notes and other obligations are made negotiable instruments within  
14 the meaning of and for the purposes of Title 12A of the New Jersey  
15 Statutes, subject only to the provisions of the bonds, notes and other  
16 obligations for registration.

17 c. Bonds, notes or other obligations of the trust shall be  
18 authorized by a resolution or resolutions of the trust and may be  
19 issued in one or more series and shall bear any date or dates, mature  
20 at any time or times, bear interest at any rate or rates of interest per  
21 annum, be in any denomination or denominations, be in any form,  
22 either coupon, registered or book entry, carry any conversion or  
23 registration privileges, have any rank or priority, be executed in any  
24 manner, be payable in any coin or currency of the United States  
25 which at the time of payment is legal tender for the payment of  
26 public and private debts, at any place or places within or without  
27 the State, and be subject to any terms of redemption by the trust or  
28 the holders thereof, with or without premium, as the resolution or  
29 resolutions may provide. A resolution of the trust authorizing the  
30 issuance of bonds, notes or other obligations may provide that the  
31 bonds, notes or other obligations be secured by a trust indenture  
32 between the trust and a trustee, vesting in the trustee any property,  
33 rights, powers and duties in trust consistent with the provisions of  
34 P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-  
35 10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56  
36 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-  
37 22.3, and C.58:11B-22.4) as the trust may determine.

38 d. Bonds, notes or other obligations of the trust may be sold at  
39 any price or prices and in any manner as the trust may determine.  
40 Notwithstanding any provisions of the "Local Bond Law,"  
41 N.J.S.40A:2-1 et seq., to the contrary, each bond, note, or other  
42 obligation of the trust, and each bond, note, or other obligation of a  
43 local government unit, public water utility, or other person, issued  
44 to the trust to evidence the loan issued to the trust, or, if applicable,  
45 issued to the State, acting by and through the Department of  
46 Environmental Protection, to evidence a loan issued thereby,  
47 pursuant to subsection a. of section 9 of P.L.1985, c.334 (C.58:11B-  
48 9), shall mature and be paid not later than 30 years for

1 environmental infrastructure projects, 45 years for combined sewer  
2 overflow projects, **[and]** 31 years for transportation projects,  
3 aviation projects, and marine projects, and 30 years for hazard  
4 mitigation and <sup>1</sup>**[assistance]** resilience<sup>1</sup> projects pursuant to  
5 sections 1 through 9 of P.L. , c. (C. ) (pending before the  
6 Legislature as this bill), from the effective date thereof, or the  
7 certified useful life of the project or projects to be financed by the  
8 bonds, notes, or other obligations, whichever is less, or a shorter  
9 period of time as may be applicable to any companion loan made  
10 concurrently with the loan made by the trust and issued pursuant to  
11 federal law or regulation.

12 Notwithstanding the provisions of the “Local Bond Law,”  
13 N.J.S.40A:2-1 et seq., or this subsection, to the contrary, each bond,  
14 note, or other obligation **[funded]** of the trust, and each bond, note,  
15 or other obligation of a local government unit, public water utility,  
16 or other person, issued to the trust to evidence the loan issued to the  
17 trust, or, if applicable, issued to the State, acting by and through the  
18 Department of Environmental Protection, to evidence a loan issued  
19 thereby, pursuant to subsection a. of section 9 of P.L.1985, c.334  
20 (C.58:11B-9), and issued in connection with funding provided  
21 pursuant to the “Water Infrastructure Finance and Innovation Act of  
22 2014” (WIFIA), 33 U.S.C. s.3901 et seq., as amended and  
23 supplemented, **[or]** the “Transportation Infrastructure Finance and  
24 Innovation Act of 1998” (TIFIA), 23 U.S.C. s.601 et seq., as  
25 amended and supplemented, or the “Safeguarding Tomorrow  
26 Through Ongoing Risk Mitigation (STORM) Act,” Pub.L. 116-284  
27 (42 U.S.C. s. 5135), as amended or supplemented, shall mature and  
28 be paid not later than the maximum time period allowed by those  
29 federal acts.

30 All bonds of the trust shall be sold at public or private sale at the  
31 price or prices and in the manner as the trust shall determine, either  
32 on a negotiated or on a competitive basis. If competitively sold,  
33 bonds shall be sold after notice of sale, a summary of which shall be  
34 **[published at least once in at least three newspapers published in**  
35 **the State of New Jersey and at least once in a publication carrying**  
36 **municipal bond notices and devoted primarily to financial news**  
37 **published in New Jersey or the city of New York,]** made public on  
38 three nationally recognized financial websites, accessible from the  
39 trust website, and available on the State of New Jersey Internet  
40 website, <https://buynjbonds.gov>, or its successor or a similar State  
41 of New Jersey Internet website designed to provide information to  
42 the State concerning the sale of bonds, with the first summary  
43 notice to be at least five days prior to the day of bidding. The  
44 notice of sale may contain a provision to the effect that any or all  
45 bids made in pursuance thereof may be rejected. In the event of  
46 such rejection or of failure to receive any acceptable bid, the trust,  
47 at any time within 60 days from the date of such advertised sale,

1 may sell such bonds at private sale upon terms not less favorable to  
2 the State than the terms offered by any rejected bid. The trust may  
3 sell all or part of the bonds of any series as issued to any State fund  
4 or to the federal government or any agency thereof, at private sale,  
5 without advertisement.

6 e. Bonds, notes or other obligations of the trust may be issued  
7 under the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.),  
8 P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34  
9 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-  
10 10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4) without  
11 obtaining the consent of any department, division, board, bureau or  
12 agency of the State, and without any other proceedings or the  
13 happening of any other conditions or things, other than those  
14 consents, proceedings, conditions or things which are specifically  
15 required by 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 sections 22 and 34 through 38 of  
17 P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-  
18 20.2, C.58:11B-22.3, and C.58:11B-22.4).

