

[First Reprint]
SENATE, No. 3314

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 7, 2021

Sponsored by:

Senator NELLIE POU

District 35 (Bergen and Passaic)

Senator TROY SINGLETON

District 7 (Burlington)

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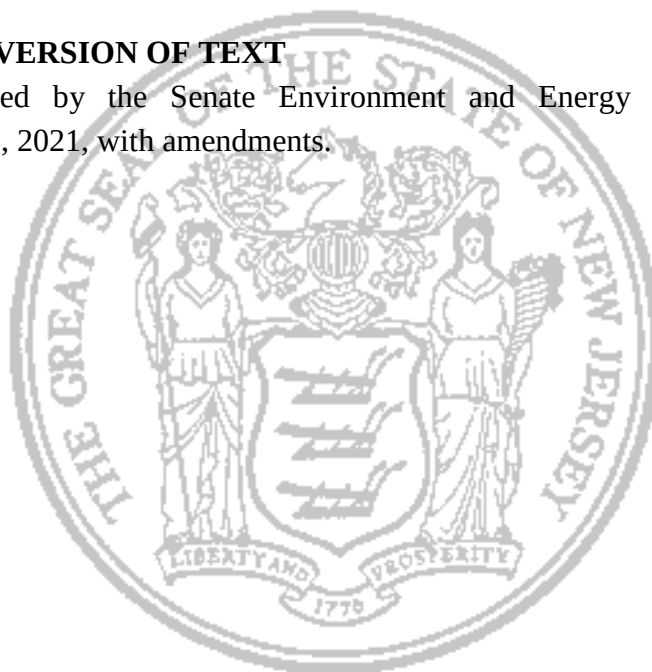
Senators Ruiz and Turner

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 Senate Environment and Energy Committee on November 15, 2021, with amendments.



(Sponsorship Updated As Of: 12/20/2021)

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,”
17 P.L.1945, c.169 (C.10:5-1 et seq.). Not less than 10 percent of the
18 amount of any contract for construction, materials or services for a
19 project shall be awarded to small business concerns owned and
20 controlled by socially and economically disadvantaged individuals
21 as defined in the “Small Business Act,” Pub.L.85-536 (15 U.S.C.
22 s.631 et seq.), and any regulations promulgated pursuant thereto
23 provided, however, that the projects funded, in whole or in part,
24 with federal funds, the percentage of such contracts awarded to
25 small business concerns owned and controlled by socially and
26 economically disadvantaged individuals shall equal the goal for
27 participation set forth in section 644(g)(1)(A)(iv) of the “Small
28 Business Act,” Pub.L.85-536 (15 U.S.C. s.644). For transportation
29 financing program projects funded in whole with State funds,
30 contracts for construction materials or services shall comply with
31 the small business set aside regulations promulgated pursuant to
32 section 15 of 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
46 not limited to, priority in the ranking criteria or prioritization

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:

¹Senate SEN committee amendments adopted November 15, 2021.

1 methodology for projects or a financial incentive such as principal
2 forgiveness.

3 (cf: P.L.2019, c.194, s.6)]¹

4

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

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

21 The clean water project priority list, which shall include for each
22 wastewater treatment system the date each project is scheduled to be
23 certified as ready for funding, shall be in conformance with applicable
24 provisions of the "Federal Water Pollution Control Act Amendments
25 of 1972," Pub.L.92-500 (33 U.S.C. s.1251 et al.), and any amendatory
26 or supplementary acts thereto, and State law, or in the case of a
27 wastewater treatment system project for the reduction of lead in a
28 publicly-owned facility, conformance with requirements established
29 by the Department of Environmental Protection for those projects or,
30 in the case of a wastewater treatment system project financed through
31 another source of funds, conformance with the requirements
32 established by the department and the other source of funds for that
33 project. The clean water project priority list shall include a description
34 of each project and its purpose, impact, cost, and construction
35 schedule, and an explanation of the manner in which priorities were
36 established. The department shall, to the extent consistent with federal
37 law, assign additional priority points to project applicants with an
38 established program to employ at the project facility, or at related
39 offices or facilities, persons who reside in the municipality in which
40 the project is located, the service area of the project, or in surrounding
41 municipalities that meet the criteria for State aid pursuant to P.L.1978,
42 c.14 (C.52:27D-178 et seq.). The priority system and clean water
43 project priority list for the ensuing fiscal year shall be submitted to the
44 Secretary of the Senate and the Clerk of the General Assembly on or
45 before January 15 of each year. The Secretary and the Clerk shall
46 cause the date of submission to be entered upon the Senate Journal and
47 the Minutes of the General Assembly, respectively. Incremental
48 revisions or supplements to the clean water project priority list may be

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

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

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

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

45 (cf: P.L.2021, c.74, s.10)

46

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

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

1 in each House in the form of legislative appropriations bills, which
2 shall be referred to the Senate Environment and Energy Committee
3 and the Assembly Environment and Solid Waste Committee, or their
4 successors, for their respective consideration. On or before October 15
5 of each year the trust may submit an additional drinking water project
6 eligibility list, to be introduced in each House in the form of legislative
7 appropriations bills, which shall be referred to the Senate Environment
8 and Energy Committee and the Assembly Environment and Solid
9 Waste Committee, or their successors, for their respective
10 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 drinking
14 water project eligibility list, and shall report the legislation, together
15 with any modifications, out of committee for consideration by each
16 House of the Legislature. On or before July 1 of each year, the
17 Legislature shall approve an appropriations act containing the drinking
18 water project eligibility list, including any amendatory or
19 supplementary provisions thereto, which act shall include the
20 authorization of an aggregate amount of funds of the trust to be
21 expended for long-term loans and guarantees for the specific water
22 supply projects, including the individual amounts therefor, on the list.

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

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

33 (cf: P.L.2021, c.74, s.11)

34

35 ¹[2.] 3.¹ This act shall take effect immediately.