

§8 - C.27:1B-22.5
Title 58.
Chapter 11B. (Rename)
Infrastructure Trust.
§§27,39-40 -
C.58:11B-10.3 to
58:11B-10.5
§41 - C.58:11B-20.2
§§42-43 -
C.58:11B-22.3 &
58:11B-22.4
§44 - Repealer
§46 - Note

P.L.2016, CHAPTER 56, *approved October 14, 2016*
Assembly, No. 10 (*Fourth Reprint*)

1 **AN ACT** concerning the financing and construction of transportation
2 infrastructure in the State and amending various parts of the
3 statutory law, supplementing Title 27 and 58 of the Revised
4 Statutes, and repealing P.L.1997, c.142.

5

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

8

9 1. Section 3 of P.L.1984, c.73 (C.27:1B-3) is amended to read
10 as follows:

11 3. The following words or terms as used in this act shall have
12 the following meaning unless a different meaning clearly appears
13 from the context:

14 **[a.]** "Act" means this New Jersey Transportation Trust Fund
15 Authority Act of 1984 as amended and supplemented.

16 **[b.]** "Authority" means the New Jersey Transportation Trust
17 Fund Authority created by section 4 of this act.

18 **[c.]** "Bonds" means bonds issued by the authority pursuant to
19 the act and includes prior bonds and transportation program bonds.

20 "Circle of Mobility" means an essential group of related transit
21 projects that include (1) the New Jersey Urban Core Project, as
22 defined in section 3031 of the "Intermodal Surface Transportation
23 Efficiency Act of 1991," Pub.L.102-240, and consisting of the
24 following elements: Secaucus Transfer, Kearny Connection,
25 Waterfront Connection, Northeast Corridor Signal System, Hudson
26 River Waterfront Transportation System, Newark-Newark
27 International Airport-Elizabeth Transit Link, a rail connection
28 between Penn Station Newark and Broad Street Station, Newark,
29 New York Penn Station Concourse, and the equipment needed to
30 operate revenue service associated with improvements made by the
31 project, and (2) the modification and reconstruction of the West
32 Shore Line in Bergen County connected to Allied

1 Junction/Secaucus Transfer Meadowlands Rail Center; the
2 construction of a rail station and associated components at the
3 Meadowlands Sports Complex; the modification and reconstruction
4 of the Susquehanna and Western Railway, as defined and provided
5 in section 3035 (a) of the "Intermodal Surface Transportation
6 Efficiency Act of 1991"; the modification and reconstruction of the
7 Lackawanna Cutoff Commuter Rail Line connecting Morris, Sussex
8 and Warren Counties to the North Jersey Transportation Rail
9 Centers; and commuter rail service in the central New Jersey region
10 terminating at the proposed Lakewood Transportation Center in
11 Ocean County or other location, as determined by the Board of the
12 New Jersey Transit Corporation, pursuant to a resolution of the
13 board providing for the achievement of a consensus among the
14 interested parties as to the direction of the proposed rail line;
15 provided, however, that this 2000 amendatory act shall not be
16 construed as affecting any priorities which may have been assigned
17 to any other project in the Circle of Mobility.

18 **[d.]** "Commissioner" means the Commissioner of
19 Transportation.

20 **[e.]** "Department" means the Department of Transportation.

21 **[f.]** "Federal aid highway" means any highway within the State
22 in connection with which the State receives payment or
23 reimbursement from the federal government under the terms of
24 Title 23, United States Code or any amendment, successor, or
25 replacement thereof, for the purposes contained in the act.

26 **[g.]** "Federal government" means the United States of America,
27 and any **[officer]** office, department, board, commission, bureau,
28 division, corporation, agency, or instrumentality thereof.

29 **[h.]** "South Jersey Transportation Authority" means the public
30 corporation created by section 4 of P.L.1991, c.252 (C.27:25A-4) or
31 its successor.

32 **i.]** "New Jersey Highway Authority" means the public
33 corporation created by section 4 of P.L.1952, c.16 (C.27:12B-4) or
34 its successor.

35 **[j.]** "New Jersey Turnpike Authority" means the public
36 corporation created by section 3 of P.L.1948, c.454 (C.27:23-3) or
37 its successor.

38 **[k.]** "Notes" means the notes issued by the authority pursuant to
39 the act.

40 "Permitted maintenance" means, in relation to public
41 transportation projects and transportation projects, direct costs of
42 work necessary for preserving or maintaining the useful life of
43 public transportation projects and transportation projects,
44 respectively, provided the work performed is associated with the
45 acquisition, installation, and rehabilitation of components which are
46 not included in the normal operating maintenance of equipment and
47 facilities or replaced on a scheduled basis. The work shall ensure
48 the useful life of the public transportation project or transportation

1 project for not less than five years and shall not include routine
2 maintenance or inspection of equipment and facilities that is
3 conducted on a scheduled basis. This definition shall not apply to
4 the term "maintenance" as used in the definition of "public
5 highways." In relation to public highways, "permitted maintenance"
6 means the direct costs of work necessary for preserving or
7 maintaining the useful life of public highways, provided the work is
8 not associated with the regular and routine maintenance of public
9 highways and their components. The work shall ensure the useful
10 life of the transportation project for not less than five years.

11 "Prior bonds" means bonds issued pursuant to the authorization
12 contained in P.L.1995, c.108 and P.L.2006, c.3 and any bonds
13 issued to refund such prior bonds.

14 **[l.]** "Public highways" means public roads, streets, expressways,
15 freeways, parkways, motorways and boulevards, including bridges,
16 tunnels, overpasses, underpasses, interchanges, rest areas, express
17 bus roadways, bus pullouts and turnarounds, park-ride facilities,
18 traffic circles, grade separations, traffic control devices, the
19 elimination or improvement of crossings of railroads and highways,
20 whether at grade or not at grade, bicycle and pedestrian pathways
21 and pedestrian and bicycle bridges traversing public highways and
22 any facilities, equipment, property, rights of way, easements and
23 interests therein needed for the construction, improvement, and
24 maintenance of highways.

25 **[m.]** "Public transportation project" means, in connection with
26 public transportation service, passenger stations, shelters and
27 terminals, automobile parking facilities, ferries and ferry facilities,
28 including capital projects for ferry terminals, approach roadways,
29 pedestrian accommodations, parking, docks, and other necessary
30 land-side improvements, ramps, track connections, signal systems,
31 power systems, information and communication systems, roadbeds,
32 transit lanes or rights of way, equipment storage, pedestrian
33 walkways and bridges connecting to passenger stations and
34 servicing facilities, bridges, grade crossings, rail cars, locomotives,
35 motorbuses and other motor vehicles, maintenance and garage
36 facilities, revenue handling equipment and any other equipment,
37 facility, or property useful for or related to the provision of public
38 transportation service.

39 "South Jersey Transportation Authority" means the public
40 corporation created by section 4 of P.L.1991, c.252 (C.27:25A-4) or
41 its successor.

42 **[n.]** "State agency" means any **[officer]** office, department,
43 board, commission, bureau, division, agency, or instrumentality of
44 the State.

45 **[o.]** "Toll road authorities" means and includes the New Jersey
46 Turnpike Authority, the New Jersey Highway Authority, or its
47 successor, and the South Jersey Transportation Authority.

1 "Transportation program bonds" means bonds issued pursuant to
2 the authorization contained in P.L.2012, c.13, P.L. , c. (pending
3 before the Legislature as this bill), and any bonds issued to refund
4 such transportation program bonds.

5 **【p.】** "Transportation project" means, in addition to public
6 highways and public transportation projects, any equipment, facility
7 or property useful or related to the provision of any ground,
8 waterborne, or air transportation for the movement of people and
9 goods including rail freight infrastructure, which equipment,
10 facility, or property may be acquired by purchase or lease.

11 **【q.】** "Transportation system" means public highways, public
12 transportation projects, other transportation projects, and all other
13 surface, airborne, and waterborne methods of transportation for the
14 movement of people and goods.

15 **【r.】** "Permitted maintenance" means, in relation to public
16 transportation projects, direct costs of work necessary for
17 preserving or maintaining the useful life of public transportation
18 projects, provided the work performed is associated with the
19 acquisition, installation and rehabilitation of components which are
20 not included in the normal operating maintenance of equipment and
21 facilities or replaced on a scheduled basis. The work shall ensure
22 the useful life of the project for not less than five years and shall not
23 include routine maintenance or inspection of equipment and
24 facilities that is conducted on a scheduled basis. This definition
25 shall not apply to the term "maintenance" as used in subsection l. of
26 this section. For purposes of this subsection, "permitted
27 maintenance" means, in relation to public highways, the direct costs
28 of work necessary for preserving or maintaining the useful life of
29 public highways, provided the work is not associated with the
30 regular and routine maintenance of public highways and their
31 components. The work shall ensure the useful life of the project for
32 not less than five years.

33 **s.** "Circle of Mobility" means an essential group of related transit
34 projects that include (1) the New Jersey Urban Core Project, as
35 defined in section 3031 of the "Intermodal Surface Transportation
36 Efficiency Act of 1991," Pub.L.102-240, and consisting of the
37 following elements: Secaucus Transfer, Kearny Connection,
38 Waterfront Connection, Northeast Corridor Signal System, Hudson
39 River Waterfront Transportation System, Newark-Newark
40 International Airport-Elizabeth Transit Link, a rail connection
41 between Penn Station Newark and Broad Street Station, Newark,
42 New York Penn Station Concourse, and the equipment needed to
43 operate revenue service associated with improvements made by the
44 project, and (2) the modification and reconstruction of the West
45 Shore Line in Bergen County connected to Allied
46 Junction/Secaucus Transfer Meadowlands Rail Center; the
47 construction of a rail station and associated components at the
48 Meadowlands Sports Complex; the modification and reconstruction

1 of the Susquehanna and Western Railway, as defined and provided
2 in section 3035 (a) of the "Intermodal Surface Transportation
3 Efficiency Act of 1991"; the modification and reconstruction of the
4 Lackawanna Cutoff Commuter Rail Line connecting Morris, Sussex
5 and Warren Counties to the North Jersey Transportation Rail
6 Centers; and commuter rail service in the central New Jersey region
7 terminating at the proposed Lakewood Transportation Center in
8 Ocean County or other location, as determined by the Board of the
9 New Jersey Transit Corporation, pursuant to a resolution of the
10 board providing for the achievement of a consensus among the
11 interested parties as to the direction of the proposed rail line;
12 provided, however, that this 2000 amendatory act shall not be
13 construed as affecting any priorities which may have been assigned
14 to any other project in the Circle of Mobility.

15 t. "Prior bonds" means bonds issued pursuant to the authorization
16 contained in P.L.1995, c.108 and P.L.2006, c.3 and any bonds
17 issued to refund such prior bonds.

18 u. "Transportation program bonds" means bonds issued pursuant
19 to the authorization contained in P.L.2012, c.13, and any bonds
20 issued to refund such transportation program bonds.】

21 (cf: P.L.2012, c.13, s.1)

22

23 2. Section 9 of P.L.1984, c.73 (C.27:1B-9) is amended to read as
24 follows:

25 9. a. The authority shall have the power and is hereby
26 authorized after November 15, 1984 and from time to time
27 thereafter to issue its bonds, notes or other obligations in principal
28 amounts as in the opinion of the authority shall be necessary to
29 provide for any of its corporate purposes, including the payment,
30 funding or refunding of the principal of, or interest or redemption
31 premiums on, any bonds, notes or other obligations issued by it,
32 whether the bonds, notes, obligations or interest to be funded or
33 refunded have or have not become due; and to provide for the
34 security thereof and for the establishment or increase of reserves to
35 secure or to pay the bonds, notes or other obligations or interest
36 thereon and all other reserves and all costs or expenses of the
37 authority incident to and necessary or convenient to carry out its
38 corporate purposes and powers; and in addition to its bonds, notes
39 and other obligations, the authority shall have the power to issue
40 subordinated indebtedness, which shall be subordinate in lien to the
41 lien of any or all of its bonds or notes. No resolution or other action
42 of the authority providing for the issuance of bonds, refunding
43 bonds, notes, or other obligations shall be adopted or otherwise
44 made effective by the authority without the prior approval in
45 writing of the Governor and the State Treasurer.

46 b. Except as may be otherwise expressly provided in the act or
47 by the authority:

1 (1) Every issue of bonds or notes shall be general obligations
2 payable out of any revenues or funds of the authority, subject only
3 to any agreements with the holders of particular bonds or notes
4 pledging any particular revenues or funds. The authority may
5 provide the security and payment provisions for its bonds or notes
6 as it may determine, including (without limiting the generality of
7 the foregoing) bonds or notes as to which the principal and interest
8 are payable from and secured by all or any portion of the revenues
9 of and payments to the authority, and other moneys or funds as the
10 authority shall determine, provided that for transportation program
11 bonds or notes issued in anticipation of such transportation program
12 bonds, only revenues dedicated pursuant to the New Jersey
13 Constitution, including Article VIII, Section II, paragraph 4, and
14 deposited into the "Transportation Trust Fund Account -
15 Subaccount for Debt Service for Transportation Program Bonds,"
16 may be used for such payment;

17 (2) In addition, the authority may issue notes, in anticipation of
18 the issuance of the bonds, provided that the issuance of such notes
19 shall be subject to the bonding limitations as provided in subsection
20 i. of this section, and the payment of such notes if issued in
21 anticipation of the issuance of transportation program bonds shall
22 be paid solely from revenues dedicated pursuant to the New Jersey
23 Constitution, including Article VIII, Section II, paragraph 4, and
24 deposited into the "Transportation Trust Fund Account -
25 Subaccount for Debt Service for Transportation Program Bonds."
26 The authority may also issue notes in anticipation of the receipt of
27 appropriations, grants, reimbursements or other funds, including
28 without limitation grants from the federal government for federal
29 aid highways or public transportation systems, the principal of or
30 interest on which, or both, shall be payable out of the proceeds of
31 appropriations, grants, reimbursements or other funds, including
32 without limitation grants from the federal government for federal
33 aid highways or public transportation systems. Such notes shall not
34 be subject to the bonding limitations as provided in subsection i. of
35 this section; and

36 (3) The authority may also enter into bank loan agreements,
37 lines of credit and other security agreements as authorized pursuant
38 to subsection h. of section 6 of P.L.1984, c.73 (C.27:1B-6) and
39 obtain for or on its behalf letters of credit in each case for the
40 purpose of securing its bonds, notes or other obligations or to
41 provide direct payment of any costs which the authority is
42 authorized to pay by this act and to secure repayment of any
43 borrowings under the loan agreement, line of credit, letter of credit
44 or other security agreement by its bonds, notes or other obligations
45 or the proceeds thereof or by any or all of the revenues of and
46 payments to the authority or by any appropriation, grant or
47 reimbursement to be received by the authority and other moneys or
48 funds as the authority shall determine, provided that for any such

1 agreements entered into in connection with transportation program
2 bonds issued pursuant to the authorization contained in subsection i.
3 of this section, or notes issued in anticipation of such transportation
4 program bonds, only revenues dedicated pursuant to the New Jersey
5 Constitution, including Article VIII, Section II, paragraph 4, and
6 deposited into the "Transportation Trust Fund Account -
7 Subaccount for Debt Service for Transportation Program Bonds,"
8 may be used for such payment.

9 c. Whether or not the bonds and notes are of the form and
10 character as to be negotiable instruments under the terms of Title
11 12A, Commercial Transactions, New Jersey Statutes, the bonds and
12 notes are hereby made negotiable instruments within the meaning of
13 and for all the purposes of Title 12A of the New Jersey Statutes.

14 d. Bonds or notes of the authority shall be authorized by a
15 resolution or resolutions of the authority and may be issued in one
16 or more series and shall bear the date, or dates, mature at the time
17 or times, bear interest at the rate or rates of interest per annum, be
18 in the denomination or denominations, be in the form, carry the
19 conversion or registration privileges, have the rank or priority, be
20 executed in the manner, be payable from the sources, in the medium
21 of payment, at the place or places within or without the State, and
22 be subject to the terms of redemption (with or without premium) as
23 the resolution or resolutions may provide. Bonds or notes may be
24 further secured by a trust indenture between the authority and a
25 corporate trustee within or without the State. All other obligations
26 of the authority shall be authorized by resolution containing terms
27 and conditions as the authority shall determine.

28 e. Bonds, notes or other obligations of the authority may be
29 sold at public or private sale at a price or prices and in a manner as
30 the authority shall determine, either on a negotiated or on a
31 competitive basis. Every bond, or refunding bond, issued on or
32 after the effective date of P.L.2006, c.3 (C.27:1B-22.2 et al.) shall
33 mature and be paid no later than 31 years from the date of the
34 issuance of that bond or refunding bond.

35 f. Bonds or notes may be issued and other obligations incurred
36 under the provisions of the act without obtaining the consent of any
37 department, division, commission, board, bureau or agency of the
38 State, other than the approval as required by subsection a. of this
39 section, and without any other proceedings or the happening of any
40 other conditions or other things than those proceedings, conditions
41 or things which are specifically required by the act.

42 g. Bonds, notes and other obligations of the authority issued or
43 incurred under the provisions of the act shall not be in any way a
44 debt or liability of the State or of any political subdivision thereof
45 other than the authority and shall not create or constitute any
46 indebtedness, liability or obligation of the State or of any political
47 subdivision or be or constitute a pledge of the faith and credit of the
48 State or of any political subdivision, but all bonds, notes and

1 obligations, unless funded or refunded by bonds, notes or other
2 obligations of the authority, shall be payable solely from revenues
3 or funds pledged or available for their payment as authorized in the
4 act. Each bond, note or other obligation shall contain on its face a
5 statement to the effect that the authority is obligated to pay the
6 principal thereof or the interest thereon only from revenues or funds
7 of the authority, and for transportation program bonds and
8 agreements securing such transportation program bonds only from
9 revenues dedicated pursuant to the New Jersey Constitution,
10 including Article VIII, Section II, paragraph 4, and deposited into
11 the "Transportation Trust Fund Account - Subaccount for Debt
12 Service for Transportation Program Bonds," and that neither the
13 State nor any political subdivision thereof is obligated to pay the
14 principal or interest and that neither the faith and credit nor the
15 taxing power of the State or any political subdivision thereof is
16 pledged to the payment of the principal of or the interest on the
17 bonds, notes or other obligations. For the purposes of this
18 subsection, political subdivision does not include the authority.

19 h. All expenses incurred in carrying out the provisions of the
20 act shall be payable solely from the revenues or funds provided or
21 to be provided under or pursuant to the provisions of the act and
22 nothing in the act shall be construed to authorize the authority to
23 incur any indebtedness or liability on behalf of or payable by the
24 State or any political subdivision thereof.

25 i. **【**The authority shall minimize debt incurrence by first
26 relying on appropriations and other revenues available to the
27 authority before incurring debt secured by State revenues to meet its
28 statutory purposes.**】** Commencing with the fiscal year beginning
29 July 1, 1995 and ending within the fiscal year beginning July 1,
30 2005, the authority shall not incur debt in any fiscal year in excess
31 of \$650,000,000, except that if that permitted amount of debt, or
32 any portion thereof, is not incurred in a fiscal year it may be
33 incurred in a subsequent fiscal year. Commencing with the fiscal
34 year beginning July 1, 2006 and ending with the fiscal year
35 beginning on July 1, 2010, the authority shall not incur debt for any
36 fiscal year in excess of \$1,600,000,000, reduced in each of those
37 fiscal years by the amount by which the appropriation of State funds
38 to the Transportation Trust Fund Account for that fiscal year shall
39 exceed \$895,000,000; provided, however, that if a portion of that
40 permitted amount of debt, less any reduction as provided above, is
41 not incurred in a fiscal year, an amount not greater than the unused
42 portion may be incurred in a subsequent fiscal year in addition to
43 the amount otherwise permitted. Debt permitted for the fiscal year
44 beginning July 1, 2006 may be incurred prior to July 1, 2006. The
45 authority shall not issue transportation program bonds in excess of
46 \$1,247,000,000 for the fiscal year beginning July 1, 2012, in excess
47 of \$849,200,000 for the fiscal year beginning July 1, 2013, in
48 excess of \$735,300,000 for the fiscal year beginning July 1, 2014,

1 and in excess of \$626,800,000 for the fiscal year beginning July 1,
2 2015, except that (1) if that permitted amount of transportation
3 program bonds, or any portion thereof, is not incurred in a fiscal
4 year, it may be issued in a subsequent fiscal year and (2) 30 percent
5 of the permitted amount of transportation program bonds for a fiscal
6 year may be issued in the fiscal year preceding such fiscal year
7 provided that (a) any transportation program bonds issued pursuant
8 to this paragraph shall be deducted from the authorization for the
9 fiscal year from which it was taken, and (b) the proceeds of any
10 such transportation program bonds shall not be encumbered until
11 the fiscal year from which the deduction of the authorization was
12 taken pursuant to this paragraph. Transportation program bonds
13 authorized to be issued for the fiscal year beginning July 1, 2012
14 may be issued prior to July 1, 2012. Commencing on the day that
15 Assembly Concurrent Resolution No.1 of 2015, a constitutional
16 amendment to Article VIII, section II, paragraph 4 of the New
17 Jersey Constitution, takes effect, and ending June 30, ²[2026]
18 2024², the authority shall not issue transportation program bonds in
19 excess of ²[\$15,000,000,000] \$12,000,000,000². Any increase in
20 this limitation shall only occur if so provided for by law. In
21 computing the foregoing limitation as to the amount of bonds the
22 authority may issue, the authority may exclude any bonds, notes or
23 other obligations, including subordinated obligations of the
24 authority, issued for refunding purposes; except that, any premiums
25 received in connection with the issuance of transportation program
26 bonds shall count against any limitation as to the amount of
27 transportation program bonds the authority may issue. The payment
28 of debt service on transportation program bonds and any
29 agreements issued in connection with such transportation program
30 bonds shall be paid solely from revenues dedicated pursuant to the
31 New Jersey Constitution, including Article VIII, Section II,
32 paragraph 4, and deposited into the "Transportation Trust Fund
33 Account - Subaccount for Debt Service for Transportation Program
34 Bonds."