19 f. Bonds, notes or other obligations of the trust issued under  
20 the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997,  
21 c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of  
22 P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-  
23 20.2, C.58:11B-22.3, and C.58:11B-22.4) shall not be a debt or  
24 liability of the State or of any political subdivision thereof other  
25 than the trust and shall not create or constitute any indebtedness,  
26 liability or obligation of the State or any political subdivision, but  
27 all these bonds, notes and other obligations, unless funded or  
28 refunded by bonds, notes or other obligations, shall be payable  
29 solely from revenues or funds pledged or available for their  
30 payment as authorized in P.L.1985, c.334 (C.58:11B-1 et seq.),  
31 P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34  
32 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-  
33 10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4). Each  
34 bond, note and obligation shall contain on its face a statement to the  
35 effect that the trust is obligated to pay the principal thereof or the  
36 interest thereon only from its revenues, receipts or funds pledged or  
37 available for their payment as authorized in P.L.1985, c.334  
38 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or  
39 sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3  
40 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and  
41 C.58:11B-22.4), and that neither the State, nor any political  
42 subdivision thereof, is obligated to pay the principal or interest and  
43 that neither the faith and credit nor the taxing power of the State, or  
44 any political subdivision thereof, is pledged to the payment of the  
45 principal of or the interest on the bonds, notes or other obligations.

46 g. The aggregate principal amount of bonds, notes or other  
47 obligations, including subordinated indebtedness of the trust, shall  
48 not exceed (1) \$5,000,000,000 with respect to bonds, notes, or other

1 obligations issued to finance the Disaster Relief Emergency  
2 Financing Program established pursuant to section 1 of P.L.2013,  
3 c.93 (C.58:11B-9.5), and (2) **【\$3,800,000,000】** \$5,000,000,000  
4 with respect to bonds, notes, or other obligations issued for all other  
5 purposes of the trust. In computing the foregoing limitations there  
6 shall be excluded all the bonds, notes or other obligations, including  
7 subordinated indebtedness of the trust, which shall be issued for  
8 refunding purposes, whenever the refunding shall be determined to  
9 result in a savings.

10 (1) Upon the decision by the trust to issue refunding bonds,  
11 except for current refunding, and prior to the sale of those bonds,  
12 the trust shall transmit to the Joint Budget Oversight Committee, or  
13 its successor, a report that a decision has been made, reciting the  
14 basis on which the decision was made, including an estimate of the  
15 debt service savings to be achieved and the calculations upon which  
16 the trust relied when making the decision to issue refunding bonds.  
17 The report shall also disclose the intent of the trust to issue and sell  
18 the refunding bonds at public or private sale and the reasons  
19 therefor.

20 (2) The Joint Budget Oversight Committee or its successor shall  
21 have the authority to approve or disapprove the sales of refunding  
22 bonds as included in each report submitted in accordance with  
23 paragraph (1) of this subsection. The committee shall notify the  
24 trust in writing of the approval or disapproval within 30 days of  
25 receipt of the report. Should the committee not act within 30 days  
26 of receipt of the report, the trust may proceed with the sale of the  
27 refunding bonds, provided that the sale of refunding bonds shall  
28 realize not less than three percent net present value debt service  
29 savings.

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

34 (4) Within 30 days after the sale of the refunding bonds, the  
35 trust shall notify the committee of the result of that sale, including  
36 the prices and terms, conditions and regulations concerning the  
37 refunding bonds, the actual amount of debt service savings to be  
38 realized as a result of the sale of refunding bonds, and the intended  
39 use of the proceeds from the sale of those bonds.

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

44 h. Each issue of bonds, notes, or other obligations of the trust  
45 may, if it is determined by the trust, be general obligations thereof  
46 payable out of any revenues, receipts or funds of the trust, or  
47 special obligations thereof payable out of particular revenues,  
48 receipts or funds, subject only to any agreements with the holders of



1 bonds, notes or other obligations, and may be secured by one or  
2 more of the following:

3 (1) Pledge of revenues and other receipts to be derived from the  
4 payment of the interest on and principal of notes, bonds or other  
5 obligations issued to the trust by one or more local government  
6 units, public water utilities, or other persons, and any other payment  
7 made to the trust pursuant to agreements with any local government  
8 units, public water utilities, or other persons, or a pledge or  
9 assignment of any notes, bonds, or other obligations of any local  
10 government unit public water utilities, or other persons and the  
11 rights and interest of the trust therein;

12 (2) Pledge of rentals, receipts and other revenues to be derived  
13 from leases or other contractual arrangements with any person or  
14 entity, public or private, including one or more local government  
15 units, public water utilities, or other persons, or a pledge or  
16 assignment of those leases or other contractual arrangements and  
17 the rights and interest of the trust therein;

18 (3) Pledge of all moneys, funds, accounts, securities and other  
19 funds, including the proceeds of the bonds, notes or other  
20 obligations;

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

24 (5) A mortgage on all or any part of the property, real or  
25 personal, of the trust then owned or thereafter to be acquired, or a  
26 pledge or assignment of mortgages made to the trust by any person  
27 or entity, public or private, including one or more local government  
28 units, public water utilities, or other persons, and the rights and  
29 interest of the trust therein.

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

33 j. (Deleted by amendment, P.L.1996, c.88).  
34 (cf: P.L.2021, c.74, s.3)  
35

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

38 7. In any resolution of the trust authorizing or relating to the  
39 issuance of any of its bonds, notes or other obligations, the trust, in  
40 order to secure the payment of the bonds, notes or other obligations  
41 and in addition to its other powers, may by provisions therein which  
42 shall constitute covenants by the trust and contracts with the holders  
43 of the bonds, notes or other obligations:

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

46 b. Covenant against pledging all or part of its revenues or  
47 receipts;

