

# ASSEMBLY, No. 5170

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED FEBRUARY 9, 2023

**Sponsored by:**

**Assemblyman WAYNE P. DEANGELO**

**District 14 (Mercer and Middlesex)**

**Assemblyman CHRISTIAN E. BARRANCO**

**District 26 (Essex, Morris and Passaic)**

**Assemblyman JOSEPH V. EGAN**

**District 17 (Middlesex and Somerset)**

**SYNOPSIS**

Establishes “Energy Infrastructure Public-Private Partnerships Program” and related financing program in NJ Infrastructure Bank; and authorizes certain energy contracts under “Public School Contracts Law” and “Local Public Contracts Law” up to 30 years.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/11/2023)**

1 AN ACT concerning energy infrastructure public-private  
2 partnerships, supplementing Title 58 of the Revised Statutes, and  
3 amending various parts of the statutory law.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. (New section) Sections 1 through 28 of P.L. , c. (C. )  
9 (pending before the Legislature as this bill) shall be known and may  
10 be cited as the “Energy Infrastructure Public-Private Partnerships  
11 Act.”

12  
13 2. (New section) a. The Legislature finds and declares that:

14 (1) It is the public policy of this State to assure that the State’s  
15 energy infrastructure is developed and maintained in a manner that  
16 assures, to the greatest extent possible, the availability of reliable  
17 and resilient state-of-the-art energy resources to the State and, in  
18 particular, to the critical facilities that provide necessary lifeline  
19 services to the State’s citizens and businesses;

20 (2) The increasing magnitude and frequency of weather events,  
21 such as Hurricane Ida, Winter Storm Quinn, Hurricane Irene, and  
22 Superstorm Sandy, and the devastation they inflicted on the State,  
23 have revealed the vulnerability, inadequacies, and obsolescence of  
24 the State’s energy infrastructure, which has failed, sometimes for  
25 prolonged periods of time, to provide adequate, reliable, and  
26 resilient service to the State;

27 (3) These weather events, and the current condition of the State’s  
28 aging energy infrastructure, underscore the substantial and  
29 immediate need for the State to improve the energy resources  
30 available to State, county, and municipal facilities that provide  
31 critical lifeline services, including hospitals, police and fire  
32 departments, water and wastewater treatment facilities, shelters,  
33 colleges, universities, schools, and prisons;

34 (4) The reliability, resiliency, and efficiency of the State’s  
35 energy infrastructure will be improved if the State encourages the  
36 development of the energy-related projects authorized by P.L. , c.  
37 (C. ) (pending before the Legislature as this bill), which will  
38 reduce the vulnerability of critical facilities to threats posed by  
39 weather and other events, minimize equipment failures caused by  
40 deterioration, disrepair, and obsolescence, enhance the production  
41 and delivery of energy, improve the energy efficiency of facilities,  
42 reduce peak demand, energy costs, and greenhouse gas emissions,  
43 and promote economic development and create jobs;

44 (5) The implementation of energy-related projects through  
45 public-private partnerships will enable the State to leverage the  
46 capital and expertise of the private sector, which will permit  
47 necessary and long overdue energy-related projects to be developed,

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

**Matter underlined thus is new matter.**

1 in many instances on a self-funded basis; and create economic  
2 stimulus and job creation opportunities for the State and its  
3 workforce without taxpayer or ratepayer support; and

4 (6) The use of energy infrastructure public-private partnerships  
5 will also facilitate the attainment of the goals of the State's Energy  
6 Master Plan, which include aggressive initiatives to, among other  
7 things, expand the implementation of renewable energy,  
8 decarbonize buildings, transportation, and the power grid, improve  
9 energy reliability and resiliency, and introduce state-of-the-art  
10 technologies that can make buildings more energy efficient and  
11 reduce energy usage, peak demand, energy costs, and greenhouse  
12 gas emissions.

13 b. The Legislature therefore determines that:

14 (1) It shall be the public policy of this State to foster energy-  
15 related public-private partnerships to develop state-of-the-art energy  
16 projects that obviate or minimize the need for capital investments in  
17 energy projects by governmental entities, taxpayers, and utility  
18 ratepayers;

19 (2) In order to foster the energy projects authorized by P.L. , c.  
20 (C. ) (pending before the Legislature as this bill), it is necessary  
21 and appropriate for the Legislature to authorize the use of public-  
22 private partnerships that leverage private sector financial resources  
23 and expertise and provide a platform for governmental and private  
24 entities to share the responsibilities and benefits of these projects;

25 (3) The critical and immediate need to improve the State's  
26 energy infrastructure and achieve the State's near- and long-term  
27 energy goals, compels the State to pursue the energy-related public-  
28 private partnerships authorized by P.L. , c. (C. ) (pending  
29 before the Legislature as this bill), which will enhance the  
30 reliability, resilience, and efficiency of the State's energy  
31 infrastructure by introducing state-of-the-art energy technologies  
32 that will mitigate current vulnerabilities to major storm events,  
33 harden critical infrastructure, energy generation, and delivery  
34 systems, enhance redundancy in energy supply, promote greater  
35 emergency preparedness, enhance fuel supply diversity, increase  
36 energy efficiency, expand the use of renewable energy resources,  
37 reduce peak demand, energy usage, energy costs, and greenhouse  
38 gas emissions, and promote economic development and job  
39 creation, thereby ensuring a better, cleaner, and more prosperous  
40 future for the State and its citizens; and

41 (4) The energy-related public-private partnerships authorized by  
42 P.L. , c. (C. ) (pending before the Legislature as this bill)  
43 will encourage private capital investment and leverage the  
44 technical, financial, and managerial expertise of the private sector  
45 to assist certain entities that otherwise lack the necessary capital,  
46 resources, or expertise to design, develop, own, manage, operate,  
47 and maintain needed energy infrastructure projects.

1       3. (New section) As used in sections 1 through 28 of P.L.   , c.  
2 (C.   ) (pending before the Legislature as this bill):

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

5       “Board” means the Board of Public Utilities or any successor  
6 agency.

7       “Class I renewable energy” and “Class II renewable energy”  
8 mean the same as those terms are defined in section 3 of P.L.1999,  
9 c.23 (C.48:3-51).

10       “Distributed electric generation resource” means distributed  
11 sources of electric power generation and energy storage facilities  
12 including, but not limited to, Class I and Class II renewable energy,  
13 dispatchable generation, cogeneration, combined heat and power,  
14 on-site generation, fuel cells, waste heat recovery, and energy  
15 storage technologies.

16       “District energy system” means an on-site generation facility, as  
17 defined in section 3 of P.L.1999, c.23 (C.48:3-51), that provides  
18 thermal or electric energy services, or both, to end-use customers  
19 for use for heating or cooling regardless of whether the customer is  
20 located on a property that is separated from the property on which  
21 the on-site generation facility is located by more than one easement,  
22 public thoroughfare, transportation right-of-way, or utility-owned  
23 right-of-way.

24       “Energy P3 Program” or “program” means the Energy Public-  
25 Private Partnerships Program established pursuant to section 7 of  
26 P.L.   , c.   (C.   ) (pending before the Legislature as this bill).

27       “Energy-related project” or “project” means a project developed,  
28 in whole or in part, for a new or existing facility that is owned or  
29 leased, or to be owned or to be subject to a long-term lease, by a P3  
30 eligible entity, and which involves the application of energy  
31 efficiency, energy conservation, energy generation, energy  
32 optimization, renewable and non-carbon-emitting energy  
33 technologies, decarbonization, battery storage, or demand side  
34 management measures including, but not limited to:

35       energy efficient appliances, lighting, heating, ventilation, air  
36 conditioning systems, motors, building controls, and other energy  
37 conservation measures;

38       building electrification;

39       electric vehicle charging infrastructure;

40       Class I and Class II renewable energy sources;

41       smart metering, smart grid technologies, and demand response  
42 systems;

43       distributed electric generation resources; and

44       biogas, biomass, biofuel, hydrogen, and renewable natural gas  
45 production, distribution, and usage, and waste-to-energy  
46 technologies.

47       “Energy-related project” shall not include a self-funded energy  
48 efficiency project that is an energy savings improvement program

1 undertaken pursuant to the provisions of P.L.2009, c.4 (C.18A:18A-  
2 4.6 et al.) or P.L.2012, c.55 (C.52:34-25.1 et al.).

3 “New Jersey Energy Infrastructure Financing Program” means  
4 the program established by the bank pursuant to section 21  
5 of P.L. , c. (C. ) (pending before the Legislature as this bill).

6 “Private entity” means a person, combination of persons,  
7 business entity, combination of business entities, or combination of  
8 persons and business entities whose business is to provide technical,  
9 financial, or managerial expertise to a P3 eligible entity for the  
10 design, development, management, operation, or maintenance of an  
11 energy-related project.

12 “Public-private partnership agreement” or “agreement” means an  
13 agreement entered into by a P3 eligible entity and a private entity  
14 pursuant to section 4 of P.L. , c. (C. ) (pending before the  
15 Legislature as this bill) for the purposes of undertaking an energy-  
16 related project whereby the private entity assumes financial  
17 developmental, operational, managerial, or administrative  
18 responsibility and maintains a financial interest in the energy-  
19 related project.

20 “Public-private partnership eligible entity” or “P3 eligible entity”  
21 means the State, its subdivisions, and any department, agency,  
22 commission, authority, board, or instrumentality thereof, a county, a  
23 municipality, a board of education, a State college or university, a  
24 county college, a private not-for-profit higher education institution,  
25 a regional or municipal utility authority, a quasi-State agency, a  
26 State-created corporation, or a private not-for-profit hospital  
27 licensed by the Department of Health pursuant to the “Health Care  
28 Facilities Planning Act,” P.L.1971, c.136 (C.26:2H-1 et seq.). “P3  
29 eligible entity” shall not include a municipal electric utility  
30 established pursuant to R.S.40:62-12.

31

32 4. (New section) a. A P3 eligible entity may enter into a  
33 public-private partnership agreement with a private entity pursuant  
34 to the provisions of P.L. , c. (C. ) (pending before the  
35 Legislature as this bill) which shall be subject to the approval of the  
36 bank pursuant to the Energy P3 Program requirements. An energy-  
37 related project may involve the design, construction, reconstruction,  
38 alteration, or improvement of one or more buildings, structures, or  
39 facilities owned or subject to a long-term lease, or to be owned or to  
40 be subject to a long-term lease, by the P3 eligible entity, provided  
41 that the private entity is responsible for the performance of each  
42 energy-related project and the P3 eligible entity retains an  
43 ownership or leasehold interest in the land or property upon which  
44 the energy-related project is developed. No particular method or  
45 structure of project financing shall be required of a private entity  
46 unless the method or structure of project financing or, if applicable,  
47 provision for ownership and title transfer to the P3 eligible entity at  
48 the end of the term of the agreement, is clearly described by the P3

1 eligible entity in any formal authorized solicitation process for an  
2 energy-related project.

3 b. P3 eligible entities and private entities that develop energy-  
4 related projects pursuant to a public-private partnership agreement  
5 executed and approved in accordance with the provisions of  
6 P.L. , c. (C. ) (pending before the Legislature as this bill)  
7 shall be eligible to receive financing available through the Energy  
8 Infrastructure Financing Program, to the extent such funds are  
9 available, in addition to financing or funding available from other  
10 sources.

11 c. A P3 eligible entity may solicit a proposal for an energy-  
12 related project, or consider an unsolicited proposal for an energy-  
13 related project, only from a private entity that has been duly  
14 qualified by the Energy P3 Program pursuant to sections 7 and 8 of  
15 P.L. , c. (C. ) (pending before the Legislature as this bill) and  
16 any other applicable law.

17 d. A P3 eligible entity and a qualified private entity that develop  
18 an energy-related project pursuant to a public-private partnership  
19 agreement executed and approved in accordance with the provisions  
20 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
21 shall provide to the bank information concerning the energy-related  
22 project, including: (1) a description of the improvements made to  
23 the energy infrastructure of participating P3 eligible entities; (2) the  
24 environmental benefits, job creation, and other economic and social  
25 benefits of the energy-related project; (3) a detailed itemization of  
26 total costs of the project; (4) where applicable, reductions in energy  
27 usage and peak demand, and enhancements to the resiliency and  
28 reliability of the State's energy infrastructure attributable to the  
29 energy-related project; and (5) any other information required by  
30 the bank.

31

32 5. (New section) a. An energy-related project may be  
33 proposed either by a P3 eligible entity or by a private entity.  
34 Notwithstanding the provisions of any law, rule, regulation,  
35 decision, or order to the contrary, a public-private partnership  
36 agreement may provide that, as part of the agreement, an energy-  
37 related project may be proposed and selected individually or as a  
38 part of any other project for the design, construction,  
39 reconstruction, alteration, improvement, development, or  
40 redevelopment of one or more buildings, structures, or facilities  
41 owned or subject to a long-term lease, or to be owned or to be  
42 subject to a long-term lease, by a P3 eligible entity, and may  
43 include buildings, structures, or facilities owned, or to be owned, by  
44 one or more private entities, without regard to the contiguity of the  
45 properties on which energy-related projects are developed, and may  
46 incorporate multiple energy technologies such as combined heat and  
47 power, solar energy, and energy storage facilities, subject only to  
48 technical or engineering limitations. An energy-related project

1 shall be designed to: enable a P3 eligible entity to more reliably,  
2 efficiently, and cost-effectively generate, distribute, conserve, store,  
3 consume, and acquire energy; improve the reliability and resiliency  
4 of its energy infrastructure; reduce greenhouse gas emissions,  
5 energy usage, and peak demand; diversify its sources of energy  
6 supply; create jobs; foster economic development; and support  
7 decarbonization of its buildings and the electric grid. A proposed  
8 energy-related project shall produce quantifiable or otherwise  
9 demonstrable benefits during the life of the project which shall be  
10 evaluated by the bank under the program as part of the approval of  
11 the public-private partnership agreement developed pursuant to  
12 P.L. , c. (C. ) (pending before the Legislature as this bill).

13 b. If an unsolicited energy-related project is proposed by a  
14 qualified private entity to a P3 eligible entity, the P3 eligible entity  
15 shall determine whether to accept, reject, or modify the proposal. If  
16 the P3 eligible entity elects to implement all or a portion of the  
17 proposed energy-related project, the P3 eligible entity shall initiate  
18 and adhere to the competitive solicitation procedure established  
19 pursuant to sections 8 and 9 of P.L. , c. (C. ) (pending before  
20 the Legislature as this bill). If the unsolicited proposal is rejected  
21 by the P3 eligible entity, the P3 eligible entity shall return all copies  
22 of, and all materials relating to the unsolicited proposal to the  
23 private entity. The unsolicited proposal, and records of  
24 communications and negotiations related to the proposal, shall be  
25 confidential and exempt from public disclosure as provided in the  
26 provisions of section 17 of P.L. , c. (C. ) (pending before the  
27 Legislature as this bill).

28  
29 6. (New section) a. Notwithstanding the provisions of any law,  
30 rule, regulation, decision, or order to the contrary, a P3 eligible  
31 entity that undertakes an energy-related project with a private  
32 entity, its affiliates, and approved subcontractors pursuant to a  
33 public-private partnership agreement shall not be subject to the  
34 requirement of advertisement for public bidding otherwise  
35 applicable to the P3 eligible entity, provided that the private entity  
36 is selected by the P3 eligible entity pursuant to a solicitation process  
37 conducted in accordance with sections 8 and 9 of P.L. , c.  
38 (C. ) (pending before the Legislature as this bill).

39 b. Except as otherwise set forth in subsection a. of this section,  
40 all solicitations for proposals conducted by a P3 eligible entity  
41 pursuant to sections 8 and 9 of P.L. , c. (C. ) (pending before  
42 the Legislature as this bill) shall be subject to the procurement laws  
43 and procedures otherwise applicable to the P3 eligible entity.

44  
45 7. (New section) a. (1) The bank shall establish an Energy  
46 Public-Private Partnerships Program or “Energy P3 Program.” The  
47 Energy P3 Program shall provide for the formulation and execution  
48 of a comprehensive Statewide program to facilitate public-private

1 partnerships for the development of energy-related projects, and for  
2 the development, promotion, coordination, oversight, and approval  
3 of public-private partnership agreements pursuant to P.L. , c.  
4 (C. ) (pending before the Legislature as this bill).

5 (2) The costs associated with the establishment and operation of  
6 the Energy P3 Program may be funded by moneys from the “Global  
7 Warming Solutions Fund” created pursuant to section 6 of  
8 P.L.2007, c.340 (C.26:2C-50), the societal benefits charge imposed  
9 pursuant to section 12 of P.L.1999, c.23 (C.48:3-60), any other  
10 funding source the Legislature appropriates to the Energy P3  
11 Program, and fees collected from private entities pursuant to  
12 subsection c. of this section.

13 (3) The bank shall implement the rules and regulations, policies,  
14 and procedures established pursuant to P.L. , c. (C. ) (pending  
15 before the Legislature as this bill) in a manner that encourages  
16 private entity participation in the Energy P3 Program and provides  
17 necessary project oversight and assistance to P3 eligible entities.

18 b. The bank may retain one or more qualified private consultants  
19 with relevant expertise to provide the technical assistance and  
20 resources deemed necessary and appropriate to assist the Energy P3  
21 Program.

22 c. The bank shall comply with the provisions of the “Local  
23 Public Contracts Law,” P.L.1971, c.198 (C.40A:11-1 et seq.), in the  
24 negotiation and award of professional service contracts with private  
25 consultants. A professional service contract entered into pursuant  
26 to this section shall include provisions for fees, contract duration,  
27 and other terms as are deemed necessary and appropriate by the  
28 bank to retain the services of one or more private consultants,  
29 deemed by the bank to be qualified by training and experience, to  
30 provide technical assistance required by the Energy P3 Program  
31 pursuant to P.L. , c. (C. ) (pending before the Legislature as  
32 this bill).

33 d. The bank shall annually develop an operating budget for the  
34 Energy P3 Program to enable the bank to adequately and properly  
35 perform its duties and responsibilities, and, if necessary, to  
36 compensate private consultants retained pursuant to subsection b. of  
37 this section to assist the bank to implement the Energy P3 Program  
38 as established in this section. The bank or any private consultant  
39 retained by the bank may charge a private entity a reasonable fee  
40 for the services provided by the bank or the private consultant, as  
41 applicable, under the Energy P3 Program, in connection with any  
42 implemented energy-related project under the program.

43 e. Within 18 months after the effective date of P.L. ,  
44 c. (C. ) (pending before the Legislature as this bill), the bank  
45 shall adopt rules and regulations pursuant to the “Administrative  
46 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), as are  
47 necessary to implement the provisions of P.L. , c. (C. )  
48 (pending before the Legislature as this bill).



1 f. The bank shall, within 90 days after the effective date of  
2 P.L. , c. (C. ) (pending before the Legislature as this bill),  
3 undertake a study of the staffing and other resources deemed  
4 necessary to implement the Energy P3 Program and to perform the  
5 duties and responsibilities established by P.L. , c. (C. )  
6 (pending before the Legislature as this bill). The bank shall prepare  
7 a report of its study, and provide a copy to the Governor and,  
8 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the  
9 Legislature, recommending any further action or resources needed  
10 to facilitate program implementation.

