

SENATE, No. 2012
STATE OF NEW JERSEY

INTRODUCED APRIL 7, 1986

By Senator DALTON

Referred to Committee on Energy and Environment

AN ACT authorizing the creation of a debt of the State of New Jersey by issuance of bonds of the State in the sum of \$200,000,000.00 to provide moneys for the identification, cleanup and removal of hazardous discharges; providing ways and means to pay the interest on the debt and also to pay and discharge the principal thereof; providing for the submission of this act to the people at the general election; and making an appropriation.

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

1 1. This act shall be known and may be cited as the "Hazardous
2 Discharge Bond Act of 1985."

1 2. The Legislature finds and declares that the improper, irre-
2 sponsible, and often illegal discharge of hazardous substances
3 presents a grave threat to the public health and safety, and to the
4 environment, that the dangers posed by these discharges can be
5 minimized only by prompt identification, cleanup and removal of
6 these hazardous discharges, that existing funding sources are not
7 adequate to finance these identification, cleanup and removal op-
8 erations, and that it is therefore in the best interests of all citizens
9 of this State to provide a funding mechanism to finance the prompt
10 identification, efficient cleanup and removal of discharges of haz-
11 ardous substances.

1 3. As used in this act:

2 a. "Cost" means the interest or discount on bonds; cost of issu-
3 ance of bonds; the cost of inspection, appraisal, legal, financial,
4 and other professional services, estimates, and advice; and the

5 cost of organizational, administrative and other work and services.
6 including salaries, supplies, equipment, and materials necessary to
7 administer this act;

8 b. "Hazardous discharge" means the actual or imminent release,
9 spill, leak, emission or dumping of any hazardous substance into
10 the environment which represents a threat to the public health and
11 safety of the environment;

12 c. "Hazardous substances" means those elements and compounds,
13 including petroleum products, which are defined as such by the
14 New Jersey Department of Environmental Protection, after public
15 hearing, and which shall be consistent to the maximum extent
16 possible with, and which shall include, the list of hazardous sub-
17 stances adopted by the federal Environmental Protection Agency
18 pursuant to section 311 of the "Federal Water Pollution Control
19 Act Amendments of 1972," Pub. L. 92-500 (33 U. S. C. § 1321), as
20 amended by the "Clean Water Act of 1977," Pub. L. 95-217 (33
21 U. S. C. § 1251 et seq.), the list of toxic pollutants designated by
22 Congress or the Environmental Protection Agency pursuant to
23 section 307 of the former act (33 U. S. C. § 1317) and, to the extent
24 they are not otherwise included, any substance defined as hazardous
25 pursuant to section 101 of the "Comprehensive Environmental
26 Response, Compensation, and Liability Act of 1980," Pub. L. 96-510
27 (42 U. S. C. § 9601 et seq.); except that sewage and sewage sludge
28 shall not be considered as hazardous substances for the purpose
29 of this act.

1 4. The Commissioner of the Department of Environmental Pro-
2 tection shall adopt, pursuant to law, rules and regulations neces-
3 sary to carry out the provisions of this act. The commissioner
4 shall review and consider the findings and recommendations of the
5 New Jersey Commission on Capital Budgeting and Planning in the
6 administration of the provisions of this act.

1 5. Bonds of the State of New Jersey are authorized to be issued
2 in the aggregate principal amount of \$200,000,000.00 for the pur-
3 pose of financing the cost of identification, cleanup and removal of
4 hazardous discharges.

1 6. The bonds authorized under this act shall be serial bonds, term
2 bonds, or a combination thereof, and shall be known as "Hazardous
3 Discharge Bonds." These bonds shall be issued from time to time
4 as the issuing officials herein named shall determine, and may be
5 issued in coupon form, fully-registered form or book-entry form.
6 These bonds may be made subject to redemption prior to maturity
7 and shall mature and be paid not later than 35 years from the
8 dates of their issuance.

1 7. The Governor, the State Treasurer and the Director of the
2 Division of Budget and Accounting in the Department of the
3 Treasury, or any two of these officials, herein referred to as "the
4 issuing officials," are authorized to carry out the provisions of this
5 act relating to the issuance of bonds, and shall determine all mat-
6 ters in connection therewith, subject to the provisions of this act.
7 If an issuing official is absent from the State or incapable of acting
8 for any reason, the powers and duties of that issuing official shall
9 be exercised and performed by the person authorized by law to act
10 in an official capacity in the place of that issuing official.

1 8. Bonds issued in accordance with the provisions of this act
2 shall be direct obligations of the State of New Jersey, and the faith
3 and credit of the State are pledged for the payment of the interest
4 thereon when due and for the payment of the principal thereof at
5 maturity. The principal of and interest on the bonds shall be
6 exempt from taxation by the State or by any county, municipality
7 or other taxing district of the State.

1 9. The bonds shall be signed in the name of the State by means
2 of the manual or facsimile signature of the Governor under the
3 Great Seal of the State, which seal may be by facsimile or by way
4 of any other form of reproduction on the bonds, and attested by
5 the manual or facsimile signature of the Secretary of State, or an
6 assistant Secretary of State, and shall be countersigned by the
7 facsimile signature of the Director of the Division of Budget and
8 Accounting in the Department of the Treasury and may be manu-
9 ally authenticated by an authenticating agent or bond registrar,
10 as the issuing officials shall determine. Interest coupons, if any,
11 attached to the bonds shall be signed by the facsimile signature of
12 the director. The bonds may be issued notwithstanding that an
13 issuing official signing them or whose manual or facsimile signature
14 appears thereon has ceased to hold office at the time of issuance,
15 or at the time of the delivery of the bonds to the purchaser thereof.

1 10. a. The bonds shall recite that they are issued for the pur-
2 poses set forth in section 5 of this act, that they are issued pursuant
3 to this act, that this act was submitted to the people of the State at
4 the general election held in the month of November, 1985, and that
5 this act was approved by a majority of the legally qualified voters
6 of the State voting thereon at the election. This recital shall be
7 conclusive evidence of the validity of the bonds and of the authority
8 of the State to issue them. Any bonds containing this recital shall,
9 in any suit, action or proceeding involving their validity, be con-
10 clusively deemed to be fully authorized by this act and to have been

11 issued, sold, executed and delivered in conformity herewith and
12 with all other provisions of laws applicable hereto, and shall be
13 incontestable for any cause.

14 b. The bonds shall be issued in such denominations and in such
15 form or forms, whether coupon, fully-registered or book-entry and
16 with or without provisions for the interchangeability thereof, as
17 may be determined by the issuing officials.

1 11. When the bonds are issued from time to time, the bonds of
2 each issue shall constitute a separate series to be designated by
3 the issuing officials. Each series of bonds shall bear such rate or
4 rates of interest as may be determined by the issuing officials, which
5 interest shall be payable semiannually; except that the first and
6 last interest periods may be longer or shorter, in order that inter-
7 vening semiannual payments may be at convenient dates.

1 12. The bonds shall be issued and sold at such price or prices and
2 under such terms, conditions and regulations as the issuing officials
3 may prescribe, after notice of the sale, published at least once in
4 at least three newspapers published in this State, and at least once
5 in a publication carrying municipal bond notices and devoted pri-
6 marily to financial news, published in this State or in the city of
7 New York, the first notice to appear at least five days prior to the
8 day of bidding. The notice of sale may contain a provision to the
9 effect that any bid in pursuance thereof may be rejected. In the
10 event of rejection or of failure to receive any acceptable bid, the
11 issuing officials, at any time within 60 days from the date of the
12 advertised sale, may sell the bonds at a private sale at such price
13 or prices and under such terms and conditions as the issuing officials
14 may prescribe. The issuing officials may sell all or part of the bonds
15 of any series as issued to any State fund or to the federal govern-
16 ment or any agency thereof, at a private sale, without advertise-
17 ment.

1 13. Until permanent bonds are prepared, the issuing officials may
2 issue temporary bonds in such form and with such privileges as to
3 their registration and exchange for permanent bonds as may be
4 determined by the issuing officials.

1 14. The proceeds from the sale of the bonds shall be paid to the
2 State Treasurer, to be held thereby in a separate fund, which shall
3 be known as the "Hazardous Discharge Fund of 1986." The pro-
4 ceeds of this fund shall be deposited in such depositories as may be
5 selected by the State Treasurer to the credit of the fund.

1 15. a. The moneys in the "Hazardous Discharge Fund of 1986"
2 are specifically dedicated and shall be applied to the cost of the

3 purposes set forth in section 5 of this act, and all such moneys are
 4 appropriated for those purposes, and no such moneys shall be ex-
 5 pended for those purposes, except as otherwise authorized in this
 6 act, without the specific appropriation thereof by the Legislature,
 7 but bonds may be issued as herein provided, notwithstanding that
 8-9 The Legislature has not adopted an act making a specific appro-
 10 priation of any of the moneys.

11 b. At any time prior to the issuance and sale of bonds under this
 12 act, the State Treasurer is authorized to transfer from available
 13 money in any fund of the treasury of the State to the credit of the
 14 "Hazardous Discharge Fund of 1986," such sums as he may deem
 15 necessary. The sum so transferred shall be returned to the same
 16 fund of the treasury by the State Treasurer from the proceeds of
 17 the sale of the first issue of bonds.

18 c. Pending their application to the purposes provided in this act,
 19 the moneys in the "Hazardous Discharge Fund of 1986" may be
 20 invested and reinvested as are other trust funds in the custody of
 21 the State Treasurer, in the manner provided by law. Net earnings
 22 received from the investment or deposit of the fund shall be paid
 23 into the General Fund.

1 16. If any coupon bond, coupon or registered bond is lost, mutilated or destroyed, a new bond or coupon shall be executed and
 2 delivered of like tenor, in substitution for the lost, mutilated or
 3 destroyed bond or coupon, upon the owner furnishing to the issuing
 4 officials such evidence satisfactory to them of the loss, mutilation
 5 or destruction of the bond or coupon, the ownership thereof and
 6 the security, indemnity and reimbursement for expenses connected
 7 therewith, as the issuing officials may require.

1 17. The accrued interest received upon the sale of the bonds shall
 2 be applied to the discharge of a like amount of interest upon the
 3 bonds when due. Any expense incurred by the issuing officials for
 4 advertising, engraving, printing, clerical, authenticating, register-
 5 ing, legal or other services necessary to carry out the duties im-
 6 posed upon them by the provisions of this act shall be paid from
 7 the proceeds of the sale of the bonds by the State Treasurer, upon
 8 the warrant of the Director of the Division of Budget and Account-
 9 ing in the Department of the Treasury, in the same manner as other
 10 obligations of the State are paid.

1 18. Bonds of each series issued hereunder shall mature, including
 2 any sinking fund redemptions, not later than the 35th year from
 3 the date of issue of such series, and in such amounts as shall be
 4 determined by the issuing officials. The issuing officials may re-

5 serve to the State by appropriate provision in the bonds of any
6 series the power to redeem any of the bonds prior to maturity at
7 such price or prices and upon such terms and conditions as may
8 be provided in the bonds.

1 19. The issuing officials may at any time and from time to time
2 issue refunding bonds for the purpose of refunding in whole or in
3 part an equal principal amount of the bonds of any series issued
4 and outstanding thereunder, which by their terms are subject to
5 redemption prior to maturity, provided the refunding bonds shall
6 mature at any time or times not later than the latest maturity date
7 of that series, and the aggregate amount of interest to be paid on
8 the refunding bonds, plus the premium, if any, to be paid on the
9 bonds refunded, shall not exceed the aggregate amount of interest
10 which would be paid on the bonds refunded if the bonds were not so
11 refunded. Refunding bonds shall constitute direct obligations of
12 the State of New Jersey, and the faith and credit of the State are
13 pledged for the payment of the principal thereof and the interest
14 thereon. The proceeds received from the sale of refunding bonds
15 shall be held in trust and applied to the payment of the bonds re-
16 funded thereby. Refunding bonds shall be entitled to all the bene-
17 fits of this act and subject to all its limitations except as to the
18 maturities thereof and to the extent herein otherwise expressly
19 provided.

1 20. To provide funds to meet the interest and principal payment
2 requirements for the bonds issued under this act and outstanding
3 there is appropriated in the order following:

4 a. Revenue derived from the collection of taxes under the "Sales
5 and Use Tax Act," P. L. 1966, c. 30 (C. 54:32B-1 et seq.), or so
6 much thereof as may be required; and

7 b. If, at any time, funds necessary to meet the interest and prin-
8 cipal payments on outstanding bonds issued under this act, are
9 insufficient or not available, there shall be assessed, levied and
10 collected annually in each of the municipalities of the counties of
11 this State, a tax on the real and personal property upon which
12 municipal taxes are or shall be assessed, levied and collected, suffi-
13 cient to meet the interest on all outstanding bonds issued here-
14 under and on the bonds proposed to be issued under this act in the
15 calendar year in which the tax is to be raised and for the payment
16 of bonds falling due in the year following the year for which the
17 tax is levied. The tax shall be assessed, levied and collected in the
18 same manner and at the same time as other taxes upon real and
19 personal property. The governing body of each municipality shall

20 pay to the treasurer of the county in which the municipality is
 21 located, on or before December 15 in each year, the amount of tax
 22 herein directed to be assessed and levied, and the county treasurer
 23 shall pay the amount of the tax to the State Treasurer on or be-
 24 fore December 20 in each year.

25 If on or before December 31 in any year, the issuing officials, by
 26 resolution, determine that there are moneys in the General Fund
 27 beyond the needs of the State, sufficient to meet the principal of
 28 bonds falling due and all interest payable in the ensuing calendar
 29 year, the issuing officials shall file the resolution in the office of the
 30 State Treasurer, whereupon the State Treasurer shall transfer
 31 the moneys to a separate fund to be designated by him, and shall
 32 pay the principal and interest out of the fund as the same shall
 33 become due and payable, and the other sources of payment of the
 34 principal and interest provided for in this section shall not then
 35 be available, and the receipts for the year from the tax specified
 36 in subsection b. of this section shall be considered part of the
 37 General Fund, available for general purposes.

1 21. Should the State Treasurer, by December 31 of any year,
 2 deem it necessary, because of the insufficiency of funds collected
 3 from the sources of revenues as provided in this act, to meet the
 4 interest and principal payments for the year after the ensuing year,
 5 then the State Treasurer shall certify to the Director of the Divi-
 6 sion of Budget and Accounting in the Department of the Treasury
 7 the amount necessary to be raised by taxation for those purposes,
 8 which is to be assessed, levied and collected for and in the ensuing
 9 calendar year. The director shall, on or before March 1 following,
 10 calculate the amount in dollars to be assessed, levied and collected
 11 in each county as herein set forth. This calculation shall be based
 12 upon the corrected assessed valuation of each county for the year
 13 preceding the year in which the tax is to be assessed, but the tax
 14 shall be assessed, levied and collected upon the assessed valuation
 15 of the year in which the tax is assessed and levied. The director
 16 shall certify the amount to the county board of taxation and the
 17 treasurer of each county. The county board of taxation shall in-
 18 clude the proper amount in the current tax levy of the several
 19 taxing districts of the county in proportion to the ratables as as-
 20 certained for the current year.

1 22. For the purpose of complying with the provisions of the State
 2 Constitution, this act shall be submitted to the people at the general
 3 election to be held in the month of November, 1986. To inform the
 4 people of the contents of this act, it shall be the duty of the Secre-

5 tary of State, after this section takes effect, and at least 15 days
6 prior to the election, to publish this act in at least 10 newspapers
7 published in this State and to notify the clerk of each county of
8 this State of the passage of this act; and the clerks respectively,
9 in accordance with the instructions of the Secretary of State, shall
10 have each of the ballots printed as follows:

11 If you approve of the act entitled below, may a cross (X), plus
12 (+) or check (✓) mark in the square opposite the word "Yes."