35 j. Upon the decision by the authority to issue refunding bonds
36 pursuant to this section, and prior to the sale of those bonds, the
37 authority shall transmit to the Joint Budget Oversight Committee, or
38 its successor, a report that a decision has been made, reciting the
39 basis on which the decision was made, including an estimate of the
40 debt service savings to be achieved and the calculations upon which
41 the authority relied when making the decision to issue refunding
42 bonds. The report shall also disclose the intent of the authority to
43 issue and sell the refunding bonds at public or private sale and the
44 reasons therefor.

45 k. The Joint Budget Oversight Committee, or its successor,
46 shall have authority to approve or disapprove the sale of refunding
47 bonds as included in each report submitted in accordance with
48 subsection j. of this section. The committee shall approve or

1 disapprove the sale of refunding bonds within 10 business days
2 after physical receipt of the report. The committee shall notify the
3 authority in writing of the approval or disapproval as expeditiously
4 as possible.

5 l. No refunding bonds shall be issued unless the report has
6 been submitted to and approved by the Joint Budget Oversight
7 Committee, or its successor, as set forth in subsection k. of this
8 section.

9 m. Within 30 days after the sale of the refunding bonds, the
10 authority shall notify the Joint Budget Oversight Committee, or its
11 successor, of the result of that sale, including the prices and terms,
12 conditions and regulations concerning the refunding bonds, and the
13 actual amount of debt service savings to be realized as a result of
14 the sale of refunding bonds.

15 n. The Joint Budget Oversight Committee, or its successor,
16 shall, however, review all information and reports submitted in
17 accordance with this section and may, on its own initiative, make
18 observations and recommendations to the authority or to the
19 Legislature, or both, as it deems appropriate.

20 o. No refunding bonds shall be issued unless the authority shall
21 first determine that the present value of the aggregate principal of
22 and interest on the refunding bonds is less than the present value of
23 the aggregate principal of and interest on the outstanding bonds to
24 be refinanced, except that, for the purposes of this limitation,
25 present value shall be computed using a discount rate equal to the
26 yield of those refunding bonds, and yield shall be computed using
27 an actuarial method based upon a 360-day year with semiannual
28 compounding and upon the prices paid to the authority by the initial
29 purchasers of those refunding bonds.

30 (cf: P.L.2012, c.13, s.3)

31

32 3. Section 20 of P.L.1984, c.73 (C.27:1B-20) is amended to read
33 as follows:

34 20. There is hereby established in the General Fund an account
35 entitled "Transportation Trust Fund Account," which shall consist
36 of **[two]** three subaccounts entitled: "Transportation Trust Fund
37 Account - Subaccount for Debt Service for Prior Bonds," **[and]**
38 "Transportation Trust Fund Account - Subaccount for Debt Service
39 for Transportation Program Bonds," and "Transportation Trust
40 Fund Account - Subaccount for Capital Reserves." During the
41 fiscal year beginning July 1, 1984 and during each succeeding fiscal
42 year in which the authority has bonds, notes or other obligations
43 outstanding, the treasurer shall credit to the "Transportation Trust
44 Fund Account - Subaccount for Debt Service for Prior Bonds" a
45 portion of the revenues derived from the following, as determined
46 by the treasurer, and to the "Transportation Trust Fund Account -
47 Subaccount for Debt Service for Transportation Program Bonds"
48 and "Transportation Trust Fund Account - Subaccount for Capital

1 Reserves” only revenues dedicated pursuant to the New Jersey
2 Constitution, including Article VIII, Section II, paragraph 4, which
3 are also derived under subsection a. of this section and from the
4 petroleum products gross receipts and sales tax as set forth in
5 subsection d. of this section:

6 a. An amount equivalent to **[the]** all revenue derived from
7 **[\$0.105 per gallon from]** the collection of the tax imposed on the
8 sale of motor fuels pursuant to chapter 39 of Title 54 of the Revised
9 Statutes, as provided in Article VIII, Section II, paragraph 4 of the
10 State Constitution**],** provided, however, such amount during any
11 fiscal year shall not be less than \$483,000,000**];**

12 b. (Deleted by amendment, P.L.2000, c.73).

13 c. An amount equivalent to moneys received by the State in
14 accordance with contracts entered into with toll road authorities or
15 other State agencies, provided that effective with the fiscal year
16 beginning July 1, 1988 the amount so credited shall not be less than
17 **[\$24,500,000.00]** \$24,500,000 in any fiscal year.

18 The treasurer shall also credit to the "Transportation Trust Fund
19 Account - Subaccount for Debt Service for Prior Bonds," in
20 accordance with a contract between the treasurer and the authority,
21 an amount equivalent to the sum of the revenues due from the
22 increase of fees for motor vehicle registrations collected pursuant to
23 the amendment to R.S.39:3-20 made by section 32 of P.L.1984,
24 c.73 **[and from the increase in the tax on diesel fuels imposed**
25 **pursuant to the amendment to R.S.54:39-27 made by section 35 of**
26 **P.L.1984, c.73 and by P.L.1987, c.460, and as amended by section**
27 **18 of P.L.1992, c.23, and repealed by section 56 of P.L.2010, c.22**
28 **and now imposed pursuant to section 3 of P.L.2010, c.22 (C.54:39-**
29 **103)]** ²and from the increase in the tax on diesel fuels imposed
30 pursuant to the amendment to R.S.54:39-27 made by section 35 of
31 P.L.1984, c.73 and by P.L.1987, c.460, and as amended by section
32 18 of P.L.1992, c.23, and repealed by section 56 of P.L.2010, c.22
33 and now imposed pursuant to section 3 of P.L.2010, c.22 (C.54:39-
34 103)², provided that the total amount credited during the fiscal year
35 beginning July 1, 1984 shall not be less than **[\$20,000,000.00]**
36 \$20,000,000 and that the total amount credited during the fiscal
37 year beginning July 1, 1985 and during every fiscal year thereafter
38 shall not be less than **[\$30,000,000.00]** \$30,000,000.

39 In addition to the amounts credited to the account by this section,
40 commencing with the fiscal year beginning July 1, 1995 and every
41 fiscal year thereafter, there shall be appropriated from the General
42 Fund such additional amounts as are necessary to carry out the
43 provisions of this act and beginning July 1, 2000 the fees collected
44 pursuant to subsection a. of section 68 of P.L.1990, c.8 (C.17:33B-
45 63) shall be credited to the account for the purposes of this act,
46 provided, however, the amount credited from such fees during any
47 fiscal year shall not be less than \$60,000,000.

1 d. In addition to the amount credited in subsection a. of this
2 section~~[,]~~; beginning January 1 following approval by the voters an
3 amount equivalent to the revenue derived from the tax imposed on
4 the sale of petroleum products pursuant to P.L.1990, c.42
5 (C.54:15B-1 et seq.), provided, however, such amount shall not be
6 less than \$100,000,000 in the period January 1 through June 30
7 following approval by the voters and shall not be less than
8 \$200,000,000 in any fiscal year through the fiscal year commencing
9 July 1, 2015; and in the fiscal year commencing July 1, 2016, an
10 amount equivalent to all revenue derived from the sale of petroleum
11 products pursuant to P.L.1990, c.42 (C.54:15B-1 et seq.) and in
12 each year thereafter; and for the fiscal year commencing July 1,
13 2001 and for each fiscal year thereafter an amount equivalent to the
14 revenue derived from the tax imposed under the "Sales and Use Tax
15 Act," P.L.1966, c.30 (C.54:32B-1 et seq.) on the sale of new motor
16 vehicles, provided, however, that such amount shall not be less than
17 \$200,000,000 for the fiscal year commencing July 1, 2003 and for
18 each fiscal year thereafter, as provided in Article VIII, Section II,
19 paragraph 4 of the State Constitution.

20 No later than the fifth business day of the month following the
21 month in which a credit has been made, the treasurer shall pay to
22 the authority, for its purposes as provided herein, the amounts then
23 credited to the "Transportation Trust Fund Account - Subaccount
24 for Debt Service for Prior Bonds," ~~and~~ "Transportation Trust
25 Fund Account - Subaccount for Debt Service for Transportation
26 Program Bonds," and "Transportation Trust Fund Account -
27 Subaccount for Capital Reserves," provided that the payments to the
28 authority shall be subject to and dependent upon appropriations
29 being made from time to time by the Legislature of the amounts
30 thereof for the purposes of the act, and further provided that the
31 revenues deposited into the "Transportation Trust Fund Account -
32 Subaccount for Debt Service for Transportation Program Bonds"
33 and "Transportation Trust Fund Account - Subaccount for Capital
34 Reserves" shall consist solely of revenues which are dedicated
35 pursuant to the New Jersey Constitution, including Article VIII,
36 Section II, paragraph 4, and subsections a. and d. of this section.

37 ¹Commencing with the fiscal year beginning July 1, 2018
38 through the fiscal year commencing July 1, 2025, of the amounts
39 credited from the tax imposed on the sale of petroleum products
40 pursuant to P.L.1990, c.42 (C.54:15B-1 et seq.) pursuant to this
41 subsection, any amount of revenue collected per year that exceeds
42 the amount collected in the fiscal year beginning July 1, 2017, shall
43 only be appropriated for: (1) expanding the State's mass transit
44 system; or (2) making payments on authority debt, and further
45 provided that an appropriation made pursuant to paragraph (1) shall
46 be in addition to the appropriations already provided for in the
47 State's appropriation for mass transit.¹

1 In the event that the amount of appropriations and other revenues
2 made available to the authority are greater than the amount of
3 appropriations and other revenues needed to meet the statutory
4 purposes of the authority in a fiscal year, any of those additional
5 amounts, which are dedicated pursuant to the New Jersey
6 Constitution, including Article VIII, Section II, paragraph 4, and
7 subsections a. and d. of this section, may be deposited into the
8 “Transportation Trust Fund Account - Subaccount for Capital
9 Reserves.” Monies deposited in the “Transportation Trust Fund
10 Account - Subaccount for Capital Reserves” shall be held in reserve
11 as a means of ensuring the adequacy of funding to meet the future
12 statutory needs of the authority, and may be transferred to the other
13 subaccounts of the “Transportation Trust Fund Account” or to the
14 “Special Transportation Fund” through appropriation by the
15 Legislature for any statutory need of the authority.

16 (cf: P.L.2012, c.13, s.5)

17

18 4. Section 21 of P.L.1984, c.73 (C.27:1B-21) is amended to read
19 as follows:

20 21. a. There is hereby established a separate fund entitled
21 "Special Transportation Fund." This fund shall be maintained by the
22 State Treasurer and may be held in depositories as may be selected
23 by the treasurer and invested and reinvested as other funds in the
24 custody of the treasurer, in the manner provided by law. The
25 commissioner may from time to time (but not more frequently than
26 monthly) certify to the authority an amount necessary to fund
27 payments made, or anticipated to be made by or on behalf of the
28 department, from appropriations established for or made to the
29 department from revenues or other funds of the authority. The
30 commissioner's certification shall be deemed conclusive for
31 purposes of the act. The authority shall, within 15 days of receipt
32 of the certificate, transfer from available funds of the authority to
33 the treasurer for deposit in the Special Transportation Fund the
34 amount certified by the commissioner, provided that all funds
35 transferred shall only be expended by the department by project
36 pursuant to appropriations made from time to time by the
37 Legislature for the purposes of the act.

38 b. The department shall not expend any money except as
39 appropriated by law. Commencing with appropriations for the
40 fiscal years beginning on July 1, 1988, the department shall not
41 expend any funds, other than for permitted maintenance, except as
42 are appropriated by specific projects identified by a description of
43 the projects, the county or counties within which they are located,
44 and amounts to be expended on each project, in the annual
45 appropriations act. Funds expended for permitted maintenance may
46 be appropriated as one item of appropriation and subject to
47 allocation at the commissioner's discretion.

1 c. No funds appropriated, authorized, or expended pursuant to
2 this act shall be used to finance the resurfacing of highways by
3 department personnel, where that resurfacing would require the use
4 of more than 100,000 tons of bituminous concrete for that purpose
5 in any calendar year, except that the commissioner may waive this
6 provision when **[he]** the commissioner determines the existence of
7 emergency conditions requiring the use of department personnel for
8 the resurfacing of highways, after the department has effectively
9 reached the 100,000 ton limit.

10 d. In order to provide the department with flexibility in
11 administering the specific appropriations by project identified in the
12 annual appropriations act, the commissioner may transfer a part of
13 any item to any other item subject to the approval of the Director of
14 the Division of Budget and Accounting and of the Joint Budget
15 Oversight Committee or its successor. Upon approval of the
16 director and the committee, the transfer shall take effect.

17 e. Any federal funds which become available to the State for
18 transportation projects which have not been appropriated to the
19 department in the annual appropriations act, shall be deemed
20 appropriated to the department and may, subject to approval by the
21 Joint Budget Oversight Committee and the State Treasurer, be
22 expended for any purpose for which such funds are qualified.

23 f. There shall be no appropriations from the revenues and other
24 funds of the authority for regular and routine maintenance of public
25 highways and components thereof, or operational activities of the
26 department unrelated to the implementation of, and indirect costs
27 associated with, the capital program. The commissioner shall
28 include in his annual budget request sufficient funding to effectuate
29 the purposes of P.L.2000, c.73 (C.27:1B-21.14 et al.).

30 g. To the extent that salaries or overhead of the department or
31 the New Jersey Transit Corporation are charged to transportation
32 projects, each agency shall keep adequate and truthful personnel
33 records, and time charts to adequately justify each such charge, and
34 shall make those records available to the external auditor to the
35 authority.

36 h. The commissioner shall annually, on or before January 1 of
37 each fiscal year, report to the Governor and the Legislature how
38 much money was expended in the previous fiscal year for salaries
39 and overhead of the department and the New Jersey Transit
40 Corporation. However, the amount expended from the revenues
41 and other funds of the authority for salaries and overhead of the
42 department and the New Jersey Transit Corporation for the fiscal
43 year beginning July 1, 2006 **[and each fiscal year thereafter]**
44 through the fiscal year beginning July 1, 2015 shall not exceed 13
45 percent of the total funds appropriated from the revenues and other
46 nonfederal funds of the authority for those fiscal years, and shall
47 not exceed \$208,000,000 for the fiscal year beginning July 1, 2016
48 and each fiscal year thereafter.

1 i. No revenues or other funds of the authority shall be
2 expended for emergency response operations, the review of
3 applications for access permits under the State highway access
4 management code and membership fees or other fees connected
5 with membership in TRANSCOM, the Transportation Operations
6 Coordinating Committee.

7 j. Every project in which revenues or other funds of the
8 authority are expended shall be included on a website created by the
9 authority whose exclusive purpose shall be reporting on the status
10 of State and federal projects and serving as a singular location for
11 State and federal public documentation concerning those projects.
12 The website shall document the status of each project, presented in
13 tabular form outlining the budgeted amount, the amount spent and
14 committed, and the amount necessary to complete each project. The
15 website shall include a chart which compares the planned and actual
16 quarterly and cumulative expenditures for each project. The
17 website shall chronicle actions which have a bearing on the
18 progress of projects, including, but not limited to, awards for legal,
19 insurance, and engineering services, environmental review, public
20 involvement and outreach, property acquisitions, and construction
21 contracts. The website shall also include a description of any action
22 by an external regulatory agency such as the Department of
23 Environmental Protection, or any other party, which occurred
24 during the reporting period that affected the cost or timely
25 completion of any project in any manner. ²[If information]
26 Information² concerning ²[a] each² project ²[is not] shall be²
27 included and updated, at minimum, once per month ²[, then no
28 revenues or other funds of the authority may be expended upon that
29 project]².

30 k. There shall be a minimum appropriation from the revenues
31 and other funds of the authority of \$25,000,000 each fiscal year,
32 commencing with the fiscal year beginning July 1, 2016 for the
33 design, construction, reconstruction, rehabilitation, land acquisition,
34 and environmental mitigation of freight rail projects that: are
35 significant to port commerce connectivity; eliminate rail freight
36 missing links to port facilities; or upgrade freight rail trackage to a
37 286,000 pound load carrying capacity. The amount appropriated
38 pursuant to this subsection shall be inclusive of all amounts
39 annually appropriated for the New Jersey Rail Freight Assistance
40 Program.

41 (cf: P.L.2012, c.13, s.6)

42
43 5. Section 8 of P.L.1987, c.460 (C.27:1B-21.1) is amended to
44 read as follows:

45 8. a. Commencing with the **[report]** reports of the
46 commissioner, which shall include the Transportation Master Plan,
47 Statewide Capital Investment Strategy, Annual Transportation
48 Capital Program, Transportation Trust Fund Authority Financial

1 Plan, and Five-Year Capital Plan, as may be amended, required to
2 be submitted pursuant to section 22 of P.L.1984, c.73 (C.27:1B-22)
3 on or before March 1, 2006 and on each succeeding March 1
4 thereafter through March 1, 2015, the annual amount so reported by
5 the commissioner for proposed projects shall not exceed
6 \$1,600,000,000 exclusive of federal funds, and beginning with the
7 reports due March 1, 2016, and on each succeeding March
8 thereafter through March 1, ²[2025] 2023², the amount so reported
9 by the commissioner for proposed projects shall not exceed an
10 aggregate ²[\$20,000,000,000] \$16,000,000,000² over that ²[10]
11 eight² year period ¹[, plus any appropriations for mass transit
12 expansion from the additional annual amount of revenue derived
13 from the tax imposed on the sale of petroleum products pursuant to
14 P.L.1990, c.42 (C.54:15B-1 et seq.) which is greater than the
15 amount collected in the fiscal year beginning on July 1, 2017, and
16 not used for making payments on authority debt.]¹.

17 b. For the fiscal year beginning on July 1, 2006 and for each
18 fiscal year thereafter through the fiscal year beginning on July 1,
19 2011, the total annual amount authorized to be appropriated from
20 the revenues and other nonfederal funds of the New Jersey
21 Transportation Trust Fund Authority for the projects listed in the
22 appropriations act pursuant to section 21 of P.L.1984, c.73
23 (C.27:1B-21) shall not exceed \$1,600,000,000, all amounts
24 exclusive of federal funds. The total amount authorized to be
25 appropriated from the revenues and other nonfederal funds of the
26 New Jersey Transportation Trust Fund Authority for the projects
27 listed in the appropriations act pursuant to section 21 of P.L.1984,
28 c.73 (C.27:1B-21) shall not exceed: \$1,247,000,000 for the fiscal
29 year beginning on July 1, 2012; \$1,224,000,000 for the fiscal year
30 beginning on July 1, 2013; \$1,225,000,000 for the fiscal year
31 beginning on July 1, 2014; and \$1,247,000,000 for the fiscal year
32 beginning on July 1, 2015. The total amount authorized to be
33 appropriated from the revenues and other nonfederal funds of the
34 New Jersey Transportation Trust Fund Authority for the projects
35 listed in the appropriations act pursuant to section 21 of P.L.1984,
36 c.73 (C.27:1B-21) shall not exceed an aggregate
37 ²[\$20,000,000,000] \$16,000,000,000² in total for the fiscal years
38 beginning on July 1, 2016 through the fiscal year beginning on July
39 1, ²[2025] 2023². ¹[The total amount authorized pursuant to this
40 subsection shall be increased by any additional annual amount of
41 revenue derived from the tax imposed on the sale of petroleum
42 products pursuant to P.L.1990, c.42 (C.54:15B-1 et seq.) which is
43 greater than the amount collected in the fiscal year beginning on
44 July 1, 2017, provided that the additional amount collected is
45 appropriated for mass transit expansion and not for making
46 payments on authority debt.]¹

47 c. (Deleted by amendment, P.L.1991, c.40.)

48 d. (Deleted by amendment, P.L.1992, c.10).

1 e. The State Auditor shall provide for a unified annual audit of
2 expenditures from the "Special Transportation Fund," established
3 by section 21 of P.L.1984, c.73 (C.27:1B-21), in order to determine
4 that these funds are expended for costs eligible for funding from the
5 authority and in a manner consistent with appropriations made by
6 the Legislature. The findings of such audits shall be transmitted to
7 the presiding officer of each House of the Legislature, and to the
8 Chair of the Senate Budget and Appropriations Committee, the
9 Senate Transportation Committee, the Assembly Appropriations
10 Committee, and the Assembly Transportation and
11 **【Communications】** Independent Authorities Committee or their
12 successors.

13 f. The State Auditor shall review bond issuances of the
14 authority and report to the Joint Budget Oversight Committee and
15 to the members of the Senate Budget and Appropriations
16 Committee and the Assembly Appropriations Committee, or their
17 successors, on the status of the bonds of the authority and projects
18 financed from the proceeds of the bonds. The report shall include
19 the investment status of all unexpended bond proceeds and provide
20 a description of any bond issues expected during a fiscal year,
21 including type of issue, estimated amount of bonds to be issued and
22 the expected month of sale.

23 ¹【g. Commencing with the fiscal year beginning July 1, 2018
24 through the fiscal year beginning July 1, 2025, if in any fiscal year,
25 the amount of revenue collected from the tax imposed on the sale of
26 petroleum products pursuant to P.L.1990, c.42 (C.54:15B-1 et seq.)
27 exceeds the amount collected in the fiscal year beginning on July 1,
28 2017, then in that subsequent fiscal year the amount of that
29 difference shall be appropriated by the Legislature for
30 transportation projects that expand the mass transit system in this
31 State or for payments on authority debt. Any amount appropriated
32 for transportation projects that expand the mass transit system in
33 this State shall also increase the total amount that may be
34 appropriated pursuant to subsection b. of this section by that same
35 amount.】¹

36 (cf: P.L.2012, c.13, s.7)

37

38 6. Section 22 of P.L.1984, c.73 (C.27:1B-22) is amended to read
39 as follows:

40 22. The commissioner shall prepare and submit the following
41 reports to the Governor, the Legislature, and the **【Financial】**
42 Transportation Policy Review Board, established pursuant to
43 section 6 of P.L.2006, c.3 (C.27:1B-22.2) under the terms set forth
44 below: a Transportation Master Plan, a Statewide Capital
45 Investment Strategy, an Annual Transportation Capital Program, a
46 Transportation Trust Fund Authority Financial Plan, and a Five-
47 Year Capital Plan.