11

12 8. (New section) a. A private entity seeking to enter into a  
13 public-private partnership agreement for an energy-related project  
14 with a P3 eligible entity shall first be qualified under the Energy P3  
15 Program. The bank shall establish appropriate qualification criteria  
16 for any private entity seeking to participate in the Energy P3  
17 Program pursuant to the rules and regulations adopted pursuant to  
18 section 7 of P.L. , c. (C. ) (pending before the Legislature as  
19 this bill), and shall provide details of the qualification criteria in the  
20 report submitted to the Legislature pursuant to section 27 of P.L. ,  
21 c. (C. ) (pending before the Legislature as this bill).

22 b. Under the Energy P3 Program, the bank shall evaluate the  
23 qualifications of each private entity that seeks to develop an energy-  
24 related project pursuant to a public-private partnership agreement in  
25 accordance with the qualification criteria established pursuant to  
26 this section. The bank shall develop a tiered ranking system for  
27 both energy-related projects and the private entities that seek to  
28 qualify to develop such projects. The tiered ranking system shall be  
29 designed to authorize a private entity to pursue only the types of  
30 energy-related projects for which the private entity has been  
31 qualified.

32 c. The bank shall maintain, and make available to P3 eligible  
33 entities, a current list of qualified private entities, arranged by the  
34 tiers of energy-related projects for which the private entities have  
35 been qualified. Each P3 eligible entity that seeks to develop an  
36 energy-related project pursuant to P.L. c. (C. ) (pending  
37 before the Legislature as this bill) shall be directed to the complete  
38 list of qualified private entities for the type of tiered energy related  
39 project under consideration for development.

40

41 9. (New section) a. For each proposed energy-related project, a  
42 P3 eligible entity shall solicit proposals from private entities that  
43 are set forth on the list of qualified private entities maintained by  
44 the bank pursuant to section 8 of P.L. , c. (C. ) (pending  
45 before the Legislature as this bill), and that have been qualified for  
46 the type of energy-related project or projects considered by the P3  
47 eligible entity. The bank shall establish the process by which a P3  
48 eligible entity may solicit and procure proposals from qualified

1 private entities for energy-related projects and the criteria that shall  
2 apply to the procurement.

3 b. A P3 eligible entity shall specify the manner in which the  
4 price shall be bid by a qualified private entity as part of a proposal  
5 for an energy-related project. If a fixed price option is selected by  
6 the P3 eligible entity, the qualified private entity shall fully and  
7 accurately disclose, in a single line item entry, the total installed  
8 cost of the proposed energy-related project, including all  
9 equipment, labor, permits, and management services. Any proposal  
10 by a qualified private entity which includes a fixed price bid that  
11 does not comply with this section shall be rejected by the P3  
12 eligible entity as nonconforming.

13 c. Notwithstanding the provision of any law, rule, regulation,  
14 decision, or order to the contrary, the P3 eligible entity shall award  
15 the energy-related project to the private entity whose proposal is  
16 determined by the P3 eligible entity to be the most advantageous to  
17 the P3 eligible entity, with price and other factors considered. The  
18 criteria to be utilized by the P3 eligible entity as the basis for its  
19 award determination shall be established by the bank by rules and  
20 regulations adopted pursuant to section 7 of P.L. , c. (C. )  
21 (pending before the Legislature as this bill).

22 d. A P3 eligible entity shall negotiate a public-private  
23 partnership agreement for the energy-related project with the  
24 qualified private entity in accordance with the process and  
25 standards established by the bank pursuant to rules and regulations  
26 adopted pursuant to section 7 of P.L. , c. (C. ) (pending  
27 before the Legislature as this bill).

28  
29 10. (New section) Prior to, or in connection with, the  
30 negotiation and execution of a public-private partnership  
31 agreement, a P3 eligible entity may negotiate and execute a  
32 preliminary agreement with a qualified private entity selected for  
33 the energy-related project. The preliminary agreement may, among  
34 other things, authorize a qualified private entity to commence  
35 certain preliminary project development activities for which the  
36 private entity may be compensated. The bank shall establish  
37 standards, by rules and regulations adopted pursuant to section 7 of  
38 P.L. , c. (C. ) (pending before the Legislature as this bill), for  
39 preliminary agreements entered into pursuant to this section.

40  
41 11. (New section) a. A P3 eligible entity and a qualified private  
42 entity shall cooperate with the bank to leverage, to the greatest  
43 extent possible, available private sector financial resources and  
44 expertise and to enhance the ability of an energy-related project to  
45 obtain, aggregate, and maximize federal, State, local, utility, and  
46 other funding sources, including the "Global Warming Solutions  
47 Fund" established pursuant to section 6 of P.L.2007, c.340  
48 (C.26:2C-50), federal and State tax incentives and credits, and

1 financial and other benefits available to finance, secure, guarantee,  
2 service, or reduce project debt, or to minimize, repay, or accelerate  
3 the repayment of project costs, or provide other advantages.

4 Notwithstanding the provisions of any law, rule, regulation,  
5 decision, or order to the contrary, funds contained in the “Global  
6 Warming Solutions Fund,” established pursuant to section 6 of  
7 P.L.2007, c.340 (C.26:2C-50), and financing available through the  
8 bank, to the extent such funds are available, shall be available to  
9 private entities that develop energy-related projects pursuant to an  
10 agreement approved under the Energy P3 program. The funds shall  
11 be supplemental to funding available to an energy-related project  
12 from all other sources including, but not limited to, the New Jersey  
13 Clean Energy Program administered by the Board of Public  
14 Utilities, and any successor or similar program, and programs  
15 sponsored by the State’s electric and natural gas distribution  
16 utilities.

17 b. In order to facilitate the financing, development, and  
18 delivery of, or to reduce the costs associated with, an energy-related  
19 project, a P3 eligible entity may:

20 (1) become the owner or lessee of the energy-related project, or  
21 the owner or long-term lessee of the land on which the energy-  
22 related project is located, or both;

23 (2) issue indebtedness in accordance with the P3 eligible entity’s  
24 enabling legislation provided that, at a minimum, the private entity  
25 guarantees the performance of the energy-related project to the P3  
26 eligible entity;

27 (3) dedicate any property interest, including land,  
28 improvements, fixtures, and tangible personal property that the P3  
29 eligible entity has for public use; and

30 (4) exercise all powers conferred on the P3 eligible entity by law  
31 including, but not limited to, the power to tax, lease or grant rights  
32 of way, easements, and access, exercise the power of eminent  
33 domain, grant development rights, issue and accelerate permits and  
34 other authorizations, and grant licenses, franchises, contractual, and  
35 real property rights.

36 c. A public-private partnership agreement may provide for the  
37 sale, long-term lease, or lease-purchase of, or grant of concessions  
38 for, the assets and facilities of a P3 eligible entity to a private entity,  
39 and revenue sharing opportunities between the P3 eligible entity  
40 and private entity pursuant to an agreement approved under the  
41 program. If the public-private partnership agreement provides for  
42 ownership of the energy-related project, or a portion thereof, by the  
43 private entity during the term of the agreement, the agreement may  
44 provide for the transfer of the project by the private entity to the P3  
45 eligible entity at no charge upon the expiration of the term of the  
46 agreement or any extension thereof.

1 12. (New section) a. The development of an energy-related  
2 project pursuant to P.L. , c. (C. ) (pending before the  
3 Legislature as this bill) shall be deemed to constitute the  
4 performance of an essential public function.

5 b. A component of an energy-related project predominantly used  
6 by, or developed in furtherance of the purposes of a P3 eligible  
7 entity pursuant to P.L. , c. (C. ) (pending before the  
8 Legislature as this bill), and which is owned by or leased to a P3  
9 eligible entity, foreign or domestic nonprofit business entity, or  
10 business entity wholly owned by a nonprofit business entity, shall  
11 be exempt from property taxation and special assessments of the  
12 State, a municipality, and any other political subdivision of the  
13 State, and, notwithstanding the provisions of section 15 of  
14 P.L.1974, c.80 (C.34:1B-15) or section 2 of P.L.1977, c.272  
15 (C.54:4-2.2b) or any other law to the contrary, shall not be required  
16 to make payments in lieu of taxes.

17 c. The land upon which an energy-related project is located shall  
18 be exempt from property taxation for the duration of the useful life  
19 of the project. The energy-related project and the land upon which  
20 the energy-related project is located shall not be subject to the  
21 provisions of section 1 of P.L.1984, c.176 (C.54:4-1.10) regarding  
22 the tax liability of private parties conducting for-profit activities on  
23 tax exempt land, or section 1 of P.L.1949, c.177 (C.54:4-2.3)  
24 regarding the taxation of leasehold interests in exempt property that  
25 are held by nonexempt parties. The provisions of this subsection  
26 shall apply only when the energy-related project is owned by or  
27 leased to a P3 eligible entity, foreign or domestic nonprofit business  
28 entity, or business entity wholly owned by a nonprofit business  
29 entity, and the energy-related project furthers the purposes of the P3  
30 eligible entity.

31  
32 13. (New section) If public funding has not been provided for  
33 the financing of an energy-related project developed pursuant to  
34 P.L. , c. (C. ) (pending before the Legislature as this bill), the  
35 chief financial officer, or other official, of the P3 eligible entity that  
36 enters into an agreement for a public-private partnership for an  
37 energy-related project may require the private entity responsible for  
38 the development of the energy-related project to post a bond  
39 guaranteeing prompt payment of funds due to the contractor, its  
40 subcontractors, and all persons furnishing labor or materials to the  
41 contractor or its subcontractors in the conduct of the work on the  
42 energy-related project.

43  
44 14. (New section) a. All workers employed in the performance  
45 of any construction undertaken in connection with an energy-related  
46 project for which a public-private partnership agreement has been  
47 approved pursuant to section 4 of P.L. , c. (C. ) (pending  
48 before the Legislature as this bill), including all workers for

1 subcontractors employed in the performance of any construction  
2 undertaken in connection with an energy-related project, shall be  
3 paid not less than the prevailing wage rate for the workers' craft or  
4 trade as determined by the Commissioner of Labor and Workforce  
5 Development pursuant to P.L.1963, c.150 (C.34:11-56.25 et seq.)  
6 and P.L.2005, c.379 (C.34:11-56.58 et seq.).

7 b. All energy-related projects developed pursuant to a public-  
8 private partnership agreement approved pursuant to section 4 of  
9 P.L. , c. (C. ) (pending before the Legislature as this bill)  
10 may contain a project labor agreement. A project labor agreement  
11 shall be subject to the provisions of P.L.2002, c.44 (C.52:38-1 et  
12 seq.) and shall be structured in a manner that, to the greatest extent  
13 possible, enhances employment opportunities for individuals  
14 residing in the county in which the energy-related project will be  
15 located.

16 c. A qualified private entity selected by a P3 eligible entity to  
17 develop an energy-related project pursuant to P.L. , c. (C. )  
18 (pending before the Legislature as this bill), and all affiliates and  
19 subcontractors of the private entity, shall comply with the  
20 provisions of "The Public Works Contractor Registration Act,"  
21 P.L.1999, c. 238 (C.34:11-56.48 et seq.).  
22

23 15. (New section) Each general contractor, construction  
24 manager, design-build team member, and significant subcontractor  
25 that performs work in connection with an energy-related project  
26 pursuant to P.L. , c. (C. ) (pending before the Legislature as  
27 this bill) shall be classified by the bank, in consultation with the  
28 Division of Property Management and Construction in the  
29 Department of the Treasury, to perform work on an energy-related  
30 project in accordance with the provisions of P.L. , c. (C. )  
31 (pending before the Legislature as this bill).  
32

33 16. (New section) a. All energy-related projects proposed by a  
34 P3 eligible entity, following consideration of project proposals and  
35 selection of a qualified private entity in accordance with sections 8  
36 and 9 of P.L. , c. (C. ) (pending before the Legislature as this  
37 bill), shall be submitted to the bank for project review and approval.  
38 Upon request, the bank shall assist a P3 eligible entity in connection  
39 with the P3 eligible entity's solicitation and consideration of  
40 proposals for energy-related projects. Only a proposal deemed to  
41 be complete by the bank shall be considered. In order for a  
42 proposal to be deemed complete, the proposal shall include all items  
43 required pursuant to the Energy P3 Program and shall include a  
44 long-range operation and maintenance plan. The proposal and long-  
45 range operation and maintenance plan shall be reviewed by the bank  
46 and those in compliance with the program requirements shall be  
47 approved by the bank under the Energy P3 Program in accordance

1 with rules and regulations adopted pursuant to section 7 of P.L. ,  
2 c. (C. ) (pending before the Legislature as this bill).

3 b. An energy-related project shall not proceed unless the project  
4 has been approved by the bank under the Energy P3 Program. The  
5 bank may deny or revoke an approval if it determines that an  
6 energy-related project presented for approval materially deviates  
7 from the proposal submitted by the private entity and preliminarily  
8 approved by the P3 eligible entity, or has not received all required  
9 approvals.

10 c. All energy-related projects shall be completed within five  
11 years after the date of approval by the bank under the Energy P3  
12 Program, unless the energy-related project is delayed by  
13 circumstances or events beyond the control of the project developer,  
14 in which case an extension of the five year deadline, coextensive  
15 with the duration of the delay, shall be permitted by the bank, upon  
16 demonstration by the project developer that the delay is beyond the  
17 project developer's control.

18 d. The development of an approved energy-related project shall  
19 remain subject to oversight and review by the bank under the  
20 Energy P3 Program pursuant to rules and regulations adopted  
21 pursuant to section 7 of P.L. , c. (C. ) (pending before the  
22 Legislature as this bill).

23

24 17. (New section) a. Notwithstanding the provisions of any law,  
25 rule, regulation, decision, or order to the contrary, a private entity  
26 that submits (1) a proposal in response to a solicitation for an  
27 energy-related project or (2) an unsolicited proposal that is accepted  
28 by a P3 eligible entity and made the basis for a solicitation for an  
29 energy-related project, may identify those portions of the proposal  
30 that the private entity deems to be confidential, competitively  
31 sensitive bid-related information, including, but not limited to,  
32 pricing and financing terms, and proprietary or trade secret  
33 information. The private entity shall provide justification as to why  
34 the materials identified as confidential should not, upon request, be  
35 produced to others by the P3 eligible entity. Information  
36 determined by the P3 eligible entity to be confidential,  
37 competitively sensitive bid-related information shall not be subject  
38 to disclosure, except as necessary to the bank for the purposes of  
39 evaluation and review of a public-private partnership agreement  
40 pursuant to P.L. , c. (C. ) (pending before the Legislature as  
41 this bill), or considered a public or government record under  
42 P.L.1963, c.73 (C.47:1A-1 et seq.) or P.L.2001, c.404 (C.47:1A-5 et  
43 al.), or otherwise, prior to the selection of the winning proposal.

44 Disclosure of confidential pricing information shall occur, upon  
45 request, after the selection of the winning proposal, but prior to the  
46 execution of the final public-private partnership agreement.  
47 Information determined to be proprietary or trade secret information  
48 shall not be subject to disclosure at any time by the P3 eligible

1 entity pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), P.L.2001,  
2 c.404 (C.47:1A-5 et al.), or otherwise.

3 b. Notwithstanding the provisions of any law, rule, regulation,  
4 decision, or order to the contrary, a private entity that submits an  
5 unsolicited proposal for an energy-related project that is rejected by  
6 a P3 eligible entity and not made the basis of a solicitation for an  
7 energy-related project pursuant to P.L. , c. (C. ) (pending  
8 before the Legislature as this bill), may request the P3 eligible  
9 entity to return the entire unsolicited proposal to the private entity,  
10 and the P3 eligible entity shall promptly comply with the request.

11 An unsolicited proposal for a P3 eligible entity energy-related  
12 project that is rejected by a P3 eligible entity and not made the basis  
13 of a solicitation for an energy-related project shall not be subject to  
14 disclosure or considered a public or government record under  
15 P.L.1963, c.73 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-5 et  
16 al.), or otherwise, and no disclosure of the unsolicited proposal, or  
17 any portion thereof, or records of any communications relating to  
18 the unsolicited proposal, shall be made to the public pursuant to  
19 P.L.1963, c.73 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-5 et  
20 al.), or otherwise.

21

22 18. (New section) Notwithstanding the provisions of section 2 of  
23 P.L.1999, c.440 (C.40A:11-4.2), section 46 of P.L.1999, c.440  
24 (C.18A:18A-4.2), P.L.1954, c.48 (C.52:34-6 et seq.), and any other  
25 law, regulation, decision, or order to the contrary, a public-private  
26 partnership agreement between a P3 eligible entity and a private  
27 entity to design, develop, finance, build, own, operate, or maintain,  
28 or a combination thereof, an energy-related project in accordance  
29 with the provisions of P.L. , c. (C. ) (pending before the  
30 Legislature as this bill), may have a term not to exceed 25 years. A  
31 public-private partnership agreement between a P3 eligible entity  
32 and a private entity to design, develop, finance, build, own, operate,  
33 or maintain an energy-related project that includes a combined heat  
34 and power facility, cogeneration facility, or on-site generation  
35 facility, as those terms are defined in section 3 of P.L.1999, c.23  
36 (C.48:3-51), a district energy system, a fuel cell, a hydrogen or  
37 renewable natural gas production, distribution, or usage facility,  
38 energy storage, or other distributed electric generation resource may  
39 have a term not to exceed 30 years, which term shall commence  
40 after construction of the facility has been completed and  
41 commercial operation has commenced.

42 A public-private partnership agreement between a P3 eligible  
43 entity and a private entity may authorize execution of a long-term  
44 service agreement that may include routine and preventive  
45 maintenance and overhaul and rebuild coverage, for coverage  
46 periods of not less than 10 years, and up to the period coinciding  
47 with the useful life of the equipment included within the scope of  
48 the service agreement.

1 19. (New section) The provisions of P.L.2009, c.136 (C.52:18-  
2 42 et seq.) shall not apply to an energy-related project developed  
3 pursuant to P.L. , c. (C. ) (pending before the Legislature as  
4 this bill).

5  
6 20. (New section) Nothing in P.L. , c. (C. ) (pending  
7 before the Legislature as this bill) shall be construed to limit the  
8 powers of the Office of the State Comptroller pursuant to P.L.2007,  
9 c.52 (C.52:15C-1 et al.) or the authority of the Board of Public  
10 Utilities.

11  
12 21. (New section) a. In addition to its powers and duties set  
13 forth in P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224  
14 (C.58:11B-10.1 et al.), and sections 22 and 34 through 38 of  
15 P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-  
16 20.2, C.58:11B-22.3, and C.58:11B-22.4), the New Jersey  
17 Infrastructure Bank shall establish a New Jersey Energy  
18 Infrastructure Financing Program. The purpose of the program  
19 shall be to provide loans and other forms of financial assistance, as  
20 the bank deems appropriate, to P3 eligible entities and private  
21 entities that are parties to public-private partnership agreements to  
22 develop and finance energy-related projects approved by the Energy  
23 P3 Program pursuant to P.L. c. (C. ) (pending before the  
24 Legislature as this bill).

25 b. Except as otherwise provided in sections 1 through 28 of  
26 P.L. , c. (C. ) (pending before the Legislature as this bill),  
27 the New Jersey Energy Infrastructure Financing Program shall  
28 comply with all provisions of P.L.1985, c.334 (C.58:11B-1 et seq.),  
29 unless such provision is specifically related to environmental  
30 infrastructure or transportation projects as defined in section 3 of  
31 P.L.1985, c.334 (C.58:11B-3).