13 If you disapprove of the act entitled below, make a cross (X),
14 plus (+) or check (✓) mark in the square opposite the word "No."

15 If voting machines are used, a vote of "Yes" or "No" shall be
16 equivalent to these markings respectively.

	Yes.	HAZARDOUS DISCHARGE BOND ACT OF 1986 Should the "Hazardous Discharge Bond Act of 1986" which authorizes the State to issue bonds in the amount of \$200,000,000.00 for the purpose of financing the cost of identification, cleanup and removal of hazardous discharges, providing ways and means to pay the interest on the debt and also to pay and discharge the principal thereof be approved?
	No.	INTERPRETIVE STATEMENT Approval of this act would authorize the sale of \$200,000,000.00 in bonds to be used to identify, cleanup and remove hazardous discharges.

17 The fact and date of the approval or passage of this act, as the
18 case may be, may be inserted in the appropriate place after the
19 title in the ballot. No other requirements of law as to notice or
20 procedure, except as herein provided, need be adhered to.

21 The votes cast for and against the approval of this act, by ballot
22 or voting machine, shall be counted and the result thereof returned
23 by the election officer, and a canvass of the election had in the same
24 manner as is provided for by law in the case of the election of a
25 Governor, and the approval or disapproval of this act so deter-
26 mined shall be declared in the same manner as the result of an
27 election for a Governor, and if there is a majority of all votes cast
28 for and against it at the election in favor of the approval of this
29 act, then all the provisions of this act not made effective thereto-
30 fore shall take effect forthwith.

1 23. There is appropriated the sum of \$5,000.00 to the Department
2 of State for expenses in connection with the publication of notice
3 pursuant to section 22 of this act.

1 24. The Commissioner of Environmental Protection shall submit
 2 to the State Treasurer and the New Jersey Commission on Capital
 3 Budgeting and Planning with the Department of Environmental
 4 Protection's annual budget request a plan for the expenditure of
 5 funds from the "Hazardous Discharge Fund of 1985" for the up-
 6 coming fiscal year. This plan shall include the following informa-
 7 tion: a performance evaluation of the expenditures made from the
 8 fund to date; a description of programs planned during the up-
 9 coming fiscal year; a copy of the regulations in force governing
 10 the operations of programs that are financed, in part or in whole,
 11 by funds from the "Hazardous Discharge Fund of 1985"; and an
 12 estimate of expenditures for the upcoming fiscal year.

1 25. Immediately following the submission to the Legislature of
 2 the Governor's annual budget message, the Commissioner of En-
 3 vironmental Protection shall submit to the General Assembly
 4 Agriculture and Environment Committee, the Senate Energy and
 5 Environment Committee, or their successors, and the Subcommittee
 6 on Transfers of the Joint Appropriations Committee, or its suc-
 7 cessor, a copy of the plan called for under section 24 of this act,
 8 together with such changes therein as may have been required by
 9 the Governor's budget message.

1 26. No less than 30 days prior to entering into any contract,
 2 lease, obligation, or agreement to effectuate the purposes of this
 3 act, the Commissioner of Environmental Protection shall report to
 4 and consult with the Subcommittee on Transfers of the Joint Ap-
 5 propriations Committee, or its successor.

1 27. This section and sections 22 and 23 of this act shall take effect
 2 immediately and the remainder of the act shall take effect as pro-
 3 vided in section 22.

STATEMENT

This bill authorizes the issuance of State bonds in the sum of \$200,000,000.00, the proceeds of which are to be used to identify, cleanup and remove hazardous discharges.

Finally, this bill directs the Commissioner of the Department of Environmental Protection to review and consider the recommendations of the Commission on Capital Budgeting and Planning in adopting rules and regulations to administer this act.

This bill is part of a legislative package the goal of which is to provide approximately \$120,000,000.00 per year for the next five years in State funds to finance the cleanup or mitigation of hazardous discharge sites in New Jersey. There are currently 99 hazard-

ous discharge sites in New Jersey on the National Priorities List of hazardous discharge sites adopted by the federal Environmental Protection Agency under the federal "Superfund" legislation. In addition, there are over 1,000 additional, though less serious, sites in New Jersey. Estimates for the total cost of hazardous discharge cleanup and mitigation in New Jersey range between \$1 and \$3 billion, and although the "Superfund" program will fund part of this cost, it is becoming increasingly clear that most of the cost of New Jersey's hazardous discharge cleanup program, which is now budgeted at \$200,000,000.00 annually, will have to be borne by the State.

HAZARDOUS WASTE (Cleanup)

Authorizes \$200,000,000.00 in State bonds for hazardous discharge site cleanup.

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 2012

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MAY 19, 1986

The Senate Energy and Environment Committee favorably reports Senate Bill No. 2012 with Senate committee amendments.

This bill authorizes the issuance of State bonds in the sum of \$200,000,000.00, the proceeds of which are to be used to identify, cleanup and remove hazardous discharges.

The committee amended the bill to make several technical changes, including the addition of language to authorize the issuance of refunding bonds by the issuing officials (i.e., the Governor, the State Treasurer and the Director of the Division of Budget and Accounting in the Department of the Treasury), subject to the approval of the Joint Budget Oversight Committee of the Legislature.

SENATE REVENUE, FINANCE AND APPROPRIATIONS
COMMITTEE

STATEMENT TO
SENATE, No. 2012
with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 9, 1986

The Senate Revenue, Finance and Appropriations Committee reported this bill favorably, with amendments.

Senate Bill No. 2012 Sea. the "Hazardous Discharge Bond Act of 1986," as amended, establishes a "Hazardous Discharge Fund," and authorizes the issuance of \$200,000,000.00 in State bonds, and the issuance of refunding bonds, for that fund. The Department of Environmental Protection is to use the fund to identify, clean up and remove hazardous discharges.

The Commissioner of Environmental Protection will make a report, with the department's budget request, evaluating previous expenditures and describing planned expenditures from the fund.

The bill also requires that this bond issue be subject to voter approval at the November 1986 election.

COMMITTEE AMENDMENTS:

The committee amended this bill to provide that it shall take effect immediately, but shall remain inoperative until the enactment into law of Senate Bill Nos. 899 and 2011 of 1986, and until the Legislature has agreed to submit to the voters the constitutional amendment proposed by Senate Concurrent Resolution No. 82 of 1986.

FISCAL IMPACT:

Senate Bill No. 2012 Sea authorizes the issuance of \$200,000,000.00 in State bonds and the issuance of refunding bonds, and thus will increase the State's bonded indebtedness by that amount plus interest and related costs.

[OFFICIAL COPY REPRINT]

SENATE, No. 2012

STATE OF NEW JERSEY

INTRODUCED APRIL 7, 1986

By Senator DALTON

Referred to Committee on Energy and Environment

AN ACT authorizing the creation of a debt of the State of New Jersey by issuance of bonds of the State in the sum of \$200,000,000.00 to provide moneys for the identification, cleanup and removal of hazardous discharges; **authorizing the issuance of refunding bonds;* providing **the** ways and means to pay **[the interest on the debt and also to pay]** and discharge the principal **and interest** thereof; providing for the submission of this act to the people at the general election; and making an appropriation.

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

1 1. This act shall be known and may be cited as the "Hazardous
2 Discharge Bond Act of **[1985]* *1986*.*"

1 2. The Legislature finds and declares that the improper, irre-
2 sponsible, and often illegal discharge of hazardous substances
3 presents a grave threat to the public health and safety, and to the
4 environment, that the dangers posed by these discharges can be
5 minimized only by prompt identification, cleanup and removal of
6 these hazardous discharges, that existing funding sources are not
7 adequate to finance these identification, cleanup and removal op-
8 erations, and that it is therefore in the best interests of all citizens
9 of this State to provide a funding mechanism to finance the prompt
10 identification, efficient cleanup and removal of discharges of haz-
11 ardous substances.

1 3. As used in this act:

1A **a. "Bonds" means the bonds authorized to be issued, or issued,*
1B *under this act;**

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 printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendments adopted May 19, 1986.

2 ***[a.]* *b.*** "Cost" means the interest or discount on bonds; cost of
 3 issuance of bonds; the cost of inspection, appraisal, legal, financial,
 4 and other professional services, estimates, and advice; and the
 5 cost of organizational, administrative and other work and services,
 6 including salaries, supplies, equipment, and materials necessary to
 7 administer this act;

7A ***c.** "*Government securities*" means any bonds or other obligations
 7B which as to principal and interest constitute direct obligations of,
 7C or are unconditionally guaranteed by, the United States, including
 7D obligations of any federal agency to the extent those obligations are
 7E unconditionally guaranteed by the United States of America and
 7F any certificates or any other evidences of an ownership interest in
 7G those obligations of, or unconditionally guaranteed by, the United
 7H States or in specified portions of those obligations which may con-
 7I sist of the principal of, or the interest on, those obligations;"

8 ***[b.]* *d.*** "Hazardous discharge" means the actual or imminent
 9 release, spill, leak, emission or dumping of any hazardous substance
 10 into the environment which represents a threat to the public health
 11 and safety of the environment;

12 ***[c.]* *e.*** "Hazardous substances" means those elements and
 13 compounds, including petroleum products, which are defined as such
 14 by the New Jersey Department of Environmental Protection, after
 15 public hearing, and which shall be consistent to the maximum extent
 16 possible with, and which shall include, the list of hazardous sub-
 17 stances adopted by the federal Environmental Protection Agency
 18 pursuant to section 311 of the "Federal Water Pollution Control
 19 Act Amendments of 1972," Pub. L. 92-500 (33 U. S. C. § 1321), as
 20 amended by the "Clean Water Act of 1977," Pub. L. 95-217 (33
 21 U. S. C. § 1251 et seq.), the list of toxic pollutants designated by
 22 Congress or the Environmental Protection Agency pursuant to
 23 section 307 of the former act (33 U. S. C. § 1317) and, to the extent
 24 they are not otherwise included, any substance defined as hazardous
 25 pursuant to section 101 of the "Comprehensive Environmental
 26 Response, Compensation, and Liability Act of 1980," Pub. L. 96-510
 27 (42 U. S. C. § 9601 et seq.); except that sewage and sewage sludge
 28 shall not be considered as hazardous substances for the purpose
 29 of this act.

1 4. The Commissioner of the Department of Environmental Pro-
 2 tection shall adopt, pursuant to law, rules and regulations neces-
 3 sary to ***[carry out]* *implement*** the provisions of this act. The
 4 commissioner shall review and consider the findings and recom-
 5 mendations of the New Jersey Commission on Capital Budgeting

6 and Planning in **the administration of** *implementing* the pro-
7 visions of this act.

1 5. Bonds of the State of New Jersey are authorized to be issued
2 in the aggregate principal amount of \$200,000,000.00 for the pur-
3 pose of financing the cost of identification, cleanup and removal of
4 hazardous discharges.

1 6. The bonds authorized under this act shall be serial bonds, term
2 bonds, or a combination thereof, and shall be known as "Hazardous
3 Discharge Bonds." These bonds shall be issued from time to time
4 as the issuing officials herein named shall determine, and may be
5 issued in coupon form, fully-registered form or book-entry form.
6 These bonds may be made subject to redemption prior to maturity
7 and shall mature and be paid not later than 35 years from the
8 dates of their issuance.

1 7. The Governor, the State Treasurer and the Director of the
2 Division of Budget and Accounting in the Department of the
3 Treasury, or any two of these officials, herein referred to as "the
4 issuing officials," are authorized to carry out the provisions of this
5 act relating to the issuance of bonds, and shall determine all mat-
6 ters in connection therewith, subject to the provisions of this act.
7 If an issuing official is absent from the State or incapable of acting
8 for any reason, the powers and duties of that issuing official shall
9 be exercised and performed by the person authorized by law to act
10 in an official capacity in the place of that issuing official.

1 8. Bonds issued in accordance with the provisions of this act
2 shall be direct obligations of the State of New Jersey, and the faith
3 and credit of the State are pledged for the payment of the interest
4 thereon when due and for the payment of the principal thereof at
5 maturity. The principal of and interest on the bonds shall be
6 exempt from taxation by the State or by any county, municipality
7 or other taxing district of the State.

1 9. The bonds shall be signed in the name of the State by means
2 of the manual or facsimile signature of the Governor under the
3 Great Seal of the State, which seal may be by facsimile or by way
4 of any other form of reproduction on the bonds, and attested by
5 the manual or facsimile signature of the Secretary of State, or an
6 assistant Secretary of State, and shall be countersigned by the
7 facsimile signature of the Director of the Division of Budget and
8 Accounting in the Department of the Treasury and may be man-
9 ually authenticated by an authenticating agent or bond registrar,
10 as the issuing officials shall determine. Interest coupons, if any,
11 attached to the bonds shall be signed by the facsimile signature of

12 the director. The bonds may be issued notwithstanding that an
 13 issuing official signing them or whose manual or facsimile signature
 14 appears thereon has ceased to hold office at the time of issuance,
 15 or at the time of the delivery of the bonds to the purchaser thereof.

1 10. a. The bonds shall recite that they are issued for the pur-
 2 poses set forth in section 5 of this act, that they are issued pursuant
 3 to this act, that this act was submitted to the people of the State at
 4 the general election held in the month of November, ***[1985]***
 5 *1986*, and that this act was approved by a majority of the legally
 6 qualified voters of the State voting thereon at the election. This re-
 7 cital shall be conclusive evidence of the validity of the bonds and of
 8 the authority of the State to issue them. Any bonds containing this
 9 recital shall, in any suit, action or proceeding involving their valid-
 10 ity, be conclusively deemed to be fully authorized by this act and to
 11 have been issued, sold, executed and delivered in conformity here-
 12 with and with all other provisions of laws applicable hereto, and
 13 shall be incontestable for any cause.

14 b. The bonds shall be issued in such denominations and in such
 15 form or forms, whether coupon, fully-registered or book-entry and
 16 with or without provisions for the interchangeability thereof, as
 17 may be determined by the issuing officials.

1 11. When the bonds are issued from time to time, the bonds of
 2 each issue shall constitute a separate series to be designated by
 3 the issuing officials. Each series of bonds shall bear such rate or
 4 rates of interest as may be determined by the issuing officials, which
 5 interest shall be payable semiannually; except that the first and
 6 last interest periods may be longer or shorter, in order that inter-
 7 vening semiannual payments may be at convenient dates.

1 12. The bonds shall be issued and sold at such price or prices and
 2 under such terms, conditions and regulations as the issuing officials
 3 may prescribe, after notice of the sale, published at least once in
 4 at least three newspapers published in this State, and at least once
 5 in a publication carrying municipal bond notices and devoted pri-
 6 marily to financial news, published in this State or in the city of
 7 New York, the first notice to appear at least five days prior to the
 8 day of bidding. The notice of sale may contain a provision to the
 9 effect that any bid in pursuance thereof may be rejected. In the
 10 event of rejection or of failure to receive any acceptable bid, the
 11 issuing officials, at any time within 60 days from the date of the
 12 advertised sale, may sell the bonds at a private sale at such price
 13 or prices and under such terms and conditions as the issuing officials
 14 may prescribe. The issuing officials may sell all or part of the bonds
 15 of any series as issued to any State fund or to the federal govern-

16 ment or any agency thereof, at a private sale, without advertise-
17 ment.