- 1       c. Covenant with respect to limitations on any right to sell,  
2 mortgage, lease or otherwise dispose of any notes, bonds or other  
3 obligations of local government units or other persons, or any part  
4 thereof, or any property of any kind;
- 5       d. Covenant as to any bonds, notes or other obligations to be  
6 issued by the trust, and the limitations thereon, and the terms and  
7 conditions thereof, and as to the custody, application, investment  
8 and disposition of the proceeds thereof;
- 9       e. Covenant as to the issuance of additional bonds, notes or  
10 other obligations of the trust or as to limitations on the issuance of  
11 additional bonds, notes or other obligations and on the incurring of  
12 other debts by it;
- 13      f. Covenant as to the payment of the principal of or interest on  
14 bonds, notes or other obligations of the trust, as to the sources and  
15 methods of payment, as to the rank or priority of the bonds, notes or  
16 other obligations with respect to any lien or security or as to the  
17 acceleration of the maturity of the bonds, notes or other obligations;
- 18      g. Provide for the replacement of lost, stolen, destroyed or  
19 mutilated bonds, notes or other obligations of the trust;
- 20      h. Covenant against extending the time for the payment of  
21 bonds, notes or other obligations of the trust or interest thereon;
- 22      i. Covenant as to the redemption of bonds, notes and other  
23 obligations by the trust or the holders thereof and privileges of  
24 exchange thereof for other bonds, notes or other obligations of the  
25 trust;
- 26      j. Covenant to create or authorize the creation of special funds  
27 or accounts to be held in trust or otherwise for the benefit of holders  
28 of bonds, notes and other obligations of the trust, or reserves for  
29 other purposes and as to the use, investment, and disposition of  
30 moneys held in those funds, accounts or reserves;
- 31      k. Provide for the rights and liabilities, powers and duties  
32 arising upon the breach of any covenant, condition or obligation and  
33 prescribe the events of default and terms and conditions upon which  
34 any or all of the bonds, notes or other obligations of the trust shall  
35 become or may be declared due and payable before maturity and the  
36 terms and conditions upon which the declaration and its  
37 consequences may be waived;
- 38      l. Vest in a trustee or trustees within or without the State any  
39 property, rights, powers and duties in trust as the trust may  
40 determine, which may include any or all of the rights, powers and  
41 duties of any trustee appointed by the holders of any bonds, notes or  
42 other obligations of the trust pursuant to section 18 of P.L.1985,  
43 c.334 (C.58:11B-18), including rights with respect to the sale or  
44 other disposition of notes, bonds or other obligations of local  
45 government units , public water utilities, or other persons, pledged  
46 pursuant to a resolution or trust indenture for the benefit of the  
47 holders of bonds, notes or other obligations of the trust and the right  
48 by suit or action to foreclose any mortgage pledged pursuant to the

1 resolution or trust indenture for the benefit of the holders of the  
2 bonds, notes or other obligations, and to limit or abrogate the right  
3 of the holders of any bonds, notes or other obligations of the trust to  
4 appoint a trustee 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.), or  
6 sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3  
7 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and  
8 C.58:11B-22.4), and to limit the rights, duties and powers of the  
9 trustee;

10 m. Pay the costs or expenses incident to the enforcement of the  
11 bonds, notes or other obligations of the trust or of the provisions of  
12 the resolution authorizing the issuance of those bonds, notes or  
13 other obligations or of any covenant or agreement of the trust with  
14 the holders of the bonds, notes or other obligations;

15 n. Limit the rights of the holders of any bonds, notes or other  
16 obligations of the trust to enforce any pledge or covenant securing  
17 the bonds, notes or other obligations; and

18 o. Make covenants other than or in addition to the covenants  
19 authorized by P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224  
20 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of  
21 P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-  
22 20.2, C.58:11B-22.3, and C.58:11B-22.4) of like or different  
23 character, and make covenants to do or refrain from doing any acts  
24 and things as may be necessary, or convenient and desirable, in  
25 order to better secure the bonds, notes or other obligations of the  
26 trust, or which, in the absolute discretion of the trust, would make  
27 the bonds, notes or other obligations more marketable,  
28 notwithstanding that the covenants, acts or things may not be  
29 enumerated herein.

30 (cf: P.L.2016, c.56, s.16)

31  
32 14. Section 9 of P.L.1985, c.334 (C.58:11B-9) is amended to  
33 read as follows:

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

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

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

7       (4) The trust may make and contract to make loans and provide  
8 other assistance to a local government unit or consortia thereof to  
9 finance the cost of transportation projects, aviation projects, and  
10 marine projects pursuant to sections 22 and 34 through 38 of  
11 P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-  
12 20.2, C.58:11B-22.3, and C.58:11B-22.4), and provided that the  
13 federally-funded transportation subaccount is operated in  
14 accordance with the provisions of the federal infrastructure bank  
15 program.

16       The loans may be made subject to those terms and conditions as  
17 the trust shall determine to be consistent with the purposes thereof.  
18 Each loan by the trust and the terms and conditions thereof shall be  
19 subject to approval by the State Treasurer, and the trust shall make  
20 available to the State Treasurer all information, statistical data and  
21 reports of independent consultants or experts as the State Treasurer  
22 shall deem necessary in order to evaluate the loan. Each loan to a  
23 local government unit, public water utility or any other person shall  
24 be evidenced by notes, bonds or other obligations thereof issued to  
25 the trust. In the case of each local government unit, notes and  
26 bonds to be issued to the trust and, if applicable, the State, acting by  
27 and through the Department of Environmental Protection, by the  
28 local government unit (1) shall be authorized and issued as provided  
29 by law for the issuance of notes and bonds by the local government  
30 unit, (2) notwithstanding any provisions of the "Local Authorities  
31 Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.) to the  
32 contrary, shall be approved by the Director of the Division of Local  
33 Government Services in the Department of Community Affairs, and  
34 (3) notwithstanding the provisions of N.J.S.40A:2-27, N.J.S.40A:2-  
35 28 and N.J.S.40A:2-29 or any other provisions of law to the  
36 contrary, may be sold at private sale to the trust or the State, as the  
37 case may be, at any price, whether or not less than par value, and  
38 shall be subject to redemption prior to maturity at any times and at  
39 any prices as the trust or the State, as the case may be, and local  
40 government units may agree. Each loan to a local government unit,  
41 public water utility or any other person and the notes, bonds or  
42 other obligations thereby issued shall bear interest at a rate or rates  
43 per annum as the trust or the State, as the case may be, and the local  
44 government unit, public water utility or any other person, as the  
45 case may be, may agree.

