

[First Reprint]

ASSEMBLY, No. 5018

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED NOVEMBER 19, 2020

Sponsored by:

Assemblywoman ANNETTE CHAPARRO

District 33 (Hudson)

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District 15 (Hunterdon and Mercer)

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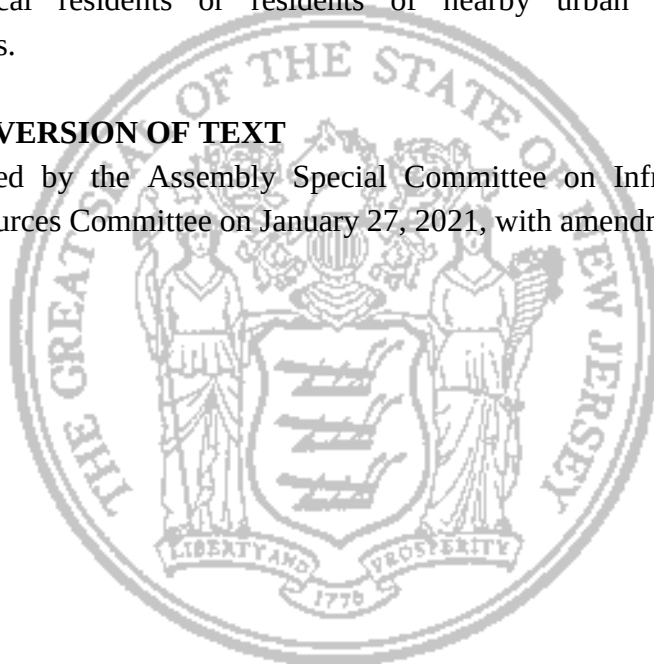
Assemblywoman Murphy and Assemblyman Conaway

SYNOPSIS

Requires DEP to prioritize funding for environmental infrastructure projects for applicants with established program to employ, at project or related facilities, local residents or residents of nearby urban aid qualifying municipalities.

CURRENT VERSION OF TEXT

As reported by the Assembly Special Committee on Infrastructure and Natural Resources Committee on January 27, 2021, with amendments.



(Sponsorship Updated As Of: 1/4/2021)

1 AN ACT concerning environmental infrastructure projects and
2 amending P.L.1985, c.334 ¹and P.L.1997, c.224¹ .

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 ¹[1. Section 26 of P.L.1985, c.334 (C.58:11B-26) is amended to
8 read as follows:

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

33 b. The trust shall adopt rules and regulations requiring any
34 entity, which receives a loan, grant, or guarantee for a project to pay
35 not less than the prevailing wage rate to workers employed in the
36 performance of any construction contract for that project, in
37 accordance with the rate determined by the Commissioner of Labor
38 and Workforce Development pursuant to P.L.1963, c.150 (C.34:11-
39 56.25 et seq.).

40 c. The trust shall adopt rules and regulations that provide an
41 incentive for any entity, which receives a loan, grant, or guarantee
42 for an environmental infrastructure project that, where feasible,
43 employs applicants that reside in the municipality in which the
44 project is located or in the service area for the project. The
45 incentive provided pursuant to this subsection may include, but is

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ANR committee amendments adopted January 27, 2021.

1 not limited to, priority in the ranking criteria or prioritization
2 methodology for projects or a financial incentive such as principal
3 forgiveness.

4 (cf: P.L.2019, c.194, s.6)]¹

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

8 20. a. (1) The Commissioner of Environmental Protection shall
9 for each fiscal year develop a priority system for wastewater
10 treatment systems and shall establish the ranking criteria and
11 funding policies for the clean water projects to be financed by the
12 New Jersey Environmental Infrastructure Financing Program. The
13 commissioner shall set forth an Interim Clean Water Financing
14 Program Project Priority List, hereinafter referred to as the "clean
15 water project priority list," for funding by the trust for each fiscal
16 year and shall include the aggregate amount of funds of the trust to
17 be authorized for these purposes. The clean water project priority
18 list may include any stormwater management or combined sewer
19 overflow abatement project identified in the stormwater
20 management and combined sewer overflow abatement project
21 priority list adopted by the commissioner pursuant to section 28 of
22 P.L.1989, c.181.