1 a. To the end that the transportation system of the State shall
2 be planned in an orderly and efficient manner and that the
3 Legislature shall be advised of the nature and extent of public
4 highways, public transportation projects and other transportation
5 projects contemplated to be financed under this act, the department
6 shall submit a master plan, as provided in subsection (a) of section
7 5 of P.L.1966, c.301 (C.27:1A-5). Notwithstanding the provisions
8 of that act, the plan shall be for a period of five years and shall be
9 submitted to the Commission on Capital Budgeting and Planning,
10 the Chairman of the Senate Transportation Committee and the
11 Chairman of the Assembly Transportation and **【Communications】**
12 Independent Authorities Committee, or their successors, and the
13 Legislative Budget and Finance Officer, and the metropolitan
14 planning organizations, on or before March 1, 2001, and at five-
15 year intervals thereafter. The master plan shall set the direction for
16 the department's overall Capital Investment Strategy and subsequent
17 annual Transportation Capital Programs submitted to the
18 Legislature for approval pursuant to this section. This master plan
19 shall, to the extent practicable, conform to all federal requirements
20 for Statewide transportation planning.

21 b. The Department of Transportation, in conjunction with the
22 New Jersey Transit Corporation, the New Jersey Turnpike
23 Authority, and the South Jersey Transportation Authority, shall
24 prepare a "Statewide Capital Investment Strategy" for at least a
25 five-year period which shall contain, at a minimum, a statement of
26 the goals of the department, the corporation, and the toll road
27 authorities in major selected policy areas and the means by which
28 the goals are to be attained during that period, using quantitative
29 measures where appropriate. The Statewide Capital Investment
30 Strategy may be updated and submitted no later than March 1 of
31 each year. The Statewide Capital Investment Strategy shall provide
32 for a multi-modal, intermodal, seamless, technologically advanced,
33 and secure transportation system. It shall recommend investment
34 for major program categories, set overall goals for investment in the
35 State's infrastructure, and develop program targets and performance
36 measures. It may rely on infrastructure management systems as
37 developed by the department to assess bridge conditions, pavement
38 conditions, bridge, traffic and pedestrian safety, traffic congestion
39 and public transit facilities. With respect to pavement conditions,
40 the department shall set as a priority the utilization of efficient cost-
41 effective materials and treatments as stated in section 9 of
42 P.L.2000, c.73 (C.27:1B-21.22). In the event that there exist
43 appropriate circumstances for the use of micro-surfacing and cold-
44 in-place recycling, the department shall establish as a special
45 priority the use of these materials and surface treatments. The goals
46 of the Capital Investment Strategy shall include, but not be limited
47 to, reduction of vehicular and pedestrian accidents, reduction in the
48 backlog of projects, including one-half of the structurally deficient

1 bridge repair projects and pavement deficiencies, and an increase in
2 lane miles of bicycle paths, with a goal of constructing an additional
3 1,000 lane miles of bicycle paths in five years to reduce traffic
4 congestion and for recreational uses. The construction of bicycle
5 and pedestrian lanes, paths and facilities shall be subject to no
6 stricter environmental requirements than are provided pursuant to
7 federal law and regulations for such lanes, paths and facilities,
8 notwithstanding the provisions to the contrary of State law and
9 regulations, including State Executive Order No. 215 of 1989. With
10 respect to the New Jersey Transit Corporation, the Statewide
11 Capital Investment Strategy shall deal with the corporation's overall
12 goal to keep the public transportation system in a state of good
13 repair and, more specifically, in the area of bus transportation,
14 present a strategy and a preliminary timetable for the replacement
15 of the current diesel bus fleet with a fleet of buses which have
16 reduced emission of air pollutants. The corporation shall consider
17 the feasibility of buses with improved pollution controls and that
18 reduce particulate emissions and buses powered by fuel other than
19 conventional diesel fuel, such as compressed natural gas vehicles,
20 hybrid vehicles, fuel cell vehicles, biodiesel vehicles, vehicles
21 operated on ultra low sulfur fuel, and vehicles operated on any other
22 bus fuel approved by the United States Environmental Protection
23 Agency[, and the like]. The corporation may consider as part of its
24 strategy, cooperative efforts with bus manufacturers, and the
25 solicitation of federal support, in developing a "clean bus" with air
26 pollution controls superior to currently available technology. For
27 the fiscal year beginning July 1, 2007 and each fiscal year
28 thereafter, all buses purchased by the New Jersey Transit
29 Corporation shall be buses with improved pollution controls and
30 that reduce particulate emissions, or buses powered by fuel other
31 than conventional diesel fuel, such as compressed natural gas
32 vehicles, hybrid vehicles, fuel cell vehicles, biodiesel vehicles,
33 vehicles operated on ultra low sulfur fuel, or vehicles operated on
34 any other bus fuel approved by the United States Environmental
35 Protection Agency[, and the like]. In the event that the corporation
36 is not able to meet the bus purchase requirements set forth in this
37 section with respect to any fiscal year, prior to the commencement
38 of the fiscal year, the board of the corporation shall, by resolution,
39 submit a report to the Legislature detailing its inability to meet the
40 requirements and the reasons therefor and shall submit the report to
41 the Senate and General Assembly when both houses are in session,
42 including therein a request to be exempted from the bus purchase
43 requirements of this section with regard to the fiscal year in
44 question. The President of the Senate and the Speaker of the
45 General Assembly shall cause the date of submission to be entered
46 upon the Senate Journal and the Minutes of the General Assembly.
47 If a joint resolution approving the exemption is passed by the
48 Legislature and signed by the Governor prior to the commencement

1 of the fiscal year in question, the corporation shall be exempt from
2 the requirements for that fiscal year.

3 In the fiscal year beginning on July 1, 2007 and in each fiscal
4 year thereafter, in the year prior to the year in which final
5 engineering is anticipated to start on any project which extends the
6 reach of the New Jersey Transit rail or light rail system, the New
7 Jersey Transit Corporation shall be required to identify and include
8 in the annual Statewide Capital Investment Strategy the required
9 State financial assistance to support operation of the incremental
10 service for the first three years and the projected fare box recovery
11 ratio at the commencement of the fourth year of operation of each
12 project.

13 The Statewide Capital Investment Strategy shall also detail the
14 planned investment of capital funds for public transportation
15 projects of companies other than the New Jersey Transit
16 Corporation engaged in the business of providing motor bus
17 transportation. The Statewide Capital Investment Strategy shall
18 demonstrate that such investment adequately addresses the finding
19 in section 2 of P.L.1979, c.150 (C.27:25-2) that in the provision of
20 public transportation services it is desirable to encourage to the
21 maximum extent feasible the participation of private enterprise.

22 c. On or before March 1 of each year, the commissioner shall
23 submit a report of general project categories and proposed projects
24 thereunder to be financed in the ensuing fiscal year, including
25 therewith a description of the projects, the county or counties and
26 municipality or municipalities within which they are to be located, a
27 distinction between State and local projects, **[and]** an identification
28 number for each project that can be used to cross reference any
29 project in the State's federal Statewide Transportation Improvement
30 Program, the project phase of work, investment category, project
31 sponsor, governmental entity with jurisdiction over the project and
32 associated infrastructure, the amount estimated to be expended on
33 each project in the year of appropriation, and an estimate of the
34 total project cost. This report shall be known as the "Annual
35 Transportation Capital Program" for the upcoming fiscal year. It
36 shall include proposed projects of both the Department of
37 Transportation and the New Jersey Transit Corporation. The
38 program shall be consistent with, and reflective of, the goals and
39 priorities of the Capital Investment Strategy and the program shall
40 include an explanation which demonstrates how it is consistent
41 with, and reflective of, the goals and priorities.

42 d. On or before March 1 of each year, the commissioner shall
43 also submit a "Transportation Trust Fund Authority Financial Plan"
44 designed to implement the financing of the proposed projects. The
45 financial plan shall contain an enumeration of the bonds, notes or
46 other obligations of the authority which the authority intends to
47 issue, including the amounts thereof and the conditions therefor.
48 The financial plan shall set forth a complete operating and financial

1 statement covering the authority's proposed operations during the
2 ensuing fiscal year, including amounts of income from all sources,
3 including but not limited to the proceeds of bonds, notes or other
4 obligations to be issued, as well as interest earned. In addition, the
5 plan shall contain proposed amounts to be appropriated and
6 expended, as well as amounts for which the department anticipates
7 to obligate during the ensuing fiscal year for any future
8 expenditures.

9 e. The Statewide Capital Investment Strategy, the Annual
10 Transportation Capital Program, and the Transportation Trust Fund
11 Authority Financial Plan shall be submitted to the Senate and
12 General Assembly. Within 45 days of the receipt thereof, the
13 Senate or the General Assembly may object in writing to the
14 commissioner in regard to any project or projects in the Annual
15 Transportation Capital Program it disapproves or which it is of the
16 opinion should be modified or added to or any additional or
17 alternative projects considered or in regard to any element of the
18 financial plan. The commissioner shall consider the objections and
19 recommendations and resubmit the report within 10 days,
20 containing therein any modifications based upon the commissioner's
21 consideration of the objections or recommendations.

22 f. In order that the Legislature shall be advised of the nature
23 and extent of public highways, public transportation projects, and
24 other transportation projects contemplated to be financed under this
25 act, the commissioner shall submit annually, together with the
26 Annual Transportation Capital Program, a Five-Year Capital Plan,
27 which shall set forth projects and programs anticipated to be funded
28 over the five-year period. The Five-Year Capital Plan shall, to the
29 extent practicable, conform to all federal requirements for Statewide
30 transportation capital programming.

31 (cf: P.L.2006, c.3, s.5)

32

33 7. Section 6 of P.L.2006, c.3 (C.27:1B-22.2) is amended to read
34 as follows:

35 6. There is hereby created in the Executive Branch of the State
36 Government, a body corporate and politic, with corporate succession,
37 to be known as the **【Financial】** Transportation Policy Review Board.
38 For the purpose of complying with the provisions of Article V, Section
39 IV, paragraph 1 of the New Jersey Constitution, the board is hereby
40 allocated within the Department of Transportation, but,
41 notwithstanding that allocation, the board shall be independent of any
42 supervision or control by the department or by any body or officer
43 thereof. The board is hereby constituted as an instrumentality of the
44 State exercising public and essential governmental functions, and the
45 exercise by the board of the powers conferred by this act shall be
46 deemed and held to be an essential governmental function of the State.

47 The board shall be comprised of **【five】** nine public members with
48 experience in transportation finance and policy. The Governor shall

1 appoint three of the members with the advice and consent of the
2 Senate, two of whom shall be experts that perform academic research
3 in the areas of transportation and public transportation policy,
4 planning, or engineering, and one of whom shall be an expert in the
5 area of transportation capital finance. The remaining members shall
6 be appointed by the Governor as follows: **【one】** two upon the **【joint】**
7 recommendation of the President of the Senate **【and】**, one upon the
8 recommendation of the Minority Leader of the Senate, **【and one】** two
9 upon the **【joint】** recommendation of the Speaker of the General
10 Assembly, and one upon the recommendation of the Minority **【leader】**
11 Leader of the General Assembly. Each member shall have a
12 professional background in passenger rail service, freight rail
13 management, transportation capital planning, transportation and public
14 transportation capital construction, federal transportation policy, State
15 transportation policy, or transportation capital finance. Each member
16 shall serve for a four-year term and shall serve until the member's
17 successor is appointed and qualified; provided, however, that in order
18 to achieve non-concurrent terms, of the members first appointed
19 pursuant to this section, two members appointed by the Governor shall
20 serve for four years; while the **【two】** three members appointed upon
21 the **【joint recommendation】** recommendations of the President of the
22 Senate and the Minority Leader of the Senate and the three members
23 appointed upon the **【joint recommendation】** recommendations of the
24 Speaker of the General Assembly and the Minority Leader of the
25 General Assembly shall serve for three years each, and the remaining
26 member appointed by the Governor shall serve for two years; and
27 further provided that any member serving on the effective date of
28 P.L. , c. (C.) (pending before the Legislature as this bill) shall
29 serve until the expiration of that member's term, notwithstanding the
30 criteria for appointment established pursuant to P.L. , c. ³(C.)
31 (pending before the Legislature as this bill)³. The **【Financial】**
32 Transportation Policy Review Board shall be deemed to be constituted
33 immediately upon appointment and qualification in the manner
34 provided in this section of at least **【three】** five members.

35 The purpose of the board is to assure fiscal discipline through
36 evaluating the financing of transportation; independently analyzing
37 and reporting on the cost effectiveness of spending in the
38 transportation capital program; conducting and commissioning
39 research on best practices in the areas of transportation and public
40 transportation construction, planning, finance, and engineering;
41 providing policy recommendations to the Legislature on the best ways
42 to organize the capital program and appropriate capital program funds;
43 and preparing an annual State of Condition of Transportation
44 Financing certification.

45 The board shall annually appear before the Senate Budget and
46 Appropriations Committee, or its successor, and the Assembly Budget
47 Committee, or its successor, and provide independent analysis of the

1 transportation capital program, provide comments on the cost
2 effectiveness of the program, evaluate the condition of the State
3 transportation system, and identify needed infrastructure investments.
4 The board shall annually appear before the Senate Transportation
5 Committee, or its successor, and the Assembly Transportation and
6 Independent Authorities Committee, or its successor, and report on
7 best practices ¹and cost savings¹ in areas related to transportation and
8 public transportation construction, planning, finance, infrastructure,
9 and governance. The board shall also make itself available to the
10 mentioned budget and transportation committees to conduct
11 research and provide recommendations on policy issues that those
12 committees request of the board. The board shall issue an annual
13 report on or before June 1 of each year which summarizes the work of
14 the board for the prior year, evaluates the reports issued by the
15 department pursuant to section 22 of P.L.1984, c.73 (¹C. ¹27:1B-22),
16 and provides independent recommendations for administering the
17 annual capital program.

18 The board shall be provided with a budget each year to be funded
19 through the capital program, and the budget shall be sufficient to allow
20 the board to commission independent research from academic and
21 other experts in the area of research to be conducted, to avail itself of
22 any professional or consultant services necessary to perform its
23 functions, and to complete the reports and certifications required
24 pursuant to this section.

25 The board may call to its assistance and avail itself of the services
26 of the employees of any State, county, or municipal department, board,
27 bureau, task force, or agency as it may require and as may be available
28 to it for its purposes, and to employ stenographic and clerical
29 assistance and incur traveling and other miscellaneous expenses
30 necessary to perform its duties, with the limits of funds appropriated or
31 otherwise made available to it for its purposes.

32 The board shall submit reports to the Governor, and to the
33 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) no
34 later than April 1, 2017 concerning the ¹ [

35 a.]¹ taxation of motor vehicles that are powered by a fuel source
36 that is not subject to the motor fuels tax ¹pursuant to¹ P.L.2010, c.22
37 (C.54:39-101 et seq.) or the petroleum products gross receipts tax
38 ¹pursuant to¹ P.L.1990, c.42 (C.54:15B-1 et seq.), including, but not
39 limited to electric vehicles and hydrogen fuel cell vehicles. The
40 report required pursuant to this subsection shall include
41 recommendations to the Legislature for a new system of taxation that
42 mandates that all vehicles operating on the highways of this State
43 contribute equitably to the cost of maintaining the State transportation
44 system ¹ [

45 b. relocation of utility company facilities that are located in, on,
46 along, over or under an infrastructure project, and require relocation in
47 order to accommodate the infrastructure project. The board shall
48 recommend a system that allows for optimal coordination between the

1 Department of Transportation and utility companies in a manner that
2 minimizes project delays that increase utility costs and infrastructure
3 project costs. The board shall investigate and report on utility
4 relocation process best practices in other states and the report required
5 pursuant to this subsection shall include a proposal for legislation
6 amending or replacing P.L.1983, c.283 (C.27:7-44.9)]¹.

7 The State of Condition of Transportation Financing certification
8 shall ensure that the financing and expenditures of the New Jersey
9 Transportation Trust Fund Authority (the "authority") adhere to certain
10 standards. The standards are: a. The bonding limitation as provided
11 in subsection i. of section 9 of P.L.1984, c.73 (C.27:1B-9). b. For the
12 fiscal year commencing July 1, 2007, the amount expended from the
13 revenues and other funds of the authority for permitted maintenance
14 shall not exceed the amount expended for permitted maintenance in
15 the fiscal year commencing July 1, 2006. c. The total amount
16 authorized to be appropriated from the revenues and other funds of the
17 authority for project costs commencing with the fiscal year beginning
18 July 1, 2007 through the fiscal year beginning July 1, 2015 shall not
19 exceed \$1,600,000,000 annually, and for the fiscal year beginning on
20 July 1, 2016 through the fiscal year beginning on July 1, ²[2025]
21 2023² shall not exceed an aggregate ²[\$20,000,000,000]
22 \$16,000,000,000² over that ²[10] eight² year period ¹[], plus any
23 additional annual amount of revenue derived from the tax imposed on
24 the sale of petroleum products pursuant to P.L.1990, c.42 (C.54:15B-1
25 et seq.) which is greater than the amount collected in the fiscal year
26 beginning on July 1, 2017, and not used for making payments on
27 authority debt]¹.

28 Commencing with the fiscal year beginning July 1, 2007, the board
29 shall submit to the Governor, the Legislature, and the commissioner on
30 an annual basis the State of Condition of Transportation Financing
31 certification as to the requirements of **[subsection a. of this section]**
32 certification standard a. referencing therein a certification with regard
33 to **[subsections b. and c. of this section]** certification standards b. and
34 c. to the extent feasible, given the other provisions of this section. The
35 certifications shall be based on the board's review of the State's fiscal
36 year final expenditures from the preceding fiscal year, including
37 bonding and expenditures from the annual independent audit of the
38 authority, and the amount of authority funds programmed for
39 permitted maintenance. If the capital program and its financing are
40 found to be in compliance, the first annual certification required by
41 this paragraph shall be submitted by February 1, 2008, after the
42 certification is concurred with by the members of the authority, and by
43 February 1 of each year thereafter. The board shall advise the
44 commissioner and the authority on February 1, 2008 and on each
45 succeeding February 1, if the board finds that the authority is not in
46 compliance with the bonding requirements as provided in
47 ³[subsection] certification standard³ a. of the section, and that a
48 corrective action plan is needed. The authority shall submit a

1 corrective action plan that would reduce its future bond sales to offset
2 the amount of excess bonding or to reduce future debt service
3 payments, or both, as the case may be. Upon approval of the
4 corrective action plan by the board, the certification shall be issued
5 with certain conditions. The Annual Transportation Capital Program
6 submitted to the Legislature for the forthcoming year shall be in
7 compliance with the provisions of the corrective action plan. If the
8 board does not approve the corrective action plan, the authority shall
9 submit a financial plan showing bonding only for existing projects,
10 noting that no bonds shall be issued for new projects shown in the
11 department's Annual Transportation Capital Program. The board shall
12 advise the commissioner on February 1, 2008 and on each succeeding
13 February 1, if the board finds that the Department of Transportation
14 has exceeded the limitation for the amount of authority funds spent on
15 permitted maintenance pursuant to **[subsection]** certification standard
16 b. of this section, or for the amount authorized to be appropriated for
17 project costs pursuant to **[subsection]** certification standard c. of this
18 section and that a corrective action plan is needed. The department
19 shall submit a corrective action plan that would offset the excess
20 amount spent, or the excess amount appropriated, in the prior year
21 with less funding for permitted maintenance or for projects, as the case
22 may be, in the proposed capital budget request. Upon approval of the
23 corrective action plan by the board, a certification as to these matters
24 shall be issued with certain conditions. The Annual Transportation
25 Capital Program submitted to the Legislature for the forthcoming year
26 shall be in compliance with the provisions of the corrective action
27 plan. If the board does not approve the corrective action plan, the
28 authority shall submit a financial plan showing bonding only for
29 existing projects, noting that no bonds shall be issued for new projects
30 shown in the department's Annual Transportation Capital Program.

31 (cf: P.L.2006, c.3, s.6)

32
33 8. (New section) a. There is hereby established in but not of the
34 Department of Transportation, a body corporate and politic, with
35 corporate succession, to be known as the Annual Transportation
36 Capital Program Approval Committee. For the purpose of
37 complying with the provisions of Article V, Section IV, paragraph 1
38 of the New Jersey Constitution, the committee is hereby allocated
39 within the Department of Transportation, but, notwithstanding that
40 allocation, the committee shall be independent of any supervision or
41 control by the department or by any body or officer thereof. The
42 committee is hereby constituted as an instrumentality of the State
43 exercising public and essential governmental functions, and the
44 exercise by the committee of the powers conferred by P.L. ,
45 c. (C.) (pending before the Legislature as this bill) shall be
46 deemed and held to be an essential governmental function of the
47 State.

1 b. (1) The committee shall be comprised of four members. One
2 member shall be the Commissioner of Transportation, or the
3 commissioner's designee, who shall serve ex-officio, and the
4 remaining three members shall be public members, each of whom is
5 to be appointed by the Governor upon the joint recommendation of
6 the President of the Senate and Speaker of the General Assembly;
7 one of whom shall be a resident of Salem, Cumberland, Cape May,
8 Atlantic, Gloucester, Camden, Burlington, or Ocean county; one of
9 whom shall be a resident of Monmouth, Mercer, Middlesex,
10 Hunterdon, Somerset, or Union county; and one of whom shall be a
11 resident of Warren, Sussex, Essex, Passaic, Morris, Hudson, or
12 Bergen county. Each public member shall serve a term of three
13 years, which shall run from August 1, of the year of appointment
14 until July 31 of the third year following appointment. The Annual
15 Transportation Capital Program Approval Committee shall be
16 deemed to be constituted immediately upon appointment and
17 qualification in the manner provided in this section of the three
18 public members.

19 (2) The purpose of the committee is to ensure that Legislative
20 input is provided in the process of selecting the transportation
21 capital projects to be funded annually through the Transportation
22 Trust Fund Account pursuant to P.L.1984, c.73 (C.27:1B-20), and
23 to prepare an Annual Transportation Capital Program Approval
24 Certification.