46       b. The trust is authorized to guarantee or contract to guarantee  
47 the payment of all or any portion of the principal and interest on  
48 bonds, notes or other obligations issued by a local government unit,

1 public water utility, or other person, to finance , as applicable, the  
2 cost of any wastewater treatment system project, water supply  
3 project, transportation project, aviation project, or marine project,  
4 or redevelopment project that includes, as a portion thereof, any  
5 wastewater treatment system project, water supply project, [or]  
6 transportation project, aviation project, marine project, or hazard  
7 mitigation and 'resiliency resilience' project as defined in section  
8 2 of P.L. , c. (C. ) (pending before the Legislature as this  
9 bill) , which the local government unit, public water utility, or other  
10 person may lawfully undertake or acquire and for which the local  
11 government unit is authorized by law to borrow money, and the  
12 guarantee shall constitute an obligation of the trust, and shall be in  
13 furtherance of the corporate purposes of the trust, for the purposes  
14 of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224  
15 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of  
16 P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-  
17 20.2, C.58:11B-22.3, and C.58:11B-22.4). Each guarantee by the  
18 trust and the terms and conditions thereof shall be subject to  
19 approval by the State Treasurer, and the trust shall make available  
20 to the State Treasurer all information, statistical data and reports of  
21 independent consultants or experts as the State Treasurer shall deem  
22 necessary in order to evaluate the guarantee.

23 c. The trust shall not make or contract to make any loans or  
24 guarantees to local government units, public water utilities or any  
25 other person, or otherwise incur any additional indebtedness, on or  
26 after June 30, **[2033]** 2053.

27 d. Notwithstanding any provision of P.L.1985, c.334  
28 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to  
29 the contrary, the trust may receive funds from any source including,  
30 without limitation, any funds drawn by the trust from a revolving  
31 line of credit or other similar financial vehicle that may be procured  
32 by the trust, either through a competitive or negotiated process,  
33 pursuant to section 5 of P.L.1985, c.334 (C.58:11B-5), for deposit  
34 into the Interim Environmental Financing Program Fund or the trust  
35 may issue its bonds, notes or other obligations, including  
36 commercial paper issued through a competitive or negotiated  
37 process, in any principal amounts, in either case, as in the judgment  
38 of the trust shall be necessary to provide sufficient funds to finance  
39 or refinance short-term or temporary loans to local government  
40 units, public water utilities or private persons for any wastewater  
41 treatment system projects included on the Department of  
42 Environmental Protection project priority list and eligible for  
43 approval pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20)  
44 or water supply projects included on the Department of  
45 Environmental Protection project priority list and eligible for  
46 approval pursuant to section 24 of P.L.1997, c.224 (C.58:11B-20.1),  
47 as applicable, without regard to any other provisions of P.L.1985,  
48 c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et

1 al.), including, without limitation, any administrative or legislative  
2 approvals.

3 The trust shall create and establish a special fund to be known as  
4 the “Interim Environmental Financing Program Fund” for the short-  
5 term or temporary loan financing or refinancing program to be  
6 known as the “Interim Environmental Financing Program.” The  
7 monies in the fund shall be used for short-term or temporary loans  
8 for clean water and drinking water projects pursuant to the New  
9 Jersey Environmental Infrastructure Financing Program.

10 Except as provided in section 1 of P.L.2013, c.93 (C.58:11B-  
11 9.5), any short-term or temporary loans made by the trust pursuant  
12 to this subsection may only be made in advance of the anticipated  
13 loans the trust may make and contract to make under the provisions  
14 of subsection a. of this section from any source of funds anticipated  
15 to be received by the trust. Any such short-term or temporary loan  
16 made pursuant to the Interim Environmental Financing Program  
17 shall mature no later than the last day of the third succeeding fiscal  
18 year following the closing date on which the short-term or  
19 temporary loan was made by the trust to the project sponsor; except  
20 a planning, design, and construction loan shall mature no later than  
21 the last day of the fifth succeeding fiscal year following the closing  
22 date of the planning, design, and construction loan or the last day of  
23 the third succeeding fiscal year following the date of construction  
24 certification following the closing date of the planning, design, and  
25 construction loan, whichever is sooner, provided that, in either case,  
26 project planning or engineering design activities shall not exceed  
27 two years from the closing date of the planning, design, and  
28 construction loan; and except a short-term or temporary loan made  
29 pursuant to this subsection for environmental planning and  
30 engineering design costs associated with long-term control plans for  
31 combined sewer overflow projects shall mature no later than the last  
32 day of the 10th succeeding fiscal year following the closing date on  
33 which the short-term or temporary loan was made by the trust to the  
34 project sponsor; and except a short-term or temporary loan made  
35 pursuant to this subsection which has been submitted as part of an  
36 application for funding pursuant to the “Water Infrastructure  
37 Finance and Innovation Act of 2014” (WIFIA), 33 U.S.C. s.3901 et  
38 seq., as amended and supplemented, shall mature not later than the  
39 funding draw period allowed by this federal act. Any short-term or  
40 temporary loan or planning, design and construction loan made by  
41 the trust pursuant to this subsection may mature in a shorter period  
42 of time as may be necessary to align with construction completion.  
43 With respect to any short-term or temporary loan or planning,  
44 design, and construction loan made by the trust pursuant to this  
45 subsection, the trust may authorize one short-term supplemental  
46 loan for residual project expenses thereof upon receipt by the trust  
47 from the Department of Environmental Protection of a certification  
48 that states that the time required by the project sponsor to complete

1 construction of the project exceeds the maximum maturity date of  
2 the project sponsor's outstanding short-term or temporary loan or  
3 planning, design, and construction loan. Any such short-term  
4 supplemental loan shall not exceed in duration the last day of the  
5 third succeeding fiscal year following the loan closing of the  
6 supplemental loan. The trust may make short-term or temporary  
7 loans pursuant to the Interim Environmental Financing Program to  
8 any one or more of the project sponsors, for the respective projects  
9 thereof, identified in the interim financing project priority list to be  
10 known as the "Interim Environmental Financing Program Project  
11 Priority List" in the form provided to the Legislature by the  
12 Commissioner of Environmental Protection.