32 In establishing this program and issuing bonds pursuant to  
33 P.L. , c. (C. ) (pending before the Legislature as this bill),  
34 the bank shall have the same powers and duties set forth in the  
35 “New Jersey Infrastructure Trust Act,” P.L.1985, c.334 (C.58:11B-  
36 1 et seq.). The bank shall borrow money and issue bonds, notes,  
37 and other obligations, and secure the same, and provide for the  
38 rights of the holders thereof in the same manner as provided  
39 pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.).

40 c. The bank shall make, and contract to, provide financing to  
41 private entities for energy-related projects in accordance with the  
42 provisions of P.L. , c. (C. ) (pending before the Legislature  
43 as this bill) and acquire, and contract to acquire, notes, bonds, or  
44 other obligations all in accordance with the provisions of P.L.1985,  
45 c.334 (C.58:11B-1 et seq.). All loans and other financial assistance  
46 shall be made subject to those terms and conditions as the bank  
47 shall determine to be consistent with the purposes of P.L. , c.  
48 (C. ) (pending before the Legislature as this bill) and consistent



1 with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.). Each  
2 loan by the bank and the terms and conditions thereof shall be  
3 subject to approval by the State Treasurer, and the bank shall make  
4 available to the State Treasurer all information, statistical data, and  
5 reports of independent consultants or experts as the State Treasurer  
6 shall deem necessary in order to evaluate the loan.

7  
8 22. (New Section) a. There is established in the New Jersey  
9 Infrastructure Bank a special fund to be known as the Energy Loan  
10 Origination Fee Fund. The Energy Loan Origination Fee Fund shall  
11 be credited with:

12 (1) monies deposited into the fund as loan origination fees  
13 received by the bank and paid by loan applicants for energy-related  
14 projects financed under the Energy Infrastructure Financing  
15 Program; and

16 (2) any interest paid on the amounts of the energy loan  
17 origination fees.

18 b. Monies in the Energy Loan Origination Fee Fund shall be  
19 drawn and used by the bank to reimburse the bank for  
20 administrative and operating expenses incurred in administering the  
21 Energy Infrastructure Financing Program, except that the total  
22 amount expended by the bank for administrative and operating  
23 expenses for the Energy Infrastructure Financing Program in any  
24 fiscal year shall not exceed \$8,000,000. The monies in the Energy  
25 Loan Origination Fee Fund shall also be available for application by  
26 the bank for loans to P3 eligible entities for the cost of energy-  
27 related projects. Amounts in excess of the funds drawn by the bank  
28 from the Energy Loan Origination Fee Fund during any given fiscal  
29 year shall be carried forward into the following fiscal year and held  
30 on deposit in the fund.

31 c. As used in this section, "Energy Loan Origination Fee" means  
32 the fee charged by the bank in connection with engineering and  
33 other services provided by the bank to a project sponsor in  
34 connection with the project sponsor's participation in the Energy  
35 Infrastructure Financing Program. A project sponsor may finance  
36 any portion of the energy loan origination fee through an energy  
37 loan to pay a portion of the costs incurred by the bank in the  
38 implementation of the Energy Infrastructure Financing Program.

39 d. Monies in the Energy Loan Origination Fee Fund may be  
40 used to provide loans for fund-approved origination costs associated  
41 with the identification and preliminary development and design of  
42 potential energy-related projects. Such loans shall be repaid in full  
43 by the developers of energy-related projects that are approved by  
44 the Energy P3 Program and developed by the developers, and shall  
45 be considered and treated as project costs. For energy-related  
46 projects that are not approved or developed, upon application to the  
47 Energy P3 Program demonstrating good cause for relief in  
48 accordance with criteria established by the Energy P3 Program,

1 origination costs may be shared by the Energy P3 Program and P3  
2 eligible entity through forgiveness of one-half of the approved  
3 invoices submitted by the developer performing the preliminary  
4 work for the proposed energy-related project, to the extent funds are  
5 available.

6 The origination costs permitted per project shall not exceed  
7 \$100,000 in the aggregate and \$50,000 in loan forgiveness. A  
8 developer that receives compensation under this section for  
9 assisting the identification, preliminary design, or preliminary  
10 development of an energy-related project, or the preparation of the  
11 project proposal to the Energy P3 Program for such project, shall be  
12 disqualified from bidding for the energy-related project and from  
13 any involvement in project development, other than as a  
14 representative of the P3 eligible entity.

15

16 23. (New section) a. The bank shall create and establish a  
17 special fund to be known as the State Energy Infrastructure Bank  
18 Fund. The monies in the State Energy Infrastructure Bank Fund  
19 shall only be used to provide loans and other financial assistance to  
20 energy-related projects funded by the Energy Infrastructure  
21 Financing Program, and for other purposes of the bank's  
22 administration and management of the Energy Infrastructure  
23 Financing Program, subject to agreements with the holders of  
24 bonds, notes or other obligations of the bank. The State Energy  
25 Infrastructure Bank Fund shall be credited with:

26 (1) State and federal funds appropriated to the State Energy  
27 Infrastructure Bank Fund;

28 (2) monies received as repayment of the principal of, and the  
29 interest or premium on loans made from the State Energy  
30 Infrastructure Bank Fund;

31 (3) any interest earnings received on the monies in the State  
32 Energy Infrastructure Bank Fund; and

33 (4) any other monies the Legislature may appropriate to the  
34 bank for deposit into the State Energy Infrastructure Bank Fund to  
35 finance or refinance loans for energy-related projects issued from  
36 the State Energy Infrastructure Bank Fund.

37 b. Notwithstanding any provisions of P.L. c. (C. )  
38 (pending before the Legislature as this bill) to the contrary, all  
39 monies placed into the State Energy Infrastructure Bank Fund shall  
40 be held separate from other funds of the bank, and no funds used to  
41 finance energy-related projects shall be combined or comingled  
42 with any funds that finance (1) wastewater treatment system  
43 projects, (2) water supply projects, (3) other environmental  
44 infrastructure projects, or (4) transportation, transit, marine or  
45 aviation projects, which are not energy-related projects.

46 c. The bank may establish or direct the establishment of federal  
47 and State accounts or subaccounts as may be necessary to meet any

1 applicable federal law requirements or desirable for the efficient  
2 administration of the bank.

3

4 24. (New section) a. The bank shall create and establish a  
5 special fund to be known as the “Interim Energy Financing Program  
6 Fund” for the short-term or temporary loan financing or refinancing  
7 program to be known as the “Interim Energy Financing Program.”

8 Notwithstanding any provision of P.L.1985, c.334 (C.58:11B-1  
9 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to the contrary,  
10 the bank may receive funds from any source including, without  
11 limitation, any funds drawn by the bank from a revolving line of  
12 credit or other similar financial vehicle that may be procured by the  
13 bank, either through a competitive or negotiated process, pursuant  
14 to section 5 of P.L.1985, c.334 (C.58:11B-5), for deposit into the  
15 “Interim Energy Financing Program Fund” or the bank may issue its  
16 bonds, notes, or other obligations in any principal amounts, in either  
17 case, as in the judgment of the bank shall be necessary to provide  
18 sufficient funds to finance or refinance short-term or temporary  
19 loans to P3 eligible entities for any energy-related project included  
20 on the Interim Energy Financing Program Project Priority List for  
21 the ensuing fiscal year and eligible for approval pursuant to P.L. ,  
22 c. (C. ) (pending before the Legislature as this bill), without  
23 regard to any other provisions of P.L.1985, c.334 (C.58:11B-1 et  
24 seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34  
25 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-  
26 10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4),  
27 including, without limitation, any administrative or legislative  
28 approvals.

29 b. Any short-term or temporary loans made by the bank pursuant  
30 to this section may only be made in advance of the anticipated loans  
31 the bank may make, and contract to make, under the provisions of  
32 P.L. , c. (C. ) (pending before the Legislature as this bill)  
33 from any source of funds anticipated to be received by the bank.  
34 Any such short-term or temporary loan made pursuant to the  
35 Interim Energy Financing Program shall mature no later than the  
36 last day of the third succeeding fiscal year following the closing  
37 date on which the short-term or temporary loan was made by the  
38 bank to the project sponsor; except that a planning, design, and  
39 construction loan shall mature no later than the last day of the fifth  
40 succeeding fiscal year following the closing date of the planning,  
41 design, and construction loan or the last day of the third succeeding  
42 fiscal year following the date of construction certification following  
43 the closing date of the planning, design, and construction loan,  
44 whichever is sooner, provided that, in either case, project planning  
45 or engineering design activities shall not exceed two years from the  
46 closing date of the planning, design, and construction loan. The  
47 bank may make short-term or temporary loans pursuant to the  
48 Interim Energy Financing Program to any one or more of the

1 project sponsors, for the respective projects thereof, only if a  
2 project is identified on the list to be known as the “Interim Energy  
3 Financing Program Project Priority List” in the form provided to the  
4 Legislature by the bank.

5 c. The Interim Energy Financing Program Project Priority List,  
6 including any revision thereof or supplement thereto, shall be  
7 submitted by the bank to the Legislature pursuant to section 2 of  
8 P.L.1991, c.164 (C.52:14-19.1) at least once in each fiscal year.  
9 The Secretary and the Clerk shall cause the date of submission to be  
10 entered upon the Senate Journal and the Minutes of the General  
11 Assembly, respectively. An energy-related project or the project  
12 sponsor thereof not identified in the Interim Energy Financing  
13 Program Project Priority List shall not be eligible for a short-term  
14 or temporary loan from the Interim Energy Financing Program  
15 Fund. The board, working in consultation with the bank, may  
16 revise or supplement the Interim Energy Financing Program Project  
17 Priority List no more than four times during the fiscal year, and the  
18 bank shall submit the revised list to the Legislature when the  
19 revisions are made.

20 d. No funds may be disbursed by the bank pursuant to this  
21 section for project activities prior to certification by the board that  
22 the project satisfies the provisions of section 25 of P.L. , c.  
23 (C ) (pending before the Legislature as this bill) and written  
24 notification of award certification in writing from the board that the  
25 project activities satisfy the provisions of P.L.1985, c.334  
26 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or  
27 P.L. , c. (C. ) (pending before the Legislature as this bill).

28  
29 25. (New section) a. The Board of Public Utilities, through the  
30 Energy P3 Program, shall for each fiscal year, develop a priority  
31 system for energy-related projects that seek financing from the  
32 Energy Infrastructure Financing Program. The board shall set forth  
33 an Energy Infrastructure Financing Program Project Priority List,  
34 hereinafter referred to as the Energy Project Priority List, which  
35 shall identify the energy-related projects that the board has selected  
36 for funding in each fiscal year. The board may include an energy-  
37 related project on the energy project priority list if it meets the  
38 eligibility requirements for funding by the Energy P3 Program or  
39 the eligibility requirements for funding pursuant to the terms and  
40 conditions of the source of funds. The Energy Project Priority List  
41 shall provide a description of each project and an explanation of  
42 how the projects are ranked.

43 The Energy Project Priority List shall be submitted by the bank  
44 to the Legislature for the fiscal year on or before January 15 of each  
45 year. The Secretary and the Clerk shall cause the date of  
46 submission to be entered upon the Senate Journal and the Minutes  
47 of the General Assembly, respectively. Incremental revisions or  
48 supplements to the Energy Project Priority List may be submitted to

1 the Legislature as provided in subsection g. of section 9 of  
2 P.L.1985, c.334 (C.58:11B-9). An energy-related project shall be  
3 eligible for funding pursuant to this section if it is identified on an  
4 Energy Project Priority List.

5 Energy-related projects that do not seek financing from the bank  
6 shall not be subject to prioritization in accordance with this section  
7 and shall be considered on their own merit in accordance with the  
8 general review criteria established pursuant to section 16 of  
9 P.L. , c. (C. ) (pending before the Legislature as this bill).

10 b. The bank shall prepare an Energy Infrastructure Financing  
11 Program Project Eligibility List, hereinafter referred to as the  
12 Energy Project Eligibility List, for long-term funding by the bank  
13 and shall include the aggregate amount of funds to be authorized for  
14 these purposes. The Energy Project Eligibility List shall consist of  
15 Energy Project Priority List projects certified by the bank that have  
16 commenced construction and demonstrated to the Energy P3  
17 Program a high likelihood of construction completion within five  
18 years of date of funding and meet all other requirements of the  
19 Energy Infrastructure Financing Program.

20 On or before May 15 of each year, the bank shall submit the  
21 Energy Project Eligibility List for the ensuing fiscal year including  
22 any amendatory or supplementary provisions thereto, which shall  
23 include the authorization of an aggregate amount of funds of the  
24 bank to be expended for loans and guarantees for the specific  
25 energy-related projects, including the individual amounts therefor,  
26 to be introduced in each House in the form of legislative  
27 appropriations bills, which shall be referred to the Senate  
28 Environment and Energy Committee and the Assembly  
29 Telecommunications and Utilities Committee, or their successors,  
30 for their respective consideration.

31 The Senate Environment and Energy Committee and the  
32 Assembly Telecommunications and Utilities Committee, or their  
33 successors, shall, either individually or jointly, consider the  
34 legislation containing the Energy Project Eligibility List, and shall  
35 report the legislation, together with any modifications, out of  
36 committee for consideration by each House of the Legislature.

37 On or before July 1 of each year, the Legislature shall approve an  
38 appropriations act containing the Energy Project Eligibility List,  
39 including any amendatory or supplementary provisions thereto,  
40 which act shall include the authorization of an aggregate amount of  
41 funds of the bank to be expended for long-term loans and  
42 guarantees for the energy-related projects, including the individual  
43 amounts for each project included on the list.

44 c. On or before October 15 of each year, the bank may submit an  
45 amended Energy Project Eligibility List to be introduced in each  
46 House in the form of legislative appropriations bills for approval by  
47 the Legislature on or before January 15 of the following calendar

1 year in the manner set forth in subsection a. and subsection b. of  
2 this section.

3 d. The bank shall not expend any money for a long-term loan or  
4 guarantee during a fiscal year for any energy-related project unless  
5 the expenditure has been authorized pursuant to an appropriations  
6 act of the current or three immediately preceding fiscal years as  
7 provided in the provisions of this section, or as otherwise set forth  
8 in an appropriations act.

9 e. The bank shall submit to the Secretary of the Senate and the  
10 Clerk of the General Assembly on or before January 15 of each year  
11 a report which shall identify the energy-related projects financed  
12 during the prior fiscal year, including a project description, the  
13 amount of the loan provided for each project, and the duration of  
14 each loan.

15

16 26. (New section) a. On or before May 15 of each year, the  
17 bank shall submit to the Legislature a financial plan designed to  
18 implement the financing of the energy-related projects on the  
19 Energy Project Priority List or the Energy Project Eligibility List.  
20 The financial plan shall contain an enumeration of the bonds, notes  
21 or other obligations of the bank which the bank intends to issue,  
22 including the amounts thereof and the terms and conditions thereof,  
23 a list of loans to be made to P3 eligible entities, including the terms  
24 and conditions thereof and the anticipated rate of interest per annum  
25 and repayment schedule therefor and a list of loan guarantees or  
26 contracts to guarantee the payment of all or a portion of the  
27 principal and interest on bonds, notes or other obligations issued by  
28 a P3 eligible entity to finance the cost of an energy-related project,  
29 and the terms and conditions thereof.

30 The financial plan shall also set forth a complete operating and  
31 financial statement covering proposed operations through the fund  
32 during the forthcoming fiscal year, including amounts of income  
33 from all sources, and the uniform schedule of fees and charges  
34 established by the bank pursuant to subsection o. of section 5 of  
35 P.L.1985, c.334 (C.58:11B-5), and the amounts to be derived  
36 therefrom, and shall summarize the status of each energy-related  
37 project for which loans or guarantees have been made by the bank.

38 b. On or before June 30 of each year the Legislature may reject  
39 the financial plan through the adoption by both houses of a  
40 concurrent resolution. If the Legislature rejects the financial plan,  
41 the project list shall be removed from the annual appropriations act  
42 and the bank shall not undertake any of the proposed activities  
43 contained therein. If the Legislature takes no action on or before  
44 June 30, the financial plan shall be deemed approved.

45 c. The financial plan for the State Energy Infrastructure Bank  
46 Fund shall not be eligible for inclusion in a consolidated financial  
47 plan as established in section 27 of P.L.1997, c.224 (C.58:11B-  
48 22.2).

1       27. (New section) The bank shall, within three years after the  
2 effective date of P.L.       , c.       (C.       ) (pending before the  
3 Legislature as this bill), and annually thereafter, prepare a report to  
4 the Governor and, pursuant to section 2 of P.L.1991, c.164  
5 (C.52:14-19.1), to the Legislature regarding the number, nature,  
6 structure, and scope of public-private partnership agreements for  
7 energy-related projects developed pursuant to P.L.       , c.       (C.       )  
8 (pending before the Legislature as this bill), including: (1) a  
9 description of the improvements made to the energy infrastructure  
10 of participating P3 eligible entities; (2) environmental benefits; (3)  
11 job creation and other economic and societal benefits; (4) costs  
12 incurred; and (5) where applicable, reductions in energy usage and  
13 peak demand, and enhancements to the resiliency and reliability of  
14 the State's energy infrastructure. The report shall also address any  
15 implementation issues, including staffing and resource  
16 requirements, and may provide recommendations regarding how the  
17 processes and methods adopted to foster the development of public-  
18 private partnership agreements for energy-related projects under  
19 P.L.       , c.       (C.       ) (pending before the Legislature as this bill)  
20 may be improved, expanded, or made more efficient.

21  
22       28. (New section) The bank and the board shall adopt, pursuant  
23 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
24 1 et seq.), any rules and regulations deemed appropriate and  
25 necessary for the implementation of P.L.       , c.       (C.       ) (pending  
26 before the Legislature as this bill). These rules and regulations  
27 shall include, but not be limited to: procedures for the submission  
28 of applications; standards for the evaluation of applications;  
29 provisions implementing priority systems for projects; reporting  
30 requirements of the recipient of any loan concerning the progress  
31 and the expenditure of funds; and limitations, restrictions, or  
32 requirements concerning the use of monies in the fund as may be  
33 necessary pursuant to the provisions of P.L.       , c.       (C.       )  
34 (pending before the Legislature as this bill).