25 (3) Commencing with the fiscal year beginning July 1, 2017, the
26 board shall submit to the Governor and the Legislature on an annual
27 basis the Annual Transportation Capital Program Approval
28 Certification referencing therein a certification attested to by all
29 members of the committee that for the proposed projects of both the
30 Department of Transportation and the New Jersey Transit
31 Corporation included in the Annual Transportation Capital
32 Program, required pursuant to section 22 of P.L.1984, c.73 (27:1B-
33 22) and the list of projects proposed by the department for inclusion
34 in the State budget to be appropriated from the revenues and other
35 funds of the New Jersey Transportation Trust Fund Authority: (a)
36 the projects were developed with input from each member of the
37 committee; (b) that every member of the committee has been
38 granted access to all available information of the department
39 concerning each project; and that (c) each member of the committee
40 approves the inclusion of each project in the Annual Transportation
41 Capital Program and recommends that the project be included in the
42 list of projects to be appropriated from the revenues and other funds
43 of the New Jersey Transportation Trust Fund Authority in the
44 Annual Appropriations Act. The first annual certification required
45 by this subsection shall be submitted to the Governor and the
46 Legislature by March 1, 2017, after the certification has been
47 approved by every member of the committee, and by March 1 of
48 each year thereafter. The committee shall advise the authority on

1 July 1, 2017 and on each succeeding July 1, if members of the
 2 committee have failed to unanimously approve the Annual
 3 Transportation Capital Program Approval Certification. If no
 4 Annual Transportation Capital Program Approval Certification has
 5 been approved for a fiscal year, the Legislature shall not make any
 6 appropriation from the revenues and other funds of the authority for
 7 the financing of transportation projects in that fiscal year until the
 8 certification has been unanimously approved. Prior to approval of
 9 the certification, appropriations shall only be made for existing
 10 projects and for debt service on authority bonds.

11

12 9. Section 25 of P.L.1984, c.73 (C.27:1B-25) is amended to read
 13 as follows:

14 25. a. Notwithstanding the provisions of subtitle 4 of Title 27 of
 15 the Revised Statutes and P.L.1946, c.301 (C.27:15A-1 et seq.), the
 16 commissioner may, pursuant to appropriations or authorizations
 17 being made from time to time by the Legislature according to law,
 18 allocate to counties and municipalities funds for the planning,
 19 acquisition, engineering, construction, reconstruction, repair,
 20 resurfacing and rehabilitation of public highways and the planning,
 21 acquisition, engineering, construction, reconstruction, repair,
 22 maintenance and rehabilitation of public transportation projects and
 23 of other transportation projects which a county or municipality may
 24 be authorized by law to undertake.

25 b. The commissioner shall, pursuant to appropriations or
 26 authorizations being made from time to time by the Legislature
 27 according to law, allocate at his discretion State aid to counties and
 28 municipalities for transportation projects, except that the amount to
 29 be appropriated for this program shall be **【10%】** seven percent of
 30 the total amount appropriated **【for the total county and municipal**
 31 **aid programs】** pursuant to subsection d. of this section. This State
 32 aid shall be set aside prior to any formula allocations provided for
 33 in subsections c., d., **【and】** e., f., and g. of this section, and shall be
 34 known as the “Local Aid Infrastructure Fund.” In the fiscal year
 35 commencing July 1, 2016, any amount appropriated to the Local
 36 Aid Infrastructure Fund above \$7,500,000 shall be deposited into
 37 the State Transportation Infrastructure Bank Fund, established
 38 pursuant to section 39 of P.L. , c. (C.) (pending before the
 39 Legislature as this bill).

40 c. The commissioner shall, pursuant to appropriations or
 41 authorizations being made from time to time by the Legislature
 42 according to law and pursuant to the provisions of subsections b.
 43 and d. of this section, allocate State aid to municipalities for public
 44 highways under their jurisdiction. The amount to be appropriated
 45 shall be allocated on the basis of the following distribution factor:

$$46 \qquad \qquad \qquad \text{Pc} \qquad \qquad \text{Cm}$$

$$47 \qquad \text{DF} = \qquad \frac{\quad}{\text{Ps}} \qquad + \qquad \frac{\quad}{\text{Sm}}$$

$$48$$

1 where, DF equals the distribution factor

2 Pc equals county population

3 Ps equals State population

4 Cm equals municipal road mileage within the county

5 Sm equals municipal road mileage within the State.

6 After the amount of aid has been allocated based on the above
7 formula, the commissioner shall determine priority for the funding
8 of municipal projects within each county, based upon criteria
9 relating to volume of traffic, safety considerations, growth
10 potential, readiness to obligate funds, and local taxing capacity. In
11 addition to the above criteria used in determining priority of
12 funding of municipal projects in each county, the commissioner
13 shall consider whether a project is intended to remedy hazardous
14 conditions as identified for the purposes of providing transportation
15 pursuant to N.J.S.18A:39-1.2 for school pupils or to improve
16 pedestrian safety.

17 For the purposes of this subsection, (1) "population" means the
18 official population count as reported by the New Jersey Department
19 of Labor and Workforce Development; and (2) "municipal road
20 mileage" means that road mileage under the jurisdiction of
21 municipalities, as determined by the department.

22 d. There shall be appropriated at least \$175,000,000 for **【the】**
23 each fiscal year commencing July 1, 2006 through the fiscal year
24 commencing July 1, 2015, and \$400,000,000 for each fiscal year
25 commencing July 1, 2016 and for each fiscal year thereafter, for the
26 purposes provided herein and in subsections b., c. **【and】**, e., f., and
27 g. of this section. (1) Of that appropriation, the commissioner shall
28 allocate **【\$5,000,000.00】** 37.5 percent of the total appropriation as
29 State aid for municipalities pursuant to the provisions of subsection
30 c. of this section, provided that \$5,000,000 for each fiscal year
31 commencing July 1, 2006 through the fiscal year commencing July
32 1, 2015, and \$10,000,000 for each fiscal year commencing July 1,
33 2016 and for each fiscal year thereafter of the amount allocated as
34 State aid for municipalities shall be set aside and sub-allocated as
35 State aid to any municipality qualifying for aid pursuant to the
36 provisions of P.L.1978, c.14 (C.52:27D-178 et seq.). The
37 commissioner shall allocate the aid to each municipality in the same
38 proportion that the municipality receives aid under P.L.1978, c.14
39 (C.52:27D-178 et seq.). (2) **【The remaining amount of the**
40 appropriation shall be allocated pursuant to the provisions of
41 subsection c. of this section.】 **【The commissioner shall allocate 37.5**
42 percent of the total appropriation pursuant to the provisions of
43 subsection e. of this section for the Local County Aid Program. (3)
44 The commissioner shall allocate seven percent of the total
45 appropriation pursuant to the provisions of subsection b. of this
46 section for the “Local Aid Infrastructure Fund.” (4) The
47 commissioner shall allocate seven percent of the appropriation
48 pursuant to the provisions of subsection f. of this section for the

1 “Local Freight Impact Fund.” (5) The remaining 11 percent of the
2 appropriation shall be allocated pursuant to the provisions of
3 subsection g. of this section for the “Local Bridges Fund.”

4 e. The commissioner may, pursuant to appropriations or
5 authorizations being made from time to time by the Legislature
6 according to law, allocate additional funding to the Local County
7 Aid Program for public highway projects, in accordance with a
8 formula similar to that provided for in subsection c. of this section,
9 except that Cm equals road mileage under county jurisdiction and
10 Sm equals total county road mileage within the State.

11 f. The commissioner shall, pursuant to appropriations or
12 authorizations being made from time to time by the Legislature
13 according to law, allocate at the commissioner’s discretion, State
14 aid to counties and municipalities for transportation projects that
15 address the impacts of freight travel in local communities and on
16 local transportation infrastructure, except that the amount to be
17 appropriated for this program shall be seven percent of the total
18 amount appropriated pursuant to subsection d. of this section. This
19 State aid shall be set aside prior to any formula allocations provided
20 for in subsections c., d., e., and g. of this section, and shall be
21 known as the “Local Freight Impact Fund.”

22 g. The commissioner shall, pursuant to appropriations or
23 authorizations being made from time to time by the Legislature
24 according to law, allocate at the commissioner’s discretion, State
25 aid to counties and municipalities for transportation projects that
26 address the condition of bridges under the jurisdiction of counties
27 with an emphasis on repair and reconstruction of those with the
28 greatest structural deficiencies, except that the amount to be
29 appropriated for this program shall be 11 percent of the total
30 amount appropriated pursuant to subsection d. of this section. This
31 State aid shall be set aside prior to any formula allocations provided
32 for in subsections c., d., e., and f. of this section, and shall be
33 known as the “Local Bridges Fund.”

34 (cf: P.L.2012, c.13, s.9)

35

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

38 1. This act shall be known and may be cited as the “New Jersey
39 **【Environmental】** Infrastructure Trust Act.”

40 (cf: P.L.1997, c.224, s.2)

41

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

44 2. a. The Legislature finds that the steady deterioration of older
45 sewage and sewer systems and wastewater treatment plants
46 endangers the availability and quality of uncontaminated water
47 resources of the State, thereby posing a grave danger to the health,
48 safety and welfare of the residents of the concerned communities

1 and the State; that the construction, rehabilitation, operation, and
2 maintenance of modern and efficient sewer systems and wastewater
3 treatment plants are essential to protecting and improving the State's
4 water quality; that in addition to protecting and improving water
5 quality, adequate wastewater treatment systems are essential to
6 economic growth and development; that many of the wastewater
7 treatment systems in New Jersey must be replaced or upgraded if an
8 inexorable decline in water quality is to be avoided during the
9 coming decades; that the United States Congress in recognition of
10 the crucial role wastewater treatment systems and plants play in
11 maintaining and improving water quality, and with an
12 understanding that the cost of financing and constructing these
13 systems must be borne by local governments and authorities with
14 limited sources of revenues, established in the "Federal Water
15 Pollution Control Act Amendments of 1972," Pub.L.92-500 (33
16 U.S.C. s.1251 et al.) a program to provide local governments with
17 grants for constructing these systems; that during the last several
18 years the amount of federal grant money available to states and
19 local governments for assistance in constructing and improving
20 wastewater treatment systems has sharply diminished; that the
21 current level of federal grant funding is inadequate to meet the cost
22 of upgrading the State's wastewater treatment capacity to comply
23 with State water quality standards; that the collective needs of the
24 State and local governments for capital financing of wastewater
25 treatment systems far exceed the sums of money presently available
26 through revenue initiatives and State and federal aid programs; and
27 that it is fitting and proper for the State to encourage local
28 governments to undertake wastewater treatment projects through
29 the establishment of a State mechanism to provide loans at the
30 lowest reasonable interest rates and to guarantee or insure local
31 capital improvement bonds.

32 b. The Legislature finds that stormwater runoff and combined
33 sewer overflows are among the major sources of ocean pollution,
34 contributing to beach closings; that combined sewer systems
35 discharge untreated wastewater and stormwater into rivers, streams
36 and coastal waters during wet weather, resulting in water pollution;
37 that some combined sewer systems have deteriorated to the point
38 that overflows occur regularly, even during dry weather; that many
39 sewer systems are on inadequate repair and replacement programs,
40 which may cause disturbances at sewage treatment plants; that
41 many municipalities are under building moratoriums due to the
42 inadequacy of their sewage and stormwater collection systems,
43 which severely affect municipal budgets; and that large unmet
44 capital expenses exist for combined sewer system separation and
45 abatement projects.

46 The Legislature further finds that funding at the federal level for
47 wastewater treatment, stormwater management and combined sewer
48 system rehabilitation projects is insufficient; that State funds

1 available for these projects are inadequate to meet current needs;
2 that local revenues are insufficient to meet these expenses; and that
3 additional funding at the State level is necessary to meet this
4 financial obligation.

5 c. The Legislature finds that construction, rehabilitation,
6 operation and maintenance of modern and efficient water supply
7 facilities are essential to protecting and improving the State's water
8 quality; that the citizens of this State, in recognition of the crucial
9 role the construction of new and the upgrading of existing water
10 supply facilities play in maintaining and augmenting the natural
11 water resources of the State, and with an understanding that the cost
12 of financing and constructing these systems is beyond the limited
13 financial resource capabilities of local governments and authorities
14 and must be subsidized by the State and repaid through a system of
15 water supply user charges, approved the enactment of the "Water
16 Supply Bond Act of 1981" (P.L.1981, c.261); that the water supply
17 needs of the State are so great that the funds allocated for this
18 purpose from the "Water Supply Fund" established by that 1981
19 bond act should be augmented and maximized, to the extent
20 practicable, through the use of alternative methods of State
21 financing to offset the costs of water supply projects and for the
22 construction of new or the rehabilitation of antiquated or inadequate
23 existing water supply facilities; that the United States Congress in
24 recognition of the essential role that safe drinking water plays in
25 protecting the public health, and with an understanding that
26 financing, constructing and maintaining water systems that meet the
27 requirements of the "Safe Drinking Water Act," 42 U.S.C. s.300f et
28 seq. exceed the financial and technical capacity of the operators of
29 some water systems, has established in the "Safe Drinking Water
30 Act Amendments of 1996," P.L.104-182, a program to provide
31 public water systems with financial assistance to meet national
32 primary drinking water regulations or to otherwise further the
33 health protection objectives of the federal law and that the State
34 must, in order to make use of the federal funds, provide State funds
35 for the program; and therefore, State funding for the program is
36 necessary to meet this financial obligation.

37 d. The Legislature finds that the transportation infrastructure of
38 the State is among the most heavily used in the nation and has
39 deteriorated in recent years, with parts of the highway system
40 reaching the end of their useful lives.

41 e. The Legislature finds that capital projects for roadways and
42 bridges are essential to protecting and improving the State's
43 transportation system; that construction of new and the upgrading of
44 existing roadways and bridges play a critical role in the
45 transportation needs of the State, and with an understanding that the
46 cost of financing and constructing these systems is beyond the
47 limited financial resource capabilities of local governments and
48 authorities and must be subsidized by the State and Federal

1 government; that the United States Congress has established "State
2 Infrastructure Bank" programs to provide funding for transportation
3 systems (23 U.S.C.610) and that the State must, in order to make
4 use of the federal funds, provide State funds for the program; and
5 therefore, State funding for the program is necessary to meet this
6 financial obligation.

7 f. The Legislature therefore determines that it is in the public
8 interest to establish a State authority authorized to issue bonds,
9 notes and other obligations and to establish any reserve funds
10 necessary therefor, and to make loans to and guarantee debt
11 incurred by local government units for environmental and
12 transportation infrastructure projects.

13 (cf: P.L.1997, c.224, s.3)

14
15 12. Section 3 of P.L.1985, c.334 (C.58:11B-3) is amended to
16 read as follows:

17 3. As used in sections 1 through 27 of P.L.1985, c.334
18 (C.58:11B-1 through C.58:11B-27) **[and]**, sections 23 through 27
19 of P.L.1997, c.224 (C.58:11B-10.1 et al.), and sections 27 and 39
20 through 43 of P.L. , c. (C.) (pending before the Legislature
21 as this bill):

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

25 **["Combined sewer system" means a sewer system designed to**
26 carry sanitary wastewater at all times, which is also designed to
27 collect and transport stormwater runoff from streets and other
28 sources, thereby serving a combined purpose;]

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

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

36 "Commissioner" means the Commissioner of the Department of
37 Environmental Protection;

38 "Cost" means the cost of all labor, materials, machinery and
39 equipment, lands, property, rights and easements, financing
40 charges, interest on bonds, notes or other obligations, plans and
41 specifications, surveys or estimates of costs and revenues,
42 engineering and legal services, and all other expenses necessary or
43 incident to all or part of an environmental infrastructure project;

44 "Department" means the Department of Environmental
45 Protection;

46 "Environmental infrastructure project" means the acquisition,
47 construction, improvement, repair or reconstruction of all or part of
48 any structure, facility or equipment, or real or personal property

1 necessary for or ancillary to any: (1) wastewater treatment system
2 project, including any stormwater management or combined sewer
3 overflow abatement projects; or (2) water supply project, as
4 authorized pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.) or
5 P.L.1997, c.224 (C.58:11B-10.1 et al.), including any water
6 resources project, as authorized pursuant to P.L.2003, c.162;

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

11 "Local government unit" means (1) a State authority, county,
12 municipality, municipal, county or regional sewerage or utility
13 authority, municipal sewerage district, joint meeting, improvement
14 authority, or any other political subdivision of the State authorized
15 to construct, operate, and maintain wastewater treatment systems;
16 **【or】** (2) a State authority, district water supply commission, county,
17 municipality, municipal, county or regional utilities authority,
18 municipal water district, joint meeting, or any other political
19 subdivision of the State authorized pursuant to law to operate or
20 maintain a public water supply system or to construct, rehabilitate,
21 operate, or maintain water supply facilities or otherwise provide
22 water for human consumption; or (3) a county, municipality,
23 municipal, county or regional transportation authority, or any other
24 political subdivision of the State authorized to construct, operate,
25 and maintain public highways or transportation projects as defined
26 pursuant to this section;

27 "Notes" means notes issued by the trust pursuant to P.L.1985,
28 c.334 (C.58:11B-1 et seq.) **【or】**, P.L.1997, c.224 (C.58:11B-10.1 et
29 al.), or sections 27 and 39 through 43 of P.L. _____, c. _____
30 (pending before the Legislature as this bill);

31 "Onsite septic system ordinance or regulation" means an
32 ordinance adopted by a municipality or county or regulation
33 adopted by a regional planning agency establishing the
34 requirements for construction, maintenance and repair of onsite
35 wastewater treatment and disposal systems;

36 "Onsite wastewater treatment and disposal system" means an on-
37 site system designed to treat and dispose of domestic sewage;

38 "Other assistance" means forms of financial assistance, in
39 addition to loans, authorized by the New Jersey Infrastructure Bank
40 from the State Transportation Infrastructure Bank Fund, including,
41 but not limited to, use of funds to: provide credit enhancements;
42 serve as a capital reserve for bond or other debt instrument
43 financing; subsidize interest rates; ensure the issuance of letters of
44 credit and credit instruments; finance purchase and lease
45 agreements with respect to transit projects; and provide bond or
46 other debt financing instrument security;

47 "Project" **【or "environmental infrastructure project"】** means the
48 acquisition, construction, improvement, repair or reconstruction of

1 all or part of any structure, facility, or equipment, or real or
2 personal property necessary for or ancillary to any: (1) wastewater
3 treatment system project, including any stormwater management or
4 combined sewer overflow abatement projects; **or** (2) water supply
5 project, as authorized pursuant to P.L.1985, c.334 (C.58:11B-1 et
6 seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.), including any water
7 resources project, as authorized pursuant to P.L.2003, c.162~~[,]~~; or
8 (3) transportation project authorized pursuant to sections 27 and 39
9 through 43 of P.L. , c. (C.) (pending before the Legislature
10 as this bill);

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

21 "Public water utility" means any investor-owned water company
22 or small water company;

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

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

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

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

44 "Wastewater" means residential, commercial, industrial, or
45 agricultural liquid waste, sewage, septage, stormwater runoff, or
46 any combination thereof, or other liquid residue discharged or
47 collected into a sewer system or stormwater management system, or
48 any combination thereof;

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

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

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

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

1 preservation and protection of these resources and facilities,
2 whether in public or private ownership, and providing for the
3 conservation and development of future water supply resources, and
4 facilitating incidental recreational uses thereof;

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

17 (cf: P.L.2009, c.103, s.1)

18

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

21 4. a. There is established in, but not of, the Department of
22 **【Environmental Protection】** the Treasury a body corporate and
23 politic, with corporate succession, to be known as the "New Jersey
24 **【Environmental】** Infrastructure **【Trust】** Bank." The trust is
25 constituted as an instrumentality of the State exercising public and
26 essential governmental functions, no part of whose revenues shall
27 accrue to the benefit of any individual, and the exercise by the trust
28 of the powers conferred by the provisions of P.L.1985, c.334
29 (C.58:11B-1 et seq.) **【or】** , P.L.1997, c.224 (C.58:11B-10.1 et al.),
30 or sections 27 and 39 through 43 of P.L. , c. (C.) (pending
31 before the Legislature as this bill), shall be deemed and held to be
32 an essential governmental function of the State.

33 b. The trust shall consist of a **【seven-member】** 10 member
34 board of directors composed of the State Treasurer, the
35 Commissioner of the Department of Community Affairs, the
36 Commissioner of the Department of Transportation, and the
37 Commissioner of the Department of Environmental Protection, who
38 shall be members ex officio; **【one person】** two people appointed by
39 the Governor upon the recommendation of the President of the
40 Senate, and **【one person】** two people appointed by the Governor
41 upon the recommendation of the Speaker of the General Assembly,
42 who shall serve during the two-year legislative term in which they
43 are appointed; and two residents of the State appointed by the
44 Governor with the advice and consent of the Senate, who shall serve
45 for terms of four years, except that the first two appointed shall
46 serve terms of two and three years respectively. Each appointed
47 director shall serve until **【his】** that director's successor has been
48 appointed and qualified. A director is eligible for reappointment.

1 Any vacancy shall be filled in the same manner as the original
2 appointment, but for the unexpired term only.

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

21 c. Each appointed director may be removed from office by the
22 Governor for cause, upon the Governor's consideration of the
23 findings and recommendations of an administrative law judge after
24 a public hearing before the judge, and may be suspended by the
25 Governor pending the completion of the hearing. Each director,
26 before entering upon **[his]** the director's duties, shall take and
27 subscribe an oath to perform the duties of **[his]** the director's office
28 faithfully, impartially and justly to the best of **[his]** the director's
29 ability. A record of oaths shall be filed in the office of the Secretary
30 of State.