13 The Interim Environmental Financing Program Project Priority  
14 List, including any revision thereof or supplement thereto, shall be  
15 submitted to the Legislature pursuant to section 2 of P.L.1991,  
16 c.164 (C.52:14-19.1) at least once in each fiscal year as provided in  
17 section 20 of P.L.1985, c.334 (C.58:11B-20) and section 24 of  
18 P.L.1997, c.224 (C.58:11B-20.1). The Secretary and the Clerk shall  
19 cause the date of submission to be entered upon the Senate Journal  
20 and the Minutes of the General Assembly, respectively. The trust  
21 may revise or supplement the Interim Environmental Financing  
22 Program Project Priority List no more than four times during the  
23 fiscal year and shall submit the revised list to the Legislature when  
24 the revisions are made. Any environmental infrastructure project or  
25 the project sponsor thereof not identified in the Interim  
26 Environmental Financing Program Project Priority List shall not be  
27 eligible for a short-term or temporary loan from the Interim  
28 Environmental Financing Program Fund. The trust may issue short-  
29 term or temporary loans pursuant to this subsection only if a project  
30 is listed on an Interim Environmental Financing Program Project  
31 Priority List that has been submitted to the Legislature. No funds  
32 may be disbursed pursuant to this section for environmental  
33 infrastructure project activities prior to a determination and  
34 certification, in writing, from the Department of Environmental  
35 Protection, that the project activities satisfy the provisions of  
36 P.L.1985, c.334 (C.58:11B-1 et seq.).

37 e. Notwithstanding any provisions of the "Local Bond Law"  
38 (N.J.S.40A:2-1 et seq.), the "sewerage authorities law," P.L.1946,  
39 c.138 (C.40:14A-1 et seq.), or the "municipal and county utilities  
40 authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.) to the  
41 contrary, short-term or temporary loans made by the trust pursuant  
42 to section 9 of P.L.1985, c.334 (C.58:11B-9) or section 1 of  
43 P.L.2013, c.93 (C.58:11B-9.5), and the obligations issued by project  
44 sponsors to evidence such loans, may, at the discretion of the trust  
45 and upon application by the project sponsor, bear interest at a  
46 variable rate determined pursuant to a methodology as may be  
47 established by the trust from time to time.

1 Further, notwithstanding any provisions of the “Local Bond  
2 Law” (N.J.S.40A:2-1 et seq.), the “sewerage authorities law,”  
3 P.L.1946, c.138 (C.40:14A-1 et seq.), or the “municipal and county  
4 utilities authorities law,” P.L.1957, c.183 (C.40:14B-1 et seq.) to  
5 the contrary, any short-term or temporary loans made by the trust  
6 pursuant to section 9 of P.L.1985, c.334 (C.58:11B-9) or section 1  
7 of P.L.2013, c.93 (C.58:11B-9.5), and any notes or other  
8 obligations issued by project sponsors to evidence such short-term  
9 or temporary loans, as such loans, notes, or other obligations may  
10 be refinanced or extended, as provided in subsections d. and g. of  
11 this section and section 1 of P.L.2013, c.93 (C.58:11B-9.5), except  
12 for loans for environmental planning and engineering design costs  
13 associated with long-term control plans for combined sewer  
14 overflow projects as provided in subsection d. of this section, shall  
15 mature no later than the maturity date as established pursuant to  
16 subsections d. and g. of this section and section 1 of P.L.2013, c.93  
17 (C.58:11B-9.5), without payment by project sponsors of any portion  
18 of the principal thereof prior to maturity.

19 f. Any balances remaining in the Emergency Loan Fund  
20 established pursuant to section 4 of P.L.2007, c.138 (C.58:11B-9.1),  
21 the Planning and Design Fund established pursuant to section 1 of  
22 P.L.2009, c.59 (C.58:11B-9.2), the Onsite Wastewater Disposal  
23 Loan Fund established pursuant to section 5 of P.L.2009, c.103  
24 (C.58:11B-9.3), the Supplemental Loan Fund established pursuant  
25 to section 2 of P.L.2011, c.94 (C.58:11B-9.4), and the Equipment  
26 Loan Fund established pursuant to section 1 of P.L.2014, c.28  
27 (C.58:11B-9.6) after the date of enactment of P.L.2016, c.30 shall  
28 be transferred to the Interim Environmental Financing Program  
29 Fund, and any loan repayments to the trust of principal and interest  
30 or premium on loans made from those funds shall be credited to the  
31 Interim Environmental Financing Program Fund.

32 g. The trust shall create and establish a special fund to be  
33 known as the “Interim Transportation Financing Program Fund” for  
34 the short-term or temporary loan financing or refinancing program  
35 to be known as the “Interim Transportation Financing Program.”

36 Notwithstanding any provision of P.L.1985, c.334 (C.58:11B-1  
37 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to the contrary,  
38 the trust may receive funds from any source including, without  
39 limitation, any funds drawn by the trust from a revolving line of  
40 credit or other similar financial vehicle that may be procured by the  
41 trust, either through a competitive or negotiated process, pursuant to  
42 section 5 of P.L.1985, c.334 (C.58:11B-5), for deposit into the  
43 Interim Transportation Financing Program Fund or the trust may  
44 issue its bonds, notes or other obligations in any principal amounts,  
45 in either case, as in the judgment of the trust shall be necessary to  
46 provide sufficient funds to finance or refinance short-term or  
47 temporary loans to local government units or private persons for  
48 any transportation project, aviation project, or marine project



1 included on the Department of Transportation Interim  
2 Transportation Financing Program Project Priority List for the  
3 ensuing fiscal year and eligible for approval pursuant to sections 22  
4 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through  
5 C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-  
6 22.4), without regard to any other provisions of P.L.1985, c.334  
7 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or  
8 sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3  
9 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and  
10 C.58:11B-22.4), including, without limitation, any administrative or  
11 legislative approvals.