35  
36       29. Section 3 of P.L.1985, c.334 (C.58:11B-3) is amended to  
37 read as follows:

38       3. As used in sections 1 through 27 of P.L.1985, c.334  
39 (C.58:11B-1 through C.58:11B-27), sections 23 through 27 of  
40 P.L.1997, c.224 (C.58:11B-10.1, C.58:11B-20.1, C.58:11B-21.1,  
41 C.58:11B-22.1, and C.58:11B-22.2), and sections 22 and 34 through  
42 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5,  
43 C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4):

44       "Aviation project" means a project to develop or improve county  
45 or municipal airport facilities, or airport facilities owned or  
46 operated by a regional transportation authority that is not a bi-state  
47 authority, and related infrastructure or capital equipment, including,  
48 but not limited to, any design, planning, acquisition, construction,

1 reconstruction, relocation, installation, removal, repair, or  
2 rehabilitation project that facilitates, increases the efficiency of, or  
3 improves the capacity for inter-modal trade for commercial and  
4 industrial facilities that are part of airport facilities. "Aviation  
5 project" includes, but is not limited to, any project to develop or  
6 improve terminal facilities designed for public use and for the  
7 transportation of persons or property, such as airports, runways,  
8 berms, basins, storage places, sheds, warehouses, and related  
9 infrastructure;

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

13 "Combined sewer overflow" means the discharge of untreated or  
14 partially treated stormwater runoff and wastewater from a combined  
15 sewer system into a body of water;

16 "Combined sewer system" means a sewer system designed to  
17 carry sanitary wastewater at all times, which is also designed to  
18 collect and transport stormwater runoff from streets and other  
19 sources, thereby serving a combined purpose;

20 "Commissioner" means the Commissioner of the Department of  
21 Environmental Protection;

22 "Cost" means the cost of all labor, materials, machinery and  
23 equipment, lands, property, rights and easements, financing  
24 charges, interest on bonds, notes or other obligations, plans and  
25 specifications, surveys or estimates of costs and revenues,  
26 engineering and legal services, and all other expenses necessary or  
27 incident to all or part of an environmental infrastructure project;

28 "Department" means the Department of Environmental  
29 Protection;

30 "Energy P3 Program" means the same as the term is defined in  
31 section 3 of P.L. , c. (C. ) (pending before the Legislature as  
32 this bill);

33 "Energy-related project" means the same as the term is defined  
34 in section 3 of P.L. , c. (C. ) (pending before the Legislature  
35 as this bill);

36 "Environmental infrastructure project" means the acquisition,  
37 construction, improvement, repair or reconstruction of all or part of  
38 any structure, facility or equipment, or real or personal property  
39 necessary for or ancillary to any: (1) wastewater treatment system  
40 project, including any stormwater management or combined sewer  
41 overflow abatement projects; or (2) water supply project, as  
42 authorized pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.) or  
43 P.L.1997, c.224 (C.58:11B-10.1 et al.), including any water  
44 resources project, as authorized pursuant to P.L.2003, c.162;

45 "Federal infrastructure bank program" means the United States  
46 Department of Transportation State Infrastructure Bank Program  
47 provided for in section 350 of Pub.L.104-59 and Pub.L.102-240 as  
48 amended or superseded;



1 "Local government unit" means (1) a State authority, county,  
2 municipality, municipal, county or regional sewerage or utility  
3 authority, municipal sewerage district, joint meeting, improvement  
4 authority, or any other political subdivision of the State authorized  
5 to construct, operate, and maintain wastewater treatment systems;  
6 (2) a State authority, district water supply commission, county,  
7 municipality, municipal, county or regional utilities authority,  
8 municipal water district, joint meeting, or any other political  
9 subdivision of the State authorized pursuant to law to operate or  
10 maintain a public water supply system or to construct, rehabilitate,  
11 operate, or maintain water supply facilities or otherwise provide  
12 water for human consumption; (3) a county, municipality,  
13 municipal, county or regional transportation authority, or any other  
14 political subdivision of the State authorized to construct, operate, or  
15 maintain public highways or transportation projects; (4) a county,  
16 municipality, or other political subdivision or instrumentality of the  
17 State, or a municipal, county, or State authority that is not a bi-state  
18 authority, authorized to construct, operate, or maintain ports or  
19 marine projects; or (5) a county, municipality, municipal or regional  
20 transportation authority, or other political subdivision or  
21 instrumentality of the State authorized to construct, operate, or  
22 maintain airports or aviation projects;

23 "Marine project" means a project to develop or improve public  
24 port or terminal facilities, and related infrastructure or capital  
25 equipment, including, but not limited to, any design, planning,  
26 acquisition, construction, reconstruction, relocation, installation,  
27 removal, repair, or rehabilitation project that facilitates, increases  
28 the efficiency of, or improves the capacity for inter-modal trade and  
29 cargo movement for commercial or industrial facilities that are part  
30 of port or terminal facilities. "Marine project" includes, but is not  
31 limited to, dredging, soil hardening, and paving of the port  
32 facilities, and ferry terminal facilities designed for public use and  
33 the transportation of persons or property such as water craft, docks,  
34 wharves, piers, slips, storage places, sheds, warehouses, and related  
35 infrastructure. "Marine project" shall not include any project that  
36 relates to or supports recreational or commercial boating activities;

37 "New Jersey Energy Infrastructure Financing Program" means  
38 the same as the term is defined in section 3 of P.L. , c. (C. )  
39 (pending before the Legislature as this bill);

40 "New Jersey Environmental Infrastructure Financing Program"  
41 means the financing program to fund environmental infrastructure  
42 projects;

43 "New Jersey Transportation Infrastructure Financing Program"  
44 means the financing program to fund transportation projects,  
45 aviation projects, and marine projects;

46 "Notes" means notes issued by the trust pursuant to P.L.1985,  
47 c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.),  
48 or 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 "Onsite wastewater treatment and disposal system" means an on-  
4 site system designed to treat and dispose of domestic sewage;

5 "Other assistance" means forms of financial assistance, in  
6 addition to loans, authorized by the New Jersey Infrastructure Bank  
7 from the State Transportation Infrastructure Bank Fund, the  
8 wastewater treatment system general loan fund, or the water supply  
9 facilities general loan fund, including, but not limited to, use of  
10 funds to: provide credit enhancements; serve as a capital reserve for  
11 bond or other debt instrument financing; subsidize interest rates;  
12 ensure the issuance of letters of credit and credit instruments;  
13 finance purchase and lease agreements with respect to transit  
14 projects; and provide bond or other debt financing instrument  
15 security;

16 "Planning, design, and construction loan" means a short-term or  
17 temporary loan for eligible costs incurred in project planning,  
18 engineering design, or construction issued before or during the  
19 planning stage of a project;

20 "Private entity" means the same as the term is defined in section  
21 3 of P.L. , c. (C. ) (pending before the Legislature as this  
22 bill);

23 "Project" means the acquisition, construction, improvement,  
24 repair or reconstruction of all or part of any structure, facility, or  
25 equipment, or real or personal property necessary for or ancillary to  
26 any: (1) wastewater treatment system project, including any  
27 stormwater management or combined sewer overflow abatement  
28 projects; (2) water supply project, as authorized pursuant to  
29 P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-  
30 10.1 et al.), including any water resources project, as authorized  
31 pursuant to P.L.2003, c.162; or (3) transportation project, aviation  
32 project, or marine project authorized pursuant to sections 22 and 34  
33 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-  
34 10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4) ; or (4) an  
35 energy-related project authorized pursuant to P.L. , c. (C. )  
36 (pending before the Legislature as this bill) ;

37 "Public highway" means public roads, streets, expressways,  
38 freeways, parkways, motorways and boulevards, including bridges,  
39 tunnels, overpasses, underpasses, interchanges, express bus  
40 roadways, bus pullouts and turnarounds, park-ride facilities, traffic  
41 circles, grade separations, traffic control devices, the elimination or  
42 improvement of crossings of railroads and highways, whether at-  
43 grade or not at-grade, bicycle and pedestrian pathways and  
44 pedestrian and bicycle bridges, and any property, rights of way,  
45 easements and interests therein needed for the construction,  
46 improvement, and maintenance of highways;

1        “Public-private partnership eligible entity” or “P3 eligible entity”  
2 means the same as the term is defined in section 3 of P.L.     , c.  
3 (C.     ) (pending before the Legislature as this bill);

4        "Public water utility" means any investor-owned water company  
5 or small water company;

6        "Small water company" means any company, purveyor or entity,  
7 other than a governmental agency, that provides water for human  
8 consumption and which regularly serves less than 1,000 customer  
9 connections, including nonprofit, noncommunity water systems  
10 owned or operated by a nonprofit group or organization;

11        "Stormwater management system" means any equipment, plants,  
12 structures, machinery, apparatus, management practices, or land, or  
13 any combination thereof, acquired, used, constructed, implemented  
14 or operated to prevent nonpoint source pollution, abate improper  
15 cross-connections and interconnections between stormwater and  
16 sewer systems, minimize stormwater runoff, reduce soil erosion, or  
17 induce groundwater recharge, or any combination thereof;

18        "Transportation project" means a capital project for public  
19 highways, approach roadways and other necessary land-side  
20 improvements, ramps, signal systems, roadbeds, transit lanes or  
21 rights of way, pedestrian walkways and bridges connecting to  
22 passenger stations and servicing facilities, bridges, and grade  
23 crossings;

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

26        "Wastewater" means residential, commercial, industrial, or  
27 agricultural liquid waste, sewage, septage, stormwater runoff, or  
28 any combination thereof, or other liquid residue discharged or  
29 collected into a sewer system or stormwater management system, or  
30 any combination thereof;

31        "Wastewater treatment system" means any equipment, plants,  
32 structures, machinery, apparatus, or land, or any combination  
33 thereof, acquired, used, constructed or operated by, or on behalf of,  
34 a local government unit for the storage, collection, reduction,  
35 recycling, reclamation, disposal, separation, or other treatment of  
36 wastewater or sewage sludge, or for the collection or treatment, or  
37 both, of stormwater runoff and wastewater, or for the final disposal  
38 of residues resulting from the treatment of wastewater, including,  
39 but not limited to, pumping and ventilating stations, treatment  
40 plants and works, connections, outfall sewers, interceptors, trunk  
41 lines, stormwater management systems, and other personal property  
42 and appurtenances necessary for their use or operation; "wastewater  
43 treatment system" shall include a stormwater management system  
44 or a combined sewer system;

45        "Wastewater treatment system project" means any work relating  
46 to the acquisition, construction, improvement, repair or  
47 reconstruction of all or part of any structure, facility or equipment,  
48 or real or personal property necessary for or ancillary to any

1 wastewater treatment system that meets the requirements set forth  
2 in sections 20, 21, and 22 of P.L.1985, c.334 (C.58:11B-20,  
3 C.58:11B-21, and C.58:11B-22); or any work relating to any of the  
4 stormwater management or combined sewer overflow abatement  
5 projects identified in the stormwater management and combined  
6 sewer overflow abatement project priority list adopted by the  
7 commissioner pursuant to section 28 of P.L.1989, c.181; or any  
8 work relating to the purposes set forth in section 6 of P.L.2003,  
9 c.162; or any work relating to any other project eligible for  
10 financing under the "Federal Water Pollution Control Act  
11 Amendments of 1972" (33 U.S.C. s.1251 et seq.), or any  
12 amendatory or supplementary acts thereto;

13 "Water resources project" means any work related to transferring  
14 water between public water systems during a state of water  
15 emergency, to avert a drought emergency in all or any part of the  
16 State, to plan, design or construct interconnections of existing water  
17 supplies, or to extend water supplies to areas with contaminated  
18 ground water supplies;

19 "Water supply facilities" means and refers to the real property  
20 and the plants, structures, interconnections between existing water  
21 supply facilities, machinery and equipment and other property, real,  
22 personal and mixed, acquired, constructed or operated, or to be  
23 acquired, constructed or operated, in whole or in part, by or on  
24 behalf of a public water utility, or by or on behalf of the State or a  
25 local government unit, for the purpose of augmenting the natural  
26 water resources of the State and making available an increased  
27 supply of water for all uses, or of conserving existing water  
28 resources, and any and all appurtenances necessary, useful or  
29 convenient for the collecting, impounding, storing, improving,  
30 treating, filtering, conserving or transmitting of water, and for the  
31 preservation and protection of these resources and facilities,  
32 whether in public or private ownership, and providing for the  
33 conservation and development of future water supply resources, and  
34 facilitating incidental recreational uses thereof;

35 "Water supply project" means any work relating to the  
36 acquisition, construction, improvement, repair or reconstruction of  
37 all or part of any structure, facility or equipment, or real or personal  
38 property necessary for or ancillary to water supply facilities that  
39 meets the requirements set forth in sections 24, 25, and 26 of  
40 P.L.1997, c.224 (C.58:11B-20.1, C.58:11B-21.1, and C.58:11B-  
41 22.1); or any work relating to the purposes set forth in section 4 of  
42 P.L.1981, c.261; or any work relating to the purposes set forth in  
43 section 6 of P.L.2003, c.162; or any work relating to any other  
44 project eligible for funding pursuant to the federal "Safe Drinking  
45 Water Act Amendments of 1996," Pub.L.104-182, and any  
46 amendatory and supplementary acts thereto.  
47 (cf: P.L.2021, c.74, s.1)

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

3       4. a. There is established in, but not of, the Department of the  
4 Treasury a body corporate and politic, with corporate succession, to  
5 be known as the “New Jersey Infrastructure Bank.” The trust is  
6 constituted as an instrumentality of the State exercising public and  
7 essential governmental functions, no part of whose revenues shall  
8 accrue to the benefit of any individual, and the exercise by the trust  
9 of the powers conferred by the provisions of P.L.1985, c.334  
10 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), **[or]**  
11 sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3  
12 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and  
13 C.58:11B-22.4), or the provisions of sections 1 through 28 of  
14 P.L. , c. (C. ) (pending before the Legislature as this bill)  
15 shall be deemed and held to be an essential governmental function  
16 of the State.

17       b. The trust shall consist of **[a 10] an 11** member board of  
18 directors composed of : the State Treasurer, the Commissioner of  
19 the Department of Community Affairs, the Commissioner of the  
20 Department of Transportation, **[and]** the Commissioner of the  
21 Department of Environmental Protection, and the President of the  
22 Board of Public Utilities, who shall be members ex officio; two  
23 people appointed by the Governor upon the recommendation of the  
24 President of the Senate, and two people appointed by the Governor  
25 upon the recommendation of the Speaker of the General Assembly,  
26 who shall serve during the two-year legislative term in which they  
27 are appointed; and two residents of the State appointed by the  
28 Governor with the advice and consent of the Senate, who shall serve  
29 for terms of four years, except that the first two appointed shall  
30 serve terms of two and three years respectively. Each appointed  
31 director shall serve until that director's successor has been  
32 appointed and qualified. A director is eligible for reappointment.  
33 Any vacancy shall be filled in the same manner as the original  
34 appointment, but for the unexpired term only.

35       With respect to those public members first appointed by the  
36 Governor, the appointment of each of the two members upon the  
37 advice and consent of the Senate shall become effective 30 days  
38 after their nomination by the Governor if the Senate has not given  
39 advice and consent on those nominations within that time period;  
40 the President of the Senate and the Speaker of the General  
41 Assembly each shall recommend to the Governor a public member  
42 for appointment within 20 days following the effective date of  
43 P.L.1985, c.334 (C.58:11B-1 et seq.) and a public member for  
44 appointment within 20 days following the effective date of  
45 P.L.2016, c.56 and a recommendation made in this manner shall  
46 become effective if the Governor makes the appointment in  
47 accordance with the recommendation, in writing, within 10 days of  
48 the Governor's receipt thereof. In each instance where the Governor

1 fails to make the appointment, the President of the Senate and the  
2 Speaker of the General Assembly shall make new recommendations  
3 subject to appointment by the Governor as determined in this  
4 section.

5 c. Each appointed director may be removed from office by the  
6 Governor for cause, upon the Governor's consideration of the  
7 findings and recommendations of an administrative law judge after  
8 a public hearing before the judge, and may be suspended by the  
9 Governor pending the completion of the hearing. Each director,  
10 before entering upon the director's duties, shall take and subscribe  
11 an oath to perform the duties of the director's office faithfully,  
12 impartially and justly to the best of the director's ability. A record  
13 of oaths shall be filed in the office of the Secretary of State.

14 d. The Governor shall designate one of the appointed members  
15 to be the chairperson and chief executive officer of the trust and the  
16 directors shall biannually elect a vice-chairperson from among the  
17 appointed directors. The chairperson shall serve as such for a term  
18 of two years and until a successor has been designated. A  
19 chairperson shall be eligible for one additional two-year term as  
20 chairperson. The directors shall elect a secretary and treasurer, who  
21 need not be directors, and the same person may be elected to serve  
22 as both secretary and treasurer.

23 The powers of the trust are vested in the directors in office from  
24 time to time and six directors shall constitute a quorum at any  
25 meeting. Action may be taken and motions and resolutions adopted  
26 by the trust by the affirmative majority vote of those directors  
27 present, but in no event shall any action be taken or motions or  
28 resolutions adopted without the affirmative vote of at least six  
29 directors. No vacancy on the board of directors of the trust shall  
30 impair the right of a quorum of the directors to exercise the powers  
31 and perform the duties of the trust.

32 e. Each director and the treasurer of the trust shall execute a  
33 bond to be conditioned upon the faithful performance of the duties  
34 of the director or treasurer in a form and amount as may be  
35 prescribed by the State Treasurer. Bonds shall be filed in the office  
36 of the Secretary of State. At all times thereafter, the directors and  
37 treasurer shall maintain these bonds in full effect. All costs of the  
38 bonds shall be borne by the trust.

39 f. The directors of the trust shall serve without compensation,  
40 but the trust shall reimburse the directors for actual and necessary  
41 expenses incurred in the performance of their duties.  
42 Notwithstanding the provisions of any other law to the contrary, no  
43 officer or employee of the State shall be deemed to have forfeited or  
44 shall forfeit the officer's or employee's office or employment or any  
45 benefits or emoluments thereof by reason of the officer's or  
46 employee's acceptance of the office of ex officio director of the  
47 trust or the ex officio director's services thereon.

1 g. Each ex officio director may designate an officer of the ex  
2 officio director's department to represent the ex officio director at  
3 meetings of the trust. Each designee may lawfully vote and  
4 otherwise act on behalf of the director for whom the person  
5 constitutes the designee. The designation shall be delivered in  
6 writing to the trust and shall continue in effect until revoked or  
7 amended in writing and delivered to the trust.

8 h. The trust may be dissolved by law; provided the trust has no  
9 debts or obligations outstanding or that provision has been made for  
10 the payment or retirement of these debts or obligations. The trust  
11 shall continue in existence until dissolved by act of the Legislature.  
12 Upon any dissolution of the trust, all property, funds and assets of  
13 the trust shall be vested in the State.

14 i. A true copy of the minutes of every meeting of the trust shall  
15 be forthwith delivered by and under the certification of the secretary  
16 thereof to the Governor and at the same time to the Senate and  
17 General Assembly. The time and act of this delivery shall be duly  
18 recorded on a delivery receipt. No action taken or motion or  
19 resolution adopted at a meeting by the trust shall have effect until  
20 10 days, exclusive of Saturdays, Sundays and public holidays, after  
21 a copy of the minutes has been delivered to the Governor, unless  
22 during the 10-day period the Governor shall approve all or part of  
23 the actions taken or motions or resolutions adopted, in which case  
24 the action or motion or resolution shall become effective upon the  
25 approval.

26 If, in the 10-day period, the Governor returns the copy of the  
27 minutes with a veto of any action taken by the trust or any member  
28 thereof at that meeting, the action shall be of no effect. The Senate  
29 or General Assembly shall have the right to provide written  
30 comments concerning the minutes to the Governor within the 10-  
31 day period, which comments shall be returned to the trust by the  
32 Governor with the Governor's approval or veto of the minutes.