1 13. Until permanent bonds are prepared, the issuing officials may
2 issue temporary bonds in such form and with such privileges as to
3 their registration and exchange for permanent bonds as may be
4 determined by the issuing officials.

1 14. The proceeds from the sale of the bonds shall be paid to the
2 State Treasurer, to be held thereby in a separate fund, which shall
3 be known as the "Hazardous Discharge Fund of 1986." The pro-
4 ceeds of this fund shall be deposited in such depositories as may be
5 selected by the State Treasurer to the credit of the fund.

1 15. a. The moneys in the "Hazardous Discharge Fund of 1986"
2 are specifically dedicated and shall be applied to the cost of the
3 purposes set forth in section 5 of this act, and all such moneys are
4 appropriated for those purposes, and no such moneys shall be ex-
5 pended for those purposes, except as otherwise authorized in this
6 act, without the specific appropriation thereof by the Legislature,
7 but bonds may be issued as herein provided, notwithstanding that
8-9 ***[The]*** **the** Legislature has not adopted an act making a specific
10 appropriation of any of the moneys.

11 b. At any time prior to the issuance and sale of bonds under this
12 act, the State Treasurer is authorized to transfer from available
13 money in any fund of the treasury of the State to the credit of the
14 "Hazardous Discharge Fund of 1986," such sums as he may deem
15 necessary. The sum so transferred shall be returned to the same
16 fund of the treasury by the State Treasurer from the proceeds of
17 the sale of the first issue of bonds.

18 c. Pending their application to the purposes provided in this act,
19 the moneys in the "Hazardous Discharge Fund of 1986" may be
20 invested and reinvested as are other trust funds in the custody of
21 the State Treasurer, in the manner provided by law. Net earnings
22 received from the investment or deposit of the fund shall be paid
23 into the ***[General Fund]*** **Hazardous Discharge Fund of 1986**.

1 16. If any coupon bond, coupon or registered bond is lost, mutilated or destroyed, a new bond or coupon shall be executed and
2 delivered of like tenor, in substitution for the lost, mutilated or
3 destroyed bond or coupon, upon the owner furnishing to the issuing
4 officials such evidence satisfactory to them of the loss, mutilation
5 or destruction of the bond or coupon, the ownership thereof and
6 the security, indemnity and reimbursement for expenses connected
7 therewith, as the issuing officials may require.

1 17. The accrued interest received upon the sale of the bonds shall

2 be applied to the discharge of a like amount of interest upon the
 3 bonds when due. Any expense incurred by the issuing officials for
 4 advertising, engraving, printing, clerical, authenticating, register-
 5 ing, legal or other services necessary to carry out the duties im-
 6 posed upon them by the provisions of this act shall be paid from
 7 the proceeds of the sale of the bonds by the State Treasurer, upon
 8 the warrant of the Director of the Division of Budget and Account-
 9 ing in the Department of the Treasury, in the same manner as other
 10 obligations of the State are paid.

1 18. Bonds of each series issued hereunder shall mature, including
 2 any sinking fund redemptions, not later than the 35th year from
 3 the date of issue of such series, and in such amounts as shall be
 4 determined by the issuing officials. The issuing officials may re-
 5 serve to the State by appropriate provision in the bonds of any
 6 series the power to redeem any of the bonds prior to maturity at
 7 such price or prices and upon such terms and conditions as may
 8 be provided in the bonds.

1 *19. The issuing officials may at any time and from time to time
 2 issue refunding bonds for the purpose of refunding in whole or in
 3 part an equal principal amount of the bonds of any series issued
 4 and outstanding thereunder, which by their terms are subject to
 5 redemption prior to maturity, provided the refunding bonds shall
 6 mature at any time or times not later than the latest maturity date
 7 of that series, and the aggregate amount of interest to be paid on
 8 the refunding bonds, plus the premium, if any, to be paid on the
 9 bonds refunded, shall not exceed the aggregate amount of interest
 10 which would be paid on the bonds refunded if the bonds were not so
 11 refunded. Refunding bonds shall constitute direct obligations of
 12 the State of New Jersey, and the faith and credit of the State are
 13 pledged for the payment of the principal thereof and the interest
 14 thereon. The proceeds received from the sale of refunding bonds
 15 shall be held in trust and applied to the payment of the bonds re-
 16 funded thereby. Refunding bonds shall be entitled to all the bene-
 17 fits of this act and subject to all its limitations except as to the
 18 maturities thereof and to the extent herein otherwise expressly
 19 provided.]*

1 *19. The issuing officials may issue refunding bonds and in an
 2 amount not to exceed the amount necessary to effectuate the re-
 3 financing of all or any bonds issued pursuant to this act, at any
 4 time and from time to time, for the purpose of refinancing any
 5 bond or bonds issued pursuant to this act, subject to the following
 6 provisions:

7 *a. Refunding bonds may be issued at such time prior to the*
8 *maturity or redemption of the bonds to be refinanced thereby as*
9 *the issuing officials shall determine; and*

10 *b. Each series of refunding bonds may be issued at a sufficient*
11 *amount to pay or to provide for the payment of the principal of*
12 *the bonds to be refinanced thereby, together with any redemption*
13 *premium thereon, any interest accrued or to accrue on such bonds*
14 *to be refinanced to the date of payment of such outstanding bonds,*
15 *the expense of issuing such refunding bonds and the expenses, if*
16 *any, of paying such bonds to be refinanced; and*

17 *c. No refunding bonds shall be issued unless the issuing officials*
18 *shall first determine that the present value of the aggregate*
19 *principal of and interest on such refunding bonds is less than the*
20 *present value of the aggregate principal of and interest on the*
21 *bonds to be refinanced thereby; provided, for the purposes of*
22 *this limitation, present value shall be computed using a discount*
23 *rate equal to the yield of such refunding bonds, and yield shall be*
24 *computed using an actuarial method based upon a 360-day year*
25 *with semi-annual compounding and upon the price or prices paid*
26 *to the State by the initial purchasers of such refunding bonds; and*

27 *d. Any refinancing authorized hereunder may be effected by*
28 *the sale of the refunding bonds and the application of the proceeds*
29 *thereof to the immediate payment of the principal of the bonds to*
30 *be refinanced thereby, together with any redemption premium*
31 *thereon, any interest accrued or to accrue on such bonds to be*
32 *refinanced to the date of payment of such bonds, the expenses of*
33 *issuing the refunding bonds and the expenses, if any, of paying*
34 *such bonds to be refinanced, or, to the extent not required for such*
35 *immediate payment, shall be deposited, together with any other*
36 *moneys legally available therefor, in trust with one or more*
37 *trustees or escrow agents, which trustees or escrow agents shall*
38 *be trust companies or national or state banks having powers of*
39 *a trust company, located either within or without the State, to be*
40 *applied solely to the payment when due of the principal of, redemp-*
41 *tion premium, if any, and interest due and to become due on the*
42 *bonds to be refinanced on or prior to the redemption date or*
43 *maturity date thereof, as the case may be. Any such proceeds or*
44 *moneys so held by such trustees or escrow agents may be invested*
45 *in government securities, including government securities issued*
46 *or held in book-entry form on the books of the Department of*
47 *Treasury of the United States; provided, such government secu-*
48 *rities shall not be subject to redemption prior to their maturity*
49 *other than at the option of the holder thereof. Except as otherwise*

50 provided in this subsection, neither government securities nor
51 moneys so deposited with such trustees or escrow agents shall be
52 withdrawn or used for any purpose other than, and shall be held
53 in trust for, the payment of the principal of, redemption premium,
54 if any, and interest on the bonds to be refinanced thereby; provided
55 that any cash received from such principal or interest payments
56 on such government securities deposited with such trustees or
57 escrow agents, to the extent such cash will not be required at any
58 time for such purpose shall be paid over to such trustees or escrow
59 agents, and to the extent such cash will be required for such pur-
60 pose at a later date, shall, to the extent practicable and legally
61 permissible, be reinvested in government securities maturing at
62 times and in amounts sufficient to pay when due the principal of,
63 redemption premium, if any, and interest to become due on the
64 bonds to be refinanced on and prior to such redemption date or
65 maturity date thereof, as the case may be, and interest earned
66 from such reinvestments to the extent not required for the payment
67 of bonds shall be paid over to the State, as received by such trustees
68 or escrow agents. Notwithstanding anything to the contrary con-
69 tained herein: (1) such trustees or escrow agents shall, if so
70 directed by the issuing officials, apply moneys on deposit with such
71 trustees or escrow agents pursuant to the provisions of this section
72 and redeem or sell government securities so deposited with such
73 trustees or escrow agents and apply the proceeds thereof to the
74 purchase of the bonds which were refinanced by the deposit with
75 such trustees or escrow agents of such moneys and government
76 securities and immediately thereafter cancel all such bonds so
77 purchased or the purchase of different government securities; pro-
78 vided, however, that the moneys and government securities on
79 deposit with such trustees or escrow agents after such purchase
80 and cancellation of such outstanding bonds or such purchase of
81 different government securities shall be sufficient to pay when due
82 the principal of, redemption premium, if any, and interest on all
83 other bonds in respect of which such moneys and government
84 securities were deposited with such trustees or escrow agents on or
85 prior to the redemption date or maturity date thereof, as the case
86 may be; and (2) in the event that on any date, as a result of any
87 purchases and cancellations of such bonds or any purchases of
88 different government securities as provided in this subsection, the
89 total amount of moneys and government securities remaining on
90 deposit with such trustees or escrow agents is in excess of the total
91 amount which would have been required to be deposited with such
92 trustees or escrow agents on such date in respect of the remaining

93 bonds for which such deposit was made in order to pay when the
94 principal of, redemption premium, if any, and interest on such re-
95 maining bonds, such trustees or escrow agents, shall, if so directed
96 by the issuing officials, pay the amount of such excess to the State.
97 Any amounts held by the State Treasurer in a separate fund or
98 funds for the payment of the principal of and interest on bonds to
99 be refinanced, as provided herein, shall, if so directed by the issuing
100 officials, be transferred by the State Treasurer for deposit with one
101 or more trustees or escrow agents as provided herein to be applied
102 to the payment when due of the principal of, redemption premium,
103 if any, and interest to become due on such bonds to be refinanced,
104 as provided in this section, or be applied by the State Treasurer
105 to the payment when due of the principal of and interest on re-
106 demption premium, if any, and interest to become due on the
107 bonds to be refinanced on and prior to such redemption date or
108 maturity date thereof, as the case may be, and interest earned
109 from such reinvestments to the extent not required for the payment
110 of bonds shall be paid over to the State, as received by such trustees
111 or escrow agents. Notwithstanding anything to the contrary con-
112 tained herein: (1) such trustees or escrow agents shall, if so
113 directed by the issuing officials, apply moneys on deposit with such
114 trustees or escrow agents pursuant to the provisions of this section
115 and redeem or sell government securities so deposited with such
116 trustees or escrow agents and apply the proceeds thereof to the
117 purchase of the bonds which were refinanced by the deposit with
118 such trustees or escrow agents of such moneys and government
119 securities and immediately thereafter cancel all such bonds so
120 purchased or the purchase of different government securities; pro-
121 vided, however, that the moneys and government securities on
122 deposit with such trustees or escrow agents after such purchase
123 and cancellation of such outstanding bonds or such purchase of
124 different government securities shall be sufficient to pay when due
125 the principal of, redemption premium, if any, and interest on all
126 other bonds in respect of which such moneys and government
127 securities were deposited with such trustees or escrow agents on or
128 prior to the redemption date or maturity date thereof, as the case
129 may be; and (2) in the event that on any date, as a result of any
130 purchases and cancellations of such bonds or any purchases of
131 different government securities as provided in this subsection, the
132 total amount of moneys and government securities remaining on
133 deposit with such trustees or escrow agents is in excess of the total
134 amount which would have been required to be deposited with such
135 trustees or escrow agents on such date in respect to the remaining

136 bonds for which such deposit was made in order to pay when due the
 137 principal of, redemption premium, if any, and interest on such re-
 138 maining bonds, such trustees or escrow agents, shall, if so directed
 139 by the issuing officials, pay the amount of such excess to the State.
 140 Any amounts held by the State Treasurer in a separate fund or
 141 funds for the payment of the principal of and interest on bonds to
 142 be refinanced, as provided herein, shall, if so directed by the issuing
 143 officials, be transferred by the State Treasurer for deposit with one
 144 or more trustees or escrow agents as provided herein to be applied
 145 to the payment when due of the principal of, redemption premium,
 146 if any, and interest to become due on such bonds to be refinanced,
 147 as provided in this section, or be applied by the State Treasurer
 148 to the payment when due of the principal of and interest on re-
 149 funding bonds issued hereunder to refinance such bonds. The State
 150 Treasurer is authorized to enter into any contract or contracts
 151 with one or more trust companies or national or state banks, as
 152 provided herein, to act as trustees or escrow agents as provided
 153 herein, subject to the approval of the issuing officials.

154 c. Notwithstanding the provisions of section 12 hereof, any
 155 series of refunding bonds issued pursuant to this section shall
 156 mature at any time or times not later than five years following the
 157 latest scheduled final maturity date, determined without regard to
 158 any redemptions prior thereto, of any of the bonds to be refunded
 159 thereby, and in no event later than 35 years following the date of
 160 issuance of such series of refunding bonds, and such refunding
 161 bonds may be sold at public or private sale at such prices and
 162 under such terms, conditions and regulations as the issuing officials
 163 may prescribe. Refunding bonds shall be entitled to all the benefits
 164 of this act and subject to all its limitations except as to sale pro-
 165 visions and to the extent therein otherwise expressly provided.

166 f. Upon the decision by the issuing officials to issue refunding
 167 bonds pursuant to this section, and prior to the sale of those bonds,
 168 the issuing officials shall transmit to the Joint Budget Oversight
 169 Committee, or its successor, a report that a decision has been made,
 170 reciting the basis on which the decision was made, including an
 171 estimate of the debt service savings to be achieved and the calcu-
 172 lations upon which the issuing officials relied when making the de-
 173 cision to issue refunding bonds. The report shall also disclose the
 174 intent of the issuing officials to issue and sell the refunding bonds
 175 at public or private sale and the reasons therefore.

176 g. The Joint Budget Oversight Committee, or its successor, shall
 177 have the authority to approve or disapprove the sales of refunding
 178 bonds as included in each report submitted in accordance with sub-

179 section f. of this section. The committee shall notify the issuing
180 officials in writing of the approval or disapproval as expeditiously
181 as possible;

182 h. No refunding bonds shall be issued unless the report has been
183 submitted to and approved by the Joint Budget Oversight Com-
184 mittee, or its successor, as set forth in subsection g. of this section;

185 i. Within 30 days after the sale of the refunding bonds, the
186 issuing officials shall notify the Joint Budget Oversight Committee,
187 or its successor of the result of that sale, including the prices and
188 terms, conditions and regulations concerning the refunding bonds,
189 the actual amount of debt service savings to be realized as a result
190 of the sale of refunding bonds, and the intended use of the proceeds
191 from the sale of those bonds;

192 j. The committee, or its successors, shall, however, review all in-
193 formation and reports submitted in accordance with this section
194 and may, on its own initiative, make observations and recommenda-
195 tions to the issuing officials, or to the Legislature, or both, as it
196 deems appropriate.