31 d. The Governor shall designate one of the appointed members
32 to be the **[chairman]** chairperson and chief executive officer of the
33 trust and the directors shall biannually elect a **[vice-chairman]**
34 vice-chairperson from among the appointed directors. The
35 **[chairman]** chairperson shall serve as such for a term of two years
36 and until a successor has been designated. A **[chairman]**
37 chairperson shall be eligible **[to succeed himself]** for one additional
38 two-year term as chairperson. The directors shall elect a secretary
39 and treasurer, who need not be directors, and the same person may
40 be elected to serve as both secretary and treasurer.

41 The powers of the trust are vested in the directors in office from
42 time to time and **[four]** six directors shall constitute a quorum at
43 any meeting. Action may be taken and motions and resolutions
44 adopted by the trust by the affirmative majority vote of those
45 directors present, but in no event shall any action be taken or
46 motions or resolutions adopted without the affirmative vote of at
47 least **[four members]** six directors. No vacancy on the board of

1 directors of the trust shall impair the right of a quorum of the
2 directors to exercise the powers and perform the duties of the trust.

3 e. Each director and the treasurer of the trust shall execute a
4 bond to be conditioned upon the faithful performance of the duties
5 of the director or treasurer in a form and amount as may be
6 prescribed by the State Treasurer. Bonds shall be filed in the office
7 of the Secretary of State. At all times thereafter, the directors and
8 treasurer shall maintain these bonds in full effect. All costs of the
9 bonds shall be borne by the trust.

10 f. The directors of the trust shall serve without compensation,
11 but the trust shall reimburse the directors for actual and necessary
12 expenses incurred in the performance of their duties.
13 Notwithstanding the provisions of any other law to the contrary, no
14 officer or employee of the State shall be deemed to have forfeited or
15 shall forfeit **【his】** the officer's or employee's office or employment
16 or any benefits or emoluments thereof by reason of **【his】** the
17 officer's or employee's acceptance of the office of ex officio
18 director of the trust or **【his】** the ex officio director's services
19 thereon.

20 g. Each ex officio director may designate an officer of **【his】**
21 the ex officio director's department to represent **【him】** the ex
22 officio director at meetings of the trust. Each designee may lawfully
23 vote and otherwise act on behalf of the director for whom **【he】** the
24 person constitutes the designee. The designation shall be delivered
25 in writing to the trust and shall continue in effect until revoked or
26 amended in writing and delivered to the trust.

27 h. The trust may be dissolved by law; provided the trust has no
28 debts or obligations outstanding or that provision has been made for
29 the payment or retirement of these debts or obligations. The trust
30 shall continue in existence until dissolved by act of the Legislature.
31 Upon any dissolution of the trust, all property, funds and assets of
32 the trust shall be vested in the State.

33 i. A true copy of the minutes of every meeting of the trust shall
34 be forthwith delivered by and under the certification of the secretary
35 thereof to the Governor and at the same time to the Senate and
36 General Assembly. The time and act of this delivery shall be duly
37 recorded on a delivery receipt. No action taken or motion or
38 resolution adopted at a meeting by the trust shall have effect until
39 10 days, exclusive of Saturdays, Sundays and public holidays, after
40 a copy of the minutes has been delivered to the Governor, unless
41 during the 10-day period the Governor shall approve all or part of
42 the actions taken or motions or resolutions adopted, in which case
43 the action or motion or resolution shall become effective upon the
44 approval.

45 If, in the 10-day period, the Governor returns the copy of the
46 minutes with a veto of any action taken by the trust or any member
47 thereof at that meeting, the action shall be of no effect. The Senate
48 or General Assembly shall have the right to provide written

1 comments concerning the minutes to the Governor within the 10-
2 day period, which comments shall be returned to the trust by the
3 Governor with **[his]** the Governor's approval or veto of the
4 minutes.

5 The powers conferred in this subsection upon the Governor shall
6 be exercised with due regard for the rights of the holders of bonds,
7 notes and other obligations of the trust at any time outstanding, and
8 nothing in, or done pursuant to, this subsection shall in any way
9 limit, restrict or alter the obligation or powers of the trust or any
10 representative or officer of the trust to carry out and perform each
11 covenant, agreement, or contract made or entered into by or on
12 behalf of the trust with respect to its bonds, notes, or other
13 obligations or for the benefit, protection or security of the holders
14 thereof.

15 j. No resolution or other action of the trust providing for the
16 issuance of bonds, refunding bonds, notes or other obligations shall
17 be adopted or otherwise made effective by the trust without the
18 prior approval in writing of the Governor and the State Treasurer.
19 The trust shall provide the Senate and General Assembly with
20 written notice of any request for approval of the Governor and State
21 Treasurer at the time the request is made, and shall also provide the
22 Senate and General Assembly written notice of the response of the
23 Governor and State Treasurer at the time that the response is
24 received by the trust.

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

26

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

29 5. Except as otherwise limited by the provisions of P.L.1985,
30 c.334 (C.58:11B-1 et seq.) **[or]**, P.L.1997, c.224 (C.58:11B-10.1 et
31 al.), or sections 27 and 39 through 43 of P.L. , c. (C.)
32 (pending before the Legislature as this bill), the trust may:

33 a. Make and alter bylaws for its organization and internal
34 management and, subject to agreements with holders of its bonds,
35 notes or other obligations, make rules and regulations with respect
36 to its operations, properties and facilities;

37 b. Adopt an official seal and alter it;

38 c. Sue and be sued;

39 d. Make and enter into all contracts, leases and agreements
40 necessary or incidental to the performance of its duties and the
41 exercise of its powers under the provisions of P.L.1985, c.334
42 (C.58:11B-1 et seq.) **[or]**, P.L.1997, c.224 (C.58:11B-10.1 et al.),
43 or sections 27 and 39 through 43 of P.L. , c. (C.) (pending
44 before the Legislature as this bill), and subject to any agreement
45 with the holders of the trust's bonds, notes or other obligations,
46 consent to any modification, amendment or revision of any contract,
47 lease or agreement to which the trust is a party;

- 1 e. Enter into agreements or other transactions with and accept,
2 subject to the provisions of section 23 of P.L.1985, c.334
3 (C.58:11B-23), grants, appropriations and the cooperation of the
4 State, or any State agency, in furtherance of the purposes of
5 P.L.1985, c.334 (C.58:11B-1 et seq.) **【or】**, P.L.1997, c.224
6 (C.58:11B-10.1 et al.), or sections 27 and 39 through 43 of P.L. ,
7 c. (C.) (pending before the Legislature as this bill), and do
8 anything necessary in order to avail itself of that aid and
9 cooperation;
- 10 f. Receive and accept aid or contributions from any source of
11 money, property, labor or other things of value, to be held, used and
12 applied to carry out the purposes of P.L.1985, c.334 (C.58:11B-1 et
13 seq.) **【or】**, P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 27
14 and 39 through 43 of P.L. , c. (C.) (pending before the
15 Legislature as this bill), subject to the conditions upon which that
16 aid and those contributions may be made, including, but not limited
17 to, gifts or grants from any department or agency of the State, or
18 any State agency, for any purpose consistent with the provisions of
19 P.L.1985, c.334 (C.58:11B-1 et seq.) **【or】**, P.L.1997, c.224
20 (C.58:11B-10.1 et al.), or sections 27 and 39 through 43 of P.L. ,
21 c. (C.) (pending before the Legislature as this bill), subject to
22 the provisions of section 23 of P.L.1985, c.334 (C.58:11B-23);
- 23 g. Acquire, own, hold, construct, improve, rehabilitate,
24 renovate, operate, maintain, sell, assign, exchange, lease, mortgage
25 or otherwise dispose of real and personal property, or any interest
26 therein, in the exercise of its powers and the performance of its
27 duties under the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.)
28 **【or】**, P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 27 and 39
29 through 43 of P.L. , c. (C.) (pending before the Legislature
30 as this bill);
- 31 h. Appoint and employ an executive director and any other
32 officers or employees as it may require for the performance of its
33 duties, without regard to the provisions of Title 11A of the New
34 Jersey Statutes;
- 35 i. Borrow money and issue bonds, notes and other obligations,
36 and secure the same, and provide for the rights of the holders
37 thereof as provided in the provisions of P.L.1985, c.334 (C.58:11B-
38 1 et seq.) **【or】**, P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections
39 27 and 39 through 43 of P.L. , c. (C.) (pending before the
40 Legislature as this bill);
- 41 j. Subject to any agreement with holders of its bonds, notes or
42 other obligations, invest moneys of the trust not required for
43 immediate use, including proceeds from the sale of any bonds, notes
44 or other obligations, in any obligations, securities and other
45 investments in accordance with the rules and regulations of the
46 State Investment Council or as may otherwise be approved by the
47 Director of the Division of Investment in the Department of the

1 Treasury upon a finding that such investments are consistent with
2 the corporate purposes of the trust;

3 k. Procure insurance to secure the payment of its bonds, notes
4 or other obligations or the payment of any guarantees or loans made
5 by it in accordance with the provisions of P.L.1985, c.334
6 (C.58:11B-1 et seq.) **[or]**, P.L.1997, c.224 (C.58:11B-10.1 et al.),
7 or sections 27 and 39 through 43 of P.L. , c. (C.) (pending
8 before the Legislature as this bill), or against any loss in connection
9 with its property and other assets and operations, in any amounts
10 and from any insurers as it deems desirable;

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

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

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

28 (3) Make and contract to make loans to private persons other
29 than local government units, or to any other person or local
30 government unit on behalf of a private person, to finance the cost of
31 onsite wastewater treatment and disposal systems or stormwater
32 management systems in accordance with the provisions of
33 P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-
34 10.1 et al.);

35 (4) Make and contract to make loans and provide other
36 assistance to one or more local government units or consortia
37 thereof to finance the cost of transportation projects in accordance
38 with the provisions of the federal infrastructure bank program and
39 pursuant to sections 27 and 39 through 43 of P.L. , c. (C.)
40 (pending before the Legislature as this bill);

41 n. Subject to any agreement with holders of its bonds, notes or
42 other obligations, purchase bonds, notes and other obligations of the
43 trust and hold the same for resale or provide for the cancellation
44 thereof, all in accordance with the provisions of P.L.1985, c.334
45 (C.58:11B-1 et seq.) **[or]**, P.L.1997, c.224 (C.58:11B-10.1 et al.),
46 or sections 27 and 39 through 43 of P.L. , c. (C.) (pending
47 before the Legislature as this bill);

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

11 (2) Any fees and charges collected by the trust pursuant to this
12 subsection may be deposited and maintained in a special fund
13 separate from any other funds held by the trust pursuant to section
14 10 of P.L.1985, c.334 (C.58:11B-10) or section 23 of P.L.1997,
15 c.224 (C.58:11B-10.1), including the Emergency Loan Fund
16 established pursuant to section 4 of P.L.2007, c.138 (C.58:11B-9.1),
17 and shall be available for any corporate purposes of the trust,
18 including the Emergency Financing Program pursuant to section 4
19 of P.L.2007, c.138 (C.58:11B-9.1);

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

29 q. Provide to local government units any financial and credit
30 advice as these local government units may request;

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

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

36 (cf: P.L.2009, c.103, s.2)

37

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

40 6. a. Except as may be otherwise expressly provided in the
41 provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) **[or]** P.L.1997,
42 c.224 (C.58:11B-10.1 et al.), or sections 27 and 39 through 43 of
43 P.L. , c. (C.) (pending before the Legislature as this bill),
44 the trust may from time to time issue its bonds, notes, or other
45 obligations in any principal amounts as in the judgment of the trust
46 shall be necessary to provide sufficient funds for any of its
47 corporate purposes, including the payment, funding, or refunding of
48 the principal of, or interest or redemption premiums on, any bonds,

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

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

15 c. Bonds, notes or other obligations of the trust shall be
16 authorized by a resolution or resolutions of the trust and may be
17 issued in one or more series and shall bear any date or dates, mature
18 at any time or times, bear interest at any rate or rates of interest per
19 annum, be in any denomination or denominations, be in any form,
20 either coupon, registered or book entry, carry any conversion or
21 registration privileges, have any rank or priority, be executed in any
22 manner, be payable in any coin or currency of the United States
23 which at the time of payment is legal tender for the payment of
24 public and private debts, at any place or places within or without
25 the State, and be subject to any terms of redemption by the trust or
26 the holders thereof, with or without premium, as the resolution or
27 resolutions may provide. A resolution of the trust authorizing the
28 issuance of bonds, notes or other obligations may provide that the
29 bonds, notes or other obligations be secured by a trust indenture
30 between the trust and a trustee, vesting in the trustee any property,
31 rights, powers and duties in trust consistent with the provisions of
32 P.L.1985, c.334 (C.58:11B-1 et seq.) **[or]**, P.L.1997, c.224
33 (C.58:11B-10.1 et al.), or sections 27 and 39 through 43 of P.L. ,
34 c. (C.)(pending before the Legislature as this bill) as the trust
35 may determine.

36 d. Bonds, notes or other obligations of the trust may be sold at
37 any price or prices and in any manner as the trust may determine.
38 Each bond, note or other obligation shall mature and be paid not
39 later than 30 years for environmental infrastructure projects, and 31
40 years for transportation projects, from the effective date thereof, or
41 the certified useful life of the project or projects to be financed by
42 the bonds, whichever is less, or a shorter period of time as may be
43 applicable to any companion loan issued pursuant to federal law or
44 regulation.

45 All bonds of the trust shall be sold at **[such]** the price or prices
46 and in **[such]** the manner as the trust shall determine, after notice
47 of sale, a summary of which shall be published at least once in at
48 least three newspapers published in the State of New Jersey and at

1 least once in a publication carrying municipal bond notices and
2 devoted primarily to financial news published in New Jersey or the
3 city of New York, the first summary notice to be at least five days
4 prior to the day of bidding. The notice of sale may contain a
5 provision to the effect that any or all bids made in pursuance thereof
6 may be rejected. In the event of such rejection or of failure to
7 receive any acceptable bid, the trust, at any time within 60 days
8 from the date of such advertised sale, may sell such bonds at private
9 sale upon terms not less favorable to the State than the terms
10 offered by any rejected bid. The trust may sell all or part of the
11 bonds of any series as issued to any State fund or to the federal
12 government or any agency thereof, at private sale, without
13 advertisement.

14 e. Bonds, notes or other obligations of the trust may be issued
15 under the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) **[or]**,
16 P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 27 and 39
17 through 43 of P.L. , c. (C.) (pending before the Legislature
18 as this bill) without obtaining the consent of any department,
19 division, board, bureau or agency of the State, and without any
20 other proceedings or the happening of any other conditions or
21 things, other than those consents, proceedings, conditions or things
22 which are specifically required by P.L.1985, c.334 (C.58:11B-1 et
23 seq.) **[or]**, P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 27
24 and 39 through 43 of P.L. , c. (C.) (pending before the
25 Legislature as this bill).

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

1 political subdivision thereof, is pledged to the payment of the
2 principal of or the interest on the bonds, notes or other obligations.

3 g. The aggregate principal amount of bonds, notes or other
4 obligations, including subordinated indebtedness of the trust, shall
5 not exceed (1) \$5,000,000,000 with respect to bonds, notes, or other
6 obligations issued to finance the Disaster Relief Emergency
7 Financing Program established pursuant to section 1 of P.L.2013,
8 c.93 (C.58:11B-9.5), and (2) ~~【\$2,800,000,000】~~ \$3,800,000,000
9 with respect to bonds, notes, or other obligations issued for all other
10 purposes of the trust. In computing the foregoing limitations there
11 shall be excluded all the bonds, notes or other obligations, including
12 subordinated indebtedness of the trust, which shall be issued for
13 refunding purposes, whenever the refunding shall be determined to
14 result in a savings.

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

25 (2) The Joint Budget Oversight Committee or its successor shall
26 have the authority to approve or disapprove the sales of refunding
27 bonds as included in each report submitted in accordance with
28 paragraph (1) of this subsection. The committee shall notify the
29 trust in writing of the approval or disapproval within 30 days of
30 receipt of the report. Should the committee not act within 30 days
31 of receipt of the report, the trust may proceed with the sale of the
32 refunding bonds, provided that the sale of refunding bonds shall
33 realize not less than ~~【3.00%】~~ three percent net present value debt
34 service savings.

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

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

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

1 h. Each issue of bonds, notes, or other obligations of the trust
2 may, if it is determined by the trust, be general obligations thereof
3 payable out of any revenues, receipts or funds of the trust, or
4 special obligations thereof payable out of particular revenues,
5 receipts or funds, subject only to any agreements with the holders of
6 bonds, notes or other obligations, and may be secured by one or
7 more of the following:

8 (1) Pledge of revenues and other receipts to be derived from the
9 payment of the interest on and principal of notes, bonds or other
10 obligations issued to the trust by one or more local government
11 units, and any other payment made to the trust pursuant to
12 agreements with any local government units, or a pledge or
13 assignment of any notes, bonds, or other obligations of any local
14 government unit and the rights and interest of the trust therein;

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

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

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

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

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

34 j. (Deleted by amendment, P.L.1996, c.88).
35 (cf: P.L.2015, c.106, s.1)

36

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

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

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

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

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

1 of the holders of the bonds, notes or other obligations, and to limit
2 or abrogate the right of the holders of any bonds, notes or other
3 obligations of the trust to appoint a trustee under the provisions of
4 P.L.1985, c.334 (C.58:11B-1 et seq.) **[or]**, P.L.1997, c.224
5 (C.58:11B-10.1 et al.), or sections 27 and 39 through 43 of P.L. ,
6 c. (C.) (pending before the Legislature as this bill), and to
7 limit the rights, duties and powers of the trustee;

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

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

16 o. Make covenants other than or in addition to the covenants
17 authorized by P.L.1985, c.334 (C.58:11B-1 et seq.) **[or]**, P.L.1997,
18 c.224 (C.58:11B-10.1 et al.), or sections 27 and 39 through 43 of
19 P.L. , c. (C.) (pending before the Legislature as this bill) of
20 like or different character, and make covenants to do or refrain from
21 doing any acts and things as may be necessary, or convenient and
22 desirable, in order to better secure the bonds, notes or other
23 obligations of the trust, or which, in the absolute discretion of the
24 trust, would make the bonds, notes or other obligations more
25 marketable, notwithstanding that the covenants, acts or things may
26 not be enumerated herein.

27 (cf: P.L.1997, c.224, s.8)

28
29 17. Section 9 of P.L.1985, c.334 (C.58:11B-9) is amended to
30 read as follows:

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

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

46 (3) The trust may make and contract to make loans to private
47 persons other than local government units, or to any other person or
48 local government unit on behalf of a private person, in accordance

1 with and subject to the provisions of P.L.1985, c.334 (C.58:11B-1
2 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to finance the cost
3 of stormwater management systems.

4 (4) The trust may make and contract to make loans and provide
5 other assistance to a local government unit or consortia thereof to
6 finance the cost of transportation projects pursuant to sections 27
7 and 39 through 43 of P.L. , c. (C.) (pending before the
8 Legislature as this bill), and provided that the federally-funded
9 subaccount is operated in accordance with the provisions of the
10 federal infrastructure bank program.

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

41 b. The trust is authorized to guarantee or contract to guarantee
42 the payment of all or any portion of the principal and interest on
43 bonds, notes or other obligations issued by a local government unit
44 to finance the cost of any wastewater treatment system project **[or]**,
45 water supply project, or transportation project which the local
46 government unit may lawfully undertake or acquire and for which
47 the local government unit is authorized by law to borrow money,
48 and the guarantee shall constitute an obligation of the trust for the

1 purposes of P.L.1985, c.334 (C.58:11B-1 et seq.) **[or]**, P.L.1997,
2 c.224 (C.58:11B-10.1 et al.), or sections 27 and 39 through 43 of
3 P.L. , c. (C.) (pending before the Legislature as this bill).
4 Each guarantee by the trust and the terms and conditions thereof
5 shall be subject to approval by the State Treasurer, and the trust
6 shall make available to the State Treasurer all information,
7 statistical data and reports of independent consultants or experts as
8 the State Treasurer shall deem necessary in order to evaluate the
9 guarantee.

10 c. The trust shall not make or contract to make any loans or
11 guarantees to local government units, public water utilities or any
12 other person, or otherwise incur any additional indebtedness, on or
13 after June 30, 2033.

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

36 The trust shall create and establish a special fund **[(hereinafter**
37 **referred] to be known** as the "Interim Environmental Financing
38 Program Fund"**)]** for the short-term or temporary loan financing or
39 refinancing program **[(hereinafter referred] to be known** as the
40 "Interim Environmental Financing Program"**)]**.

41 Any short-term or temporary loans made by the trust pursuant to
42 this subsection may only be made in advance of the anticipated
43 loans the trust may make and contract to make under the provisions
44 of subsection a. of this section from any source of funds anticipated
45 to be received by the trust. Any such short-term or temporary loan
46 made pursuant to the Interim Environmental Financing Program
47 shall mature no later than the last day of the third succeeding fiscal
48 year following the closing date on which the short-term or

1 temporary loan was made by the trust to the project sponsor. The
2 trust may make short-term or temporary loans pursuant to the
3 Interim Environmental Financing Program to any one or more of
4 the project sponsors, for the respective projects thereof, identified in
5 the interim financing project priority list **[(hereinafter referred]** to
6 be known as the "Interim Environmental Financing Program
7 Eligibility List"**)]** in the form provided to the Legislature by the
8 Commissioner of Environmental Protection.

9 The Interim Environmental Financing Program Eligibility List,
10 including any revision thereof or supplement thereto, shall be
11 submitted to the Secretary of the Senate and the Clerk of the
12 General Assembly on or before June 30 of each year. The Interim
13 Environmental Financing Program Eligibility List shall be
14 submitted to the Legislature pursuant to section 2 of P.L.1991,
15 c.164 (C.52:14-19.1) at least once in each fiscal year. The
16 Secretary and the Clerk shall cause the date of submission to be
17 entered upon the Senate Journal and the Minutes of the General
18 Assembly, respectively. Any environmental infrastructure project or
19 the project sponsor thereof not identified in the Interim
20 Environmental Financing Program Eligibility List shall not be
21 eligible for a short-term or temporary loan from the Interim
22 Financing Environmental Program Fund.