12 Any short-term or temporary loans made by the trust pursuant to  
13 this subsection may only be made in advance of the anticipated  
14 loans the trust may make and contract to make under the provisions  
15 of subsection a. of this section from any source of funds anticipated  
16 to be received by the trust. Any such short-term or temporary loan  
17 made pursuant to the Interim Transportation Financing Program  
18 shall mature no later than the last day of the third succeeding fiscal  
19 year following the closing date on which the short-term or  
20 temporary loan was made by the trust to the project sponsor; except  
21 a planning, design, and construction loan shall mature no later than  
22 the last day of the fifth succeeding fiscal year following the closing  
23 date of the planning, design, and construction loan or the last day of  
24 the third succeeding fiscal year following the date of construction  
25 certification following the closing date of the planning, design, and  
26 construction loan, and except a short-term or temporary loan made  
27 pursuant to this subsection which has been submitted as part of an  
28 application for funding pursuant to the “Transportation  
29 Infrastructure Finance and Innovation Act of 1998” (TIFIA), 23  
30 U.S.C. s.601 et seq., as amended and supplemented, shall mature  
31 not later than the funding draw period allowed by this federal act.  
32 Any short-term or temporary loan or planning, design and  
33 construction loan made by the trust pursuant to this subsection may  
34 mature in a shorter period of time as may be necessary to align with  
35 construction completion, whichever is sooner, provided that, in  
36 either case, project planning or engineering design activities shall  
37 not exceed two years from the closing date of the planning, design,  
38 and construction loan. With respect to any short-term or temporary  
39 loan or planning, design, and construction loan made by the trust  
40 pursuant to this subsection, the trust may authorize one short-term  
41 supplemental loan for residual expenses thereof upon receipt by the  
42 trust from the Department of Transportation of a certification that  
43 states that the time required by the project sponsor to complete  
44 construction of the project exceeds the maximum maturity date of  
45 the short-term or temporary loan or planning, design, and  
46 construction loan. Any such short-term supplemental loan shall not  
47 exceed in duration the last day of the third succeeding fiscal year  
48 following the loan closing of the short-term supplemental loan. The

1 trust may make short-term or temporary loans pursuant to the  
2 Interim Transportation Financing Program to any one or more of the  
3 project sponsors, for the respective projects thereof, only if a  
4 project is identified in the Department of Transportation Interim  
5 Transportation Financing Program Project Priority List to be known  
6 as the “Interim Transportation Financing Program Project Priority  
7 List” in the form provided to the Legislature by the Commissioner  
8 of Transportation.

9 The Interim Transportation Financing Program Project Priority  
10 List, including any revision thereof or supplement thereto, shall be  
11 submitted to the Secretary of the Senate and the Clerk of the  
12 General Assembly on or before July 1 of each year. The Interim  
13 Transportation Financing Program Project Priority List shall be  
14 submitted to the Legislature pursuant to section 2 of P.L.1991,  
15 c.164 (C.52:14-19.1) at least once in each fiscal year. The  
16 Secretary and the Clerk shall cause the date of submission to be  
17 entered upon the Senate Journal and the Minutes of the General  
18 Assembly, respectively. Any transportation infrastructure project or  
19 the project sponsor thereof not identified in the Interim  
20 Transportation Financing Program Project Priority List shall not be  
21 eligible for a short-term or temporary loan from the Interim  
22 Transportation Financing Program Fund. The trust may revise or  
23 supplement the Interim Transportation Financing Program Project  
24 Priority List no more than four times during the fiscal year, and  
25 shall submit the revised list to the Legislature when the revisions  
26 are made.

27 No funds may be disbursed pursuant to this subsection for  
28 transportation project, aviation project, or marine project activities  
29 prior to certification in writing, from the trust, that the project  
30 activities satisfy the provisions of P.L.1985, c.334 (C.58:11B-1 et  
31 seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34  
32 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-  
33 10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4).  
34 Construction activities for a transportation project shall also require  
35 written notification of award concurrence from the Department of  
36 Transportation prior to fund disbursement.

37 (cf: P.L.2021, c.160, s.60)

38  
39 15. Section 11 of P.L.1985, c.334 (C.58:11B-11) is amended to  
40 read as follows:

41 11. a. The trust shall establish reserve and guarantee funds into  
42 which shall be deposited the proceeds from any State bond issue  
43 authorized for deposit in the trust or other funds appropriated by  
44 law to the trust for deposit in the reserve or guarantee funds. The  
45 reserve fund shall be used by the trust to secure debt issued by the  
46 trust. The guarantee fund shall be used by the trust to secure debt  
47 issued by a local government unit, public water utility, or other  
48 person.

1       b. The trust may establish any reserves, funds or accounts as it  
2 may determine necessary or desirable to further the accomplishment  
3 of the purposes of the trust or to comply with the provisions of any  
4 agreement made by or authorized in any resolution of the trust.  
5 (cf: P.L.1985, c.336, s.2)

6  
7       16. Section 12 of P.L.1985, c.334 (C.58:11B-12) is amended to  
8 read as follows:

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

33       (1) If the trust requires, and there has been a failure or inability  
34 by a local government unit to pay its obligations to the trust  
35 remaining uncured for a period of 30 days, the chairman of the trust  
36 shall certify to the State Treasurer, with written notice to the fiscal  
37 officer of the local government unit and to the Legislature, the  
38 amount remaining unpaid, and the State Treasurer shall pay that  
39 amount to the trust, or if the right to receive those payments has  
40 been pledged or assigned to a trustee for benefit of the holders of  
41 bonds, notes or other obligations of the trust, to that trustee, out of  
42 the State aid payable to the local government unit, until the amount  
43 so certified is paid.

44       (2) The amount paid over to the trust shall be deducted from the  
45 corresponding appropriation or apportionment of State aid payable  
46 to the local government unit and shall not obligate the State to  
47 make, nor entitle the local government unit to receive, any  
48 additional appropriation or apportionment. The obligation of the

1 State Treasurer to make payments to the trust or trustee and the  
2 right of the trust or trustee to receive those payments shall be  
3 subject and subordinate to the rights of holders of qualified bonds  
4 issued or to be issued pursuant to P.L.1976, c.38 (C.40A:3-1 et  
5 seq.).

6 (3) In those instances where the local government units are  
7 municipal or county sewerage, utility or improvement authorities  
8 created pursuant to P.L.1946, c.138 (C.40:14A-1 et seq.) or  
9 P.L.1957, c.183 (C.40:14B-1 et seq.), the trust may require the  
10 municipalities or counties which receive service or other benefits  
11 from the districts or authorities to enter into service contracts or  
12 other contractual arrangements under which they would be required  
13 to make payments which would satisfy any deficiencies in the  
14 revenues of the districts or authorities to repay the loans made by  
15 the trust, which contracts would be pledged to secure the payment  
16 of the loans of the trust.