1 20. Any bond or bonds issued hereunder shall no longer be
2 deemed to be outstanding, shall no longer constitute a direct obli-
3 gation of the State of New Jersey and the faith and credit of the
4 State shall no longer be pledged to the payment of the principal
5 of and interest on the bonds, and the bonds shall be secured
6 solely by and payable solely from monies and government secur-
7 ities deposited in trust with one or more trustees or escrow agents,
8 which trustees and escrow agents shall be trust companies or
9 national or state banks having powers of a trust company, located
10 either within or without the State, as provided herein, whenever
11 there shall be deposited in trust with the trustees or escrow agents
12 as provided herein either monies or government securities, includ-
13 ing government securities issued or held in book-entry form on
14 the books of the Department of Treasury of the United States, the
15 principal of and interest on which when due will provide money
16 which, together with the monies, if any, deposited with the trus-
17 tees or escrow agents at the same time, shall be sufficient to
18 pay when due the principal of, redemption premium, if any, and
19 interest due and to become due on the bonds on or prior to the
20 redemption date or maturity date thereof, as the case may be;
21 provided, the government securities shall not be subject to re-
22 demption prior to their maturity other than at the option of the
23 holder thereof. The State of New Jersey hereby covenants with
24 the holders of any bonds for which government securities or
25 monies shall have been deposited in trust with the trustees or

26 escrow agents as provided in this section that, except as otherwise
27 provided in this section, neither the government securities nor
28 monies so deposited with the trustees or escrow agents shall be
29 withdrawn or used by the State for any purpose other than, and
30 shall be held in trust for, the payment of the principal of, redemp-
31 tion premium, if any, and interest to become due on the bonds;
32 provided that any cash received from the principal or interest
33 payments on the government securities deposited with the trus-
34 tees or escrow agents, to the extent the cash will not be required
35 at any time for the purpose, shall be paid over to the State as
36 received by the trustees or escrow agents free and clear of any
37 trust, lien, pledge or assignment securing the bonds; and to the
38 extent the cash will be required for the purpose at a later date,
39 shall, to the extent practicable and legally permissible, be rein-
40 vested in government securities maturing at times and in amounts
41 sufficient to pay when due the principal of, redemption premium,
42 if any, and interest to become due on the bonds on and prior to
43 the redemption date or maturity date thereof, as the case may be,
44 and interest earned from the reinvestments shall be paid over to
45 the State, as received by the trustees or escrow agents, free and
46 clear of any trust, lien or pledge securing the bonds. Notwithstand-
47 ing anything to the contrary contained herein: a. the trustees or
48 escrow agents shall, if so directed by the issuing officials, apply
49 monies on deposit with the trustees or escrow agents pursuant
50 to the provisions of this section and redeem or sell government
51 securities so deposited with the trustees or escrow agents and
52 apply the proceeds thereof to (1) the purchase of the bonds which
53 were refinanced by the deposit with the trustees or escrow agents
54 of the monies and government securities and immediately there-
55 after cancel all bonds so purchased, or (2) the purchase of different
56 government securities; provided, however, that the monies and
57 government securities on deposit with the trustees or escrow
58 agents after the purchase and cancellation of the bonds or the
59 purchase of different government securities shall be sufficient to pay
60 when due the principal of, redemption premium, if any, and interest
61 on all other bonds in respect of which the monies and govern-
62 ment securities were deposited with the trustees or escrow agents
63 on or prior to the redemption date or maturity date thereof, as the
64 case may be; and b. in the event that on any date, as a result of any
65 purchases and cancellations of bonds or any purchases of different
66 government securities as provided in this sentence, the total amount
67 of monies and government securities remaining on deposit with
68 the trustees or escrow agents is in excess of the total amount

69 *which would have been required to be deposited with the trustees*
 70 *or escrow agents on the date in respect of the remaining bonds*
 71 *for which the deposit was made in order to pay when due the prin-*
 72 *cipal of, redemption premium, if any, and interest on the remain-*
 73 *ing bonds, the trustees or escrow agents shall, if so directed by*
 74 *the issuing officials, pay the amount of the excess to the State free*
 75 *and clear of any trust, lien, pledge or assignment securing the re-*
 76 *funding bond.*

1 *21. Refunding bonds issued pursuant to section 19 of this act*
 2 *may be consolidated with bonds issued pursuant to section 6 of this*
 3 *act or with bonds issued pursuant to any other act for purposes*
 4 *of sale.**

1 ***[20.] *22.*** To provide funds to meet the interest and principal
 2 payment requirements for the bonds issued under this act and out-
 3 standing there is appropriated in the order following:

4 a. Revenue derived from the collection of taxes under the "Sales
 5 and Use Tax Act," P. L. 1966, c. 30 (C. 54:32B-1 et seq.), or so
 6 much thereof as may be required; and

7 b. If, at any time, funds necessary to meet the interest and prin-
 8 cipal payments on outstanding bonds issued under this act, are
 9 insufficient or not available, there shall be assessed, levied and
 10 collected annually in each of the municipalities of the counties of
 11 this State, a tax on the real and personal property upon which
 12 municipal taxes are or shall be assessed, levied and collected, suffi-
 13 cient to meet the interest on all outstanding bonds issued here-
 14 under and on the bonds proposed to be issued under this act in the
 15 calendar year in which the tax is to be raised and for the payment
 16 of bonds falling due in the year following the year for which the
 17 tax is levied. The tax shall be assessed, levied and collected in the
 18 same manner and at the same time as other taxes upon real and
 19 personal property. The governing body of each municipality shall
 20 pay to the treasurer of the county in which the municipality is
 21 located, on or before December 15 in each year, the amount of tax
 22 herein directed to be assessed and levied, and the county treasurer
 23 shall pay the amount of the tax to the State Treasurer on or be-
 24 fore December 20 in each year.

25 If on or before December 31 in any year, the issuing officials, by
 26 resolution, determine that there are moneys in the General Fund
 27 beyond the needs of the State, sufficient to meet the principal of
 28 bonds falling due and all interest payable in the ensuing calendar
 29 year, the issuing officials shall file the resolution in the office of the
 30 State Treasurer, whereupon the State Treasurer shall transfer

31 the moneys to a separate fund to be designated by him, and shall
 32 pay the principal and interest out of the fund as the same shall
 33 become due and payable, and the other sources of payment of the
 34 principal and interest provided for in this section shall not then
 35 be available, and the receipts for the year from the tax specified
 36 in subsection b. of this section shall be considered part of the
 37 General Fund, available for general purposes.

1 ***[21.]*** *23.* Should the State Treasurer, by December 31 of any
 2 year, deem it necessary, because of the insufficiency of funds col-
 3 lected from the sources of revenues as provided in this act, to meet
 4 the interest and principal payments for the year after the ensuing
 5 year, then the State Treasurer shall certify to the Director of the Di-
 6 vision of Budget and Accounting in the Department of the Treasury
 7 the amount necessary to be raised by taxation for those purposes,
 8 which is to be assessed, levied and collected for and in the ensuing
 9 calendar year. The director shall, on or before March 1 following,
 10 calculate the amount in dollars to be assessed, levied and collected
 11 in each county as herein set forth. This calculation shall be based
 12 upon the corrected assessed valuation of each county for the year
 13 preceding the year in which the tax is to be assessed, but the tax
 14 shall be assessed, levied and collected upon the assessed valuation
 15 of the year in which the tax is assessed and levied. The director
 16 shall certify the amount to the county board of taxation and the
 17 treasurer of each county. The county board of taxation shall in-
 18 clude the proper amount in the current tax levy of the several
 19 taxing districts of the county in proportion to the ratables as as-
 20 certained for the current year.

1 ***[22.]*** *24.* For the purpose of complying with the provisions of
 2 the State Constitution, this act shall be submitted to the people at
 3 the general election to be held in the month of November, 1986. To
 4 inform the people of the contents of this act, it shall be the duty of
 5 the Secretary of State, after this section takes effect, and at least 15
 6 days prior to the election, to publish this act in at least 10 news-
 7 papers published in this State and to notify the clerk of each county
 8 of this State of the passage of this act; and the clerks respectively,
 9 in accordance with the instructions of the Secretary of State, shall
 10 have each of the ballots printed as follows:

11 If you approve of the act entitled below, make a cross (X), plus
 12 (+) or check (✓) mark in the square opposite the word "Yes."

13 If you disapprove of the act entitled below, make a cross (X),
 14 plus (+) or check (✓) mark in the square opposite the word "No."

15 If voting machines are used, a vote of "Yes" or "No" shall be
 16 equivalent to these markings respectively.

	Yes.	HAZARDOUS DISCHARGE BOND ACT OF 1986 Should the "Hazardous Discharge Bond Act of 1986" which authorizes the State to issue bonds in the amount of \$200,000,000.00 for the purpose of financing the cost of identification, cleanup and removal of hazardous discharges, providing ways and means to pay the interest on the debt and also to pay and discharge the principal thereof be approved?
	No.	INTERPRETIVE STATEMENT Approval of this act would authorize the sale of \$200,000,000.00 in bonds to be used to identify, cleanup and remove hazardous discharges.

17 The fact and date of the approval or passage of this act, as the
18 case may be, may be inserted in the appropriate place after the
19 title in the ballot. No other requirements of law as to notice or
20 procedure, except as herein provided, need be adhered to.

21 The votes cast for and against the approval of this act, by ballot
22 or voting machine, shall be counted and the result thereof returned
23 by the election officer, and a canvass of the election had in the same
24 manner as is provided for by law in the case of the election of a
25 Governor, and the approval or disapproval of this act so deter-
26 mined shall be declared in the same manner as the result of an
27 election for a Governor, and if there is a majority of all votes cast
28 for and against it at the election in favor of the approval of this
29 act, then all the provisions of this act not made effective thereto-
30 fore shall take effect forthwith.

1 ***[23.]*** *25.* There is appropriated the sum of \$5,000.00 to the
2 Department of State for expenses in connection with the publication
3 of notice pursuant to section ***[22.]*** *24.* of this act.

1 ***[24.]*** *26.* The Commissioner of Environmental Protection
2 shall submit to the State Treasurer and the New Jersey Commission
3 on Capital Budgeting and Planning with the Department of Environ-
4 mental Protection's annual budget request a plan for the expendi-
5 ture of funds from the "Hazardous Discharge Fund of ***[1985]***
6 *1986*" for the upcoming fiscal year. This plan shall include the
7 following information: a performance evaluation of the expendi-
8 tures made from the fund to date; a description of programs plan-
9 ned during the upcoming fiscal year; a copy of the regulations in
10 force governing the operations of programs that are financed, in
11 part or in whole, by funds from the "Hazardous Discharge Fund of
12 ***[1985]*** *1986*"; and an estimate of expenditures for the upcom-
13 ing fiscal year.

1 *~~[25.]~~* *27.* Immediately following the submission of the Legis-
 2 lature of the Governor's annual budget message, the Commissioner
 3 of Environmental Protection shall submit to the General Assembly
 4 *~~[Agriculture and Environment]~~* **Environmental Quality** Com-
 5 mittee, the Senate Energy and Environment Committee, or their
 6 successors, and the *~~[Subcommittee on Transfers of the Joint Ap-~~
 7 propriations]* **Joint Budget Oversight** Committee, or its suc-
 8 cessor, a copy of the plan called for under section *~~[24]~~* *26* of
 9 this act, together with such changes therein as may have been re-
 10 quired by the Governor's budget message.

1 *~~[26.]~~* *28.* No less than 30 days prior to entering into any con-
 2 tract, lease, obligation, or agreement to effectuate the purposes of
 3 this act, the Commissioner of Environmental Protection shall re-
 4 port to and consult with the *~~[Subcommittee on Transfers of the~~
 5 Joint Appropriations]* **Joint Budget Oversight** Committee, or
 6 its successor.

1 *~~[27.]~~* *29.* This section and sections *~~[22]~~* *24* and *~~[23]~~*
 2 *25* of this act shall take effect immediately and the remainder
 3 of this act shall take effect as provided in section *~~[22]~~* *24*.

HAZARDOUS WASTE (Cleanup)

Authorizes \$200,000,000.00 in State bonds for hazardous discharge
 site cleanup.

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 2012

STATE OF NEW JERSEY

INTRODUCED APRIL 7, 1986

By Senator DALTON

Referred to Committee on Energy and Environment

AN Act authorizing the creation of a debt of the State of New Jersey by issuance of bonds of the State in the sum of \$200,000,000.00 to provide moneys for the identification, cleanup and removal of hazardous discharges; **authorizing the issuance of refunding bonds;** providing **the** ways and means to pay **[the interest on the debt and also to pay]** and discharge the principal **and interest** thereof; providing for the submission of this act to the people at the general election; and making an appropriation.

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

1 1. This act shall be known and may be cited as the "Hazardous
2 Discharge Bond Act of ***[1985]*** **1986*.*"

1 2. The Legislature finds and declares that the improper, irre-
2 sponsible, and often illegal discharge of hazardous substances
3 presents a grave threat to the public health and safety, and to the
4 environment, that the dangers posed by these discharges can be
5 minimized only by prompt identification, cleanup and removal of
6 these hazardous discharges, that existing funding sources are not
7 adequate to finance these identification, cleanup and removal op-
8 erations, and that it is therefore in the best interests of all citizens
9 of this State to provide a funding mechanism to finance the prompt
10 identification, efficient cleanup and removal of discharges of haz-
11 ardous substances.

1 3. As used in this act:

1A **a. "Bonds" means the bonds authorized to be issued, or issued,*
1B *under this act;**

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendments adopted May 19, 1986.

**—Senate committee amendment adopted June 9, 1986.

2 ***[a.]*** **b.** "Cost" means the interest or discount on bonds; cost of
 3 issuance of bonds; the cost of inspection, appraisal, legal, financial,
 4 and other professional services, estimates, and advice; and the
 5 cost of organizational, administrative and other work and services,
 6 including salaries, supplies, equipment, and materials necessary to
 7 administer this act;

7A **c.** "Government securities" means *any* bonds or other obligations
 7B which as to principal and interest constitute direct obligations of,
 7C or are unconditionally guaranteed by, the United States, including
 7D obligations of any federal agency to the extent those obligations are
 7E unconditionally guaranteed by the United States of America and
 7F any certificates or any other evidences of an ownership interest in
 7G those obligations of, or unconditionally guaranteed by, the United
 7H States or in specified portions of those obligations which may con-
 7I sist of the principal of, or the interest on, those obligations;*

8 ***[b.]*** **d.** "Hazardous discharge" means the actual or imminent
 9 release, spill, leak, emission or dumping of any hazardous substance
 10 into the environment which represents a threat to the public health
 11 and safety of the environment;

12 ***[c.]*** **e.** "Hazardous substances" means those elements and
 13 compounds, including petroleum products, which are defined as such
 14 by the New Jersey Department of Environmental Protection, after
 15 public hearing, and which shall be consistent to the maximum extent
 16 possible with, and which shall include, the list of hazardous sub-
 17 stances adopted by the federal Environmental Protection Agency
 18 pursuant to section 311 of the "Federal Water Pollution Control
 19 Act Amendments of 1972," Pub. L. 92-509 (33 U. S. C. § 1321), as
 20 amended by the "Clean Water Act of 1977," Pub. L. 95-217 (33
 21 U. S. C. § 1251 et seq.), the list of toxic pollutants designated by
 22 Congress or the Environmental Protection Agency pursuant to
 23 section 307 of the former act (33 U. S. C. § 1317) and, to the extent
 24 they are not otherwise included, any substance defined as hazardous
 25 pursuant to section 101 of the "Comprehensive Environmental
 26 Response, Compensation, and Liability Act of 1980," Pub. L. 96-510
 27 (42 U. S. C. § 9601 et seq.); except that sewage and sewage sludge
 28 shall not be considered as hazardous substances for the purpose
 29 of this act.