23 e. Notwithstanding any provisions of the "Local Bond Law"
24 (N.J.S.40A:2-1 et seq.), the "sewerage authorities law," P.L.1946,
25 c.138 (C.40:14A-1 et seq.), or the "municipal and county utilities
26 **[authority]** authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.)
27 to the contrary, short-term or temporary loans made by the trust
28 pursuant to section 9 of P.L.1985, c.334 (C.58:11B-9), section 4 of
29 P.L.2007, c.138 (C.58:11B-9.1), section 1 of P.L.2009, c.59
30 (C.58:11B-9.2), section 5 of P.L.2009, c.103 (C.58:11B-9.3),
31 section 2 of P.L.2011, c.94 (C.58:11B-9.4), section 1 of P.L.2013,
32 c.93 (C.58:11B-9.5), or section 1 of P.L.2014, c.28 (C.58:11B-9.6),
33 and the obligations issued by project sponsors to evidence such
34 loans, may, at the discretion of the trust and upon application by the
35 project sponsor, bear interest at a variable rate determined pursuant
36 to a methodology as may be established by the trust from time to
37 time.

38 Further, notwithstanding any provisions of the "Local Bond
39 Law" (N.J.S.40A:2-1 et seq.), the "sewerage authorities law,"
40 P.L.1946, c.138 (C.40:14A-1 et seq.), or the "municipal and county
41 utilities **[authority]** authorities law," P.L.1957, c.183 (C.40:14B-1
42 et seq.) to the contrary, any short-term or temporary loans made by
43 the trust pursuant to section 9 of P.L.1985, c.334 (C.58:11B-9),
44 section 4 of P.L.2007, c.138 (C.58:11B-9.1), section 1 of P.L.2009,
45 c.59 (C.58:11B-9.2), section 5 of P.L.2009, c.103 (C.58:11B-9.3),
46 section 2 of P.L.2011, c.94 (C.58:11B-9.4), section 1 of P.L.2013,
47 c.93 (C.58:11B-9.5), or section 1 of P.L.2014, c.28 (C.58:11B-9.6),
48 and any notes or other obligations issued by project sponsors to

1 evidence such short-term or temporary loans, except as provided in
2 section 1 of P.L.2009, c.59 (C.58:11B-9.2), shall mature no later
3 than the last day of the third succeeding fiscal year following the
4 date of issuance of such notes or other obligations, without payment
5 by project sponsors of any portion of the principal thereof prior to
6 maturity.

7 f. The trust shall create and establish a special fund to be
8 known as the "Interim Transportation Financing Program Fund" for
9 the short-term or temporary loan financing or refinancing program
10 to be known as the "Interim Transportation Financing Program."

11 Notwithstanding any provision of P.L.1985, c.334 (C.58:11B-1
12 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to the contrary,
13 the trust may receive funds from any source including, without
14 limitation, any funds drawn by the trust from a revolving line of
15 credit or other similar financial vehicle that may be procured by the
16 trust, either through a competitive or negotiated process, pursuant to
17 section 5 of P.L.1985, c.334 (C.58:11B-5), for deposit into the
18 Interim Transportation Financing Program Fund or the trust may
19 issue its bonds, notes or other obligations in any principal amounts,
20 in either case, as in the judgment of the trust shall be necessary to
21 provide sufficient funds to finance or refinance short-term or
22 temporary loans to local government units or private persons for
23 any transportation project included on the Department of
24 Transportation Interim Transportation Financing Program Project
25 Eligibility List for the ensuing fiscal year and eligible for approval
26 pursuant to sections 27 and 39 through 43 of P.L. , c. (C.)
27 (pending before the Legislature as this bill), without regard to any
28 other provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997,
29 c.224 (C.58:11B-10.1 et al.), or sections 27 and 39 through 43 of
30 P.L. , c. (C.) (pending before the Legislature as this bill),
31 including, without limitation, any administrative or legislative
32 approvals.

33 Any short-term or temporary loans made by the trust pursuant to
34 this subsection may only be made in advance of the anticipated
35 loans the trust may make and contract to make under the provisions
36 of subsection a. of this section from any source of funds anticipated
37 to be received by the trust. Any such short-term or temporary loan
38 made pursuant to the Interim Transportation Financing Program
39 shall mature no later than the last day of the third succeeding fiscal
40 year following the closing date on which the short-term or
41 temporary loan was made by the trust to the project sponsor. The
42 trust may make short-term or temporary loans pursuant to the
43 Interim Transportation Financing Program to any one or more of the
44 project sponsors, for the respective projects thereof, only if a
45 project is identified in the Department of Transportation Interim
46 Transportation Financing Program Project Eligibility List to be
47 known as the "Interim Transportation Financing Program Project

1 Eligibility List" in the form provided to the Legislature by the
 2 Commissioner of Transportation.

3 The Interim Transportation Financing Program Project Eligibility
 4 List, including any revision thereof or supplement thereto, shall be
 5 submitted to the Secretary of the Senate and the Clerk of the
 6 General Assembly on or before July 1 of each year. The Interim
 7 Transportation Financing Program Project Eligibility List 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. The
 10 Secretary and the Clerk shall cause the date of submission to be
 11 entered upon the Senate Journal and the Minutes of the General
 12 Assembly, respectively. Any transportation infrastructure project or
 13 the project sponsor thereof not identified in the Interim
 14 Transportation Financing Program Project Eligibility List shall not
 15 be eligible for a short-term or temporary loan from the Interim
 16 Transportation Financing Program Fund. The trust may revise or
 17 supplement the Interim Transportation Financing Program Project
 18 Eligibility List no more than three times during the fiscal year, and
 19 shall submit the revised list to the Legislature when the revisions
 20 are made.

21 No funds may be disbursed pursuant to this section for project
 22 activities prior to the determination and certification in writing,
 23 from the Department of Transportation, that the project activities
 24 satisfy the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.),
 25 P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 27 and 39
 26 through 43 of P.L. , c. (C.) (pending before the Legislature
 27 as this bill).

28 (cf: P.L.2015, c.106, s.2)

29

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

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

37 The Emergency Loan Fund shall be credited with:

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

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

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

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

1 (5) any other source of available funds deemed by the trust to be
 2 necessary or appropriate to provide sufficient funds for deposit into
 3 the Emergency Loan Fund to finance or refinance emergency short-
 4 term or temporary loans pursuant to the Emergency Financing
 5 Program, including, without limitation, any funds drawn by the trust
 6 from a revolving line of credit or other similar financial vehicle that
 7 may be procured by the trust, either through a competitive or
 8 negotiated process, pursuant to section 5 of P.L.1985, c.334
 9 (C.58:11B-5), for deposit into the Emergency Loan Fund to finance
 10 or refinance emergency short-term or temporary loans pursuant to
 11 the Emergency Financing Program.

12 b. Notwithstanding any provision of P.L.1985, c.334
 13 (C.58:11B-1 et seq.) **[or]**, P.L.1997, c.224 (C.58:11B-10.1 et al.),
 14 or sections 27 and 39 through 43 of P.L. , c. (C.) (pending
 15 before the Legislature as this bill) to the contrary, the trust may
 16 make emergency short-term or temporary loans to (1) local
 17 government units to finance or refinance wastewater treatment
 18 system projects not included on the project priority list for the
 19 ensuing fiscal year or eligible for approval pursuant to section 20 of
 20 P.L.1985, c.334 (C.58:11B-20); or (2) public water utilities or
 21 private persons to finance or refinance water supply projects not
 22 included on the project priority list for the ensuing fiscal year or
 23 eligible for approval pursuant to section 24 of P.L.1997, c.224
 24 (C.58:11B-20.1), as applicable, whenever the Commissioner of
 25 Environmental Protection has determined and certified, in writing,
 26 that any such project constitutes an emergency project because of
 27 an imminent threat to the environment or the public health, safety or
 28 welfare caused by structural or mechanical failure, sabotage or act
 29 of God, without regard to any other provisions of P.L.1985, c.334
 30 **[or]** (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.),
 31 or sections 27 and 39 through 43 of P.L. , c. (C.) (pending
 32 before the Legislature as this bill), including, without limitation, the
 33 provisions of section 20 of P.L.1985, c.334 (C.58:11B-20), section
 34 24 of P.L.1997, c.224 (C.58:11B-20.1), the Interim Environmental
 35 Financing Program Eligibility List pursuant to subsection d. of
 36 section 9 of P.L.1985, c.334 (C.58:11B-9), or any administrative or
 37 legislative approvals.

38 (cf: P.L.2015, c.106, s.3)

39

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

42 1. a. The trust shall create and establish a special fund
 43 **[(hereinafter referred] to be known as the "Planning and Design**
 44 **Fund"[()]** for the short-term or temporary financing or refinancing
 45 of environmental planning and engineering design costs
 46 **[(hereinafter referred] to be known as the "Planning and Design**
 47 **Financing Program."[(].]**

48 The Planning and Design Fund shall be credited with:

- 1 (1) moneys deposited in the fund as administrative fees received
2 by the trust pursuant to subsection o. of section 5 of P.L.1985, c.334
3 (C.58:11B-5);
- 4 (2) moneys received by the trust as repayment of the principal
5 of and the interest or premium on loans made from the fund;
- 6 (3) any interest earnings received on the moneys in the fund;
- 7 (4) moneys deposited in the Interim Environmental Financing
8 Program Fund established pursuant to section 9 of P.L.1985, c.334
9 (C.58:11B-9) subject to the provisions of subsection c. of this
10 section;
- 11 (5) such other moneys as the Legislature may appropriate to the
12 trust for deposit into the fund at any time to finance or refinance
13 short-term or temporary loans pursuant to the Planning and Design
14 Financing Program; and
- 15 (6) any other source of available funds deemed by the trust to be
16 necessary or appropriate to provide sufficient funds for deposit into
17 the Planning and Design Fund to finance or refinance short-term or
18 temporary loans pursuant to the Planning and Design Financing
19 Program, including, without limitation, any funds drawn by the trust
20 from a revolving line of credit or other similar financial vehicle that
21 may be procured by the trust, either through a competitive or
22 negotiated process, pursuant to section 5 of P.L.1985, c.334
23 (C.58:11B-5), for deposit into the Planning and Design Fund to
24 finance or refinance short-term or temporary loans pursuant to the
25 Planning and Design Financing Program.
- 26 b. Notwithstanding any provision of P.L.1985, c.334
27 (C.58:11B-1 et seq.) **[or]**, P.L.1997, c.224 (C.58:11B-10.1 et al.),
28 or sections 27 and 39 through 43 of P.L. , c. (C.) (pending
29 before the Legislature as this bill) to the contrary, the trust may
30 make short-term or temporary loans for environmental planning and
31 engineering design costs to (1) local government units to finance or
32 refinance wastewater treatment system projects not included on the
33 project priority list for the ensuing fiscal year or eligible for
34 approval pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20);
35 or (2) public water utilities or private persons to finance or
36 refinance water supply projects not included on the project priority
37 list for the ensuing fiscal year or eligible for approval pursuant to
38 section 24 of P.L.1997, c.224 (C.58:11B-20.1), as applicable,
39 without regard to any other provisions of P.L.1985, c.334 **[or]**
40 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or
41 sections 27 and 39 through 43 of P.L. , c. (C.) (pending
42 before the Legislature as this bill), including, without limitation, the
43 provisions of section 20 of P.L.1985, c.334 (C.58:11B-20), section
44 24 of P.L.1997, c.224 (C.58:11B-20.1), the Interim Environmental
45 Financing Program Eligibility List pursuant to subsection d. of
46 section 9 of P.L.1985, c.334 (C.58:11B-9), or any administrative or
47 legislative approvals. Except for Combined Sewer Overflow
48 Abatement Projects, any such short-term or temporary loan made

1 pursuant to the Planning and Design Financing Program shall
2 mature no later than the last day of the third succeeding fiscal year
3 following the closing date on which the Planning and Design loan
4 was made by the trust to the project sponsor. Planning and Design
5 loans made to Combined Sewer Overflow Abatement Projects shall
6 mature no later than the last day of the tenth succeeding fiscal year
7 following the closing date on which the Planning and Design loan
8 was made by the trust to the project sponsor.

9 c. Notwithstanding any provision of P.L.1985, c.334
10 (C.58:11B-1 et seq.) **【or】**, P.L.1997, c.224 (C.58:11B-10.1 et al.),
11 or sections 27 and 39 through 43 of P.L. , c. (C.) (pending
12 before the Legislature as this bill) to the contrary, the trust may
13 utilize moneys deposited in the Interim Environmental Financing
14 Program Fund established pursuant to subsection d. of section 9 of
15 P.L.1985, c.334 (C.58:11B-9) to make short-term or temporary
16 loans for environmental planning and engineering design costs to
17 (1) local government units to finance or refinance wastewater
18 treatment system projects included on the project priority list
19 pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20); or (2)
20 public water utilities or private persons to finance or refinance
21 water supply projects included on the project priority list pursuant
22 to section 24 of P.L.1997, c.224 (C.58:11B-20.1), as applicable, in
23 advance of the anticipated loans the trust may make and contract to
24 make under the provisions of subsection a. of section 9 of P.L.1985,
25 c.334 (C.58:11B-9) to be financed or refinanced through the
26 issuance of bonds, notes or other obligations of the trust authorized
27 under section 6 of P.L.1985, c.334 (C.58:11B-6), without regard to
28 any other provisions of P.L.1985, c.334 **【or】** (C.58:11B-1 et seq.),
29 P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 27 and 39
30 through 43 of P.L. , c. (C.) (pending before the Legislature
31 as this bill), including, without limitation, the provisions of section
32 20 of P.L.1985, c.334 (C.58:11B-20), section 24 of P.L.1997, c.224
33 (C.58:11B-20.1), the Interim Environmental Financing Program
34 Eligibility List pursuant to subsection d. of section 9 of P.L.1985,
35 c.334 (C.58:11B-9), or any administrative or legislative approvals.
36 (cf: P.L.2015, c.106, s.4)

37

38 20. Section 5 of P.L.2009, c.103 (C.58:11B-9.3) is amended to
39 read as follows:

40 5. a. The trust shall create and establish a special fund
41 **【(hereinafter referred】 to be known as the "Onsite Wastewater**
42 **Disposal Loan Fund"【】** for the purposes of an onsite wastewater
43 disposal loan financing or refinancing program **【(hereinafter**
44 **referred】 to be known as the "Onsite Wastewater Disposal**
45 **Financing Program."【】.**

46 The Onsite Wastewater Disposal Loan Fund shall be credited
47 with:

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

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

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

8 (4) such other moneys as the Legislature may appropriate to the
9 trust for deposit into the fund at any time to finance or refinance
10 onsite wastewater disposal loans pursuant to the Onsite Wastewater
11 Disposal Financing Program.

12 b. Notwithstanding any provision of P.L.1985, c.334
13 (C.58:11B-1 et seq.) **【or】**, P.L.1997, c.224 (C.58:11B-10.1 et al.),
14 or sections 27 and 39 through 43 of P.L. , c. (C.) (pending
15 before the Legislature as this bill) to the contrary, the trust may
16 make onsite wastewater disposal loans for a period not to exceed 10
17 years to private persons or to local government units on behalf of
18 private persons to finance the cost of alterations, repairs or
19 replacements to individual subsurface sewage disposal systems
20 performed pursuant to an onsite septic system ordinance approved
21 by the Department of Environmental Protection, the New Jersey
22 Pinelands Commission or the New Jersey Highlands Council,
23 without regard to any other provisions of P.L.1985, c.334 **【or】**
24 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or
25 sections 27 and 39 through 43 of P.L. , c. (C.) (pending
26 before the Legislature as this bill), including, without limitation, the
27 provisions of section 20 of P.L.1985, c.334 (C.58:11B-20), section
28 24 of P.L.1997, c.224 (C.58:11B-20.1), the Interim Environmental
29 Financing Program Eligibility List pursuant to subsection d. of
30 section 9 of P.L.1985, c.334 (C.58:11B-9), or any administrative or
31 legislative approvals.

32 (cf: P.L.2011, c.94, s.1)

33

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

36 2. a. The trust shall create and establish a special fund
37 **【(hereinafter referred】 to be known as the "Supplemental Loan**
38 **Fund"【】】** for the short-term or temporary supplemental loan
39 financing or refinancing program **【(hereinafter referred】 to be**
40 **known as the "Supplemental Financing Program."【】.】**

41 The Supplemental Loan Fund shall be credited with:

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

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

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

1 (4) such other moneys as the Legislature may appropriate to the
2 trust for deposit into the fund at any time to finance or refinance
3 short-term or temporary supplemental loans pursuant to the
4 Supplemental Financing Program; and

5 (5) any other source of available funds deemed by the trust to be
6 necessary or appropriate to provide sufficient funds for deposit into
7 the Supplemental Loan Fund to finance or refinance short-term or
8 temporary loans pursuant to the Supplemental Financing Program,
9 including, without limitation, any funds drawn by the trust from a
10 revolving line of credit or other similar financial vehicle that may
11 be procured by the trust, either through a competitive or negotiated
12 process, pursuant to section 5 of P.L.1985, c.334 (C.58:11B-5), for
13 deposit into the Supplemental Loan Fund to finance or refinance
14 short-term or temporary loans pursuant to the Supplemental
15 Financing Program.

16 b. Notwithstanding any provision of P.L.1985, c.334
17 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to
18 the contrary, the trust may make short-term or temporary loans for a
19 project for which a loan has been previously issued pursuant to
20 subsection a. of section 9 of P.L.1985, c.334 (C.58:11B-9) to pay
21 for eligible costs incurred in excess of the previous loan amount for
22 activities specifically approved in the previous project loan to: (1)
23 local government units to finance or refinance wastewater treatment
24 system projects not included on the project priority list for the
25 ensuing fiscal year or eligible for approval pursuant to section 20 of
26 P.L.1985, c.334 (C.58:11B-20); or (2) public water utilities or
27 private persons to finance or refinance water supply projects not
28 included on the project priority list for the ensuing fiscal year or
29 eligible for approval pursuant to section 24 of P.L.1997, c.224
30 (C.58:11B-20.1), as applicable, without regard to any other
31 provisions of P.L.1985, c.334 **【or】** (C.58:11B-1 et seq.), P.L.1997,
32 c.224 (C.58:11B-10.1 et al.), or sections 27 and 39 through 43 of
33 P.L. , c. (C.) (pending before the Legislature as this bill),
34 including, without limitation, the provisions of section 20 of
35 P.L.1985, c.334 (C.58:11B-20), section 24 of P.L.1997, c.224
36 (C.58:11B-20.1), the Interim Environmental Financing Program
37 Eligibility List pursuant to subsection d. of section 9 of P.L.1985,
38 c.334 (C.58:11B-9), or any administrative or legislative approvals.
39 (cf: P.L.2015, c.106, s.5)

40
41 22. Section 1 of P.L.2013, c.93 (C.58:11B-9.5) is amended to
42 read as follows:

43 1. a. The trust shall create and establish a special fund
44 **【(hereinafter referred】 to be known as the "Disaster Relief**
45 **Emergency Financing Program Fund【"]】** for the disaster relief
46 emergency short-term or temporary loan program of the trust
47 **【(hereinafter referred】 to be known as the "Disaster Relief**
48 **Emergency Financing Program."【).】**

1 The Disaster Relief Emergency Financing Program Fund shall be
2 credited with:

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

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

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

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

13 (5) the proceeds of any bonds, notes or other obligations that
14 may be issued by the trust from time to time in any principal
15 amounts as in the judgment of the trust shall be necessary or
16 appropriate to provide sufficient funds for deposit into the fund to
17 finance or refinance emergency short-term or temporary loans
18 pursuant to the Disaster Relief Emergency Financing Program; and

19 (6) any other source of available funds that may be deemed by
20 the trust to be necessary or appropriate to provide sufficient funds
21 for deposit into the fund to finance or refinance emergency short-
22 term or temporary loans pursuant to the Disaster Relief Emergency
23 Financing Program, including, without limitation, any funds drawn
24 by the trust from a revolving line of credit or other similar financial
25 vehicle, either through a competitive or negotiated process, that
26 may be procured by the trust pursuant to the provisions of section 5
27 of P.L.1985, c.334 (C.58:11B-5), for deposit into the fund to
28 finance or refinance emergency short-term or temporary loans
29 pursuant to the Disaster Relief Emergency Financing Program.

30 b. Notwithstanding any provision of P.L.1985, c.334
31 (C.58:11B-1 et seq.) **[or]**, P.L.1997, c.224 (C.58:11B-10.1 et al.),
32 or sections 27 and 39 through 43 of P.L. , c. (C.) (pending
33 before the Legislature as this bill) to the contrary, the trust may
34 make emergency short-term or temporary Disaster Relief
35 Emergency Financing Program loans to: (1) local government units
36 to finance or refinance the costs incurred in the environmental
37 planning and design associated with such wastewater treatment
38 system projects, and wastewater treatment system projects, as
39 applicable; or (2) local government units, public water utilities, or
40 private persons to finance or refinance the costs incurred in the
41 environmental planning and design of water supply projects, and
42 water supply projects, as applicable.

43 Emergency short-term or temporary loans may be made upon the
44 determination and certification in writing by the department that
45 any such project is necessary and appropriate to: repair damages to
46 a wastewater treatment system or water supply facility directly
47 arising from an act of terrorism, seismic activity, or weather
48 conditions that occurred within the prior three fiscal years that gave

1 rise to a declaration by the Governor of a state of emergency,
2 provided the wastewater treatment system or water supply facility is
3 located in a county included in the Governor's state of emergency
4 declaration; or mitigate the risk of future damage to a wastewater
5 treatment system or water supply facility from an act of terrorism,
6 seismic activity, or weather conditions comparable in scope and
7 severity to the act of terrorism, seismic activity, or weather
8 conditions that occurred within the prior three fiscal years that gave
9 rise to a declaration by the Governor of a state of emergency,
10 provided the wastewater treatment system or water supply facility is
11 located in a county included in the Governor's state of emergency
12 declaration, without regard to any other provisions of P.L.1985,
13 c.334 **[or]** (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et
14 al.), or sections 27 and 39 through 43 of P.L. _____, c. _____
15 (pending before the Legislature as this bill), including, without
16 limitation, the provisions of section 20 of P.L.1985, c.334
17 (C.58:11B-20), section 24 of P.L.1997, c.224 (C.58:11B-20.1), the
18 Interim Environmental Financing Program Eligibility List pursuant
19 to subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9), or
20 any administrative or legislative approvals. Any such short-term or
21 temporary loan pursuant to the Disaster Relief Emergency
22 Financing Program shall mature no later than the last day of the
23 third succeeding fiscal year following the closing date on which the
24 short-term or temporary loan was made by the trust to the project
25 sponsor.