17 b. Whenever a local government unit, public water utility, or  
18 other person covenants or pledges to or secures the payment of its  
19 obligations to the trust by, in whole or in part, certain revenues of  
20 the local government unit, public water utility, or other person  
21 derived by the local government unit from the imposition of rates,  
22 fees and charges, and ~~the local government unit, and~~ if payments  
23 by another local government unit, public water utility, or other  
24 person under a service contract or other contractual arrangement are  
25 pledged to the payment of the obligations, the other local  
26 government unit, public water utility, or other person, fails or is  
27 unable to pay in full when due any of the obligations and the State  
28 aid revenues, if applicable, for any reason have not been made  
29 available for the payment of the obligations or have not been made  
30 available in sufficient amounts to pay the obligations in full, the  
31 trust is authorized during the period of such failure to cause the  
32 local government unit, public water utility, or other person, in  
33 accordance with the covenants or pledges established in any loan or  
34 other agreement relating thereto, to establish and collect rates, fees  
35 and charges in the amounts required to pay the obligations in  
36 accordance with the covenants or pledges established in the loan or  
37 other agreement relating thereto.

38 c. In the event that a local government unit or public water  
39 utility, consortia thereof or private entity receiving a loan from the  
40 trust fails or is unable to pay to the trust in full when due any  
41 obligations of the local government unit or public water utility,  
42 consortia thereof, or private entity to the trust, the trust shall have  
43 the authority to exercise any and all recourses available to it under  
44 the law in an effort to recover any amounts owed to the trust.

45 (cf: P.L.2016, c.56, s.23)

46

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

1       14. The State does pledge to and covenant and agree with the  
2 holders of any bonds, notes or other obligations of the trust issued  
3 pursuant to authorization of P.L.1985, c.334 (C.58:11B-1 et seq.),  
4 P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34  
5 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-  
6 10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4) that the  
7 State shall not limit or alter the rights or powers vested in the trust  
8 to perform and fulfill the terms of any agreement made with the  
9 holders of the bonds, notes or other obligations or to fix, establish,  
10 charge and collect any rents, fees, rates, payments or other charges  
11 as may be convenient or necessary to produce sufficient revenues to  
12 meet all expenses of the trust and to fulfill the terms of any  
13 agreement made with the holders of bonds, notes or other  
14 obligations, including the obligations to pay the principal of and  
15 interest and premium on those bonds, notes or other obligations,  
16 with interest on any unpaid installments of interest, and all costs  
17 and expenses in connection with any action or proceedings by or on  
18 behalf of the holders, and shall not limit or alter the rights and  
19 powers of any local government unit, public water utility, or other  
20 person to pay and perform its obligations owed to the trust in  
21 connection with loans received from the trust, until the bonds, notes  
22 and other obligations of the trust, together with interest thereon, are  
23 fully met and discharged or provided for.

24 (cf: P.L.2016, c.56, s.25)

25  
26       18. Section 18 of P.L.1985, c.334 (C.58:11B-18) is amended to  
27 read as follows:

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

41       b. Upon default, the trustee may, and upon written request of  
42 the holders of 25 percent in principal amount of the bonds, notes or  
43 other obligations of the trust of a particular issue then outstanding  
44 shall, in the trustee's own name:

45       (1) By suit, action or proceeding enforce all rights of the holders  
46 of bonds, notes or other obligations of the issue, to require the trust  
47 to carry out any other agreements with the holders of the bonds,  
48 notes or other obligations of the issue and to perform its duties

1 under P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224  
2 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of  
3 P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-  
4 20.2, C.58:11B-22.3, and C.58:11B-22.4);

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

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

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

13 (5) Sell or otherwise dispose of bonds and notes of local  
14 government units, public water utilities, or other persons pledged  
15 pursuant to resolution or trust indenture for benefit of holders of  
16 bonds, notes, or other obligations of the issue on any terms as  
17 resolution or trust indenture may provide;

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

21 (7) Declare all bonds, notes or other obligations of the issue due  
22 and payable, and if all defaults are made good, then with the  
23 consent of the holders of 50 percent of the principal amount of the  
24 bonds, notes or other obligations of the issue then outstanding, to  
25 annul the declaration and its consequences.

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

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

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

42 (cf: P.L.2016, c.56, s.28)

43  
44 19. Section 6 of P.L.2009, c.59 (C.58:11B-19.1) is amended to  
45 read as follows:

46 6. Notwithstanding any provision of P.L.1985, c.334  
47 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to  
48 the contrary, the trust may receive or access emergency or relief

1 federal funds that are appropriated to the State subsequent to a  
 2 federal or State declaration of emergency to make loans or grants in  
 3 the implementation of the New Jersey Environmental Infrastructure  
 4 Financing Program **【or】**, the New Jersey Transportation  
 5 Infrastructure Financing Program, or the <sup>1</sup>【Resilient New Jersey  
 6 Financing】 Community Hazard Assistance Mitigation<sup>1</sup> Program  
 7 established pursuant to sections 1 through 9 of P.L. , c. (C. )  
 8 (pending before the Legislature as this bill), to local government  
 9 units, public water utilities or private persons for any wastewater  
 10 treatment system projects included on the clean water project  
 11 priority list for the ensuing fiscal year and eligible for approval  
 12 pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20), water  
 13 supply projects included on the drinking water project priority list  
 14 for the ensuing fiscal year and eligible for approval pursuant to  
 15 section 24 of P.L.1997, c.224 (C.58:11B-20.1), **【or】** transportation  
 16 projects included on the transportation project priority list for the  
 17 ensuing fiscal year and eligible for approval pursuant to section 36  
 18 of P.L.2016, c.56 (C.58:11B-20.2), or hazard mitigation and  
 19 <sup>1</sup>【resiliency】 resilience<sup>1</sup> projects included on the <sup>1</sup>【Resilient New  
 20 Jersey Financing】 Community Hazard Assistance Mitigation<sup>1</sup>  
 21 Program Project Eligibility List for the ensuing fiscal year and  
 22 eligible for approval pursuant to sections 1 through 9 of P.L. ,  
 23 c. (C. ) (pending before the Legislature as this bill), as  
 24 applicable, or to make non-project related loans and provide other  
 25 assistance, including CAP payments and other financial assistance  
 26 on behalf of or as a conduit for local government units, in  
 27 accordance with the ranking criteria determined by the federal or  
 28 State government.

29 For the purposes of this section, “CAP Payment” means a  
 30 payment made by a project sponsor pursuant to a State or federal  
 31 relief program for utility customers or a consumer assistance  
 32 program.