33 The powers conferred in this subsection upon the Governor shall  
34 be exercised with due regard for the rights of the holders of bonds,  
35 notes and other obligations of the trust at any time outstanding, and  
36 nothing in, or done pursuant to, this subsection shall in any way  
37 limit, restrict or alter the obligation or powers of the trust or any  
38 representative or officer of the trust to carry out and perform each  
39 covenant, agreement, or contract made or entered into by or on  
40 behalf of the trust with respect to its bonds, notes, or other  
41 obligations or for the benefit, protection or security of the holders  
42 thereof.

43 j. No resolution or other action of the trust providing for the  
44 issuance of bonds, refunding bonds, notes or other obligations shall  
45 be adopted or otherwise made effective by the trust without the  
46 prior approval in writing of the Governor and the State Treasurer.  
47 The trust shall provide the Senate and General Assembly with  
48 written notice of any request for approval of the Governor and State

1 Treasurer at the time the request is made, and shall also provide the  
2 Senate and General Assembly written notice of the response of the  
3 Governor and State Treasurer at the time that the response is  
4 received by the trust.

5 (cf: P.L.2016, c.56, s.13)

6

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

9 5. Except as otherwise limited by the provisions of P.L.1985,  
10 c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.),  
11 **[or]** sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-  
12 10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and  
13 C.58:11B-22.4), or the provisions of P.L. , c. (C. ) (pending  
14 before the Legislature as this bill), the trust may:

15 a. Make and alter bylaws for its organization and internal  
16 management and, subject to agreements with holders of its bonds,  
17 notes or other obligations, make rules and regulations with respect  
18 to its operations, properties and facilities;

19 b. Adopt an official seal and alter it;

20 c. Sue and be sued;

21 d. Make and enter into all contracts, leases and agreements  
22 necessary or incidental to the performance of its duties and the  
23 exercise of its powers under the provisions of P.L.1985, c.334  
24 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), **[or]**  
25 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), or the provisions of P.L. , c. (C. ) (pending  
28 before the Legislature as this bill), and subject to any agreement  
29 with the holders of the trust's bonds, notes or other obligations,  
30 consent to any modification, amendment or revision of any contract,  
31 lease or agreement to which the trust is a party;

32 e. Enter into agreements or other transactions with and accept,  
33 subject to the provisions of section 23 of P.L.1985, c.334  
34 (C.58:11B-23), grants, appropriations and the cooperation of the  
35 State, or any State agency, in furtherance of the purposes of  
36 P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-  
37 10.1 et al.), **[or]** sections 22 and 34 through 38 of P.L.2016, c.56  
38 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-  
39 22.3, and C.58:11B-22.4), or the provisions of P.L. , c. (C. )  
40 (pending before the Legislature as this bill), and do anything  
41 necessary in order to avail itself of that aid and cooperation;

42 f. Receive and accept aid or contributions from any source of  
43 money, property, labor or other things of value, to be held, used and  
44 applied to carry out the purposes of P.L.1985, c.334 (C.58:11B-1 et  
45 seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), **[or]** sections 22 and  
46 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-  
47 10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), or the  
48 provisions of P.L. , c. (C. ) (pending before the Legislature as



1 this bill), subject to the conditions upon which that aid and those  
2 contributions may be made, including, but not limited to, gifts or  
3 grants from any department or agency of the State, or any State  
4 agency, for any purpose consistent with the provisions of P.L.1985,  
5 c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.),  
6 **[or]** sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-  
7 10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and  
8 C.58:11B-22.4), subject to the provisions of section 23 of P.L.1985,  
9 c.334 (C.58:11B-23) , or the provisions of P.L. , c. (C. )  
10 (pending before the Legislature as this bill) ;

11 g. Acquire, own, hold, construct, improve, rehabilitate,  
12 renovate, operate, maintain, sell, assign, exchange, lease, mortgage  
13 or otherwise dispose of real and personal property, or any interest  
14 therein, in the exercise of its powers and the performance of its  
15 duties under the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.),  
16 P.L.1997, c.224 (C.58:11B-10.1 et al.), **[or]** sections 22 and 34  
17 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-  
18 10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4) , or the  
19 provisions of P.L. , c. (C. ) (pending before the Legislature as  
20 this bill) ;

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

25 i. Borrow money and issue bonds, notes and other obligations,  
26 and secure the same, and provide for the rights of the holders  
27 thereof as provided in the provisions of P.L.1985, c.334 (C.58:11B-  
28 1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), **[or]** sections 22  
29 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through  
30 C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4)  
31 , or the provisions of P.L. , c. (C. ) (pending before the  
32 Legislature as this bill) ;

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

42 k. Procure insurance to secure the payment of its bonds, notes  
43 or other obligations or the payment of any guarantees or loans made  
44 by it in accordance with the provisions of P.L.1985, c.334  
45 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), **[or]**  
46 sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3  
47 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and  
48 C.58:11B-22.4), or the provisions of P.L. , c. (C. ) (pending

1 before the Legislature as this bill), or against any loss in connection  
2 with its property and other assets and operations, in any amounts  
3 and from any insurers as it deems desirable;

4 l. Engage the services of attorneys, accountants, engineers, and  
5 financial experts and any other advisors, consultants, experts and  
6 agents as may be necessary in its judgment and fix their  
7 compensation;

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

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

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

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

37 (5) Make and contract to make loans and provide other assistance  
38 to one or more P3 eligible entities, private entities, or a consortia  
39 thereof to finance the cost of energy-related projects in accordance  
40 the provisions of P.L. , c. (C. ) (pending before the  
41 Legislature as this bill);

42 n. Subject to any agreement with holders of its bonds, notes or  
43 other obligations, purchase bonds, notes and other obligations of the  
44 trust and hold the same for resale or provide for the cancellation  
45 thereof, all in accordance with the provisions of P.L.1985, c.334  
46 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), **[or]**  
47 sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3  
48 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and

1 C.58:11B-22.4) , or the provisions of P.L. , c. (C. ) (pending  
2 before the Legislature as this bill) ;

3 o. (1) Charge to and collect from local government units,  
4 private persons **【or】** , public water utilities , or P3 eligible entities,  
5 as applicable, 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 and P3 eligible entities  
30 any financial and credit advice as these local government units and  
31 P3 eligible entities 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 32. 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), or the provisions of  
46 P.L. , c. (C. ) (pending before the Legislature as this bill), the  
47 trust may from time to time issue its bonds, notes, or other  
48 obligations in any principal amounts as in the judgment of the trust

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

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

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

41 d. Bonds, notes or other obligations of the trust may be sold at  
42 any price or prices and in any manner as the trust may determine.  
43 Notwithstanding any provisions of the "Local Bond Law,"  
44 N.J.S.40A:2-1 et seq., to the contrary, each bond, note or other  
45 obligation shall mature and be paid not later than 30 years for  
46 environmental infrastructure projects, 45 years for combined sewer  
47 overflow projects, **[and]** 31 years for transportation projects,  
48 aviation projects, and marine projects, and 25 years for energy-

1 related projects, from the effective date thereof, or the certified  
2 useful life of the project or projects to be financed by the bonds,  
3 whichever is less, or a shorter period of time as may be applicable  
4 to any companion loan issued pursuant to federal law or regulation.  
5 Notwithstanding the provisions of the "Local Bond Law,"  
6 N.J.S.40A:2-1 et seq., or this subsection, to the contrary, each bond,  
7 note, or other obligation funded pursuant to the "Water  
8 Infrastructure Finance and Innovation Act of 2014" (WIFIA), 33  
9 U.S.C. s.3901 et seq., as amended and supplemented, or the  
10 "Transportation Infrastructure Finance and Innovation Act of 1998"  
11 (TIFIA), 23 U.S.C. s.601 et seq., as amended and supplemented,  
12 shall mature and be paid not later than the maximum time period  
13 allowed by those federal acts.

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

32 e. Bonds, notes or other obligations of the trust may be issued  
33 under the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.),  
34 P.L.1997, c.224 (C.58:11B-10.1 et al.), **【or】** sections 22 and 34  
35 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-  
36 10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4) , or the  
37 provisions of P.L. , c. (C. ) (pending before the Legislature  
38 as this bill) without obtaining the consent of any department,  
39 division, board, bureau or agency of the State, and without any  
40 other proceedings or the happening of any other conditions or  
41 things, other than those consents, proceedings, conditions or things  
42 which are specifically required by P.L.1985, c.334 (C.58:11B-1 et  
43 seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), **【or】** sections 22 and  
44 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-  
45 10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4) , or the  
46 provisions of P.L. , c. (C. ) (pending before the Legislature  
47 as this bill) .

1 f. Bonds, notes or other obligations of the trust issued under  
2 the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997,  
3 c.224 (C.58:11B-10.1 et al.), **[or]** sections 22 and 34 through 38 of  
4 P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-  
5 20.2, C.58:11B-22.3, and C.58:11B-22.4) , or the provisions of  
6 P.L. , c. (C. ) (pending before the Legislature as this bill)  
7 shall not be a debt or liability of the State or of any political  
8 subdivision thereof other than the trust and shall not create or  
9 constitute any indebtedness, liability or obligation of the State or  
10 any political subdivision, but all these bonds, notes and other  
11 obligations, unless funded or refunded by bonds, notes or other  
12 obligations, shall be payable solely from revenues or funds pledged  
13 or available for their payment as authorized in P.L.1985, c.334  
14 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), **[or]**  
15 sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3  
16 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and  
17 C.58:11B-22.4) , or the provisions of P.L. , c. (C. ) (pending  
18 before the Legislature as this bill) . Each bond, note and obligation  
19 shall contain on its face a statement to the effect that the trust is  
20 obligated to pay the principal thereof or the interest thereon only  
21 from its revenues, receipts or funds pledged or available for their  
22 payment as authorized in P.L.1985, c.334 (C.58:11B-1 et seq.),  
23 P.L.1997, c.224 (C.58:11B-10.1 et al.), **[or]** sections 22 and 34  
24 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-  
25 10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), or the  
26 provisions of P.L. , c. (C. ) (pending before the Legislature  
27 as this bill), and that neither the State, nor any political subdivision  
28 thereof, is obligated to pay the principal or interest and that neither  
29 the faith and credit nor the taxing power of the State, or any  
30 political subdivision thereof, is pledged to the payment of the  
31 principal of or the interest on the bonds, notes or other obligations.

32 g. The aggregate principal amount of bonds, notes or other  
33 obligations, including subordinated indebtedness of the trust, shall  
34 not exceed (1) \$5,000,000,000 with respect to bonds, notes, or other  
35 obligations issued to finance the Disaster Relief Emergency  
36 Financing Program established pursuant to section 1 of P.L.2013,  
37 c.93 (C.58:11B-9.5), and (2) \$3,800,000,000 with respect to bonds,  
38 notes, or other obligations issued for all other purposes of the trust.  
39 In computing the foregoing limitations there shall be excluded all  
40 the bonds, notes or other obligations, including subordinated  
41 indebtedness of the trust, which shall be issued for refunding  
42 purposes, whenever the refunding shall be determined to result in a  
43 savings.

44 (1) Upon the decision by the trust to issue refunding bonds,  
45 except for current refunding, and prior to the sale of those bonds,  
46 the trust shall transmit to the Joint Budget Oversight Committee, or  
47 its successor, a report that a decision has been made, reciting the  
48 basis on which the decision was made, including an estimate of the

1 debt service savings to be achieved and the calculations upon which  
2 the trust relied when making the decision to issue refunding bonds.  
3 The report shall also disclose the intent of the trust to issue and sell  
4 the refunding bonds at public or private sale and the reasons  
5 therefor.

6 (2) The Joint Budget Oversight Committee or its successor shall  
7 have the authority to approve or disapprove the sales of refunding  
8 bonds as included in each report submitted in accordance with  
9 paragraph (1) of this subsection. The committee shall notify the  
10 trust in writing of the approval or disapproval within 30 days of  
11 receipt of the report. Should the committee not act within 30 days  
12 of receipt of the report, the trust may proceed with the sale of the  
13 refunding bonds, provided that the sale of refunding bonds shall  
14 realize not less than three percent net present value debt service  
15 savings.

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

20 (4) Within 30 days after the sale of the refunding bonds, the  
21 trust shall notify the committee of the result of that sale, including  
22 the prices and terms, conditions and regulations concerning the  
23 refunding bonds, the actual amount of debt service savings to be  
24 realized as a result of the sale of refunding bonds, and the intended  
25 use of the proceeds from the sale of those bonds.

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

30 h. Each issue of bonds, notes, or other obligations of the trust  
31 may, if it is determined by the trust, be general obligations thereof  
32 payable out of any revenues, receipts or funds of the trust, or  
33 special obligations thereof payable out of particular revenues,  
34 receipts or funds, subject only to any agreements with the holders of  
35 bonds, notes or other obligations, and may be secured by one or  
36 more of the following:

37 (1) Pledge of revenues and other receipts to be derived from the  
38 payment of the interest on and principal of notes, bonds or other  
39 obligations issued to the trust by one or more local government  
40 units, or P3 eligible entities, as applicable, and any other payment  
41 made to the trust pursuant to agreements with any local government  
42 units, or P3 eligible entities, as applicable, or a pledge or  
43 assignment of any notes, bonds, or other obligations of any local  
44 government unit or P3 eligible entities, as applicable, and the rights  
45 and interest of the trust therein;

46 (2) Pledge of rentals, receipts and other revenues to be derived  
47 from leases or other contractual arrangements with any person or  
48 entity, public or private, including one or more local government

1 units, or P3 eligible entities, as applicable, or a pledge or  
2 assignment of those leases or other contractual arrangements and  
3 the rights and interest of the trust therein;

4 (3) Pledge of all moneys, funds, accounts, securities and other  
5 funds, including the proceeds of the bonds, notes or other  
6 obligations;

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

10 (5) A mortgage on all or any part of the property, real or  
11 personal, of the trust then owned or thereafter to be acquired, or a  
12 pledge or assignment of mortgages made to the trust by any person  
13 or entity, public or private, including one or more local government  
14 units, or P3 eligible entities, as applicable, and the rights and  
15 interest of the trust therein.

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

19 j. (Deleted by amendment, P.L.1996, c.88).  
20 (cf: P.L.2021, c.74, s.3)

21

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

24 7. In any resolution of the trust authorizing or relating to the  
25 issuance of any of its bonds, notes or other obligations, the trust, in  
26 order to secure the payment of the bonds, notes or other obligations  
27 and in addition to its other powers, may by provisions therein which  
28 shall constitute covenants by the trust and contracts with the holders  
29 of the bonds, notes or other obligations:

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

32 b. Covenant against pledging all or part of its revenues or  
33 receipts;

34 c. Covenant with respect to limitations on any right to sell,  
35 mortgage, lease or otherwise dispose of any notes, bonds or other  
36 obligations of local government units, or P3 eligible entities, as  
37 applicable, or any part thereof, or any property of any kind;

38 d. Covenant as to any bonds, notes or other obligations to be  
39 issued by the trust, and the limitations thereon, and the terms and  
40 conditions thereof, and as to the custody, application, investment  
41 and disposition of the proceeds thereof;

42 e. Covenant as to the issuance of additional bonds, notes or  
43 other obligations of the trust or as to limitations on the issuance of  
44 additional bonds, notes or other obligations and on the incurring of  
45 other debts by it;

46 f. Covenant as to the payment of the principal of or interest on  
47 bonds, notes or other obligations of the trust, as to the sources and  
48 methods of payment, as to the rank or priority of the bonds, notes or



- 1 other obligations with respect to any lien or security or as to the  
2 acceleration of the maturity of the bonds, notes or other obligations;
- 3 g. Provide for the replacement of lost, stolen, destroyed or  
4 mutilated bonds, notes or other obligations of the trust;
- 5 h. Covenant against extending the time for the payment of  
6 bonds, notes or other obligations of the trust or interest thereon;
- 7 i. Covenant as to the redemption of bonds, notes and other  
8 obligations by the trust or the holders thereof and privileges of  
9 exchange thereof for other bonds, notes or other obligations of the  
10 trust;
- 11 j. Covenant to create or authorize the creation of special funds  
12 or accounts to be held in trust or otherwise for the benefit of holders  
13 of bonds, notes and other obligations of the trust, or reserves for  
14 other purposes and as to the use, investment, and disposition of  
15 moneys held in those funds, accounts or reserves;
- 16 k. Provide for the rights and liabilities, powers and duties  
17 arising upon the breach of any covenant, condition or obligation and  
18 prescribe the events of default and terms and conditions upon which  
19 any or all of the bonds, notes or other obligations of the trust shall  
20 become or may be declared due and payable before maturity and the  
21 terms and conditions upon which the declaration and its  
22 consequences may be waived;
- 23 l. Vest in a trustee or trustees within or without the State any  
24 property, rights, powers and duties in trust as the trust may  
25 determine, which may include any or all of the rights, powers and  
26 duties of any trustee appointed by the holders of any bonds, notes or  
27 other obligations of the trust pursuant to section 18 of P.L.1985,  
28 c.334 (C.58:11B-18), including rights with respect to the sale or  
29 other disposition of notes, bonds or other obligations of local  
30 government units , or P3 eligible entities, as applicable, pledged  
31 pursuant to a resolution or trust indenture for the benefit of the  
32 holders of bonds, notes or other obligations of the trust and the right  
33 by suit or action to foreclose any mortgage pledged pursuant to the  
34 resolution or trust indenture for the benefit of the holders of the  
35 bonds, notes or other obligations, and to limit or abrogate the right  
36 of the holders of any bonds, notes or other obligations of the trust to  
37 appoint a trustee under the provisions of 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), or the provisions of P.L. , C. (C. ) (pending  
42 before the Legislature as this bill), and to limit the rights, duties and  
43 powers of the trustee;
- 44 m. Pay the costs or expenses incident to the enforcement of the  
45 bonds, notes or other obligations of the trust or of the provisions of  
46 the resolution authorizing the issuance of those bonds, notes or  
47 other obligations or of any covenant or agreement of the trust with  
48 the holders of the bonds, notes or other obligations;

1 n. Limit the rights of the holders of any bonds, notes or other  
2 obligations of the trust to enforce any pledge or covenant securing  
3 the bonds, notes or other obligations; and

4 o. Make covenants other than or in addition to the covenants  
5 authorized by P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224  
6 (C.58:11B-10.1 et al.), **[or]** sections 22 and 34 through 38 of  
7 P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-  
8 20.2, C.58:11B-22.3, and C.58:11B-22.4), or P.L. , c. (C. )  
9 (pending before the Legislature as this bill) of like or different  
10 character, and make covenants to do or refrain from doing any acts  
11 and things as may be necessary, or convenient and desirable, in  
12 order to better secure the bonds, notes or other obligations of the  
13 trust, or which, in the absolute discretion of the trust, would make  
14 the bonds, notes or other obligations more marketable,  
15 notwithstanding that the covenants, acts or things may not be  
16 enumerated herein.  
17 (cf: P.L.2016, c.56, s.16)

18

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

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

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

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

42 (4) The trust may make and contract to make loans and provide  
43 other assistance to a local government unit or consortia thereof to  
44 finance the cost of transportation projects, aviation projects, and  
45 marine projects pursuant to sections 22 and 34 through 38 of  
46 P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-  
47 20.2, C.58:11B-22.3, and C.58:11B-22.4), and provided that the  
48 federally-funded transportation subaccount is operated in

1 accordance with the provisions of the federal infrastructure bank  
2 program.