26 c. The trust may make short-term or temporary loans pursuant
27 to the Disaster Relief Emergency Financing Program to one or more
28 of the project sponsors, for the respective projects thereof,
29 identified on the Disaster Relief Emergency Financing Program
30 project priority list **[(hereinafter referred] to be known as the**
31 **"Disaster Relief Emergency Financing Program Eligibility List" [)]**
32 in the form provided to the Legislature by the Commissioner of
33 Environmental Protection. The Disaster Relief Emergency
34 Financing Program Eligibility List shall be submitted to the
35 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1)
36 at least once in each fiscal year. An environmental infrastructure
37 project or a project sponsor thereof not identified on the Disaster
38 Relief Emergency Financing Program Eligibility List submitted to
39 the Legislature shall not be eligible for a short-term or temporary
40 loan from the Disaster Relief Emergency Financing Program Fund.
41 (cf: P.L.2015, c.106, s.6)

42

43 23. Section 1 of P.L.2014, c.28 (C.58:11B-9.6) is amended to
44 read as follows:

45 1. a. The trust shall create and establish a special fund
46 **[(hereinafter referred] to be known as the "Equipment Loan**
47 **Fund" [)]** for the short-term or temporary equipment loan program

1 of the trust [(hereinafter referred] to be known as the "Equipment
2 Loan Program." [)].]

3 The Equipment Loan Fund shall be credited with:

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

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

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

10 (4) such other moneys as the Legislature may appropriate to the
11 trust for deposit into the fund at any time to finance or refinance
12 short-term or temporary loans pursuant to the Equipment Loan
13 Program;

14 (5) the proceeds of any bonds, notes or other obligations that
15 may be issued by the trust from time to time in any principal
16 amounts as in the judgment of the trust shall be necessary or
17 appropriate to provide sufficient funds for deposit into the fund to
18 finance or refinance short-term or temporary loans pursuant to the
19 Equipment Loan Program; and

20 (6) any other source of available funds that may be deemed by
21 the trust to be necessary or appropriate to provide sufficient funds
22 for deposit into the fund to finance or refinance short-term or
23 temporary loans pursuant to the Equipment Loan Program,
24 including, without limitation, any funds drawn by the trust from a
25 revolving line of credit or other similar financial vehicle, that may
26 be procured by the trust, either through a competitive or negotiated
27 process, pursuant to the provisions of section 5 of P.L.1985, c.334
28 (C.58:11B-5), for deposit into the fund to finance or refinance
29 short-term or temporary loans pursuant to the Equipment Loan
30 Program.

31 b. Notwithstanding any provision of P.L.1985, c.334
32 (C.58:11B-1 et seq.) [or], P.L.1997, c.224 (C.58:11B-10.1 et al.),
33 or sections 27 and 39 through 43 of P.L. , c. (C.) (pending
34 before the Legislature as this bill) to the contrary, the trust may
35 make short-term or temporary equipment loans to: (1) local
36 government units to finance wastewater treatment system
37 equipment projects not included on the project priority list for the
38 ensuing fiscal year or eligible for approval pursuant to section 20 of
39 P.L.1985, [c.332] c.334 (C.58:11B-20); or (2) public water utilities
40 or private persons to finance water supply equipment projects not
41 included on the project priority list for the ensuing fiscal year or
42 eligible for approval pursuant to section 24 of P.L.1997, c.224
43 (C.58:11B-20.1).

44 The loans may be made without regard to any other provisions of
45 P.L.1985, c.334 [or] (C.58:11B-1 et seq.), P.L.1997, c.224
46 (C.58:11B-10.1 et al.), or sections 27 and 39 through 43 of P.L. ,
47 c. (C.) (pending before the Legislature as this bill),
48 including, without limitation, the provisions of section 20 of

1 P.L.1985, c.334 (C.58:11B-20), section 24 of P.L.1997, c.224
2 (C.58:11B-20.1), the Interim Environmental Financing Program
3 Eligibility List pursuant to subsection d. of section 9 of P.L.1985,
4 c.334 (C.58:11B-9), or any administrative or legislative approvals.
5 (cf: P.L.2015, c.106, s.7)

6
7 24. Section 10 of P.L.1985, c.334 (C.58:11B-10) is amended to
8 read as follows:

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

11 Subject to the provisions of the legislation appropriating moneys
12 to the trust, subject to any other provision of P.L.1985, c.334
13 (C.58:11B-1 et seq.) **[or]**, P.L.1997, c.224 (C.58:11B-10.1 et al.),
14 or sections 27 and 39 through 43 of P.L. , c. (C.) (pending
15 before the Legislature as this bill) providing otherwise, and subject
16 to agreements with the holders of bonds, notes and other obligations
17 of the trust, the trust shall deposit into the wastewater treatment
18 system general loan fund all revenues and receipts of the trust,
19 including moneys received by the trust as payment of the principal
20 of and the interest or premium on loans made from moneys in any
21 wastewater treatment system fund or account held by the trust under
22 P.L.1985, c.334 (C.58:11B-1 et seq.) **[or]**, P.L.1997, c.224
23 (C.58:11B-10.1 et al.), or 27 and sections 39 through 43 of P.L. ,
24 c. (C.) (pending before the Legislature as this bill), and the
25 earnings on the moneys in any wastewater treatment system fund or
26 account of the trust, and all grants, appropriations, other than those
27 referred to in section 11 of P.L.1985, c.334 (C.58:11B-11),
28 contributions, or other moneys from any source, available for the
29 making of loans to local government units. The amounts in the
30 wastewater treatment system general loan fund shall be available
31 for application by the trust for loans to local government units for
32 the cost of wastewater treatment system projects, and for other
33 corporate purposes of the trust related to wastewater treatment
34 systems, subject to agreements with the holders of bonds, notes or
35 other obligations of the trust.

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

37

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

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

42 Subject to the provisions of the legislation appropriating moneys
43 to the trust, subject to any other provision of P.L.1985, c.334
44 (C.58:11B-1 et seq.) **[or]**, P.L.1997, c.224 (C.58:11B-10.1 et al.),
45 or sections 27 and 39 through 43 of P.L. , c. (C.) (pending
46 before the Legislature as this bill) providing otherwise, and subject
47 to agreements with the holders of bonds, notes and other obligations
48 of the trust, the trust shall deposit into the water supply facilities

1 general loan fund all revenues and receipts of the trust, including
2 moneys received by the trust as payment of the principal of and the
3 interest or premium on loans made from moneys in any fund or
4 account held by the trust under the provisions of P.L.1985, c.334
5 (C.58:11B-1 et seq.) **【or】**, P.L.1997, c.224 (C.58:11B-10.1 et al.),
6 or sections 27 and 39 through 43 of P.L. , c. (C.) (pending
7 before the Legislature as this bill), and the earnings on the moneys
8 in any fund or account of the trust, and all grants, appropriations,
9 other than those referred to in section 11 of P.L.1985, c.334
10 (C.58:11B-11), contributions, or other moneys from any source,
11 available for the making of loans to local government units, public
12 water utilities, or to any other person or local government unit on
13 behalf of a public water utility, for water supply projects. The
14 amounts in the water supply facilities general loan fund shall be
15 available for application by the trust for loans to local government
16 units, public water utilities or any other person for the cost of water
17 supply projects, and for other corporate purposes of the trust,
18 subject to agreements with the holders of bonds, notes or other
19 obligations of the trust.

20 (cf: P.L.1999, c.175, s.4)

21

22 26. Section 1 of P.L.2005, c.202 (C.58:11B-10.2) is amended to
23 read as follows:

24 1. a. There is established in the New Jersey **【Environmental】**
25 **Infrastructure 【Trust】 Bank** a special fund to be known as the
26 Department of Environmental Protection Loan Origination Fee
27 Fund.

28 The Department of Environmental Protection Loan Origination
29 Fee Fund shall be credited with:

30 (1) moneys deposited into the fund as loan origination fees
31 received by the Department of Environmental Protection and paid
32 by project sponsors of wastewater treatment system projects or
33 water supply projects financed under the New Jersey Environmental
34 Infrastructure Financing Program; and

35 (2) any interest accumulated on the amounts of the Department
36 of Environmental Protection loan origination fees.

37 b. Moneys in the Department of Environmental Protection
38 Loan Origination Fee Fund shall be used by the Department of
39 Environmental Protection for administrative and operating expenses
40 incurred by the department in administering the New Jersey
41 Environmental Infrastructure Financing Program, except that the
42 total amount utilized by the department for administrative and
43 operating expenses in any fiscal year shall not exceed \$5,000,000.
44 The amounts in the Department of Environmental Protection Loan
45 Origination Fee Fund shall also be available for application by the
46 department for State matching funds or loans to local government
47 units for the cost of wastewater treatment system or water supply

1 projects. Amounts in excess of revenue anticipation shall be carried
2 forward into the following year.

3 c. As used in this section, "Department of Environmental
4 Protection loan origination fee" means the fee charged by the
5 Department of Environmental Protection and financed under the
6 trust loan to pay a portion of the costs incurred by the department in
7 the implementation of the New Jersey Environmental Infrastructure
8 Financing Program.

9 (cf: P.L.2015, c.106, s.8)

10

11 27. (New section) a. There is established in the New Jersey
12 Infrastructure Bank a special fund to be known as the Department
13 of Transportation Loan Origination Fee Fund.

14 The Department of Transportation Loan Origination Fee Fund
15 shall be credited with:

16 (1) moneys deposited into the fund as loan origination fees
17 received by the Department of Transportation and paid by project
18 sponsors of transportation projects financed under the New Jersey
19 Transportation Infrastructure Financing Program; and

20 (2) any interest accumulated on the amounts of the Department
21 of Transportation loan origination fees.

22 b. Moneys in the Department of Transportation Loan
23 Origination Fee Fund shall be used by the Department of
24 Transportation for administrative and operating expenses incurred
25 by the department in administering the New Jersey Transportation
26 Infrastructure Financing Program, except that the total amount
27 utilized by the department for administrative and operating
28 expenses in any fiscal year shall not exceed \$8,000,000. The
29 amounts in the Department of Transportation Loan Origination Fee
30 Fund shall also be available for application by the department for
31 State matching funds or loans to local government units for the cost
32 of transportation projects. Amounts in excess of revenue
33 anticipation shall be carried forward into the following year.

34 c. As used in this section, "Department of Transportation loan
35 origination fee" means the fee charged by the Department of
36 Transportation and financed under the trust loan to pay a portion of
37 the costs incurred by the department in the implementation of the
38 New Jersey Transportation Infrastructure Financing Program.

39

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

42 12. a. To assure the continued operation and solvency of the
43 trust, the trust may require that if a local government unit fails or is
44 unable to pay to the trust in full when due any obligations of the
45 local government unit to the trust, an amount sufficient to satisfy
46 the deficiency shall be paid by the State Treasurer to the trust from
47 State aid payable to the local government unit. As used in this
48 section, obligations of the local government unit include the

1 principal of or interest on bonds, notes or other obligations of a
2 local government unit issued to or guaranteed by the trust, including
3 the subrogation of the trust to the right of the holders of those
4 obligations, any fees or charges payable to the trust, and any
5 amounts payable by a local government unit under any service
6 contract or other contractual arrangement the payments under which
7 are pledged to secure any bonds or notes issued to the trust by
8 another local government unit. State aid includes business personal
9 property tax replacement revenues, State urban aid and State
10 revenue sharing, as these terms are defined in section 2 of
11 **【P.L.1976, c.138 (C.40A:3-3)】** P.L.1976, c.38 (C.40A:3-3), or
12 other similar forms of State aid payable to the local government
13 unit and to the extent permitted by federal law, federal moneys
14 appropriated or apportioned to the local government unit by the
15 State, and for loans made in support of transportation projects, State
16 aid shall also include county and municipal transportation aid
17 issued pursuant to section 25 of P.L.1984, c.73 (C.27:1B-25).

18 (1) If the trust requires, and there has been a failure or inability
19 by a local government unit to pay its obligations to the trust
20 remaining uncured for a period of 30 days, the chairman of the trust
21 shall certify to the State Treasurer, with written notice to the fiscal
22 officer of the local government unit and to the Legislature, the
23 amount remaining unpaid, and the State Treasurer shall pay that
24 amount to the trust, or if the right to receive those payments has
25 been pledged or assigned to a trustee for benefit of the holders of
26 bonds, notes or other obligations of the trust, to that trustee, out of
27 the State aid payable to the local government unit, until the amount
28 so certified is paid.

29 (2) The amount paid over to the trust shall be deducted from the
30 corresponding appropriation or apportionment of State aid payable
31 to the local government unit and shall not obligate the State to
32 make, nor entitle the local government unit to receive, any
33 additional appropriation or apportionment. The obligation of the
34 State Treasurer to make payments to the trust or trustee and the
35 right of the trust or trustee to receive those payments shall be
36 subject and subordinate to the rights of holders of qualified bonds
37 issued or to be issued pursuant to **【P.L.1976, c.38 (C.40A:3-1 et**
38 **seq.)】** P.L.1976, c.38 (C.40A:3-1 et seq.).

39 (3) In those instances where the local government units are
40 municipal or county sewerage, utility or improvement authorities
41 created pursuant to **【P.L. 1946, c. 138 (C. 40:14A-1 et seq.)】**
42 P.L.1946, c.138 (C.40:14A-1 et seq.) or **【P.L.1957, c.183**
43 **(C.40:14B-1 et seq.)】** P.L.1957, c.183 (C.40:14B-1 et seq.), the
44 trust may require the municipalities or counties which receive
45 service or other benefits from the districts or authorities to enter
46 into service contracts or other contractual arrangements under
47 which they would be required to make payments which would
48 satisfy any deficiencies in the revenues of the districts or authorities

1 to repay the loans made by the trust, which contracts would be
2 pledged to secure the payment of the loans of the trust.

3 b. Whenever a local government unit covenants or pledges to
4 or secures the payment of its obligations to the trust by, in whole or
5 in part, certain revenues of the local government unit derived by the
6 local government unit from the imposition of rates, fees and
7 charges, and the local government unit, and if payments by another
8 local government unit under a service contract or other contractual
9 arrangement are pledged to the payment of the obligations, the other
10 local government unit, fails or is unable to pay in full when due any
11 of the obligations and the State aid revenues for any reason have not
12 been made available for the payment of the obligations or have not
13 been made available in sufficient amounts to pay the obligations in
14 full, the trust is authorized during the period of such failure to cause
15 the local government unit, in accordance with the covenants or
16 pledges established in any loan or other agreement relating thereto,
17 to establish and collect rates, fees and charges in the amounts
18 required to pay the obligations in accordance with the covenants or
19 pledges established in the loan or other agreement relating thereto.

20 c. In the event that a local government unit, consortia thereof
21 or private entity receiving a loan from the trust fails or is unable to
22 pay to the trust in full when due any obligations of the local
23 government unit, consortia thereof, or private entity to the trust, the
24 trust shall have the authority to exercise any and all recourses
25 available to it under the law in an effort to recover any amounts
26 owed to the trust.

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

28

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

31 13. Neither the directors of the trust nor any person executing
32 bonds, notes or other obligations of the trust issued pursuant to
33 P.L.1985, c.334 (C.58:11B-1 et seq.) **【or】**, P.L.1997, c.224
34 (C.58:11B-10.1 et al.), or sections 27 and 39 through 43 of P.L. ,
35 c. (C.) (pending before the Legislature as this bill) shall be
36 liable personally on the bonds, notes or other obligations by reason
37 of the issuance thereof.

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

39

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

42 14. The State does pledge to and covenant and agree with the
43 holders of any bonds, notes or other obligations of the trust issued
44 pursuant to authorization of P.L.1985, c.334 (C.58:11B-1 et seq.)
45 **【or】**, P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 27 and 39
46 through 43 of P.L. , c. (C.) (pending before the Legislature
47 as this bill) that the State shall not limit or alter the rights or powers
48 vested in the trust to perform and fulfill the terms of any agreement

1 made with the holders of the bonds, notes or other obligations or to
2 fix, establish, charge and collect any rents, fees, rates, payments or
3 other charges as may be convenient or necessary to produce
4 sufficient revenues to meet all expenses of the trust and to fulfill the
5 terms of any agreement made with the holders of bonds, notes or
6 other obligations, including the obligations to pay the principal of
7 and interest and premium on those bonds, notes or other
8 obligations, with interest on any unpaid installments of interest, and
9 all costs and expenses in connection with any action or proceedings
10 by or on behalf of the holders, and shall not limit or alter the rights
11 and powers of any local government unit to pay and perform its
12 obligations owed to the trust in connection with loans received from
13 the trust, until the bonds, notes and other obligations of the trust,
14 together with interest thereon, are fully met and discharged or
15 provided for.

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

17

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

20 15. The State and all public officers, governmental units and
21 agencies thereof, all banks, trust companies, savings banks and
22 institutions, building and loan associations, savings and loan
23 associations, investment companies, and other persons carrying on a
24 banking business, all insurance companies, insurance associations
25 and other persons carrying on an insurance business, and all
26 executors, administrators, guardians, trustees and other fiduciaries
27 may legally invest any sinking funds, moneys or other funds
28 belonging to them or within their control in any bonds, notes or
29 other obligations issued pursuant to P.L.1985, c.334 (C.58:11B-1 et
30 seq.) **[or]**, P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 27
31 and 39 through 43 of P.L. , c. (C.) (pending before the
32 Legislature as this bill), and those bonds, notes or other obligations
33 shall be authorized security for any and all public deposits.

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

35

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

38 17. All property of the trust is declared to be public property
39 devoted to an essential public and governmental function and
40 purpose and the revenues, income and other moneys received or to
41 be received by the trust shall be exempt from all taxes of the State
42 or any political subdivision thereof. All bonds, notes and other
43 obligations of the trust issued pursuant to P.L.1985, c.334
44 (C.58:11B-1 et seq.) **[or]**, P.L.1997, c.224 (C.58:11B-10.1 et al.),
45 or sections 27 and 39 through 43 of P.L. , c. (C.) (pending
46 before the Legislature as this bill) are declared to be issued by a
47 body corporate and politic of the State and for an essential public
48 and governmental purpose and those bonds, notes and other

1 obligations, and interest thereon and the income therefrom and from
2 the sale, exchange or other transfer thereof shall at all times be
3 exempt from taxation, except for transfer inheritance and estate
4 taxes.

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

6

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

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

22 b. Upon default, the trustee may, and upon written request of
23 the holders of **【25%】** 25 percent in principal amount of the bonds,
24 notes or other obligations of the trust of a particular issue then
25 outstanding shall, in **【his or its】** the trustee's own name:

26 (1) By suit, action or proceeding enforce all rights of the holders
27 of bonds, notes or other obligations of the issue, to require the trust
28 to carry out any other agreements with the holders of the bonds,
29 notes or other obligations of the issue and to perform its duties
30 under P.L.1985, c.334 (C.58:11B-1 et seq.) **【or】**, P.L.1997, c.224
31 (C.58:11B-10.1 et al.), or sections 27 and 39 through 43 of P.L. . . .
32 c. (C. . . .) (pending before the Legislature as this bill);

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

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

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

41 (5) Sell or otherwise dispose of bonds and notes of local
42 government units pledged pursuant to resolution or trust indenture
43 for benefit of holders of bonds, notes, or other obligations of the
44 issue on any terms as 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%】** 50 percent of the principal amount
4 of the bonds, notes or other obligations of the issue then
5 outstanding, to 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.1997, c.224, s.15)

23
24 34. 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.) **【or】**, P.L.1997, c.224
28 (C.58:11B-10.1 et al.), or sections 27 and 39 through 43 of P.L. _____,
29 c. (C. _____) (pending before the Legislature as this bill), whether
30 as proceeds from the sale of particular bonds, notes or other
31 obligations of the trust or as particular revenues or receipts of the
32 trust, are deemed to be trust funds, to be held and applied solely as
33 provided in the resolution or trust indenture under which the bonds,
34 notes or obligations are authorized or secured. Any officer with
35 whom or any bank or trust company with which those sums of
36 money are deposited as trustee thereof shall hold and apply the
37 same for the purposes thereof, subject to any provision as the
38 aforementioned acts and the resolution or trust indenture
39 authorizing or securing the bonds, notes or other obligations of the
40 trust may provide.

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

42
43 35. Section 23 of P.L.1985, c.334 (C.58:11B-23) is amended to
44 read as follows:

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

1 b. No funds shall be expended by the trust for its annual
2 operating expenses unless appropriated by law to the trust. Unless
3 required to be otherwise applied pursuant to law, funds generated
4 by the operation of the trust, including, but not limited to: proceeds
5 from the sale of the trust's bonds, notes or other obligations;
6 revenues derived from investments by the trust; loan repayments
7 from local government units; and fees and charges levied by the
8 trust, may thereafter be applied in accordance with the provisions of
9 P.L.1985, c.334 (C.58:11B-1 et seq.) **[or]**, P.L.1997, c.224
10 (C.58:11B-10.1 et al.), or sections 27 and 39 through 43 of P.L. ,
11 c. (C.) (pending before the Legislature as this bill) for any
12 corporate purpose of the trust without appropriation; except that the
13 funds shall only be used to make loans or guarantees approved by
14 the Legislature in accordance with the provisions of sections 20, 21,
15 and 22 of P.L.1985, c.334 (C.58:11B-20, C.58:11B-21 and
16 C.58:11B-22), **[or]** sections 24, 25, and 26 of P.L.1997, c.224
17 (C.58:11B-20.1, C.58:11B-21.1 and C.58:11B-22.1), or section 40
18 through 42 of P.L. , c. (C.) (pending before the Legislature
19 as this bill).