1 4. The Commissioner of the Department of Environmental Pro-
 2 tection shall adopt, pursuant to law, rules and regulations neces-
 3 sary to ***[carry out]*** **implement** the provisions of this act. The
 4 commissioner shall review and consider the findings and recom-
 5 mendations of the New Jersey Commission on Capital Budgeting;

6 and Planning in ~~the~~ ~~administration of~~ *implementing* the pro-
7 visions of this act.

1 5. Bonds of the State of New Jersey are authorized to be issued
2 in the aggregate principal amount of \$200,000,000.00 for the pur-
3 pose of financing the cost of identification, cleanup and removal of
4 hazardous discharges.

1 6. The bonds authorized under this act shall be serial bonds, term
2 bonds, or a combination thereof, and shall be known as "Hazardous
3 Discharge Bonds." These bonds shall be issued from time to time
4 as the issuing officials herein named shall determine, and may be
5 issued in coupon form, fully-registered form or book-entry form.
6 These bonds may be made subject to redemption prior to maturity
7 and shall mature and be paid not later than 35 years from the
8 dates of their issuance.

1 7. The Governor, the State Treasurer and the Director of the
2 Division of Budget and Accounting in the Department of the
3 Treasury, or any two of these officials, herein referred to as "the
4 issuing officials," are authorized to carry out the provisions of this
5 act relating to the issuance of bonds, and shall determine all mat-
6 ters in connection therewith, subject to the provisions of this act.
7 If an issuing official is absent from the State or incapable of acting
8 for any reason, the powers and duties of that issuing official shall
9 be exercised and performed by the person authorized by law to act
10 in an official capacity in the place of that issuing official.

1 8. Bonds issued in accordance with the provisions of this act
2 shall be direct obligations of the State of New Jersey, and the faith
3 and credit of the State are pledged for the payment of the interest
4 thereon when due and for the payment of the principal thereof at
5 maturity. The principal of and interest on the bonds shall be
6 exempt from taxation by the State or by any county, municipality
7 or other taxing district of the State.

1 9. The bonds shall be signed in the name of the State by means
2 of the manual or facsimile signature of the Governor under the
3 Great Seal of the State, which seal may be by facsimile or by way
4 of any other form of reproduction on the bonds, and attested by
5 the manual or facsimile signature of the Secretary of State, or an
6 assistant Secretary of State, and shall be countersigned by the
7 facsimile signature of the Director of the Division of Budget and
8 Accounting in the Department of the Treasury and may be man-
9 ually authenticated by an authenticating agent or bond registrar,
10 as the issuing officials shall determine. Interest coupons, if any,
11 attached to the bonds shall be signed by the facsimile signature of

12 the director. The bonds may be issued notwithstanding that an
13 issuing official signing them or whose manual or facsimile signature
14 appears thereon has ceased to hold office at the time of issuance,
15 or at the time of the delivery of the bonds to the purchaser thereof.

1 10. a. The bonds shall recite that they are issued for the pur-
2 poses set forth in section 5 of this act, that they are issued pursuant
3 to this act, that this act was submitted to the people of the State at
4 the general election held in the month of November, "[1985]"
5 *1986*, and that this act was approved by a majority of the legally
6 qualified voters of the State voting thereon at the election. This re-
7 cital shall be conclusive evidence of the validity of the bonds and of
8 the authority of the State to issue them. Any bonds containing this
9 recital shall, in any suit, action or proceeding involving their valid-
10 ity, be conclusively deemed to be fully authorized by this act and to
11 have been issued, sold, executed and delivered in conformity here-
12 with and with all other provisions of laws applicable hereto, and
13 shall be incontestable for any cause.

14 b. The bonds shall be issued in such denominations and in such
15 form or forms, whether coupon, fully-registered or book-entry and
16 with or without provisions for the interchangeability thereof, as
17 may be determined by the issuing officials.

1 11. When the bonds are issued from time to time, the bonds of
2 each issue shall constitute a separate series to be designated by
3 the issuing officials. Each series of bonds shall bear such rate or
4 rates of interest as may be determined by the issuing officials, which
5 interest shall be payable semiannually; except that the first and
6 last interest periods may be longer or shorter, in order that inter-
7 vening semiannual payments may be at convenient dates.

1 12. The bonds shall be issued and sold at such price or prices and
2 under such terms, conditions and regulations as the issuing officials
3 may prescribe, after notice of the sale, published at least once in
4 at least three newspapers published in this State, and at least once
5 in a publication carrying municipal bond notices and devoted pri-
6 marily to financial news, published in this State or in the city of
7 New York, the first notice to appear at least five days prior to the
8 day of bidding. The notice of sale may contain a provision to the
9 effect that any bid in pursuance thereof may be rejected. In the
10 event of rejection or of failure to receive any acceptable bid, the
11 issuing officials, at any time within 60 days from the date of the
12 advertised sale, may sell the bonds at a private sale at such price
13 or prices and under such terms and conditions as the issuing officials
14 may prescribe. The issuing officials may sell all or part of the bonds
15 of any series as issued to any State fund or to the federal govern-

16 ment or any agency thereof, at a private sale, without advertise-
17 ment.

1 13. Until permanent bonds are prepared, the issuing officials may
2 issue temporary bonds in such form and with such privileges as to
3 their registration and exchange for permanent bonds as may be
4 determined by the issuing officials.

1 14. The proceeds from the sale of the bonds shall be paid to the
2 State Treasurer, to be held thereby in a separate fund, which shall
3 be known as the "Hazardous Discharge Fund of 1986." The pro-
4 ceeds of this fund shall be deposited in such depositories as may be
5 selected by the State Treasurer to the credit of the fund.

1 15. a. The moneys in the "Hazardous Discharge Fund of 1986"
2 are specifically dedicated and shall be applied to the cost of the
3 purposes set forth in section 5 of this act, and all such moneys are
4 appropriated for those purposes, and no such moneys shall be ex-
5 pended for those purposes, except as otherwise authorized in this
6 act, without the specific appropriation thereof by the Legislature,
7 but bonds may be issued as herein provided, notwithstanding that
8-9 *~~["The"]~~ *~~the~~ Legislature has not adopted an act making a specific
10 appropriation of any of the moneys.

11 b. At any time prior to the issuance and sale of bonds under this
12 act, the State Treasurer is authorized to transfer from available
13 money in any fund of the treasury of the State to the credit of the
14 "Hazardous Discharge Fund of 1986," such sums as he may deem
15 necessary. The sum so transferred shall be returned to the same
16 fund of the treasury by the State Treasurer from the proceeds of
17 the sale of the first issue of bonds.

18 c. Pending their application to the purposes provided in this act,
19 the moneys in the "Hazardous Discharge Fund of 1986" may be
20 invested and reinvested as are other trust funds in the custody of
21 the State Treasurer, in the manner provided by law. Net earnings
22 received from the investment or deposit of the fund shall be paid
23 into the *~~["General Fund"]~~ **Hazardous Discharge Fund of 1986*.

1 16. If any coupon bond, coupon or registered bond is lost, muti-
2 lated or destroyed, a new bond or coupon shall be executed and
3 delivered of like tenor, in substitution for the lost, mutilated or
4 destroyed bond or coupon, upon the owner furnishing to the issuing
5 officials such evidence satisfactory to them of the loss, mutilation
6 or destruction of the bond or coupon, the ownership thereof and
7 the security, indemnity and reimbursement for expenses connected
8 therewith, as the issuing officials may require.

1 17. The accrued interest received upon the sale of the bonds shall

2 be applied to the discharge of a like amount of interest upon the
 3 bonds when due. Any expense incurred by the issuing officials for
 4 advertising, engraving, printing, clerical, authenticating, register-
 5 ing, legal or other services necessary to carry out the duties im-
 6 posed upon them by the provisions of this act shall be paid from
 7 the proceeds of the sale of the bonds by the State Treasurer, upon
 8 the warrant of the Director of the Division of Budget and Account-
 9 ing in the Department of the Treasury, in the same manner as other
 10 obligations of the State are paid.

1 18. Bonds of each series issued hereunder shall mature, including
 2 any sinking fund redemptions, not later than the 35th year from
 3 the date of issue of such series, and in such amounts as shall be
 4 determined by the issuing officials. The issuing officials may re-
 5 serve to the State by appropriate provision in the bonds of any
 6 series the power to redeem any of the bonds prior to maturity at
 7 such price or prices and upon such terms and conditions as may
 8 be provided in the bonds.

1 *19. The issuing officials may at any time and from time to time
 2 issue refunding bonds for the purpose of refunding in whole or in
 3 part an equal principal amount of the bonds of any series issued
 4 and outstanding thereunder, which by their terms are subject to
 5 redemption prior to maturity, provided the refunding bonds shall
 6 mature at any time or times not later than the latest maturity date
 7 of that series, and the aggregate amount of interest to be paid on
 8 the refunding bonds, plus the premium, if any, to be paid on the
 9 bonds refunded, shall not exceed the aggregate amount of interest
 10 which would be paid on the bonds refunded if the bonds were not so
 11 refunded. Refunding bonds shall constitute direct obligations of
 12 the State of New Jersey, and the faith and credit of the State are
 13 pledged for the payment of the principal thereof and the interest
 14 thereon. The proceeds received from the sale of refunding bonds
 15 shall be held in trust and applied to the payment of the bonds re-
 16 funded thereby. Refunding bonds shall be entitled to all the bene-
 17 fits of this act and subject to all its limitations except as to the
 18 maturities thereof and to the extent herein otherwise expressly
 19 provided.]*

1 *19. The issuing officials may issue refunding bonds and in an
 2 amount not to exceed the amount necessary to effectuate the re-
 3 financing of all or any bonds issued pursuant to this act, at any
 4 time and from time to time, for the purpose of refinancing any
 5 bond or bonds issued pursuant to this act, subject to the following
 6 provisions:

7 *a. Refunding bonds may be issued at such time prior to the*
8 *maturity or redemption of the bonds to be refinanced thereby as*
9 *the issuing officials shall determine; and*

10 *b. Each series of refunding bonds may be issued at a sufficient*
11 *amount to pay or to provide for the payment of the principal of*
12 *the bonds to be refinanced thereby, together with any redemption*
13 *premium thereon, any interest accrued or to accrue on such bonds*
14 *to be refinanced to the date of payment of such outstanding bonds,*
15 *the expense of issuing such refunding bonds and the expenses, if*
16 *any, of paying such bonds to be refinanced; and*

17 *c. No refunding bonds shall be issued unless the issuing officials*
18 *shall first determine that the present value of the aggregate*
19 *principal of and interest on such refunding bonds is less than the*
20 *present value of the aggregate principal of and interest on the*
21 *bonds to be refinanced thereby; provided, for the purposes of*
22 *this limitation, present value shall be computed using a discount*
23 *rate equal to the yield of such refunding bonds, and yield shall be*
24 *computed using an actuarial method based upon a 360-day year*
25 *with semi-annual compounding and upon the price or prices paid*
26 *to the State by the initial purchasers of such refunding bonds; and*

27 *d. Any refinancing authorized hereunder may be effected by*
28 *the sale of the refunding bonds and the application of the proceeds*
29 *thereof to the immediate payment of the principal of the bonds to*
30 *be refinanced thereby, together with any redemption premium*
31 *thereon, any interest accrued or to accrue on such bonds to be*
32 *refinanced to the date of payment of such bonds, the expenses of*
33 *issuing the refunding bonds and the expenses, if any, of paying*
34 *such bonds to be refinanced, or, to the extent not required for such*
35 *immediate payment, shall be deposited, together with any other*
36 *moneys legally available therefor, in trust with one or more*
37 *trustees or escrow agents, which trustees or escrow agents shall*
38 *be trust companies or national or state banks having powers of*
39 *a trust company, located either within or without the State, to be*
40 *applied solely to the payment when due of the principal of, redemp-*
41 *tion premium, if any, and interest due and to become due on the*
42 *bonds to be refinanced on or prior to the redemption date or*
43 *maturity date thereof, as the case may be. Any such proceeds or*
44 *moneys so held by such trustees or escrow agents may be invested*
45 *in government securities, including government securities issued*
46 *or held in book-entry form on the books of the Department of*
47 *Treasury of the United States; provided, such government secu-*
48 *rities shall not be subject to redemption prior to their maturity*
49 *other than at the option of the holder thereof. Except as otherwise*

50 provided in this subsection, neither government securities nor
51 moneys so deposited with such trustees or escrow agents shall be
52 withdrawn or used for any purpose other than, and shall be held
53 in trust for, the payment of the principal of, redemption premium,
54 if any, and interest on the bonds to be refinanced thereby; provided
55 that any cash received from such principal or interest payments
56 on such government securities deposited with such trustees or
57 escrow agents, to the extent such cash will not be required at any
58 time for such purpose shall be paid over to such trustees or escrow
59 agents, and to the extent such cash will be required for such pur-
60 pose at a later date, shall, to the extent practicable and legally
61 permissible, be reinvested in government securities maturing at
62 times and in amounts sufficient to pay when due the principal of,
63 redemption premium, if any, and interest to become due on the
64 bonds to be refinanced on and prior to such redemption date or
65 maturity date thereof, as the case may be, and interest earned
66 from such reinvestments to the extent not required for the payment
67 of bonds shall be paid over to the State, as received by such trustees
68 or escrow agents. Notwithstanding anything to the contrary con-
69 tained herein: (1) such trustees or escrow agents shall, if so
70 directed by the issuing officials, apply moneys on deposit with such
71 trustees or escrow agents pursuant to the provisions of this section
72 and redeem or sell government securities so deposited with such
73 trustees or escrow agents and apply the proceeds thereof to the
74 purchase of the bonds which were refinanced by the deposit with
75 such trustees or escrow agents of such moneys and government
76 securities and immediately thereafter cancel all such bonds so
77 purchased or the purchase of different government securities; pro-
78 vided, however, that the moneys and government securities on
79 deposit with such trustees or escrow agents after such purchase
80 and cancellation of such outstanding bonds or such purchase of
81 different government securities shall be sufficient to pay when due
82 the principal of, redemption premium, if any, and interest on all
83 other bonds in respect of which such moneys and government
84 securities were deposited with such trustees or escrow agents on or
85 prior to the redemption date or maturity date thereof, as the case
86 may be; and (2) in the event that on any date, as a result of any
87 purchases and cancellations of such bonds or any purchases of
88 different government securities as provided in this subsection, the
89 total amount of moneys and government securities remaining on
90 deposit with such trustees or escrow agents is in excess of the total
91 amount which would have been required to be deposited with such
92 trustees or escrow agents on such date in respect of the remaining

93 bonds for which such deposit was made in order to pay when the
94 principal of, redemption premium, if any, and interest on such re-
95 maining bonds, such trustees or escrow agents, shall, if so directed
96 by the issuing officials, pay the amount of such excess to the State.
97 Any amounts held by the State Treasurer in a separate fund or
98 funds for the payment of the principal of and interest on bonds to
99 be refinanced, as provided herein, shall, if so directed by the issuing
100 officials, be transferred by the State Treasurer for deposit with one
101 or more trustees or escrow agents as provided herein to be applied
102 to the payment when due of the principal of, redemption premium,
103 if any, and interest to become due on such bonds to be refinanced,
104 as provided in this section, or be applied by the State Treasurer
105 to the payment when due of the principal of and interest on re-
106 demption premium, if any, and interest to become due on the
107 bonds to be refinanced on and prior to such redemption date or
108 maturity date thereof, as the case may be, and interest earned
109 from such reinvestments to the extent not required for the payment
110 of bonds shall be paid over to the State, as received by such trustees
111 or escrow agents. Notwithstanding anything to the contrary con-
112 tained herein: (1) such trustees or escrow agents shall, if so
113 directed by the issuing officials, apply moneys on deposit with such
114 trustees or escrow agents pursuant to the provisions of this section
115 and redeem or sell government securities so deposited with such
116 trustees or escrow agents and apply the proceeds thereof to the
117 purchase of the bonds which were refinanced by the deposit with
118 such trustees or escrow agents of such moneys and government
119 securities and immediately thereafter cancel all such bonds so
120 purchased or the purchase of different government securities; pro-
121 vided, however, that the moneys and government securities on
122 deposit with such trustees or escrow agents after such purchase
123 and cancellation of such outstanding bonds or such purchase of
124 different government securities shall be sufficient to pay when due
125 the principal of, redemption premium, if any, and interest on all
126 other bonds in respect of which such moneys and government
127 securities were deposited with such trustees or escrow agents on or
128 prior to the redemption date or maturity date thereof, as the case
129 may be; and (2) in the event that on any date, as a result of any
130 purchases and cancellations of such bonds or any purchases of
131 different government securities as provided in this subsection, the
132 total amount of moneys and government securities remaining on
133 deposit with such trustees or escrow agents is in excess of the total
134 amount which would have been required to be deposited with such
135 trustees or escrow agents on such date in respect to the remaining

136 bonds for which such deposit was made in order to pay when due the
 137 principal of, redemption premium, if any, and interest on such re-
 138 maining bonds, such trustees or escrow agents, shall, if so directed
 139 by the issuing officials, pay the amount of such excess to the State.
 140 Any amounts held by the State Treasurer in a separate fund or
 141 funds for the payment of the principal of and interest on bonds to
 142 be refinanced, as provided herein, shall, if so directed by the issuing
 143 officials, be transferred by the State Treasurer for deposit with one
 144 or more trustees or escrow agents as provided herein to be applied
 145 to the payment when due of the principal of, redemption premium,
 146 if any, and interest to become due on such bonds to be refinanced,
 147 as provided in this section, or be applied by the State Treasurer
 148 to the payment when due of the principal of and interest on re-
 149 funding bonds issued hereunder to refinance such bonds. The State
 150 Treasurer is authorized to enter into any contract or contracts
 151 with one or more trust companies or national or state banks, as
 152 provided herein, to act as trustees or escrow agents as provided
 153 herein, subject to the approval of the issuing officials.