3 (5) The trust may make and contract to make loans and provide  
4 other assistance to a P3 eligible entity or private entity, or a  
5 consortia thereof, to finance the cost of energy-related projects  
6 pursuant to the provisions of P.L. , c. (C. ) (pending before the  
7 Legislature as this bill).

8 The loans may be made subject to those terms and conditions as  
9 the trust shall determine to be consistent with the purposes thereof.  
10 Each loan by the trust and the terms and conditions thereof shall be  
11 subject to approval by the State Treasurer, and the trust shall make  
12 available to the State Treasurer all information, statistical data and  
13 reports of independent consultants or experts as the State Treasurer  
14 shall deem necessary in order to evaluate the loan. Each loan to a  
15 local government unit, public water utility , P3 eligible entity, or  
16 any other person shall be evidenced by notes, bonds or other  
17 obligations thereof issued to the trust. In the case of each local  
18 government unit, notes and bonds to be issued to the trust and, if  
19 applicable, the State, acting by and through the Department of  
20 Environmental Protection, by the local government unit (1) shall be  
21 authorized and issued as provided by law for the issuance of notes  
22 and bonds by the local government unit, (2) notwithstanding any  
23 provisions of the "Local Authorities Fiscal Control Law," P.L.1983,  
24 c.313 (C.40A:5A-1 et seq.) to the contrary, shall be approved by the  
25 Director of the Division of Local Government Services in the  
26 Department of Community Affairs, and (3) notwithstanding the  
27 provisions of N.J.S.40A:2-27, N.J.S.40A:2-28 and N.J.S.40A:2-29  
28 or any other provisions of law to the contrary, may be sold at  
29 private sale to the trust or the State, as the case may be, at any price,  
30 whether or not less than par value, and shall be subject to  
31 redemption prior to maturity at any times and at any prices as the  
32 trust or the State, as the case may be, and local government units  
33 may agree. Each loan to a local government unit, public water  
34 utility , P3 eligible entity, or any other person and the notes, bonds  
35 or other obligations thereby issued shall bear interest at a rate or  
36 rates per annum as the trust or the State, as the case may be, and the  
37 local government unit, public water utility , P3 eligible entity, or  
38 any other person, as the case may be, may agree.

39 b. The trust is authorized to guarantee or contract to guarantee  
40 the payment of all or any portion of the principal and interest on  
41 bonds, notes or other obligations issued by a local government unit ,  
42 P3 eligible entity, to finance the cost of any wastewater treatment  
43 system project, water supply project, transportation project, aviation  
44 project, **[or]** marine project, , or energy-related project, or  
45 redevelopment project that includes, as a portion thereof, any  
46 wastewater treatment system project, water supply project, or  
47 transportation project, which the local government unit or P3  
48 eligible entity, as applicable, may lawfully undertake or acquire and

1 for which the local government unit or P3 eligible entity, as  
2 applicable, is authorized by law to borrow money, and the guarantee  
3 shall constitute an obligation of the trust, and shall be in furtherance  
4 of the corporate purposes of the trust, for the purposes of P.L.1985,  
5 c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.),  
6 **[or]** sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-  
7 10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and  
8 C.58:11B-22.4) , or P.L. , c. (C. ) (pending before the  
9 Legislature as this bill) . Each guarantee by the trust and the terms  
10 and conditions thereof shall be subject to approval by the State  
11 Treasurer, and the trust shall make available to the State Treasurer  
12 all information, statistical data and reports of independent  
13 consultants or experts as the State Treasurer shall deem necessary in  
14 order to evaluate the guarantee.

15 c. The trust shall not make or contract to make any loans or  
16 guarantees to local government units, public water utilities , P3  
17 eligible entities, or any other person, or otherwise incur any  
18 additional indebtedness, on or after June 30, 2033.

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

43 The trust shall create and establish a special fund to be known as  
44 the "Interim Environmental Financing Program Fund" for the short-  
45 term or temporary loan financing or refinancing program to be  
46 known as the "Interim Environmental Financing Program." The  
47 monies in the fund shall be used for short-term or temporary loans

1 for clean water and drinking water projects pursuant to the New  
2 Jersey Environmental Infrastructure Financing Program.

3 Except as provided in section 1 of P.L.2013, c.93 (C.58:11B-  
4 9.5), any short-term or temporary loans made by the trust pursuant  
5 to this subsection may only be made in advance of the anticipated  
6 loans the trust may make and contract to make under the provisions  
7 of subsection a. of this section from any source of funds anticipated  
8 to be received by the trust. Any such short-term or temporary loan  
9 made pursuant to the Interim Environmental Financing Program  
10 shall mature no later than the last day of the third succeeding fiscal  
11 year following the closing date on which the short-term or  
12 temporary loan was made by the trust to the project sponsor; except  
13 a planning, design, and construction loan shall mature no later than  
14 the last day of the fifth succeeding fiscal year following the closing  
15 date of the planning, design, and construction loan or the last day of  
16 the third succeeding fiscal year following the date of construction  
17 certification following the closing date of the planning, design, and  
18 construction loan, whichever is sooner, provided that, in either case,  
19 project planning or engineering design activities shall not exceed  
20 two years from the closing date of the planning, design, and  
21 construction loan; and except a short-term or temporary loan made  
22 pursuant to this subsection for environmental planning and  
23 engineering design costs associated with long-term control plans for  
24 combined sewer overflow projects shall mature no later than the last  
25 day of the 10th succeeding fiscal year following the closing date on  
26 which the short-term or temporary loan was made by the trust to the  
27 project sponsor; and except a short-term or temporary loan made  
28 pursuant to this subsection which has been submitted as part of an  
29 application for funding pursuant to the "Water Infrastructure  
30 Finance and Innovation Act of 2014" (WIFIA), 33 U.S.C. s.3901 et  
31 seq., as amended and supplemented, shall mature not later than the  
32 funding draw period allowed by this federal act. Any short-term or  
33 temporary loan or planning, design and construction loan made by  
34 the trust pursuant to this subsection may mature in a shorter period  
35 of time as may be necessary to align with construction completion.  
36 With respect to any short-term or temporary loan or planning,  
37 design, and construction loan made by the trust pursuant to this  
38 subsection, the trust may authorize one short-term supplemental  
39 loan for residual project expenses thereof upon receipt by the trust  
40 from the Department of Environmental Protection of a certification  
41 that states that the time required by the project sponsor to complete  
42 construction of the project exceeds the maximum maturity date of  
43 the project sponsor's outstanding short-term or temporary loan or  
44 planning, design, and construction loan. Any such short-term  
45 supplemental loan shall not exceed in duration the last day of the  
46 third succeeding fiscal year following the loan closing of the  
47 supplemental loan. The trust may make short-term or temporary  
48 loans pursuant to the Interim Environmental Financing Program to

1 any one or more of the project sponsors, for the respective projects  
2 thereof, identified in the interim financing project priority list to be  
3 known as the "Interim Environmental Financing Program Project  
4 Priority List" in the form provided to the Legislature by the  
5 Commissioner of Environmental Protection.

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

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

41 Further, notwithstanding any provisions of the "Local Bond  
42 Law" (N.J.S.40A:2-1 et seq.), the "sewerage authorities law,"  
43 P.L.1946, c.138 (C.40:14A-1 et seq.), or the "municipal and county  
44 utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.) to  
45 the contrary, any short-term or temporary loans made by the trust  
46 pursuant to section 9 of P.L.1985, c.334 (C.58:11B-9) or section 1  
47 of P.L.2013, c.93 (C.58:11B-9.5), and any notes or other  
48 obligations issued by project sponsors to evidence such short-term

1 or temporary loans, as such loans, notes, or other obligations may  
2 be refinanced or extended, as provided in subsections d. and g. of  
3 this section and section 1 of P.L.2013, c.93 (C.58:11B-9.5), except  
4 for loans for environmental planning and engineering design costs  
5 associated with long-term control plans for combined sewer  
6 overflow projects as provided in subsection d. of this section, shall  
7 mature no later than the maturity date as established pursuant to  
8 subsections d. and g. of this section and section 1 of P.L.2013, c.93  
9 (C.58:11B-9.5), without payment by project sponsors of any portion  
10 of the principal thereof prior to maturity.

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

24 g. The trust shall create and establish a special fund to be  
25 known as the "Interim Transportation Financing Program Fund" for  
26 the short-term or temporary loan financing or refinancing program  
27 to be known as the "Interim Transportation Financing Program."

28 Notwithstanding any provision of P.L.1985, c.334 (C.58:11B-1  
29 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to the contrary,  
30 the trust may receive funds from any source including, without  
31 limitation, any funds drawn by the trust from a revolving line of  
32 credit or other similar financial vehicle that may be procured by the  
33 trust, either through a competitive or negotiated process, pursuant to  
34 section 5 of P.L.1985, c.334 (C.58:11B-5), for deposit into the  
35 Interim Transportation Financing Program Fund or the trust may  
36 issue its bonds, notes or other obligations in any principal amounts,  
37 in either case, as in the judgment of the trust shall be necessary to  
38 provide sufficient funds to finance or refinance short-term or  
39 temporary loans to local government units or private persons for  
40 any transportation project, aviation project, or marine project  
41 included on the Department of Transportation Interim  
42 Transportation Financing Program Project Priority List for the  
43 ensuing fiscal year and eligible for approval pursuant to sections 22  
44 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through  
45 C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-  
46 22.4), without regard to any other 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), including, without limitation, any administrative or  
3 legislative approvals.

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



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

19 No funds may be disbursed pursuant to this subsection for  
20 transportation project, aviation project, or marine project activities  
21 prior to certification in writing, from the trust, that the project  
22 activities satisfy the provisions of P.L.1985, c.334 (C.58:11B-1 et  
23 seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34  
24 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-  
25 10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4).  
26 Construction activities for a transportation project shall also require  
27 written notification of award concurrence from the Department of  
28 Transportation prior to fund disbursement.  
29 (cf: P.L.2021, c.160, s.60)

30

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

33 14. The State does pledge to and covenant and agree with the  
34 holders of any bonds, notes or other obligations of the trust issued  
35 pursuant to authorization of P.L.1985, c.334 (C.58:11B-1 et seq.),  
36 P.L.1997, c.224 (C.58:11B-10.1 et al.), **[or]** sections 22 and 34  
37 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-  
38 10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4) <sup>2</sup>  
39 or P.L. , c. (C. ) (pending before the Legislature as this bill)  
40 that the State shall not limit or alter the rights or powers vested in  
41 the trust to perform and fulfill the terms of any agreement made  
42 with the holders of the bonds, notes or other obligations or to fix,  
43 establish, charge and collect any rents, fees, rates, payments or  
44 other charges as may be convenient or necessary to produce  
45 sufficient revenues to meet all expenses of the trust and to fulfill the  
46 terms of any agreement made with the holders of bonds, notes or  
47 other obligations, including the obligations to pay the principal of  
48 and interest and premium on those bonds, notes or other

1 obligations, with interest on any unpaid installments of interest, and  
2 all costs and expenses in connection with any action or proceedings  
3 by or on behalf of the holders, and shall not limit or alter the rights  
4 and powers of any local government unit or P3 eligible entity, as  
5 applicable, to pay and perform its obligations owed to the trust in  
6 connection with loans received from the trust, until the bonds, notes  
7 and other obligations of the trust, together with interest thereon, are  
8 fully met and discharged or provided for.

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

10

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

13 15. The State and all public officers, governmental units and  
14 agencies thereof, all banks, trust companies, savings banks and  
15 institutions, building and loan associations, savings and loan  
16 associations, investment companies, and other persons carrying on a  
17 banking business, all insurance companies, insurance associations  
18 and other persons carrying on an insurance business, and all  
19 executors, administrators, guardians, trustees and other fiduciaries  
20 may legally invest any sinking funds, moneys or other funds  
21 belonging to them or within their control in any bonds, notes or  
22 other obligations issued pursuant to P.L.1985, c.334 (C.58:11B-1 et  
23 seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), **[or]** sections 22 and  
24 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-  
25 10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), or  
26 P.L. , c. (C. ) (pending before the Legislature as this bill), and  
27 those bonds, notes or other obligations shall be authorized security  
28 for any and all public deposits.

29 (cf: P.L.2016, c.56, s.26)

30

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

33 17. All property of the trust is declared to be public property  
34 devoted to an essential public and governmental function and  
35 purpose and the revenues, income and other moneys received or to  
36 be received by the trust shall be exempt from all taxes of the State  
37 or any political subdivision thereof. All bonds, notes and other  
38 obligations of the trust issued pursuant to P.L.1985, c.334  
39 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), **[or]**  
40 sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3  
41 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and  
42 C.58:11B-22.4) , or P.L. , c. (C. ) (pending before the  
43 Legislature as this bill) are declared to be issued by a body  
44 corporate and politic of the State and for an essential public and  
45 governmental purpose and those bonds, notes and other obligations,  
46 and interest thereon and the income therefrom and from the sale,  
47 exchange or other transfer thereof shall at all times be exempt from

1 taxation, except for transfer inheritance and estate taxes.  
2 (cf: P.L.2016, c.56, s.27)

3

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

6 18. a. If the trust defaults in the payment of principal of, or  
7 interest on, any issue of its bonds, notes or other obligations after  
8 these are due, whether at maturity or upon call for redemption, and  
9 the default continues for a period of 30 days or if the trust defaults  
10 in any agreement made with the holders of any issue of bonds, notes  
11 or other obligations, the holders of 25 percent in aggregate principal  
12 amount of the bonds, notes or other obligations of the issue then  
13 outstanding, by instrument or instruments filed in the office of the  
14 clerk of any county in which the trust operates and has an office and  
15 proved or acknowledged in the same manner as required for a deed  
16 to be recorded, may direct a trustee to represent the holders of the  
17 bonds, notes or other obligations of the issuers for the purposes  
18 herein provided.

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

23 (1) By suit, action or proceeding enforce all rights of the holders  
24 of bonds, notes or other obligations of the issue, to require the trust  
25 to carry out any other agreements with the holders of the bonds,  
26 notes or other obligations of the issue and to perform its duties  
27 under P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224  
28 (C.58:11B-10.1 et al.), **[or]** sections 22 and 34 through 38 of  
29 P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-  
30 20.2, C.58:11B-22.3, and C.58:11B-22.4) , or P.L. , c. (C. )  
31 (pending before the Legislature as this bill) ;

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

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

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

40 (5) Sell or otherwise dispose of bonds and notes of local  
41 government units , or P3 eligible entities, as applicable, pledged  
42 pursuant to resolution or trust indenture for benefit of holders of  
43 bonds, notes, or other obligations of the issue on any terms as  
44 resolution or trust indenture may provide;

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

1 (7) Declare all bonds, notes or other obligations of the issue due  
2 and payable, and if all defaults are made good, then with the  
3 consent of the holders of 50 percent of the principal amount of the  
4 bonds, notes or other obligations of the issue then outstanding, to  
5 annul the declaration and its consequences.

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

11 d. The Superior Court shall have jurisdiction over any suit,  
12 action or proceeding by the trustees on behalf of the holders of  
13 bonds, notes or other obligations of the trust. The venue of any suit,  
14 action or proceeding shall be in the county in which the principal  
15 office of the trust is located.

16 e. Before declaring the principal of bonds, notes or other  
17 obligations of the trust due and payable as a result of a trust default  
18 on any of its bonds, notes or other obligations, the trustee shall first  
19 give 30 days' notice in writing to the trust and to the Governor,  
20 State Treasurer, President of the Senate and Speaker of the General  
21 Assembly.

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

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

26 19. Sums of money received pursuant to the authority of  
27 P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-  
28 10.1 et al.), **[or]** sections 22 and 34 through 38 of P.L.2016, c.56  
29 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-  
30 22.3, and C.58:11B-22.4), or P.L. , c. (C. ) (pending before  
31 the Legislature as this bill), whether as proceeds from the sale of  
32 particular bonds, notes or other obligations of the trust or as  
33 particular revenues or receipts of the trust, are deemed to be trust  
34 funds, to be held and applied solely as provided in the resolution or  
35 trust indenture under which the bonds, notes or obligations are  
36 authorized or secured. Any officer with whom or any bank or trust  
37 company with which those sums of money are deposited as trustee  
38 thereof shall hold and apply the same for the purposes thereof,  
39 subject to any provision as the aforementioned acts and the  
40 resolution or trust indenture authorizing or securing the bonds,  
41 notes or other obligations of the trust may provide.

42 (cf: P.L.2016, c.56, s.29)

43  
44 40. 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 New Jersey Energy  
6 Infrastructure Financing Program to local government units, public  
7 water utilities or private persons for any wastewater treatment  
8 system projects included on the clean water project priority list for  
9 the ensuing fiscal year and eligible for approval pursuant to section  
10 20 of P.L.1985, c.334 (C.58:11B-20), water supply projects  
11 included on the drinking water project priority list for the ensuing  
12 fiscal year and eligible for approval pursuant to section 24 of  
13 P.L.1997, c.224 (C.58:11B-20.1), **【or】** transportation projects  
14 included on the transportation project priority list for the ensuing  
15 fiscal year and eligible for approval pursuant to section 36 of  
16 P.L.2016, c.56 (C.58:11B-20.2), , or P3 eligible entities included on  
17 the energy project priority list for the ensuing fiscal year pursuant to  
18 section 25 of P.L. , c. (C. ) (pending before the Legislature as  
19 this bill), as applicable, or to make non-project related loans and  
20 provide other assistance, including CAP payments and other  
21 financial assistance on behalf of or as a conduit for local  
22 government units, in accordance with the ranking criteria  
23 determined by the federal or State government.

24 For the purposes of this section, "CAP Payment" means a  
25 payment made by a project sponsor pursuant to a State or federal  
26 relief program for utility customers or a consumer assistance  
27 program.

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

29

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

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

35 b. No funds shall be expended by the trust for its annual  
36 operating expenses unless appropriated by law to the trust. Unless  
37 required to be otherwise applied pursuant to law, funds generated  
38 by the operation of the trust, including, but not limited to: proceeds  
39 from the sale of the trust's bonds, notes or other obligations;  
40 revenues derived from investments by the trust; loan repayments  
41 from local government units; and fees and charges levied by the  
42 trust, may thereafter be applied in accordance with the provisions of  
43 P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-  
44 10.1 et al.), **【or】** sections 22 and 34 through 38 of P.L.2016, c.56  
45 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-  
46 22.3, and C.58:11B-22.4) , or P.L. , c. (C. ) (pending before  
47 the Legislature as this bill), for any corporate purpose of the trust  
48 without appropriation; except that the funds shall only be used to

1 make loans or guarantees approved by the Legislature in accordance  
2 with the provisions of sections 20, 21, and 22 of P.L.1985, c.334  
3 (C.58:11B-20, C.58:11B-21 and C.58:11B-22), sections 24, 25, and  
4 26 of P.L.1997, c.224 (C.58:11B-20.1, C.58:11B-21.1 and  
5 C.58:11B-22.1), **[or]** sections 35 through 37 of P.L.2016, c.56  
6 (C.58:11B-10.5, C.58:11B-20.2, and C.58:11B-22.3) , or P.L. \_\_, c.  
7 (C. \_\_) (pending before the Legislature as this bill), .