33 (cf: P.L.2021, c.74, s.9)

34  
 35 20. Section 23 of P.L.1985, c.334 (C.58:11B-23) is amended to  
 36 read as follows:

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

40 b. No funds shall be expended by the trust for its annual  
 41 operating expenses unless appropriated by law to the trust. Unless  
 42 required to be otherwise applied pursuant to law, funds generated  
 43 by the operation of the trust, including, but not limited to: proceeds  
 44 from the sale of the trust's bonds, notes or other obligations;  
 45 revenues derived from investments by the trust; loan repayments  
 46 from local government units, public water utilities, or other persons;  
 47 and fees and charges levied by the trust, may thereafter be applied

1 in accordance with the provisions of P.L.1985, c.334 (C.58:11B-1  
2 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and  
3 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-  
4 10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4) for any  
5 corporate purpose of the trust without appropriation; except that the  
6 funds shall only be used to make loans or guarantees approved by  
7 the Legislature in accordance with the provisions of sections 20, 21,  
8 and 22 of P.L.1985, c.334 (C.58:11B-20, C.58:11B-21 and  
9 C.58:11B-22), sections 24, 25, and 26 of P.L.1997, c.224  
10 (C.58:11B-20.1, C.58:11B-21.1 and C.58:11B-22.1), or sections 35  
11 through 37 of P.L.2016, c.56 (C.58:11B-10.5, C.58:11B-20.2, and  
12 C.58:11B-22.3).

13 c. The trust shall not apply for federal funds, including funds  
14 which are authorized pursuant to the “Federal Water Pollution  
15 Control Act Amendments of 1972,” Pub.L. 92-500 (33 U.S.C.  
16 s.1251 et seq.), and any amendatory or supplementary acts thereto,  
17 except the trust is expressly authorized to apply, in consultation  
18 with the Department of Environmental Protection, for funds under  
19 the “Water Infrastructure Finance and Innovation Act,” (WIFIA) 33  
20 U.S.C. s.3901 et seq. as amended or superseded, and, in  
21 consultation with the State Office of Emergency Management in the  
22 Department of Law and Public Safety for funds under the  
23 “Safeguarding Tomorrow Through Ongoing Risk Mitigation  
24 (STORM) Act,” Pub.L. 116-284 (42 U.S.C. s. 5135) as amended or  
25 superseded, and with notice to the Department of Transportation,  
26 for funds under the Transportation Infrastructure Finance and  
27 Innovation Act (TIFIA) 23 U.S.C. 601 through 23 U.S.C. 609 as  
28 amended or superseded, and provisions of the Moving Ahead for  
29 Progress in the 21st Century Act (MAP-21) Pub. L. 112-141, the  
30 Fixing America's Surface Transportation Act (FAST Act) Pub. L.  
31 114-94, the Transportation Equity Act for the 21st Century (TEA-  
32 21) Pub. L. 105-178, the Safe, Accountable, Flexible and Efficient  
33 Transportation Equity Act: a Legacy for User (“SAFETEA-LU”)  
34 Pub. L. 109-59, and the Rail Safety Improvement Act of 2008 Pub.  
35 L. 110-432, or any subsequent law concerning federal surface  
36 transportation programs as applicable.

37 The trust, with the concurrence of the Commissioner of  
38 Environmental Protection, may receive, accept or utilize moneys  
39 received from local government units as repayments of principal  
40 and interest on loans made from the State Revolving Fund Accounts  
41 established pursuant to section 1 of P.L.1988, c.133.

42 Repayments of principal and interest on all federal funds for  
43 which the New Jersey Infrastructure Bank is expressly permitted to  
44 apply shall be the responsibility of the borrowers of New Jersey  
45 Infrastructure Bank loans issued utilizing those federal funds, and in  
46 no way shall it be the responsibility of the State of New Jersey or  
47 the Department of Transportation.

48 (cf: P.L.2019, c.516, s.6)



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

3       26. a. The trust shall adopt rules and regulations requiring a  
4 local government unit which receives a loan or guarantee through  
5 the New Jersey Environmental Infrastructure Financing Program for  
6 a project to establish an affirmative action program for the hiring of  
7 minority workers in the performance of any construction contract  
8 for that project and to establish a program to provide opportunities  
9 for socially and economically disadvantaged contractors and  
10 vendors to supply materials and services for the contract, consistent  
11 with the provisions of the "Law Against Discrimination," P.L.1945,  
12 c.169 (C.10:5-1 et seq.). Not less than 10 percent of the amount of  
13 any contract for construction, materials or services for a project  
14 shall be awarded to small business concerns owned and controlled  
15 by socially and economically disadvantaged individuals as defined  
16 in the "Small Business Act," Pub.L.85-536 (15 U.S.C. s.631 et  
17 seq.), and any regulations promulgated pursuant thereto provided,  
18 however, that the projects funded, in whole or in part, with federal  
19 funds, the percentage of such contracts awarded to small business  
20 concerns owned and controlled by socially and economically  
21 disadvantaged individuals shall equal the goal for participation set  
22 forth in section 644(g)(1)(A)(iv) of the "Small Business Act,"  
23 Pub.L.85-536 (15 U.S.C. s.644). For transportation financing  
24 program projects funded in whole with State funds, contracts for  
25 construction materials or services shall comply with the small  
26 business set aside regulations promulgated pursuant to section 15 of  
27 P.L.1983, c.482 (C.52:32-31).

28       b. The trust shall adopt rules and regulations requiring any  
29 entity, which receives a loan, grant, or guarantee for a project to pay  
30 not less than the prevailing wage rate to workers employed in the  
31 performance of any construction contract for that project, in  
32 accordance with the rate determined by the Commissioner of Labor  
33 and Workforce Development pursuant to P.L.1963, c.150 (C.34:11-  
34 56.25 et seq.).

35 (cf: P.L.2019, c.194, s.6)

36

37       <sup>1</sup>22. There is appropriated \$500,000 from the General Fund to  
38 the New Jersey Infrastructure Bank, to establish the Community  
39 Hazard Assistance Mitigation Program pursuant to sections 1  
40 through 9 of P.L. , c. (C. ) (pending before the Legislature  
41 as this bill).<sup>1</sup>

42

43       <sup>1</sup>[22.] 23.<sup>1</sup> This act shall take effect immediately.