154 *e.* Notwithstanding the provisions of section 12 hereof, any
 155 series of refunding bonds issued pursuant to this section shall
 156 mature at any time or times not later than five years following the
 157 latest scheduled final maturity date, determined without regard to
 158 any redemptions prior thereto, of any of the bonds to be refunded
 159 thereby, and in no event later than 35 years following the date of
 160 issuance of such series of refunding bonds, and such refunding
 161 bonds may be sold at public or private sale at such prices and
 162 under such terms, conditions and regulations as the issuing officials
 163 may prescribe. Refunding bonds shall be entitled to all the benefits
 164 of this act and subject to all its limitations except as to sale pro-
 165 visions and to the extent therein otherwise expressly provided.

166 *f.* Upon the decision by the issuing officials to issue refunding
 167 bonds pursuant to this section, and prior to the sale of those bonds,
 168 the issuing officials shall transmit to the Joint Budget Oversight
 169 Committee, or its successor, a report that a decision has been made,
 170 reciting the basis on which the decision was made, including an
 171 estimate of the debt service savings to be achieved and the calcula-
 172 tions upon which the issuing officials relied when making the de-
 173 cision to issue refunding bonds. The report shall also disclose the
 174 intent of the issuing officials to issue and sell the refunding bonds
 175 at public or private sale and the reasons therefore.

176 *g.* The Joint Budget Oversight Committee, or its successor, shall
 177 have the authority to approve or disapprove the sales of refunding
 178 bonds as included in each report submitted in accordance with sub-

179 section f. of this section. The committee shall notify the issuing
180 officials in writing of the approval or disapproval as expeditiously
181 as possible;

182 h. No refunding bonds shall be issued unless the report has been
183 submitted to and approved by the Joint Budget Oversight Com-
184 mittee, or its successor, as set forth in subsection g. of this section;

185 i. Within 30 days after the sale of the refunding bonds, the
186 issuing officials shall notify the Joint Budget Oversight Committee,
187 or its successor of the result of that sale, including the prices and
188 terms, conditions and regulations concerning the refunding bonds,
189 the actual amount of debt service savings to be realized as a result
190 of the sale of refunding bonds, and the intended use of the proceeds
191 from the sale of those bonds;

192 j. The committee, or its successors, shall, however, review all in-
193 formation and reports submitted in accordance with this section
194 and may, on its own initiative, make observations and recommenda-
195 tions to the issuing officials, or to the Legislature, or both, as it
196 deems appropriate.

1 20. Any bond or bonds issued hereunder shall no longer be
2 deemed to be outstanding, shall no longer constitute a direct obli-
3 gation of the State of New Jersey and the faith and credit of the
4 State shall no longer be pledged to the payment of the principal
5 of and interest on the bonds, and the bonds shall be secured
6 solely by and payable solely from monies and government secur-
7 ities deposited in trust with one or more trustees or escrow agents,
8 which trustees and escrow agents shall be trust companies or
9 national or state banks having powers of a trust company, located
10 either within or without the State, as provided herein, whenever
11 there shall be deposited in trust with the trustees or escrow agents
12 as provided herein either monies or government securities, includ-
13 ing government securities issued or held in book-entry form on
14 the books of the Department of Treasury of the United States, the
15 principal of and interest on which when due will provide money
16 which, together with the monies, if any, deposited with the trus-
17 tees or escrow agents at the same time, shall be sufficient to
18 pay when due the principal of, redemption premium, if any, and
19 interest due and to become due on the bonds on or prior to the
20 redemption date or maturity date thereof, as the case may be;
21 provided, the government securities shall not be subject to re-
22 demption prior to their maturity other than at the option of the
23 holder thereof. The State of New Jersey hereby covenants with
24 the holders of any bonds for which government securities or
25 monies shall have been deposited in trust with the trustees or

26 escrow agents as provided in this section that, except as otherwise
27 provided in this section, neither the government securities nor
28 monies so deposited with the trustees or escrow agents shall be
29 withdrawn or used by the State for any purpose other than, and
30 shall be held in trust for, the payment of the principal of, redemp-
31 tion premium, if any, and interest to become due on the bonds;
32 provided that any cash received from the principal or interest
33 payments on the government securities deposited with the trus-
34 tees or escrow agents, to the extent the cash will not be required
35 at any time for the purpose, shall be paid over to the State as
36 received by the trustees or escrow agents free and clear of any
37 trust, lien, pledge or assignment securing the bonds; and to the
38 extent the cash will be required for the purpose at a later date,
39 shall, to the extent practicable and legally permissible, be rein-
40 vested in government securities maturing at times and in amounts
41 sufficient to pay when due the principal of, redemption premium,
42 if any, and interest to become due on the bonds on and prior to
43 the redemption date or maturity date thereof, as the case may be,
44 and interest earned from the reinvestments shall be paid over to
45 the State, as received by the trustees or escrow agents, free and
46 clear of any trust, lien or pledge securing the bonds. Notwithstand-
47 ing anything to the contrary contained herein: a. the trustees or
48 escrow agents shall, if so directed by the issuing officials, apply
49 monies on deposit with the trustees or escrow agents pursuant
50 to the provisions of this section and redeem or sell government
51 securities so deposited with the trustees or escrow agents and
52 apply the proceeds thereof to (1) the purchase of the bonds which
53 were refinanced by the deposit with the trustees or escrow agents
54 of the monies and government securities and immediately there-
55 after cancel all bonds so purchased, or (2) the purchase of different
56 government securities; provided, however, that the monies and
57 government securities on deposit with the trustees or escrow
58 agents after the purchase and cancellation of the bonds or the
59 purchase of different government securities shall be sufficient to pay
60 when due the principal of, redemption premium, if any, and interest
61 on all other bonds in respect of which the monies and govern-
62 ment securities were deposited with the trustees or escrow agents
63 on or prior to the redemption date or maturity date thereof, as the
64 case may be; and b. in the event that on any date, as a result of any
65 purchases and cancellations of bonds or any purchases of different
66 government securities as provided in this sentence, the total amount
67 of monies and government securities remaining on deposit with
68 the trustees or escrow agents is in excess of the total amount

69 *which would have been required to be deposited with the trustees*
 70 *or escrow agents on the date in respect of the remaining bonds*
 71 *for which the deposit was made in order to pay when due the prin-*
 72 *cipal of, redemption premium, if any, and interest on the remain-*
 73 *ing bonds, the trustees or escrow agents shall, if so directed by*
 74 *the issuing officials, pay the amount of the excess to the State free*
 75 *and clear of any trust, lien, pledge or assignment securing the re-*
 76 *funding bond.*

1 21. *Refunding bonds issued pursuant to section 19 of this act*
 2 *may be consolidated with bonds issued pursuant to section 6 of this*
 3 *act or with bonds issued pursuant to any other act for purposes*
 4 *of sale.**

1 ***[20.]** *22.* To provide funds to meet the interest and principal
 2 payment requirements for the bonds issued under this act and out-
 3 standing there is appropriated in the order following:

4 a. Revenue derived from the collection of taxes under the "Sales
 5 and Use Tax Act," P. L. 1966, c. 30 (C. 54:32B-1 et seq.), or so
 6 much thereof as may be required; and

7 b. If, at any time, funds necessary to meet the interest and prin-
 8 cipal payments on outstanding bonds issued under this act, are
 9 insufficient or not available, there shall be assessed, levied and
 10 collected annually in each of the municipalities of the counties of
 11 this State, a tax on the real and personal property upon which
 12 municipal taxes are or shall be assessed, levied and collected, suffi-
 13 cient to meet the interest on all outstanding bonds issued here-
 14 under and on the bonds proposed to be issued under this act in the
 15 calendar year in which the tax is to be raised and for the payment
 16 of bonds falling due in the year following the year for which the
 17 tax is levied. The tax shall be assessed, levied and collected in the
 18 same manner and at the same time as other taxes upon real and
 19 personal property. The governing body of each municipality shall
 20 pay to the treasurer of the county in which the municipality is
 21 located, on or before December 15 in each year, the amount of tax
 22 herein directed to be assessed and levied, and the county treasurer
 23 shall pay the amount of the tax to the State Treasurer on or be-
 24 fore December 20 in each year.

25 If on or before December 31 in any year, the issuing officials, by
 26 resolution, determine that there are moneys in the General Fund
 27 beyond the needs of the State, sufficient to meet the principal of
 28 bonds falling due and all interest payable in the ensuing calendar
 29 year, the issuing officials shall file the resolution in the office of the
 30 State Treasurer, whereupon the State Treasurer shall transfer

31 the moneys to a separate fund to be designated by him, and shall
 32 pay the principal and interest out of the fund as the same shall
 33 become due and payable, and the other sources of payment of the
 34 principal and interest provided for in this section shall not then
 35 be available, and the receipts for the year from the tax specified
 36 in subsection b. of this section shall be considered part of the
 37 General Fund, available for general purposes.

1 ***[21.]*** *23.* Should the State Treasurer, by December 31 of any
 2 year, deem it necessary, because of the insufficiency of funds col-
 3 lected from the sources of revenues as provided in this act, to meet
 4 the interest and principal payments for the year after the ensuing
 5 year, then the State Treasurer shall certify to the Director of the Di-
 6 vision of Budget and Accounting in the Department of the Treasury
 7 the amount necessary to be raised by taxation for those purposes,
 8 which is to be assessed, levied and collected for and in the ensuing
 9 calendar year. The director shall, on or before March 1 following,
 10 calculate the amount in dollars to be assessed, levied and collected
 11 in each county as herein set forth. This calculation shall be based
 12 upon the corrected assessed valuation of each county for the year
 13 preceding the year in which the tax is to be assessed, but the tax
 14 shall be assessed, levied and collected upon the assessed valuation
 15 of the year in which the tax is assessed and levied. The director
 16 shall certify the amount to the county board of taxation and the
 17 treasurer of each county. The county board of taxation shall in-
 18 clude the proper amount in the current tax levy of the several
 19 taxing districts of the county in proportion to the ratables as as-
 20 certained for the current year.

1 ***[22.]*** *24.* For the purpose of complying with the provisions of
 2 the State Constitution, this act shall be submitted to the people at
 3 the general election to be held in the month of November, 1986. To
 4 inform the people of the contents of this act, it shall be the duty of
 5 the Secretary of State, after this section takes effect, and at least 15
 6 days prior to the election, to publish this act in at least 10 news-
 7 papers published in this State and to notify the clerk of each county
 8 of this State of the passage of this act; and the clerks respectively,
 9 in accordance with the instructions of the Secretary of State, shall
 10 have each of the ballots printed as follows:

11 If you approve of the act entitled below, make a cross (X), plus
 12 (+) or check (✓) mark in the square opposite the word "Yes."

13 If you disapprove of the act entitled below, make a cross (X),
 14 plus (+) or check (✓) mark in the square opposite the word "No."

15 If voting machines are used, a vote of "Yes" or "No" shall be
 16 equivalent to these markings respectively.

	Yes.	HAZARDOUS DISCHARGE BOND ACT OF 1986 Should the "Hazardous Discharge Bond Act of 1986" which authorizes the State to issue bonds in the amount of \$200,000,000.00 for the purpose of financing the cost of identification, cleanup and removal of hazardous discharges, providing ways and means to pay the interest on the debt and also to pay and discharge the principal thereof be approved?
	No.	INTERPRETIVE STATEMENT Approval of this act would authorize the sale of \$200,000,000.00 in bonds to be used to identify, cleanup and remove hazardous discharges.

17 The fact and date of the approval or passage of this act, as the
18 case may be, may be inserted in the appropriate place after the
19 title in the ballot. No other requirements of law as to notice or
20 procedure, except as herein provided, need be adhered to.

21 The votes cast for and against the approval of this act, by ballot
22 or voting machine, shall be counted and the result thereof returned
23 by the election officer, and a canvass of the election had in the same
24 manner as is provided for by law in the case of the election of a
25 Governor, and the approval or disapproval of this act so deter-
26 mined shall be declared in the same manner as the result of an
27 election for a Governor, and if there is a majority of all votes cast
28 for and against it at the election in favor of the approval of this
29 act, then all the provisions of this act not made effective thereto-
30 fore shall take effect forthwith.

1 ***[23.]*** *25.* There is appropriated the sum of \$5,000.00 to the
2 Department of State for expenses in connection with the publication
3 of notice pursuant to section ***[22]*** *24* of this act.

1 ***[24.]*** *26.* The Commissioner of Environmental Protection
2 shall submit to the State Treasurer and the New Jersey Commission
3 on Capital Budgeting and Planning with the Department of Environ-
4 mental Protection's annual budget request a plan for the expendi-
5 ture of funds from the "Hazardous Discharge Fund of ***[1985]***
6 *1986*" for the upcoming fiscal year. This plan shall include the
7 following information: a performance evaluation of the expendi-
8 tures made from the fund to date; a description of programs plan-
9 ned during the upcoming fiscal year; a copy of the regulations in
10 force governing the operations of programs that are financed, in
11 part or in whole, by funds from the "Hazardous Discharge Fund of
12 ***[1985]*** *1986*"; and an estimate of expenditures for the upcom-
13 ing fiscal year.