8 c. The trust shall not apply for federal funds, including funds  
9 which are authorized pursuant to the "Federal Water Pollution  
10 Control Act Amendments of 1972," Pub.L. 92-500 (33 U.S.C.  
11 s.1251 et seq.), and any amendatory or supplementary acts thereto,  
12 except the trust is expressly authorized to apply, in consultation  
13 with the Department of Environmental Protection, for funds under  
14 the "Water Infrastructure Finance and Innovation Act," (WIFIA) 33  
15 U.S.C. s.3901 et seq. as amended or superseded, with notice to the  
16 Department of Transportation, for funds under the Transportation  
17 Infrastructure Finance and Innovation Act (TIFIA) 23 U.S.C. 601  
18 through 23 U.S.C. 609 as amended or superseded, and provisions of  
19 the Moving Ahead for Progress in the 21st Century Act (MAP-21)  
20 Pub. L. 112-141, the Fixing America's Surface Transportation Act  
21 (FAST Act) Pub. L. 114-94, the Transportation Equity Act for the  
22 21st Century (TEA-21) Pub. L. 105-178, the Safe, Accountable,  
23 Flexible and Efficient Transportation Equity Act: a Legacy for User  
24 ("SAFETEA-LU") Pub. L. 109-59, and the Rail Safety  
25 Improvement Act of 2008 Pub. L. 110-432, or any subsequent law  
26 concerning federal surface transportation programs as applicable.

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

32 Repayments of principal and interest on all federal funds for  
33 which the New Jersey Infrastructure Bank is expressly permitted to  
34 apply shall be the responsibility of the borrowers of New Jersey  
35 Infrastructure Bank loans issued utilizing those federal funds, and in  
36 no way shall it be the responsibility of the State of New Jersey or  
37 the Department of Transportation.  
38 (cf: P.L.2019, c.516, s.6)

39

40 42. N.J.S.18A:18A-42 is amended to read as follows:

41 18A:18A-42. All contracts for the provision or performance of  
42 goods or services shall be awarded for a period not to exceed 24  
43 consecutive months, except that contracts for professional services  
44 pursuant to paragraph (1) of subsection a. of N.J.S.18A:18A-5 shall  
45 be awarded for a period not to exceed 12 consecutive months. Any  
46 board of education may award a contract for longer periods of time  
47 as follows:

48 a. Supplying of:

- 1 (1) Fuel for heating purposes, for any term not exceeding in the  
2 aggregate, three years;
- 3 (2) Fuel or oil for use of automobiles, autobuses, motor vehicles  
4 or equipment, for any term not exceeding in the aggregate, three  
5 years;
- 6 (3) Thermal energy produced by a cogeneration facility, for use  
7 for heating or air conditioning or both, for any term not exceeding  
8 40 years, when the contract is approved by the Board of Public  
9 Utilities. For the purposes of this paragraph, "cogeneration" means  
10 the simultaneous production in one facility of electric power and  
11 other forms of useful energy such as heating or process steam; or
- 12 b. Plowing and removal of snow and ice, for any term not  
13 exceeding in the aggregate, three years; or
- 14 c. Collection and disposal of garbage and refuse, for any term  
15 not exceeding in the aggregate, three years; or
- 16 d. Data processing service, for any term of not more than seven  
17 years; or
- 18 e. Insurance, including the purchase of insurance coverages,  
19 insurance consultant or administrative services, and including  
20 participation in a joint self-insurance fund, risk management  
21 program or related services provided by a school board insurance  
22 group, or participation in an insurance fund established by a county  
23 pursuant to N.J.S.40A:10-6, or a joint insurance fund established  
24 pursuant to P.L.1983, c.372 (C.40A:10-36 et seq.), for any term of  
25 not more than three years; or
- 26 f. Leasing or servicing of automobiles, motor vehicles,  
27 electronic communications equipment, machinery and equipment of  
28 every nature and kind and textbooks and non-consumable  
29 instructional materials, for any term not exceeding in the aggregate,  
30 five years; except that contracts for the leasing of school buses may  
31 be awarded for any term not exceeding in the aggregate ten years.  
32 Contracts awarded pursuant to this subsection shall be awarded only  
33 subject to and in accordance with rules and regulations promulgated  
34 by the State Board of Education; or
- 35 g. Supplying of any product or the rendering of any service by  
36 a company providing voice, data, transmission or switching  
37 services, for a term not exceeding five years; or
- 38 h. (Deleted by amendment, P.L.1999, c.440.)
- 39 i. Driver education instruction conducted by private, licensed  
40 driver education schools, for any term not exceeding in the  
41 aggregate, three years; or
- 42 j. (Deleted by amendment, P.L.2009, c.4.) **[.]**
- 43 k. Any single project for the construction, reconstruction or  
44 rehabilitation of any public building, structure or facility, or any  
45 public works project, including the retention of the services of any  
46 architect or engineer in connection therewith, for the length of time  
47 authorized and necessary for the completion of the actual  
48 construction; or

- 1 l. Laundry service and the rental, supply and cleaning of  
2 uniforms for any term of not more than three years; or
- 3 m. Food supplies and food services for any term of not more  
4 than three years; or
- 5 n. Purchases made under a contract awarded by the Director of  
6 the Division of Purchase and Property in the Department of the  
7 Treasury for use by counties, municipalities or other contracting  
8 units pursuant to section 3 of P.L.1969, c.104 (C.52:25-16.1), for a  
9 term not to exceed the term of that contract; or
- 10 o. The provision or performance of goods or services for the  
11 purpose of producing class I renewable energy, as that term is  
12 defined in section 3 of P.L.1999, c.23 (C.48:3-51), at, or adjacent  
13 to, buildings owned by any local board of education, the entire price  
14 of which is to be established as a percentage of the resultant savings  
15 in energy costs, for a term not to exceed 15 years; provided,  
16 however, that these contracts shall be entered into only subject to  
17 and in accordance with guidelines promulgated by the Board of  
18 Public Utilities establishing a methodology for computing energy  
19 cost savings and energy generation costs , and shall exclude  
20 renewable energy contracts entered as part of an energy-related  
21 project, as defined pursuant to section 3 of P.L. , c. (C. )  
22 (pending before the Legislature as this bill), constructed and  
23 operated pursuant to a public-private partnership agreement entered  
24 into pursuant to P.L. , c. (C. ) (pending before the  
25 Legislature as this bill) .
- 26 p. The sale of electricity or thermal energy, or both, produced  
27 by a combined heat and power facility, cogeneration facility, or on-  
28 site generation facility, as those terms are defined pursuant to  
29 section 3 of P.L.1999, c.23 (C.48:3-51), or a district energy system  
30 or distributed electric generation resource as those terms are defined  
31 pursuant to section 3 of P.L. , c. (C. ) (pending before the  
32 Legislature as this bill), which are constructed and operated  
33 pursuant to a public-private partnership agreement entered into  
34 pursuant to P.L. , c. (C. ) (pending before the Legislature as  
35 this bill), for a term not to exceed 30 years, which term shall  
36 commence after construction of the facility has been completed and  
37 commercial operation of the facility has commenced.
- 38 Any contract for services other than professional services, the  
39 statutory length of which contract is for three years or less, may  
40 include provisions for no more than one two-year, or two one-year,  
41 extensions, subject to the following limitations: a. the contract shall  
42 be awarded by resolution of the board of education upon a finding  
43 by the board of education that the services are being performed in  
44 an effective and efficient manner; b. no such contract shall be  
45 extended so that it runs for more than a total of five consecutive  
46 years; c. any price change included as part of an extension shall be  
47 based upon the price of the original contract as cumulatively  
48 adjusted pursuant to any previous adjustment or extension and shall



1 not exceed the change in the index rate for the 12 months preceding  
2 the most recent quarterly calculation available at the time the  
3 contract is renewed; and d. the terms and conditions of the contract  
4 remain substantially the same.

5 All multiyear leases and contracts entered into pursuant to this  
6 section, including any two-year or one-year extensions, except  
7 contracts for insurance coverages, insurance consultant or  
8 administrative services, participation or membership in a joint self-  
9 insurance fund, risk management programs or related services of a  
10 school board insurance group, participation in an insurance fund  
11 established by a county pursuant to N.J.S.40A:10-6 or contracts for  
12 thermal energy authorized pursuant to subsection a. above, and  
13 contracts for the provision or performance of goods or services to  
14 promote energy conservation through the production of class I  
15 renewable energy, authorized pursuant to subsection o. of this  
16 section, shall contain a clause making them subject to the  
17 availability and appropriation annually of sufficient funds as may  
18 be required to meet the extended obligation, or contain an annual  
19 cancellation clause. All contracts shall cease to have effect at the  
20 end of the contracted period and shall not be extended by any  
21 mechanism or provision, unless in conformance with the "Public  
22 School Contracts Law," N.J.S.18A:18A-1 et seq., except that a  
23 contract may be extended by mutual agreement of the parties to the  
24 contract when a board of education has commenced rebidding prior  
25 to the time the contract expires or when the awarding of a contract  
26 is pending at the time the contract expires.

27 (cf: P.L.2009, c.4, s.3)

28

29 43. Section 15 of P.L.1971, c.198 (C.40A:11-15) is amended to  
30 read as follows:

31 15. All contracts for the provision or performance of goods or  
32 services shall be awarded for a period not to exceed 24 consecutive  
33 months, except that contracts for professional services pursuant to  
34 subparagraph (i) of paragraph (a) of subsection (1) of section 5 of  
35 P.L.1971, c.198 (C.40A:11-5) shall be awarded for a period not to  
36 exceed 12 consecutive months. Contracts may be awarded for  
37 longer periods of time as follows:

38 (1) Supplying of:

39 (a) (Deleted by amendment, P.L.1996, c.113 **[.]**)

40 (b) (Deleted by amendment, P.L.1996, c.113 **[.]**)

41 (c) Thermal energy produced by a cogeneration facility, for use  
42 for heating or air conditioning or both, for any term not exceeding  
43 40 years, when the contract is approved by the Board of Public  
44 Utilities

45 For the purposes of this paragraph, "cogeneration" means the  
46 simultaneous production in one facility of electric power and other  
47 forms of useful energy such as heating or process steam;

48 (2) (Deleted by amendment, P.L.1977, c.53 **[.]**)

1 (3) The collection and disposal of municipal solid waste, the  
2 collection and disposition of recyclable material, or the disposal of  
3 sewage sludge, for any term not exceeding in the aggregate, five  
4 years , unless conducted as part of an energy-related project in  
5 accordance with the provisions of P.L. , c. (pending before the  
6 Legislature as this bill) ;

7 (4) The collection and recycling of methane gas from a sanitary  
8 landfill facility, for any term not exceeding 25 years, when the  
9 contract is in conformance with a district solid waste management  
10 plan approved pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.), and  
11 with the approval of the Division of Local Government Services in  
12 the Department of Community Affairs and the Department of  
13 Environmental Protection. The contracting unit shall award the  
14 contract to the highest responsible bidder, notwithstanding that the  
15 contract price may be in excess of the amount of any necessarily  
16 related administrative expenses; except that if the contract requires  
17 the contracting unit to expend funds only, the contracting unit shall  
18 award the contract to the lowest responsible bidder. The approval  
19 by the Division of Local Government Services of public bidding  
20 requirements shall not be required for those contracts exempted  
21 therefrom pursuant to section 5 of P.L.1971, c.198 (C.40A:11-5);

22 (5) Data processing service, for any term of not more than seven  
23 years;

24 (6) Insurance, including the purchase of insurance coverages,  
25 insurance consulting or administrative services, claims  
26 administration services, including participation in a joint self-  
27 insurance fund, risk management program or related services  
28 provided by a contracting unit insurance group, or participation in  
29 an insurance fund established by a local unit pursuant to  
30 N.J.S.40A:10-6, or a joint insurance fund established pursuant to  
31 P.L.1983, c.372 (C.40A:10-36 et seq.), for any term of not more  
32 than three years;

33 (7) Leasing or servicing of (a) automobiles, motor vehicles,  
34 machinery, and equipment of every nature and kind, for a period not  
35 to exceed five years, or (b) machinery and equipment used in the  
36 generation of electricity by a municipal shared services energy  
37 authority established pursuant to section 4 of P.L.2015, c.129  
38 (C.40A:66-4), or a contracting unit engaged in the generation of  
39 electricity, for a period not to exceed 20 years; provided, however, a  
40 contract shall be awarded only subject to and in accordance with the  
41 rules and regulations promulgated by the Director of the Division of  
42 Local Government Services in the Department of Community  
43 Affairs;

44 (8) The supplying of any product or the rendering of any service  
45 by a company providing voice, data, transmission, or switching  
46 services for a term not exceeding five years;

47 (9) Any single project for the construction, reconstruction, or  
48 rehabilitation of any public building, structure, or facility, or any

1 public works project, including the retention of the services of any  
2 architect or engineer in connection therewith, for the length of time  
3 authorized and necessary for the completion of the actual  
4 construction;

5 (10) The providing of food services for any term not exceeding  
6 three years;

7 (11) On-site inspections and plan review services undertaken by  
8 private agencies pursuant to the “State Uniform Construction Code  
9 Act,” P.L.1975, c.217 (C.52:27D-119 et seq.) for any term of not  
10 more than three years;

11 (12) (Deleted by amendment, P.L.2009, c.4) [.]

12 (13) (Deleted by amendment, P.L.1999, c.440 [.] )

13 (14) (Deleted by amendment, P.L.1999, c.440 [.] )

14 (15) Leasing of motor vehicles, machinery, and other equipment  
15 primarily used to fight fires, for a term not to exceed ten years,  
16 when the contract includes an option to purchase, subject to and in  
17 accordance with rules and regulations promulgated by the Director  
18 of the Division of Local Government Services in the Department of  
19 Community Affairs;

20 (16) The provision of water supply services or the designing,  
21 financing, construction, operation, or maintenance, or any  
22 combination thereof, of a water supply facility, or any component  
23 part or parts thereof, including a water filtration system, for a period  
24 not to exceed 40 years, when the contract for these services is  
25 approved by the Division of Local Government Services in the  
26 Department of Community Affairs, the Board of Public Utilities,  
27 and the Department of Environmental Protection pursuant to  
28 P.L.1985, c.37 (C.58:26-1 et al.), except that no approvals shall be  
29 required for those contracts otherwise exempted pursuant to  
30 subsection (30), (31), (34), (35) or (43) of this section.

31 For the purposes of this subsection, “water supply services”  
32 means any service provided by a water supply facility; “water  
33 filtration system” means any equipment, plants, structures,  
34 machinery, apparatus, or land, or any combination thereof,  
35 acquired, used, constructed, rehabilitated, or operated for the  
36 collection, impoundment, storage, improvement, filtration, or other  
37 treatment of drinking water for the purposes of purifying and  
38 enhancing water quality and insuring its potability prior to the  
39 distribution of the drinking water to the general public for human  
40 consumption, including plants and works, and other personal  
41 property and appurtenances necessary for their use or operation; and  
42 “water supply facility” means and refers to the real property and the  
43 plants, structures, or interconnections between existing water  
44 supply facilities, machinery and equipment and other property, real,  
45 personal, and mixed, acquired, constructed, or operated, or to be  
46 acquired, constructed, or operated, in whole or in part by or on  
47 behalf of a political subdivision of the State or any agency thereof,  
48 for the purpose of augmenting the natural water resources of the

1 State and making available an increased supply of water for all  
2 uses, or of conserving existing water resources, and any and all  
3 appurtenances necessary, useful, or convenient for the collecting,  
4 impounding, storing, improving, treating, filtering, conserving, or  
5 transmitting of water and for the preservation and protection of  
6 these resources and facilities and providing for the conservation and  
7 development of future water supply resources;

8 (17) The provision of resource recovery services by a qualified  
9 vendor, the disposal of the solid waste delivered for disposal which  
10 cannot be processed by a resource recovery facility or the residual  
11 ash generated at a resource recovery facility, including hazardous  
12 waste and recovered metals and other materials for reuse, or the  
13 design, financing, construction, operation, or maintenance of a  
14 resource recovery facility for a period not to exceed 40 years when  
15 the contract is approved by the Division of Local Government  
16 Services in the Department of Community Affairs, and the  
17 Department of Environmental Protection pursuant to P.L.1985, c.38  
18 (C.13:1E-136 et al.); and when the resource recovery facility is in  
19 conformance with a district solid waste management plan approved  
20 pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.).

21 For the purposes of this subsection, "resource recovery facility"  
22 means a solid waste facility constructed and operated for the  
23 incineration of solid waste for energy production and the recovery  
24 of metals and other materials for reuse, or a mechanized composting  
25 facility, or any other facility constructed or operated for the  
26 collection, separation, recycling, and recovery of metals, glass,  
27 paper, and other materials for reuse or for energy production; and  
28 "residual ash" means the bottom ash, fly ash, or any combination  
29 thereof, resulting from the combustion of solid waste at a resource  
30 recovery facility;

31 (18) The sale of electricity or thermal energy, or both, produced  
32 by a resource recovery facility for a period not to exceed 40 years  
33 when the contract is approved by the Board of Public Utilities, and  
34 when the resource recovery facility is in conformance with a district  
35 solid waste management plan approved pursuant to P.L.1970, c.39  
36 (C.13:1E-1 et seq.).

37 For the purposes of this subsection, "resource recovery facility"  
38 means a solid waste facility constructed and operated for the  
39 incineration of solid waste for energy production and the recovery  
40 of metals and other materials for reuse, or a mechanized composting  
41 facility, or any other facility constructed or operated for the  
42 collection, separation, recycling, and recovery of metals, glass,  
43 paper, and other materials for reuse or for energy production;

44 (19) The provision of wastewater treatment services or the  
45 designing, financing, construction, operation, or maintenance, or  
46 any combination thereof, of a wastewater treatment system, or any  
47 component part or parts thereof, for a period not to exceed 40 years,  
48 when the contract for these services is approved by the Division of

1 Local Government Services in the Department of Community  
2 Affairs and the Department of Environmental Protection pursuant to  
3 P.L.1985, c.72 (C.58:27-1 et al.), except that no approvals shall be  
4 required for those contracts otherwise exempted pursuant to  
5 subsection (36) or (43) of this section.

6 For the purposes of this subsection, “wastewater treatment  
7 services” means any services provided by a wastewater treatment  
8 system; and “wastewater treatment system” means equipment,  
9 plants, structures, machinery, apparatus, or land, or any  
10 combination thereof, acquired, used, constructed, or operated for  
11 the storage, collection, reduction, recycling, reclamation, disposal,  
12 separation, or other treatment of wastewater or sewage sludge, or  
13 for the final disposal of residues resulting from the treatment of  
14 wastewater, including, but not limited to, pumping and ventilating  
15 stations, facilities, plants and works, connections, outfall sewers,  
16 interceptors, trunk lines, and other personal property and  
17 appurtenances necessary for their operation;

18 (20) The supplying of goods or services for the purpose of  
19 lighting public streets, for a term not to exceed five years;

20 (21) The provision of emergency medical services for a term not  
21 to exceed five years;

22 (22) Towing and storage contracts, awarded pursuant to  
23 paragraph u. of subsection (1) of section 5 of P.L.1971, c.198  
24 (C.40A:11-5) for any term not exceeding three years;

25 (23) Fuel for the purpose of generating electricity for a term not  
26 to exceed eight years;

27 (24) The purchase of electricity or administrative or dispatching  
28 services related to the transmission of electricity, from a supplier of  
29 electricity subject to the jurisdiction of a federal regulatory agency,  
30 from a qualifying small power producing facility or qualifying  
31 cogeneration facility, as defined by 16 U.S.C. s.796, or from any  
32 supplier of electricity within any regional transmission organization  
33 or independent system operator or from an organization or operator  
34 or their successors, by a contracting unit engaged in the generation  
35 of electricity for retail sale, as of May 24, 1991, for a term not to  
36 exceed 40 years; or by a contracting unit engaged solely in the  
37 distribution of electricity for retail sale for a term not to exceed ten  
38 years, except that a contract with a contracting unit, engaged solely  
39 in the distribution of electricity for retail sale, in excess of ten  
40 years, shall require the written approval of the Director of the  
41 Division of Local Government Services. If the director fails to  
42 respond in writing to the contracting unit within 10 business days,  
43 the contract shall be deemed approved;

44 (25) Basic life support services, for a period not to exceed five  
45 years.