23 The clean water project priority list, which shall include for each
24 wastewater treatment system the date each project is scheduled to
25 be certified as ready for funding, shall be in conformance with
26 applicable provisions of the "Federal Water Pollution Control Act
27 Amendments of 1972," Pub.L.92-500 (33 U.S.C. s.1251 et al.), and
28 any amendatory or supplementary acts thereto, and State law, or in
29 the case of a wastewater treatment system project for the reduction
30 of lead in a publicly-owned facility, conformance with requirements
31 established by the Department of Environmental Protection for
32 those projects. The clean water project priority list shall include a
33 description of each project and its purpose, impact, cost, and
34 construction schedule, and an explanation of the manner in which
35 priorities were established. The department shall, to the extent
36 consistent with federal law, assign additional priority points to
37 project applicants with an established program to employ at the
38 project facility, or at related offices or facilities, persons who reside
39 in the municipality in which the project is located, the service area
40 of the project, or in surrounding municipalities that meet the criteria
41 for State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.).

42 The priority system and clean water project priority list for the
43 ensuing fiscal year shall be submitted to the Secretary of the Senate
44 and the Clerk of the General Assembly on or before January 15 of
45 each year. The Secretary and the Clerk shall cause the date of
46 submission to be entered upon the Senate Journal and the Minutes
47 of the General Assembly, respectively. Incremental revisions or
48 supplements to the clean water project priority list may be

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

3 (2) The commissioner shall set forth a clean water project
4 eligibility list for long-term funding by the trust and shall include
5 the aggregate amount of funds to be authorized for these purposes.
6 The clean water project eligibility list shall consist of clean water
7 project priority list projects certified by the department that have
8 commenced construction and demonstrated a high likelihood of
9 construction completion on or before the end of the ensuing fiscal
10 year. On or before May 15 of each year, the trust shall submit the
11 clean water project eligibility list for the ensuing fiscal year,
12 including any revision thereof or supplement thereto, to be
13 introduced in each House in the form of legislative appropriations
14 bills, which shall be referred to the Senate Environment and Energy
15 Committee and the Assembly Environment and Solid Waste
16 Committee, or their successors, for their respective consideration.
17 On or before October 15 of each year the trust may submit an
18 additional clean water project eligibility list, to be introduced in
19 each House in the form of legislative appropriations bills, which
20 shall be referred to the Senate Environment and Energy Committee
21 and the Assembly Environment and Solid Waste Committee, or
22 their successors, for their respective consideration.

23 b. The Senate Environment and Energy Committee and the
24 Assembly Environment and Solid Waste Committee shall, either
25 individually or jointly, consider the legislation containing the clean
26 water project eligibility list, and shall report the legislation, together
27 with any modifications, out of committee for consideration by each
28 House of the Legislature. On or before July 1 of each year, the
29 Legislature shall approve an appropriations act containing the clean
30 water project eligibility list, including any amendatory or
31 supplementary provisions thereto, which act shall include the
32 authorization of an aggregate amount of funds of the trust to be
33 expended for long-term loans and guarantees for the specific
34 projects, including the individual amounts therefor, on the list.

35 c. The trust shall not expend any money for a long-term loan or
36 guarantee during a fiscal year for any wastewater treatment system
37 project unless the expenditure is authorized pursuant to an
38 appropriations act as provided in the provisions of this section, or as
39 otherwise set forth in an appropriations act.

40 d. The trust shall submit to the Secretary of the Senate and the
41 Clerk of the General Assembly on or before January 15 of each year
42 a report which shall identify the wastewater treatment system
43 projects financed during the prior fiscal year, including a project
44 description, the amount of the loan provided for each project, and
45 the duration of each loan.¹

46 (cf: P.L.2017, c.144, s.8)

1 ¹2. Section 24 of P.L.1997, c.224 (C.58:11B-20.1) is amended
2 to read as follows:

3 24. a. (1) The Commissioner of Environmental Protection shall
4 for each fiscal year develop a priority system for water supply
5 projects and shall establish the ranking criteria and funding policies
6 for the water supply projects to be financed by the New Jersey
7 Environmental Infrastructure Financing Program. The
8 commissioner shall set forth an Interim Drinking Water Financing
9 Program Project Priority List, hereinafter referred to as the
10 "drinking water project priority list," for funding by the trust for
11 each fiscal year and shall include the aggregate amount of funds of
12 the trust to be authorized for these purposes. The commissioner
13 may include a water supply project on the drinking water project
14 priority list if it is eligible for funding under the "Water Supply
15 Bond Act of 1981," P.L.1981, c.261, as amended, meets the
16 eligibility requirements for funding pursuant to the federal "Safe
17 Drinking Water Act Amendments of 1996," Pub.L.104-182, or, in
18 the case of a water supply project for the reduction of lead in a
19 publicly-owned facility, the project meets the eligibility
20 requirements established by the Department of Environmental
21 Protection for those projects. The drinking water project priority list
22 shall include a description of each project and an explanation of the
23 manner in which priorities were established. The department shall,
24 to the extent consistent with federal law, assign additional priority
25 points to project applicants with an established program to employ
26 at the project facility, or at related offices or facilities, persons who
27 reside in the municipality in which the project is located, the service
28 area of the project, or in surrounding municipalities that meet the
29 criteria for State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et
30 seq.). The priority system and drinking water project priority list
31 for the ensuing fiscal year shall be submitted to the Secretary of the
32 Senate and the Clerk of the General Assembly on or before January
33 15 of each year. The Secretary and the Clerk shall cause the date of
34 submission to be entered upon the Senate Journal and the Minutes
35 of the General Assembly, respectively. Incremental revisions or
36 supplements to the drinking water project priority list may be
37 submitted to the Legislature as provided in subsection d. of section
38 9 of P.L.1985, c.334 (C.58:11B-9).

39 (2) The commissioner shall set forth a drinking water project
40 eligibility list for long-term funding by the trust and shall include
41 the aggregate amount of funds to be authorized for these purposes.
42 The drinking water project eligibility list shall consist of drinking
43 water project priority list projects certified by the department that
44 have commenced construction and demonstrated a high likelihood
45 of construction completion on or before the end of the ensuing
46 fiscal year. On or before May 15 of each year, the trust shall submit
47 the drinking water project eligibility list for the ensuing fiscal year,
48 including any revision thereof or supplement thereto, to be

1 introduced in each House in the form of legislative appropriations
2 bills, which shall be referred to the Senate Environment and Energy
3 Committee and the Assembly Environment and Solid Waste
4 Committee, or their successors, for their respective consideration.
5 On or before October 15 of each year the trust may submit an
6 additional drinking water project eligibility list, to be introduced in
7 each House in the form of legislative appropriations bills, which
8 shall be referred to the Senate Environment and Energy Committee
9 and the Assembly Environment and Solid Waste Committee, or
10 their successors, for their respective consideration.

11 b. The Senate Environment and Energy Committee and the
12 Assembly Environment and Solid Waste Committee shall, either
13 individually or jointly, consider the legislation containing the
14 drinking water project eligibility list, and shall report the
15 legislation, together with any modifications, out of committee for
16 consideration by each House of the Legislature. On or before July 1
17 of each year, the Legislature shall approve an appropriations act
18 containing the drinking water project eligibility list, including any
19 amendatory or supplementary provisions thereto, which act shall
20 include the authorization of an aggregate amount of funds of the
21 trust to be expended for long-term loans and guarantees for the
22 specific water supply projects, including the individual amounts
23 therefor, on the list.

24 c. The trust shall not expend any money for a long-term loan or
25 guarantee during a fiscal year for any water supply project unless
26 the expenditure is authorized pursuant to an appropriations act as
27 provided in the provisions of this section, or as otherwise set forth
28 in an appropriations act.

29 d. The trust shall submit to the Secretary of the Senate and the
30 Clerk of the General Assembly on or before January 15 of each year
31 a report which shall identify the water supply projects financed
32 during the prior fiscal year, including a project description, the
33 amount of the loan provided for each project, and the duration of
34 each loan.¹

35 (cf: P.L.2018, c.75, s.5)

36

37 ¹[2.] 3.¹ This act shall take effect immediately.