1 ***[25.]* *27.*** Immediately following the submission of the Legis-
 2 lature of the Governor's annual budget message, the Commissioner
 3 of Environmental Protection shall submit to the General Assembly
 4 ***[Agriculture and Environment]* *Environmental Quality*** Com-
 5 mittee, the Senate Energy and Environment Committee, or their
 6 successors, and the ***[Subcommittee on Transfers of the Joint Ap-
 7 propriations]* *Joint Budget Oversight*** Committee, or its suc-
 8 cessor, a copy of the plan called for under section ***[24]* *26*** of
 9 this act, together with such changes therein as may have been re-
 10 quired by the Governor's budget message.

1 ***[26.]* *28.*** No less than 30 days prior to entering into any con-
 2 tract, lease, obligation, or agreement to effectuate the purposes of
 3 this act, the Commissioner of Environmental Protection shall re-
 4 port to and consult with the ***[Subcommittee on Transfers of the
 5 Joint Appropriations]* *Joint Budget Oversight*** Committee, or
 6 its successor.

1 ***[27.]* *29.*** This section and sections ***[22]* *24*** and ***[23]*
 2 *25*** of this act shall take effect immediately**, *but shall remain in-
 3 operative until the enactment of P. L. , c. (C.)
 4 (now pending before the Legislature as Senate Bill No. 899 of 1986)
 5 and the enactment of P. L. , c. (C.) (now pend-
 6 ing before the Legislature as Senate Bill No. 2011 of 1986) and
 7 until the Legislature has agreed to the amendment to Article VIII,
 8 Section II of the Constitution of the State of New Jersey proposed
 9 by the Senate Concurrent Resolution No. 82 of 1986,** and the re-
 10 mainder of this act shall take effect as provided in section ***[22]*
 11 *24***.*

HAZARDOUS WASTE (Cleanup)

Authorizes \$200,000,000.00 in State bonds for hazardous discharge
 site cleanup.

[THIRD OFFICIAL COPY REPRINT]

SENATE, No. 2012

STATE OF NEW JERSEY

INTRODUCED APRIL 7, 1986

By Senator DALTON

Referred to Committee on Energy and Environment

AN ACT authorizing the creation of a debt of the State of New Jersey by issuance of bonds of the State in the sum of \$200,000,000.00 to provide moneys for the identification, cleanup and removal of hazardous discharges; **authorizing the issuance of refunding bonds;** providing **the** ways and means to pay **[the interest on the debt and also to pay]** and discharge the principal **and interest** thereof; providing for the submission of this act to the people at the general election; and making an appropriation.

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

1 1. This act shall be known and may be cited as the "Hazardous
2 Discharge Bond Act of **[1985]* *1986**."

1 2. The Legislature finds and declares that the improper, irre-
2 sponsible, and often illegal discharge of hazardous substances
3 presents a grave threat to the public health and safety, and to the
4 environment, that the dangers posed by these discharges can be
5 minimized only by prompt identification, cleanup and removal of
6 these hazardous discharges, that existing funding sources are not
7 adequate to finance these identification, cleanup and removal op-
8 erations, and that it is therefore in the best interests of all citizens
9 of this State to provide a funding mechanism to finance the prompt
10 identification, efficient cleanup and removal of discharges of haz-
11 ardous substances.

1 3. As used in this act:

1A **a. "Bonds" means the bonds authorized to be issued, or issued,*
1B *under this act;**

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendments adopted May 19, 1986.

**—Senate committee amendment adopted June 9, 1986.

***—Senate amendments adopted September 15, 1986.

2 ***[a.]* *b.*** "Cost" means the interest or discount on bonds; cost of
 3 issuance of bonds; the cost of inspection, appraisal, legal, financial,
 4 and other professional services, estimates, and advice; and the
 5 cost of organizational, administrative and other work and services,
 6 including salaries, supplies, equipment, and materials necessary to
 7 administer this act;

7A ***c.** "Government securities" means any bonds or other obligations
 7B which as to principal and interest constitute direct obligations of,
 7C or are unconditionally guaranteed by, the United States, including
 7D obligations of any federal agency to the extent those obligations are
 7E unconditionally guaranteed by the United States of America and
 7F any certificates or any other evidences of an ownership interest in
 7G those obligations of, or unconditionally guaranteed by, the United
 7H States or in specified portions of those obligations which may con-
 7I sist of the principal of, or the interest on, those obligations;*

8 ***[b.]* *d.*** "Hazardous discharge" means the actual or imminent
 9 release, spill, leak, emission or dumping of any hazardous substance
 10 into the environment which represents a threat to the public health
 11 and safety of the environment;

12 ***[c.]* *e.*** "Hazardous substances" means those elements and
 13 compounds, including petroleum products, which are defined as such
 14 by the New Jersey Department of Environmental Protection, after
 15 public hearing, and which shall be consistent to the maximum extent
 16 possible with, and which shall include, the list of hazardous sub-
 17 stances adopted by the federal Environmental Protection Agency
 18 pursuant to section 311 of the "Federal Water Pollution Control
 19 Act Amendments of 1972," Pub. L. 92-500 (33 U. S. C. § 1321), as
 20 amended by the "Clean Water Act of 1977," Pub. L. 95-217 (33
 21 U. S. C. § 1251 et seq.), the list of toxic pollutants designated by
 22 Congress or the Environmental Protection Agency pursuant to
 23 section 307 of the former act (33 U. S. C. § 1317) and, to the extent
 24 they are not otherwise included, any substance defined as hazardous
 25 pursuant to section 101 of the "Comprehensive Environmental
 26 Response, Compensation, and Liability Act of 1980," Pub. L. 96-510
 27 (42 U. S. C. § 9601 et seq.); except that sewage and sewage sludge
 28 shall not be considered as hazardous substances for the purpose
 29 of this act.

1 4. The Commissioner of the Department of Environmental Pro-
 2 tection shall adopt, pursuant to law, rules and regulations neces-
 3 sary to ***[carry out]* *implement*** the provisions of this act. The
 4 commissioner shall review and consider the findings and recom-
 5 mendations of the New Jersey Commission on Capital Budgeting

6 and Planning in "[the administration of]" *implementing* the pro-
7 visions of this act.

1 5. Bonds of the State of New Jersey are authorized to be issued
2 in the aggregate principal amount of \$200,000,000.00 for the pur-
3 pose of financing the cost of identification, cleanup and removal of
4 hazardous discharges ***but said bonds shall not be issued until
5 the enactment of P. L. , c. (C.) (now pending
6 before the Legislature as Assembly Committee Substitute for
7 Assembly Bill Nos. 2699 and 270 of 1986 or a bill of substantially
8 similar effect) or P. L. , c. (C.) (now pend-
9 ing before the Legislature as Assembly Committee Substitute for
10 Assembly Bill No. 2698 of 1986 or a bill of substantially similar
11 effect), or both***.

1 6. The bonds authorized under this act shall be serial bonds, term
2 bonds, or a combination thereof, and shall be known as "Hazardous
3 Discharge Bonds ***of 1986***." These bonds shall be issued from
4 time to time as the issuing officials herein named shall determine,
5 and may be issued in coupon form, fully-registered form or book-
6 entry form. These bonds may be made subject to redemption prior
7 to maturity and shall mature and be paid not later than 35 years
8 from the dates of their issuance.

1 7. The Governor, the State Treasurer and the Director of the
2 Division of Budget and Accounting in the Department of the
3 Treasury, or any two of these officials, herein referred to as "the
4 issuing officials," are authorized to carry out the provisions of this
5 act relating to the issuance of bonds, and shall determine all mat-
6 ters in connection therewith, subject to the provisions of this act.
7 If an issuing official is absent from the State or incapable of acting
8 for any reason, the powers and duties of that issuing official shall
9 be exercised and performed by the person authorized by law to act
10 in an official capacity in the place of that issuing official.

1 8. Bonds issued in accordance with the provisions of this act
2 shall be direct obligations of the State of New Jersey, and the faith
3 and credit of the State are pledged for the payment of the interest
4 thereon when due and for the payment of the principal thereof at
5 maturity. The principal of and interest on the bonds shall be
6 exempt from taxation by the State or by any county, municipality
7 or other taxing district of the State.

1 9. The bonds shall be signed in the name of the State by means
2 of the manual or facsimile signature of the Governor under the
3 Great Seal of the State, which seal may be by facsimile or by way
4 of any other form of reproduction on the bonds, and attested by

5 the manual or facsimile signature of the Secretary of State, or an
 6 assistant Secretary of State, and shall be countersigned by the
 7 facsimile signature of the Director of the Division of Budget and
 8 Accounting in the Department of the Treasury and may be man-
 9 ually authenticated by an authenticating agent or bond registrar,
 10 as the issuing officials shall determine. Interest coupons, if any,
 11 attached to the bonds shall be signed by the facsimile signature of
 12 the director. The bonds may be issued notwithstanding that an
 13 issuing official signing them or whose manual or facsimile signature
 14 appears thereon has ceased to hold office at the time of issuance,
 15 or at the time of the delivery of the bonds to the purchaser thereof.

1 10. a. The bonds shall recite that they are issued for the pur-
 2 poses set forth in section 5 of this act, that they are issued pursuant
 3 to this act, that this act was submitted to the people of the State at
 4 the general election held in the month of November, ***[1985]***
 5 ***1986***, and that this act was approved by a majority of the legally
 6 qualified voters of the State voting thereon at the election. This re-
 7 cital shall be conclusive evidence of the validity of the bonds and of
 8 the authority of the State to issue them. Any bonds containing this
 9 recital shall, in any suit, action or proceeding involving their valid-
 10 ity, be conclusively deemed to be fully authorized by this act and to
 11 have been issued, sold, executed and delivered in conformity here-
 12 with and with all other provisions of laws applicable hereto, and
 13 shall be incontestable for any cause.

14 b. The bonds shall be issued in such denominations and in such
 15 form or forms, whether coupon, fully-registered or book-entry and
 16 with or without provisions for the interchangeability thereof, as
 17 may be determined by the issuing officials.

1 11. When the bonds are issued from time to time, the bonds of
 2 each issue shall constitute a separate series to be designated by
 3 the issuing officials. Each series of bonds shall bear such rate or
 4 rates of interest as may be determined by the issuing officials, which
 5 interest shall be payable semiannually; except that the first and
 6 last interest periods may be longer or shorter, in order that inter-
 7 vening semiannual payments may be at convenient dates.

1 12. The bonds shall be issued and sold at such price or prices and
 2 under such terms, conditions and regulations as the issuing officials
 3 may prescribe, after notice of the sale, published at least once in
 4 at least three newspapers published in this State, and at least once
 5 in a publication carrying municipal bond notices and devoted pri-
 6 marily to financial news, published in this State or in the city of
 7 New York, the first notice to appear at least five days prior to the

8 day of bidding. The notice of sale may contain a provision to the
 9 effect that any bid in pursuance thereof may be rejected. In the
 10 event of rejection or of failure to receive any acceptable bid, the
 11 issuing officials, at any time within 60 days from the date of the
 12 advertised sale, may sell bonds at a private sale at such price
 13 or prices and under such terms and conditions as the issuing officials
 14 may prescribe. The issuing officials may sell all or part of the bonds
 15 of any series as issued to any State fund or to the federal govern-
 16 ment or any agency thereof, at a private sale, without advertise-
 17 ment.

1 13. Until permanent bonds are prepared, the issuing officials may
 2 issue temporary bonds in such form and with such privileges as to
 3 their registration and exchange for permanent bonds as may be
 4 determined by the issuing officials.

1 14. The proceeds from the sale of the bonds shall be paid to the
 2 State Treasurer, to be held thereby in a separate fund, which shall
 3 be known as the "Hazardous Discharge Fund of 1986." The pro-
 4 ceeds of this fund shall be deposited in such depositories as may be
 5 selected by the State Treasurer to the credit of the fund.

1 15. a. The moneys in the "Hazardous Discharge Fund of 1986"
 2 are specifically dedicated and shall be applied to the cost of the
 3 purposes set forth in section 5 of this act, and all such moneys are
 4 appropriated for those purposes, and no such moneys shall be ex-
 5 pended for those purposes, except as otherwise authorized in this
 6 act, without the specific appropriation thereof by the Legislature,
 7 but bonds may be issued as herein provided, notwithstanding that
 8-9 *~~["The"]~~ **the** Legislature has not adopted an act making a specific
 10 appropriation of any of the moneys.

11 b. At any time prior to the issuance and sale of bonds under this
 12 act, the State Treasurer is authorized to transfer from available
 13 money in any fund of the treasury of the State to the credit of the
 14 "Hazardous Discharge Fund of 1986," such sums as he may deem
 15 necessary. The sum so transferred shall be returned to the same
 16 fund of the treasury by the State Treasurer from the proceeds of
 17 the sale of the first issue of bonds.

18 c. Pending their application to the purposes provided in this act,
 19 the moneys in the "Hazardous Discharge Fund of 1986" may be
 20 invested and reinvested as are other trust funds in the custody of
 21 the State Treasurer, in the manner provided by law. Net earnings
 22 received from the investment or deposit of the fund shall be paid
 23 into the *~~["General Fund"]~~* ***** **Hazardous Discharge Fund*
 24 *of 1986** *****.

1 16. If any coupon bond, coupon or registered bond is lost, mutilated or destroyed, a new bond or coupon shall be executed and delivered of like tenor, in substitution for the lost, mutilated or destroyed bond or coupon, upon the owner furnishing to the issuing officials such evidence satisfactory to them of the loss, mutilation or destruction of the bond or coupon, the ownership thereof and the security, indemnity and reimbursement for expenses connected therewith, as the issuing officials may require.

1 17. The accrued interest received upon the sale of the bonds shall be applied to the discharge of a like amount of interest upon the bonds when due. Any expense incurred by the issuing officials for advertising, engraving, printing, clerical, authenticating, registering, legal or other services necessary to carry out the duties imposed upon them by the provisions of this act shall be paid from the proceeds of the sale of the bonds by the State Treasurer, upon the warrant of the Director of the Division of Budget and Accounting in the Department of the Treasury, in the same manner as other obligations of the State are paid.

1 18. Bonds of each series issued hereunder shall mature, including any sinking fund redemptions, not later than the 35th year from the date of issue of such series, and in such amounts as shall be determined by the issuing officials. The issuing officials may reserve to the State by appropriate provision in the bonds of any series the power to redeem any of the bonds prior to maturity at such price or prices and upon such terms and conditions as may be provided in the bonds.