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

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

29 (cf: P.L.1997, c.224, s.20)

30

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

33 25. The trust shall establish the rules and regulations governing
34 the making and use of loans or guarantees, including, but not
35 limited to, procedures for the submission of loan guarantee
36 requests, standards for the evaluation of requests, provisions
37 implementing priority systems for projects, reporting requirements
38 of the recipient of any loan or guarantee concerning the progress
39 and the expenditure of funds, and limitations, restrictions or
40 requirements concerning the use of loan funds as the trust shall
41 prescribe; provided that the rules and regulations shall be in
42 compliance with the terms and provisions of P.L.1985, c.334
43 (C.58:11B-1 et seq.) **[or]**, P.L.1997, c.224 (C.58:11B-10.1 et al.),
44 or sections 27 and 39 through 43 of P.L. , c. (C.) (pending
45 before the Legislature as this bill) relating to the making of or
46 eligibility for loans or guarantees for environmental infrastructure
47 projects generally or for any particular type or class of wastewater
48 treatment system or water supply projects.

1 (cf: P.L.1997, c.224, s.21)

2

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

5 26. a. The trust shall adopt **【the】** rules and regulations requiring
6 a local government unit which receives a loan or guarantee for a
7 project to establish an affirmative action program for the hiring of
8 minority workers in the performance of any construction contract
9 for that project and to establish a program to provide opportunities
10 for socially and economically disadvantaged contractors and
11 vendors to supply materials and services for the contract, consistent
12 with the provisions of the "Law Against Discrimination,"
13 **【P.L.1945, c.169 (C.10:5-1 et seq.)】** P.L.1945, c.169 (C.10:5-1 et
14 seq.). Not less than **【10%】** 10 percent of the amount of any
15 contract for construction, materials or services for a project shall be
16 awarded to small business concerns owned and controlled by
17 socially and economically disadvantaged individuals as defined in
18 **【section 8(a) and 8(d) of】** the "Small Business Act," **【Pub.L. 75-**
19 **536 (15 U.S.C. s. 637(a) and (d))】** Pub.L.85-536 (15 U.S.C. s.631 et
20 seq.), and any regulations promulgated pursuant thereto.

21 b. The trust shall adopt **【the】** rules and regulations requiring **【a**
22 **local government unit】** any entity, which receives a loan, grant, or
23 guarantee for a project to pay not less than the prevailing wage rate
24 to workers employed in the performance of any construction
25 contract for that project, in accordance with the rate determined by
26 the Commissioner of Labor and Workforce Development pursuant
27 to **【P.L.1963, c.150 (C.34:11-56.25 et seq.)】** P.L.1963, c.150
28 (C.34:11-56.25 et seq.).

29 ⁴【c. Every contract subject to the provisions of P.L.1985, c.334
30 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or
31 sections 27 and 39 through 43 of P.L. , c. (C.) (pending
32 before the Legislature as this bill), procured pursuant to the "Local
33 Public Contracts Law," P.L.1971, c.198, (C.40A:11-1 et seq.), shall
34 provide that every worker employed in the performance of that
35 contract is an apprentice participating in a registered apprenticeship
36 program or has completed a registered apprenticeship, unless the
37 contractor or subcontractor certifies that every worker shall be paid
38 not less than the journeyworker's rate established for the
39 apprenticeable trade performed pursuant to P.L.1963, c.150
40 (C.34:11-56.25 et seq.). "Registered apprenticeship program"
41 means an apprenticeship program which is registered with and
42 approved by the United States Department of Labor and which
43 provides each trainee with combined classroom and on-the-job
44 training under the direct and close supervision of a highly skilled
45 worker in an occupation recognized as an apprenticeable trade and
46 meets the program performance standards of enrollment and
47 graduation under 29 C.F.R. s.29.6.】⁴

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

2

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

5 27. The trust shall adopt such rules and regulations as it deems
6 necessary to effectuate the purposes of P.L.1985, c.334 (C.58:11B-1
7 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.), including those
8 required pursuant to sections 25 and 26 of P.L.1985, c.334
9 (C.58:11B-25 and C.58:11B-26), and sections 27 and 39 through 43
10 of P.L. _____, c. _____ (C. _____) (pending before the Legislature as this
11 bill), in accordance with the "Administrative Procedure Act,"
12 P.L.1968, c.410 (C.52:14B-1 et seq.).
13 (cf: P.L.1997, c.224, s.22)

14

15 39. (New section) a. There is established in the New Jersey
16 Infrastructure Bank a special fund to be known as the State
17 Transportation Infrastructure Bank Fund. There shall be established
18 within the fund, two subaccounts: (1) a federally-funded subaccount
19 that shall be approved to receive federal funds and related State
20 matching funds pursuant to the federal infrastructure bank program
21 provided for in section 350 of Pub.L.104-59 and Pub.L.102-240 as
22 amended or superseded, and (2) a State-funded subaccount that
23 shall be approved to receive only State funds in excess of those
24 required to be deposited in the federally-funded subaccount. The
25 State-funded subaccount shall be ineligible to receive any federal
26 funds. However, funds in the State-funded subaccount shall be
27 eligible for transfer into the federally-funded subaccount in the
28 discretion of the trust for the purpose of related match funding of
29 the federally-funded subaccount.

30 The State Transportation Infrastructure Bank Fund shall be
31 credited with:

32 (1) (a) State and federal funds appropriated to a federal
33 subaccount of the State Transportation Infrastructure Bank Fund
34 pursuant to the federal infrastructure bank program provided for in
35 section 350 of Pub.L.104-59 and Pub.L.102-240 as amended or
36 superseded, and

37 (b) State funds in excess of any minimum State match required
38 under the federal infrastructure bank program, appropriated to the
39 State-funded subaccount of the State Transportation Infrastructure
40 Bank Fund;

41 (2) monetary donations made available to the State to support
42 the State Transportation Infrastructure Bank Fund;

43 (3) moneys received as repayment of the principal of and the
44 interest or premium on loans made from the State Transportation
45 Infrastructure Bank Fund;

46 (4) any interest earnings received on the moneys in the State
47 Transportation Infrastructure Bank Fund; and

1 (5) such other moneys as the Legislature may appropriate to the
2 trust for deposit into the State Transportation Infrastructure Bank
3 Fund at any time to finance or refinance transportation loans issued
4 from the State Transportation Infrastructure Bank Fund.

5 b. Notwithstanding any provision of P.L.1985, c.334
6 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.) or
7 sections 27 and 39 through 43 of P.L. , c. (C.) (pending
8 before the Legislature as this bill) to the contrary, all moneys placed
9 into the State Transportation Infrastructure Bank Fund shall be held
10 separate from other funds of the trust, and no transportation funds
11 shall be combined or comingled with any funds that finance (1)
12 wastewater treatment system projects, (2) water supply projects, or
13 (3) other environmental infrastructure projects, that are not
14 transportation projects.

15 c. All moneys placed into the State-funded subaccount of the
16 State Transportation Infrastructure Bank Fund shall be held separate
17 from any federal funds provided for the federally-funded
18 subaccount of the State Transportation Infrastructure Bank Fund.

19 d. Notwithstanding any provision of P.L.1985, c.334
20 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.) or
21 sections 27 and 39 through 43 of P.L. , c. (C.) (pending
22 before the Legislature as this bill) to the contrary, the trust may
23 provide loans or other assistance to one or more local government
24 units or consortia thereof for the purpose of financing all or a
25 portion of the costs incurred for the planning, acquisition,
26 engineering, construction, reconstruction, repair, and rehabilitation
27 of a transportation project, provided that monies from the federally-
28 funded subaccount are limited to the purposes permitted under the
29 federal infrastructure bank program.

30 e. In addition to the financing described in subsection d. of this
31 section, a portion, not to exceed 10 percent, of the assistance
32 provided from the State-funded sub-account of the State
33 Transportation Infrastructure Bank Fund may be issued in the form
34 of grants.

35 f. Loans or other assistance granted pursuant to this section
36 shall be considered an investment or reinvestment by the State
37 Transportation Infrastructure Bank Fund, provided that monies from
38 the federally-funded subaccount are limited to the purposes
39 permitted under the federal infrastructure bank program, and not a
40 loan within the meaning of section 12 of P.L.1995, c.108 (C.27:1B-
41 21.5).

42 g. The refinancing of debt relating to an existing transportation
43 project shall not be an eligible form of assistance from the State
44 Transportation Infrastructure Bank Fund, and a loan shall not be
45 granted unless the applicant can demonstrate to the satisfaction of
46 the trust that the assistance being sought is not for the refinancing
47 of debt relating to an existing transportation project.

1 h. Any project, the use or purpose of which is private and for
2 which no public benefit is created, shall not be eligible for financial
3 assistance from the trust.

4 i. The trust shall consider the following factors when setting an
5 interest rate on a loan provided pursuant to this section: (1) the
6 current market rates for comparable obligations; (2) the nature of
7 the project; (3) the financing structure of the project; (4) the
8 creditworthiness of the borrower; and (5) the term of the proposed
9 obligation.

10 j. The long term loan repayment schedule for each project
11 shall require: (1) the repayment of the loan commencing six months
12 after construction completion, the date the facility has opened to
13 traffic, or three years after execution of the long term financing
14 obligation, whichever is first, however, in the case of a highway
15 project, it shall be whichever is later; and (2) a final maturity date
16 of not more than 35 years following the completion of the project.

17 k. The trust may establish or direct the establishment of federal
18 and State accounts or subaccounts as may be necessary to meet any
19 applicable federal law requirements or desirable for the efficient
20 administration of the trust.

21

22 40. (New section) a. The trust shall maintain the administrative
23 responsibilities for financing projects approved for assistance
24 through the State Transportation Infrastructure Bank Fund, in
25 accordance with any applicable federal laws regarding the use of
26 federal funds on transportation projects, as well as any provision 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.) and sections 27 and 39 through 43 of P.L. ,
29 c. (C.) (pending before the Legislature as this bill), and
30 provided that monies from the federally-funded subaccount are
31 limited by the provisions of the federal infrastructure bank program.
32 The trust is authorized to enter into agreements with one or more
33 local government units or consortia thereof for the use of monies
34 from the State Transportation Infrastructure Bank Fund to provide
35 loans or other assistance for the purpose of financing all or a
36 portion of the costs incurred for the planning, acquisition,
37 engineering, construction, reconstruction, repair, and rehabilitation
38 of a transportation project, provided that monies from the federally-
39 funded subaccount are limited to the purposes permitted under the
40 federal infrastructure bank program. The terms of the federally-
41 funded subaccount agreements shall be consistent with the
42 requirements of the federal infrastructure bank program and the
43 trust may adopt rules and regulations to carry out these functions.

44 b. The trust shall also develop a formal relationship with the
45 Department of Transportation for purposes, including, but not
46 limited to, the evaluation of potential transportation projects,
47 fulfilling federal regulations regarding capital projects, coordinating
48 with metropolitan planning organizations, ensuring that any projects

1 obtaining assistance are consistent with the Statewide capital
2 investment strategy, monitoring borrower creditworthiness
3 standards, and advancing local, regional, and Statewide
4 transportation objectives.

5
6 41. (New section) a. The Commissioner of Transportation
7 shall, for each fiscal year, develop a priority system for
8 transportation projects. The Commissioner of Transportation shall
9 set forth a Transportation Financing Program Project Priority List
10 for long-term funding by the trust for each fiscal year and shall
11 include the aggregate amount of funds of the trust to be authorized
12 for these purposes. The Commissioner of Transportation may
13 include a transportation project on the Transportation Financing
14 Program Project Priority List if it meets the eligibility requirements
15 for funding pursuant to Pub.L.114-94, the “Fixing America’s
16 Transportation Act,” or any successor legislation. The
17 Transportation Financing Program Project Priority List shall include
18 a description of each project and an explanation of the manner in
19 which projects are ranked. The Transportation Financing Program
20 Project Priority List for the ensuing fiscal year shall be submitted to
21 the Legislature on or before January 15 of each year.

22 b. The Commissioner of Transportation shall set forth an
23 Interim Transportation Financing Program Project Eligibility List
24 for short-term funding by the trust and shall include the aggregate
25 amount of funds to be authorized for these purposes. The Interim
26 Transportation Financing Program Project Eligibility List shall
27 consist of Transportation Financing Program Project Priority List
28 projects certified by the Department of Transportation that have
29 commenced construction and demonstrated to the department a high
30 likelihood of construction completion on or before the end of the
31 ensuing fiscal year. The Interim Transportation Financing Program
32 Project Eligibility List established pursuant to this subsection shall
33 be considered by the budget committees of each House of the
34 Legislature for inclusion in the annual appropriations act. On or
35 before June 30 of each year, the Legislature shall include the
36 Interim Transportation Financing Program Project Eligibility List
37 with any modifications in the annual appropriations act, including
38 any amendatory or supplementary provisions thereto, which act
39 shall include the authorization of an aggregate amount of funds of
40 the trust to be expended for loans and guarantees for the specific
41 transportation projects, including the individual amounts therefor,
42 on the list. The initial Interim Transportation Financing Program
43 Project Eligibility List for the ensuing fiscal year shall be submitted
44 to the Legislature on or before July 1 of each year. The Secretary
45 and the Clerk shall cause the date of submission to be entered upon
46 the Senate Journal and the Minutes of the General Assembly,
47 respectively. Incremental revisions or supplements to the Interim
48 Transportation Financing Program Project Eligibility List may be

1 submitted to the Legislature as provided in subsection e. of section
2 9 of P.L.1985 c.334 (C.58:11B-9).

3 c. On or before October 15 of each year, the trust may submit
4 an amended Interim Transportation Financing Program Project
5 Eligibility List to be introduced in each House in the form of
6 legislative appropriations bills for approval by the Legislature on or
7 before January 15 of the following calendar year in the manner set
8 forth in subsection a. and subsection b. of this section.

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

15 e. The trust shall submit to the Secretary of the Senate and the
16 Clerk of the General Assembly on or before January 15 of each year
17 a report which shall identify the transportation projects financed
18 during the prior fiscal year, including a project description, the
19 amount of the loan provided for each project, and the duration of
20 each loan.

21 f. The source of projects for the Transportation Financing
22 Program Project Priority List and the Interim Transportation
23 Financing Program Project Eligibility List shall be: (1) applications
24 made by counties and municipalities seeking aid through the State
25 Transportation Infrastructure Bank Fund in accordance with section
26 25 of P.L.1984, c.73 (C.27:1B-25) and the procedures established
27 therein for the allocation of State aid to counties and municipalities
28 through the local aid program, and (2) eligible projects within the
29 most recent 10-year Statewide Transportation Improvement
30 Program as issued by the Department of Transportation. Projects
31 deriving from either of these sources shall identify a consistent
32 source of revenue that will be utilized to repay any loan financing
33 provided by the trust either from the project itself or from the
34 sponsoring local government unit or consortia thereof that will be
35 receiving assistance.

36
37 42. (New section) a. On or before May 15 of each year, the
38 trust shall submit to the Speaker of the General Assembly and the
39 President of the Senate a financial plan designed to implement the
40 financing of the transportation projects either on the Transportation
41 Financing Program Project Priority List or the Interim
42 Transportation Financing Program Project Eligibility List approved
43 pursuant to P.L. , c. (C.) (pending before the Legislature as
44 this bill) or as otherwise approved by the Legislature. The financial
45 plan shall list the bonds, notes or other obligations of the trust
46 which the trust intends to issue, including the amounts thereof and
47 the terms and conditions thereof, a list of loans to be made to local
48 government units or private persons, including the terms and

1 conditions thereof and the anticipated rate of interest per annum and
2 repayment schedule therefor, and a list of loan guarantees or
3 contracts to guarantee the payment of all or a portion of the
4 principal and interest on bonds, notes or other obligations issued by
5 a local government unit to finance the cost of a transportation
6 project, and the terms and conditions thereof.

7 The financial plan shall also set forth a complete operating and
8 financial statement covering proposed operations through the fund
9 during the forthcoming fiscal year, including amounts of income
10 from all sources, and the uniform schedule of fees and charges
11 established by the trust pursuant to subsection o. of section 5 of
12 P.L.1985, c.334 (C.58:11B-5), and the amounts to be derived
13 therefrom, and shall summarize the status of each transportation
14 project for which loans or guarantees have been made by the trust,
15 and shall describe major impediments to the accomplishment of the
16 planned transportation projects.

17 b. On or before June 30 of each year the Legislature may reject
18 the financial plan through the adoption by both houses of a
19 concurrent resolution. If the Legislature rejects the financial plan,
20 the project list shall be removed from the annual appropriations act
21 and the trust shall not undertake any of the proposed activities
22 contained therein. If the Legislature takes no action on or before
23 June 30, the financial plan shall be deemed approved.

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

28
29 43. (New section) Nothing in this act shall decrease, diminish,
30 lessen, or otherwise reduce allocations made to counties and
31 municipalities pursuant to section 25 of P.L.1984, c.73 (C.27:1B-25
32 et seq.), except for amounts above \$7,500,000 each year allocated
33 into the Local Aid Infrastructure Fund, which may be used to
34 capitalize the State Transportation Infrastructure Bank.

35
36 44. Sections 1 through 4 of P.L.1997, c.142 (C.27:1B-21.10
37 through C.27:1B-21.13) are repealed.

38
39 ³45. Section 24 of P.L.1984, c.73 (C.27:1B-24) is amended to read
40 as follows:

41 24. a. All construction contracts funded, in whole or in part, by
42 State appropriations from the revenues and other funds of the New
43 Jersey Transportation Trust Fund Authority for capital purposes shall
44 comply with the federal Disadvantaged Business Enterprise Program,
45 administered by the United States Department of Transportation, in the
46 same manner as the programs administered for federally-assisted
47 contracts funded, in whole or in part, by federal-aid highway dollars.

1 Subject to those definitions and procedures as [the commissioner
2 may prescribe] prescribed by regulation and 49 C.F.R. s.26.1 et seq.,
3 with respect to moneys appropriated or authorized pursuant to this act
4 and expended with private firms for construction and professional
5 services, [not less than 10% of] the department shall adopt a goal for
6 the expenditure of State capital transportation funds equal to the goal
7 for the expenditure of federal funds for federally-assisted
8 transportation projects approved by the United States Department of
9 Transportation, which shall apply to the department, the New Jersey
10 Transit Corporation, counties, and municipalities, for the moneys that
11 shall be expended, either directly or through subcontracting
12 requirements, with business concerns owned and controlled by socially
13 and economically disadvantaged individuals [and, in addition to and
14 exclusive of this requirement, not less than 4% of the moneys shall be
15 expended, either directly or through subcontracting requirements, with
16 business concerns owned and controlled by women].

17 b. All construction contracts funded, in whole or in part, by State
18 appropriations from the revenues and other funds of the New Jersey
19 Transportation Trust Fund Authority for capital purposes shall include
20 mandatory equal employment opportunity and affirmative action
21 contract provisions that require contractors to make a good faith effort
22 to recruit and employ minority and women applicants, as required by
23 the provisions of the regulations promulgated in the New Jersey
24 Administrative Code including, but not limited to N.J.A.C.17:27-3.6 to
25 N.J.A.C.17:27-3.8, and N.J.A.C.17:27-7.3 to N.J.A.C.17:27-7.4, and,
26 where feasible, to interview and hire minority and women applicants
27 that reside near the transportation project.

28 As to the portion of each contract that is funded by State
29 appropriations from the revenues and other funds of the New Jersey
30 Transportation Trust Fund Authority for capital purposes, the contract
31 shall provide that payment may be withheld for failure by the
32 contractor to demonstrate to the satisfaction of the reporting agency
33 that the required good faith effort was made. The Division of Public
34 Contracts Equal Employment Opportunity Compliance in the
35 Department of the Treasury shall, within 90 days of the
36 commencement of each contract, issue a report on its website as to
37 whether a contractor, pursuant to the contract provisions, has made a
38 good faith effort to, where feasible, interview and hire applicants that
39 reside near the transportation project and to recruit and employ
40 minority and women applicants, as required by the provisions of the
41 regulations promulgated in the New Jersey Administrative Code
42 including, but not limited to N.J.A.C.17:27-3.6 to N.J.A.C.17:27-3.8,
43 and N.J.A.C.17:27-7.3 to N.J.A.C.17:27-7.4. Failure by a contractor
44 to satisfy the good faith effort requirement of its contract may also
45 subject it to assessments imposed by the Division of Public Contracts
46 Equal Employment Opportunity Compliance in the Department of the
47 Treasury, pursuant to administrative regulation.

1 c. The department shall submit annually, to the Governor and,
2 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
3 Legislature, a report which shall contain: the data provided to the
4 United States Department of Transportation pursuant to the provisions
5 of 49 C.F.R. s.26.11; information concerning the progress of the
6 department, the New Jersey Transit Corporation, counties, and
7 municipalities towards the achievement of the goals established
8 pursuant to subsection a. of this section; and the recruitment,
9 interview, and employment data concerning minority applicants,
10 women applicants, minority applicants that reside near a transportation
11 project, and women applicants that reside near a transportation
12 project.³

13 (cf: P.L.1984, c.73, s.24)

14
15 ³[45.] ^{46.}³ This act shall take effect ⁴[on July 1, 2016]
16 immediately⁴, but sections 10 through 44 shall remain inoperative
17 until the appropriation by the State of eligible federal or State funds
18 into the State ⁴Transportation⁴ Infrastructure Bank Fund pursuant to
19 section 39 of P.L. , c. (C.) (pending before the Legislature
20 as this bill) and funds are appropriated to the trust to cover
21 administrative and operational expenses related to the State
22 Transportation Infrastructure Bank, and section 2 shall take effect
23 on the same day that Assembly Concurrent Resolution No. 1 of
24 2015, a constitutional amendment to Article VIII, section II,
25 paragraph 4 of the New Jersey Constitution, takes effect.

26

27

28

29

30 Revises “New Jersey Transportation Trust Fund Authority Act”;
31 establishes State Transportation Infrastructure Bank within NJ
32 Environmental Infrastructure Trust; renames NJ Environmental
33 Infrastructure Trust.