46 For the purposes of this subsection, “basic life support” means a  
47 basic level of prehospital care, which includes but need not be  
48 limited to patient stabilization, airway clearance, cardiopulmonary

1 resuscitation, hemorrhage control, initial wound care, and fracture  
2 stabilization;

3 (26) (Deleted by amendment, P.L.1999, c.440 [.] )

4 (27) The provision of transportation services to an elderly  
5 person, an individual with a disability, or an indigent person for any  
6 term of not more than three years.

7 For the purposes of this subsection, "elderly person" means a  
8 person who is 60 years of age or older. "Individual with a  
9 disability" means a person of any age who, by reason of illness,  
10 injury, age, congenital malfunction, or other permanent or  
11 temporary incapacity or disability, is unable, without special  
12 facilities or special planning or design to utilize mass transportation  
13 facilities and services as effectively as persons who are not so  
14 affected. "Indigent person " means a person of any age whose  
15 income does not exceed 100 percent of the poverty line, adjusted  
16 for family size, established and adjusted under section 2 of the  
17 "Community Services Block Grant Act," (42 U.S.C. s.9902);

18 (28) The supplying of liquid oxygen or other chemicals, for a  
19 term not to exceed five years, when the contract includes the  
20 installation of tanks or other storage facilities by the supplier, on or  
21 near the premises of the contracting unit;

22 (29) The performance of patient care services by contracted  
23 medical staff at county hospitals, correction facilities, and long term  
24 care facilities, for any term of not more than three years;

25 (30) The acquisition of an equitable interest in a water supply  
26 facility pursuant to section 2 of P.L.1993, c.381 (C.58:28-2), or a  
27 contract entered into pursuant to the "County and Municipal Water  
28 Supply Act," N.J.S.40A:31-1 et seq., if the contract is entered into  
29 no later than January 7, 1995, for any term of not more than forty  
30 years;

31 (31) The provision of water supply services or the financing,  
32 construction, operation, or maintenance or any combination thereof,  
33 of a water supply facility or any component part or parts thereof, by  
34 a partnership or copartnership established pursuant to a contract  
35 authorized under section 2 of P.L.1993, c.381 (C.58:28-2), for a  
36 period not to exceed 40 years;

37 (32) Laundry service and the rental, supply, and cleaning of  
38 uniforms for any term of not more than three years;

39 (33) The supplying of any product or the rendering of any  
40 service, including consulting services, by a cemetery management  
41 company for the maintenance and preservation of a municipal  
42 cemetery operating pursuant to the "New Jersey Cemetery Act,  
43 2003," P.L.2003, c.261 (C.45:27-1 et seq.), for a term not exceeding  
44 15 years;

45 (34) A contract between a public entity and a private firm  
46 pursuant to P.L.1995, c.101 (C.58:26-19 et al.) for the provision of  
47 water supply services may be entered into for any term which, when  
48 all optional extension periods are added, may not exceed 40 years;

1 (35) A contract for the purchase of a supply of water from a  
2 public utility company subject to the jurisdiction of the Board of  
3 Public Utilities in accordance with tariffs and schedules of charges  
4 made, charged or exacted or contracts filed with the Board of Public  
5 Utilities, for any term of not more than 40 years;

6 (36) A contract between a public entity and a private firm or  
7 public authority pursuant to P.L.1995, c.216 (C.58:27-19 et al.) for  
8 the provision of wastewater treatment services may be entered into  
9 for any term of not more than 40 years, including all optional  
10 extension periods;

11 (37) The operation and management of a facility under a license  
12 issued or permit approved by the Department of Environmental  
13 Protection, including a wastewater treatment system, a stormwater  
14 management system, or a water supply or distribution facility, as  
15 the case may be, for any term of not more than ten years.

16 For the purposes of this subsection, “wastewater treatment  
17 system” refers to facilities operated or maintained for the storage,  
18 collection, reduction, disposal, or other treatment of wastewater or  
19 sewage sludge, remediation of groundwater contamination,  
20 stormwater runoff, or the final disposal of residues resulting from  
21 the treatment of wastewater; “stormwater management system”  
22 means the same as that term is defined in section 3 of P.L.2019,  
23 c.42 (C.40A:26B-3); and “water supply or distribution facility”  
24 refers to facilities operated or maintained for augmenting the  
25 natural water resources of the State, increasing the supply of water,  
26 conserving existing water resources, or distributing water to users;

27 (38) Municipal solid waste collection from facilities owned by a  
28 contracting unit, for any term of not more than three years;

29 (39) Fuel for heating purposes, for any term of not more than  
30 three years;

31 (40) Fuel or oil for use in motor vehicles for any term of not  
32 more than three years;

33 (41) Plowing and removal of snow and ice for any term of not  
34 more than three years;

35 (42) Purchases made under a contract awarded by the Director  
36 of the Division of Purchase and Property in the Department of the  
37 Treasury for use by counties, municipalities, or other contracting  
38 units pursuant to section 3 of P.L.1969, c.104 (C.52:25-16.1), for a  
39 term not to exceed the term of that contract;

40 (43) A contract between the governing body of a city of the first  
41 class and a duly incorporated nonprofit association for the provision  
42 of water supply services as defined in subsection (16) of this  
43 section, or wastewater treatment services as defined in subsection  
44 (19) of this section, may be entered into for a period not to exceed  
45 40 years;

46 (44) The purchase of electricity generated through Class I  
47 renewable energy or from a power production facility that is fueled

1 by methane gas extracted from a landfill in the county of the  
2 contacting unit for any term not exceeding 25 years;

3 (45) The provision or performance of goods or services for the  
4 purpose of producing Class I renewable energy or Class II  
5 renewable energy, as those terms are defined in section 3 of  
6 P.L.1999, c.23 (C.48:3-51), at, or adjacent to, buildings owned by,  
7 or operations conducted by, the contracting unit, the entire price of  
8 which is to be established as a percentage of the resultant savings in  
9 energy costs, for a term not to exceed 15 years; provided, however,  
10 that a contract shall be entered into only subject to and in  
11 accordance with guidelines promulgated by the Board of Public  
12 Utilities establishing a methodology for computing energy cost  
13 savings and energy generation costs;

14 (46) A power supply contract, as defined pursuant to section 3  
15 of P.L.2015, c.129 (C.40A:66-3), between a member municipality  
16 as defined pursuant to section 3 of P.L.2015, c.129 (C.40A:66-3),  
17 and the municipal shared services energy authority established  
18 pursuant to the provisions of P.L.2015, c.129 (C.40A:66-1 et al.) to  
19 meet the electric power needs of its members, for the lease,  
20 operation, or management of electric generation within a member  
21 municipality's corporate limits and franchise area or the purchase of  
22 electricity, or the purchase of fuel for generating units for a term not  
23 to exceed 40 years;

24 (47) A contract entered into pursuant to paragraph (2) of  
25 subsection a. of section 6 of P.L.2006, c.46 (C.30:9-23.20) between  
26 a county hospital authority and a manager for the management,  
27 operation, and maintenance of a hospital owned by the authority or  
28 the county for a term not to exceed 20 years, provided, however,  
29 that a contract entered into pursuant to paragraph (2) of subsection  
30 a. of section 6 of P.L.2006, c.46 (C.30:9-23.20) may be renewed for  
31 two additional periods, not to exceed five years each; **[and]**

32 (48) (a) A lease agreement that provides for the use, lease,  
33 lease-back, acquisition, operation, or maintenance of ferry boats and  
34 related facilities and services, for a period not to exceed 20 years,  
35 except as provided by paragraph (b) of this subsection. For the  
36 purposes of this subsection, "related facilities and services"  
37 includes, but is not limited to, docks and terminals, parking  
38 facilities, intermodal facilities, ingress and egress to the parking and  
39 terminal facilities, and the provision of goods and services to the  
40 public, provided that a contract for the provision or performance of  
41 such goods or services is related to ferry services and requires:

42 (1) a total capital expenditure exceeding \$300,000, as certified  
43 by the chief financial officer of the contracting unit, including but  
44 not limited to capital expenditures made by the lessee; or

45 (2) a capital improvement that has a life expectancy upon  
46 completion exceeding 20 years, as certified by the chief financial  
47 officer of the contracting unit.



1 (b) A lease agreement for a capital improvement under  
2 subparagraph (2) of paragraph (a) of this subsection may be  
3 awarded for a period not to exceed 50 years.

4 (c) Each worker employed in a construction project under a  
5 contract executed pursuant to this subsection shall be paid not less  
6 than the prevailing wage rate for the worker's craft or trade as  
7 determined by the Commissioner of Labor and Workforce  
8 Development pursuant to P.L.1963, c.150 (C.34:11-56.25 et seq.) ;  
9 and

10 (49) The sale of electricity or thermal energy, or both, produced  
11 by a combined heat and power facility, cogeneration facility, or on-  
12 site generation facility, as those terms are defined pursuant to  
13 section 3 of P.L.1999, c.23 (C.48:3-51), or a district energy system  
14 or distributed electric generation resource as those terms are  
15 defined pursuant to section 3 of P.L. , c. (C. ) (pending  
16 before the Legislature as this bill), which are constructed and  
17 operated pursuant to a public-private partnership agreement entered  
18 into pursuant to P.L. , c. (C. ) (pending before the  
19 Legislature as this bill), for a term not to exceed 30 years, which  
20 term shall commence after construction of the facility has been  
21 completed and commercial operation of the facility has commenced.

22 Any contract for services other than professional services, the  
23 statutory length of which contract is for three years or less, may  
24 include provisions for no more than one two-year, or two one-year,  
25 extensions, subject to the following limitations: a. The contract  
26 shall be awarded by resolution of the governing body upon a  
27 finding by the governing body that the services are being performed  
28 in an effective and efficient manner; b. No contract shall be  
29 extended so that it runs for more than a total of five consecutive  
30 years; c. Any price change included as part of an extension shall be  
31 based upon the price of the original contract as cumulatively  
32 adjusted pursuant to any previous adjustment or extension and shall  
33 not exceed the change in the index rate for the 12 months preceding  
34 the most recent quarterly calculation available at the time the  
35 contract is renewed; and d. The terms and conditions of the  
36 contract remain substantially the same.

37 All multiyear leases and contracts entered into pursuant to this  
38 section, including any two-year or one-year extensions, except  
39 contracts involving the supplying of electricity for the purpose of  
40 lighting public streets and contracts for thermal energy authorized  
41 pursuant to subsection (1) above, construction contracts authorized  
42 pursuant to subsection (9) above, contracts for the provision or  
43 performance of goods or services or the supplying of equipment to  
44 promote energy conservation through the production of Class I  
45 renewable energy or Class II renewable energy authorized pursuant  
46 to subsection (45) above, contracts for water supply services or for  
47 a water supply facility, or any component part or parts thereof  
48 authorized pursuant to subsection (16), (30), (31), (34), (35), (37),

1 or (43) above, contracts for resource recovery services or a resource  
2 recovery facility authorized pursuant to subsection (17) above,  
3 contracts for the sale of energy produced by a resource recovery  
4 facility authorized pursuant to subsection (18) above, contracts for  
5 wastewater treatment services or for a wastewater treatment system  
6 or any component part or parts thereof authorized pursuant to  
7 subsection (19), (36), (37), or (43) above, contracts for the  
8 operation and maintenance of a stormwater management system  
9 authorized pursuant to subsection (37) above, and contracts for the  
10 purchase of electricity or administrative or dispatching services  
11 related to the transmission of electricity authorized pursuant to  
12 subsection (24) above, contracts for the purchase of electricity  
13 generated from a power production facility that is fueled by  
14 methane gas authorized pursuant to subsection (44) above, and  
15 power supply contracts authorized pursuant to subsection (46)  
16 respectively, shall contain a clause making them subject to the  
17 availability and appropriation annually of sufficient funds as may  
18 be required to meet the extended obligation, or contain an annual  
19 cancellation clause.

20 The Division of Local Government Services in the Department  
21 of Community Affairs shall adopt and promulgate rules and  
22 regulations concerning the methods of accounting for all contracts  
23 that do not coincide with the fiscal year.

24 All contracts shall cease to have effect at the end of the  
25 contracted period and shall not be extended by any mechanism or  
26 provision, unless in conformance with the “Local Public Contracts  
27 Law,” P.L.1971, c.198 (C.40A:11-1 et seq.), except that a contract  
28 may be extended by mutual agreement of the parties to the contract  
29 when a contracting unit has commenced rebidding prior to the time  
30 the contract expires or when the awarding of a contract is pending  
31 at the time the contract expires.

32 (cf: P.L.2019, c.79, s.1)

33

34 44. This act shall take effect immediately.

35

36

37

#### STATEMENT

38

39 This bill, entitled the “Energy Infrastructure Public-Private  
40 Partnerships Act,” would permit private entities to propose to  
41 public-private partnership eligible entities, as defined in the bill,  
42 certain energy-related projects through a public-private partnership  
43 (P3) agreement. The bill would create an Energy Public-Private  
44 Partnerships Program (Energy P3 Program) and an Energy  
45 Infrastructure Financing Program within the New Jersey  
46 Infrastructure Bank (bank).

47 The Energy P3 Program would be responsible for the  
48 formulation and execution of a comprehensive Statewide policy for

1 P3 agreements that facilitate the development of energy-related  
2 projects and for the development, promotion, coordination,  
3 oversight, and approval of P3 agreements for energy-related  
4 projects. The Energy Infrastructure Financing Program would  
5 provide loans and other forms of financial assistance to P3 eligible  
6 entities that are parties to public-private partnership agreements to  
7 develop and finance energy-related projects pursuant to the bill.

8 The bill defines “public-private partnership eligible entity,” or  
9 “P3 eligible entity,” as the State, its subdivisions, and any  
10 department, agency, commission, authority, board, or  
11 instrumentality thereof, a county, a municipality, a board of  
12 education, a State college or university, a county college, a private  
13 not-for-profit higher education institution, a regional or municipal  
14 utility authority, a quasi-State agency, a State-created corporation,  
15 and a private not-for-profit hospital licensed by the Department of  
16 Health pursuant to the “Health Care Facilities Planning Act,”  
17 P.L.1971, c.136 (C.26:2H-1 et seq.). (The term does not include a  
18 municipal electric utility established pursuant to R.S.40:62-12.)

19 The Energy P3 Program would consult and coordinate with  
20 representatives of other State departments, agencies, boards, and  
21 authorities to accomplish the goals of the bill and facilitate P3  
22 agreements for energy-related projects. The bill directs the bank to  
23 develop criteria by which a P3 eligible entity would award an  
24 energy-related project to a private entity whose proposal is  
25 determined to be the most advantageous. The bill prescribes  
26 competitive contracting procedures to govern P3 agreements,  
27 including procurements and prevailing wage requirements for  
28 workers engaged in construction activities and other worker  
29 protections, and provides oversight authority to the Energy P3  
30 Program to protect the interests of participating entities. The bill  
31 permits the inclusion of a project labor agreement in all energy-  
32 related projects created pursuant to the provisions of the bill. The  
33 bill also requires, beginning three years after the bill is enacted into  
34 law, an annual report concerning energy-related P3 projects to be  
35 submitted to the Governor and to the Legislature.

36 The bill establishes an Energy Infrastructure Financing Program  
37 in the bank to provide loans and other forms of financial assistance,  
38 as the bank deems appropriate, to P3 eligible entities and private  
39 entities that are parties to P3 agreements to develop and finance  
40 energy-related projects pursuant to the bill. The bill amends the  
41 “New Jersey Infrastructure Trust Act,” P.L.1985, c.334 (C.58:11B-  
42 1 et seq.), to reflect the establishment of this new program. In  
43 addition, the bill would add the President of the Board of Public  
44 Utilities as an ex-officio member to the board of directors for the  
45 bank.

46 The bill makes various changes to existing statutes related to the  
47 bank in order to expand its mission from water, environmental  
48 infrastructure, and transportation projects, to include energy-related

1 projects. The bill requires that funds and accounts of the bank be  
2 segregated in such a way as to prevent the mixing of transportation,  
3 water, or environmental infrastructure monies with energy-related  
4 monies. The bill creates an interim financing program for energy-  
5 related projects and establishes an Energy Loan Origination Fee  
6 Fund similar to the existing interim financing programs and fee  
7 funds for environmental and transportation projects.

8 The bill would require the bank to submit to the Legislature, on  
9 or before May 15 of each year, a financial plan designed to  
10 implement the financing of the energy-related projects on the  
11 Energy Financing Program Project Priority List or the Energy  
12 Financing Program Project Eligibility List. The bill provides that  
13 on or before June 30 of each year the Legislature may reject the  
14 financial plan through the adoption by both houses of a concurrent  
15 resolution. If the Legislature rejects the financial plan, the project  
16 list would be removed from the annual appropriations act and the  
17 bank would not undertake any of the proposed activities contained  
18 in the plan. If the Legislature takes no action on the financial plan  
19 on or before June 30, the financial plan would be deemed approved.

20 Under the bill, the development of an energy-related project  
21 would be deemed to constitute the performance of an essential  
22 public function. A component of an energy-related project  
23 predominantly used by, or developed in furtherance of the purposes  
24 of, a P3 eligible entity that is owned by or leased to a P3 eligible  
25 entity, foreign or domestic nonprofit business entity, or business  
26 entity wholly owned by a nonprofit business entity would be  
27 exempt from property taxation and special assessments of the State,  
28 a municipality, and any other political subdivision of the State, and,  
29 notwithstanding the provisions of any other law to the contrary,  
30 would not be required to make payments in lieu of taxes, and the  
31 land upon which an energy-related project is located would be  
32 exempt from property taxation for the useful life of the project.

33 The bill provides that the provisions of P.L.2009, c.136 (the  
34 requirements for certain public contracts with private firms) do not  
35 apply to energy-related projects developed under the bill.

36 The bill also provides that nothing in the bill limits the powers of  
37 the Office of the State Comptroller or the authority of the Board of  
38 Public Utilities.

39 Lastly, the bill amends the “Public School Contracts Law” and  
40 the “Local Public Contracts Law” to provide that a contract may be  
41 for up to 30 years for the sale of electricity or thermal energy, or  
42 both, produced by a combined heat and power facility, cogeneration  
43 facility, on-site generation facility, a district energy system, or a  
44 distributed electric generation resource constructed and operated  
45 pursuant to a public-private partnership agreement under the bill.