1 *19. The issuing officials may at any time and from time to time issue refunding bonds for the purpose of refunding in whole or in part an equal principal amount of the bonds of any series issued and outstanding thereunder, which by their terms are subject to redemption prior to maturity, provided the refunding bonds shall mature at any time or times not later than the latest maturity date of that series, and the aggregate amount of interest to be paid on the refunding bonds, plus the premium, if any, to be paid on the bonds refunded, shall not exceed the aggregate amount of interest which would be paid on the bonds refunded if the bonds were not so refunded. Refunding bonds shall constitute direct obligations of the State of New Jersey, and the faith and credit of the State are pledged for the payment of the principal thereof and the interest thereon. The proceeds received from the sale of refunding bonds shall be held in trust and applied to the payment of the bonds refunded thereby. Refunding bonds shall be entitled to all the bene-

17 fits of this act and subject to all its limitations except as to the
 18 maturities thereof and to the extent herein otherwise expressly
 19 provided.]*

1 *19. The issuing officials may issue refunding bonds and in an
 2 amount not to exceed the amount necessary to effectuate the re-
 3 financing of all or any bonds issued pursuant to this act, at any
 4 time and from time to time, for the purpose of refinancing any
 5 bond or bonds issued pursuant to this act, subject to the following
 6 provisions:

7 a. Refunding bonds may be issued at such time prior to the
 8 maturity or redemption of the bonds to be refinanced thereby as
 9 the issuing officials shall determine; and

10 b. Each series of refunding bonds may be issued at a sufficient
 11 amount to pay or to provide for the payment of the principal of
 12 the bonds to be refinanced thereby, together with any redemption
 13 premium thereon, any interest accrued or to accrue on such bonds
 14 to be refinanced to the date of payment of such outstanding bonds,
 15 the expense of issuing such refunding bonds and the expenses, if
 16 any, of paying such bonds to be refinanced; and

17 c. No refunding bonds shall be issued unless the issuing officials
 18 shall first determine that the present value of the aggregate
 19 principal of and interest on such refunding bonds is less than the
 20 present value of the aggregate principal of and interest on the
 21 bonds to be refinanced thereby; provided, for the purposes of
 22 this limitation, present value shall be computed using a discount
 23 rate equal to the yield of such refunding bonds, and yield shall be
 24 computed using an actuarial method based upon a 360-day year
 25 with semi-annual compounding and upon the price or prices paid
 26 to the State by the initial purchasers of such refunding bonds; and

27 d. Any refinancing authorized hereunder may be effected by
 28 the sale of the refunding bonds and the application of the proceeds
 29 thereof to the immediate payment of the principal of the bonds to
 30 be refinanced thereby, together with any redemption premium
 31 thereon, any interest accrued or to accrue on such bonds to be
 32 refinanced to the date of payment of such bonds, the expenses of
 33 issuing the refunding bonds and the expenses, if any, of paying
 34 such bonds to be refinanced, or, to the extent not required for such
 35 immediate payment, shall be deposited, together with any other
 36 moneys legally available therefor, in trust with one or more
 37 trustees or escrow agents, which trustees or escrow agents shall
 38 be trust companies or national or state banks having powers of
 39 a trust company, located either within or without the State, to be

40 applied solely to the payment when due of the principal of, redemp-
41 tion premium, if any, and interest due and to become due on the
42 bonds to be refinanced on or prior to the redemption date or
43 maturity date thereof, as the case may be. Any such proceeds or
44 moneys so held by such trustees or escrow agents may be invested
45 in government securities, including government securities issued
46 or held in book-entry form on the books of the Department of
47 Treasury of the United States; provided, such government secu-
48 rities shall not be subject to redemption prior to their maturity
49 other than at the option of the holder thereof. Except as otherwise
50 provided in this subsection, neither government securities nor
51 moneys so deposited with such trustees or escrow agents shall be
52 withdrawn or used for any purpose other than, and shall be held
53 in trust for, the payment of the principal of, redemption premium,
54 if any, and interest on the bonds to be refinanced thereby; provided
55 that any cash received from such principal or interest payments
56 on such government securities deposited with such trustees or
57 escrow agents, to the extent such cash will not be required at any
58 time for such purpose shall be paid over to such trustees or escrow
59 agents, and to the extent such cash will be required for such pur-
60 pose at a later date, shall, to the extent practicable and legally
61 permissible, be reinvested in government securities maturing at
62 times and in amounts sufficient to pay when due the principal of,
63 redemption premium, if any, and interest to become due on the
64 bonds to be refinanced on and prior to such redemption date or
65 maturity date thereof, as the case may be, and interest earned
66 from such reinvestments to the extent not required for the payment
67 of bonds shall be paid over to the State, as received by such trustees
68 or escrow agents. Notwithstanding anything to the contrary con-
69 tained herein: (1) such trustees or escrow agents shall, if so
70 directed by the issuing officials, apply moneys on deposit with such
71 trustees or escrow agents pursuant to the provisions of this section
72 and redeem or sell government securities so deposited with such
73 trustees or escrow agents and apply the proceeds thereof to the
74 purchase of the bonds which were refinanced by the deposit with
75 such trustees or escrow agents of such moneys and government
76 securities and immediately thereafter cancel all such bonds so
77 purchased or the purchase of different government securities; pro-
78 vided, however, that the moneys and government securities on
79 deposit with such trustees or escrow agents after such purchase
80 and cancellation of such outstanding bonds or such purchase of
81 different government securities shall be sufficient to pay when due

82 the principal of, redemption premium, if any, and interest on all
 83 other bonds in respect of which such moneys and government
 84 securities were deposited with such trustees or escrow agents on or
 85 prior to the redemption date or maturity date thereof, as the case
 86 may be; and (2) in the event that on any date, as a result of any
 87 purchases and cancellations of such bonds or any purchases of
 88 different government securities as provided in this subsection, the
 89 total amount of moneys and government securities remaining on
 90 deposit with such trustees or escrow agents is in excess of the total
 91 amount which would have been required to be deposited with such
 92 trustees or escrow agents on such date in respect of the remaining
 93 bonds for which such deposit was made in order to pay when the
 94 principal of, redemption premium, if any, and interest on such re-
 95 maining bonds, such trustees or escrow agents, shall, if so directed
 96 by the issuing officials, pay the amount of such excess to the State.
 97 Any amounts held by the State Treasurer in a separate fund or
 98 funds for the payment of the principal of and interest on bonds to
 99 be refinanced, as provided herein, shall, if so directed by the issuing
 100 officials, be transferred by the State Treasurer for deposit with one
 101 or more trustees or escrow agents as provided herein to be applied
 102 to the payment when due of the principal of, redemption premium,
 103 if any, and interest to become due on such bonds to be refinanced,
 104 as provided in this section, or be applied by the State Treasurer
 105 to the payment when due of the principal of and interest on re-
 106 ***[demption premium, if any, and interest to become due on the
 107 bonds to be refinanced on and prior to such redemption date or
 108 maturity date thereof, as the case may be, and interest earned
 109 from such reinvestments to the extent not required for the payment
 110 of bonds shall be paid over to the State, as received by such trustees
 111 or escrow agents. Notwithstanding anything to the contrary con-
 112 tained herein: (1) such trustees or escrow agents shall, if so
 113 directed by the issuing officials, apply moneys on deposit with such
 114 trustees or escrow agents pursuant to the provisions of this section
 115 and redeem or sell government securities so deposited with such
 116 trustees or escrow agents and apply the proceeds thereof to the
 117 purchase of the bonds which were refinanced by the deposit with
 118 such trustees or escrow agents of such moneys and government
 119 securities and immediately thereafter cancel all such bonds so
 120 purchased or the purchase of different government securities; pro-
 121 vided, however, that the moneys and government securities on
 122 deposit with such trustees or escrow agents after such purchase
 123 and cancellation of such outstanding bonds or such purchase of

124 different government securities shall be sufficient to pay when due
 125 the principal of, redemption premium, if any, and interest on all
 126 other bonds in respect of which such moneys and government
 127 securities were deposited with such trustees or escrow agents on or
 128 prior to the redemption date or maturity date thereof, as the case
 129 may be; and (2) in the event that on any date, as a result of any
 130 purchases and cancellations of such bonds or any purchases of
 131 different government securities as provided in this subsection, the
 132 total amount of moneys and government securities remaining on
 133 deposit with such trustees or escrow agents is in excess of the total
 134 amount which would have been required to be deposited with such
 135 trustees or escrow agents on such date in respect to the remaining
 136 bonds for which such deposit was made in order to pay when due the
 137 principal of, redemption premium, if any, and interest on such re-
 138 maining bonds, such trustees or escrow agents, shall, if so directed
 139 by the issuing officials, pay the amount of such excess to the State.
 140 Any amounts held by the State Treasurer in a separate fund or
 141 funds for the payment of the principal of and interest on bonds to
 142 be refinanced, as provided herein, shall, if so directed by the issuing
 143 officials, be transferred by the State Treasurer for deposit with one
 144 or more trustees or escrow agents as provided herein to be applied
 145 to the payment when due of the principal of, redemption premium,
 146 if any, and interest to become due on such bonds to be refinanced,
 147 as provided in this section, or be applied by the State Treasurer
 148 to the payment when due of the principal of and interest on re-^{***}
 149 funding bonds issued hereunder to refinance such bonds. The State
 150 Treasurer is authorized to enter into any contract or contracts
 151 with one or more trust companies or national or state banks, as
 152 provided herein, to act as trustees or escrow agents as provided
 153 herein, subject to the approval of the issuing officials.

154 e. Notwithstanding the provisions of section 12 hereof, any
 155 series of refunding bonds issued pursuant to this section shall
 156 mature at any time or times not later than five years following the
 157 latest scheduled final maturity date, determined without regard to
 158 any redemptions prior thereto, of any of the bonds to be refunded
 159 thereby, and in no event later than 35 years following the date of
 160 issuance of such series of refunding bonds, and such refunding
 161 bonds may be sold at public or private sale at such prices and
 162 under such terms, conditions and regulations as the issuing officials
 163 may prescribe. Refunding bonds shall be entitled to all the benefits
 164 of this act and subject to all its limitations except as to sale pro-
 165 visions and to the extent therein otherwise expressly provided.

166 *f. Upon the decision by the issuing officials to issue refunding*
 167 *bonds pursuant to this section, and prior to the sale of those bonds,*
 168 *the issuing officials shall transmit to the Joint Budget Oversight*
 169 *Committee, or its successor, a report that a decision has been made,*
 170 *reciting the basis on which the decision was made, including an*
 171 *estimate of the debt service savings to be achieved and the calcula-*
 172 *tions upon which the issuing officials relied when making the de-*
 173 *cision to issue refunding bonds. The report shall also disclose the*
 174 *intent of the issuing officials to issue and sell the refunding bonds*
 175 *at public or private sale and the reasons therefore.*

176 *g. The Joint Budget Oversight Committee, or its successor, shall*
 177 *have the authority to approve or disapprove the sales of refunding*
 178 *bonds as included in each report submitted in accordance with sub-*
 179 *section f. of this section. The committee shall notify the issuing*
 180 *officials in writing of the approval or disapproval as expeditiously*
 181 *as possible;*

182 *h. No refunding bonds shall be issued unless the report has been*
 183 *submitted to and approved by the Joint Budget Oversight Com-*
 184 *mittee, or its successor, as set forth in subsection g. of this section;*

185 *i. Within 30 days after the sale of the refunding bonds, the*
 186 *issuing officials shall notify the Joint Budget Oversight Committee,*
 187 *or its successor of the result of that sale, including the prices and*
 188 *terms, conditions and regulations concerning the refunding bonds,*
 189 *the actual amount of debt service savings to be realized as a result*
 190 *of the sale of refunding bonds, and the intended use of the proceeds*
 191 *from the sale of those bonds;*

192 *j. The committee, or its successors, shall, however, review all in-*
 193 *formation and reports submitted in accordance with this section*
 194 *and may, on its own initiative, make observations and recommenda-*
 195 *tions to the issuing officials, or to the Legislature, or both, as it*
 196 *deems appropriate.*

1 *20. Any bond or bonds issued hereunder shall no longer be*
 2 *deemed to be outstanding, shall no longer constitute a direct obli-*
 3 *gation of the State of New Jersey and the faith and credit of the*
 4 *State shall no longer be pledged to the payment of the principal*
 5 *of and interest on the bonds, and the bonds shall be secured*
 6 *solely by and payable solely from monies and government secur-*
 7 *ities deposited in trust with one or more trustees or escrow agents,*
 8 *which trustees and escrow agents shall be trust companies or*
 9 *national or state banks having powers of a trust company, located*
 10 *either within or without the State, as provided herein, whenever*
 11 *there shall be deposited in trust with the trustees or escrow agents*

12 as provided herein either monies or government securities, includ-
 13 ing government securities issued or held in book-entry form on
 14 the books of the Department of Treasury of the United States, the
 15 principal of and interest on which when due will provide money
 16 which, together with the monies, if any, deposited with the trus-
 17 tees or escrow agents at the same time, shall be sufficient to
 18 pay when due the principal of, redemption premium, if any, and
 19 interest due and to become due on the bonds on or prior to the
 20 redemption date or maturity date thereof, as the case may be;
 21 provided, the government securities shall not be subject to re-
 22 demption prior to their maturity other than at the option of the
 23 holder thereof. The State of New Jersey hereby covenants with
 24 the holders of any bonds for which government securities or
 25 monies shall have been deposited in trust with the trustees or
 26 escrow agents as provided in this section that, except as otherwise
 27 provided in this section, neither the government securities nor
 28 monies so deposited with the trustees or escrow agents shall be
 29 withdrawn or used by the State for any purpose other than, and
 30 shall be held in trust for, the payment of the principal of, redemp-
 31 tion premium, if any, and interest to become due on the bonds;
 32 provided that any cash received from the principal or interest
 33 payments on the government securities deposited with the trus-
 34 tees or escrow agents, to the extent the cash will not be required
 35 at any time for the purpose, shall be paid over to the State as
 36 received by the trustees or escrow agents free and clear of any
 37 trust, lien, pledge or assignment securing the bonds; and to the
 38 extent the cash will be required for the purpose at a later date,
 39 shall, to the extent practicable and legally permissible, be rein-
 40 vested in government securities maturing at times and in amounts
 41 sufficient to pay when due the principal of, redemption premium,
 42 if any, and interest to become due on the bonds on and prior to
 43 the redemption date or maturity date thereof, as the case may be,
 44 and interest earned from the reinvestments shall be paid over to
 45 the State, as received by the trustees or escrow agents, free and
 46 clear of any trust, lien or pledge securing the bonds. Notwithstand-
 47 ing anything to the contrary contained herein: a. the trustees or
 48 escrow agents shall, if so directed by the issuing officials, apply
 49 monies on deposit with the trustees or escrow agents pursuant
 50 to the provisions of this section and redeem or sell government
 51 securities so deposited with the trustees or escrow agents and
 52 apply the proceeds thereof to (1) the purchase of the bonds which
 53 were refinanced by the deposit with the trustees or escrow agents

54 of the monies and government securities and immediately there-
 55 after cancel all bonds so purchased, or (2) the purchase of different
 56 government securities; provided, however, that the monies and
 57 government securities on deposit with the trustees or escrow
 58 agents after the purchase and cancellation of the bonds or the
 59 purchase of different government securities shall be sufficient to pay
 60 when due the principal of, redemption premium, if any, and interest
 61 on all other bonds in respect of which the monies and govern-
 62 ment securities were deposited with the trustees or escrow agents
 63 on or prior to the redemption date or maturity date thereof, as the
 64 case may be; and b. in the event that on any date, as a result of any
 65 purchases and cancellations of bonds or any purchases of different
 66 government securities as provided in this sentence, the total amount
 67 of monies and government securities remaining on deposit with
 68 the trustees or escrow agents is in excess of the total amount
 69 which would have been required to be deposited with the trustees
 70 or escrow agents on the date in respect of the remaining bonds
 71 for which the deposit was made in order to pay when due the prin-
 72 cipal of, redemption premium, if any, and interest on the remain-
 73 ing bonds, the trustees or escrow agents shall, if so directed by
 74 the issuing officials, pay the amount of the excess to the State free
 75 and clear of any trust, lien, pledge or assignment securing the re-
 76 funding bond.

1 21. Refunding bonds issued pursuant to section 19 of this act
 2 may be consolidated with bonds issued pursuant to section 6 of this
 3 act or with bonds issued pursuant to any other act for purposes
 4 of sale.*

1 ***[20.]*** *22.* To provide funds to meet the interest and principal
 2 payment requirements for the bonds ***and refunding bonds***
 3 issued under this act and outstanding there is appropriated in the
 3A order following:

4 a. Revenue derived from the collection of taxes under the "Sales
 5 and Use Tax Act," P. L. 1966, c. 30 (C. 54:32B-1 et seq.), or so
 6 much thereof as may be required; and

7 b. If, at any time, funds necessary to meet the interest and prin-
 8 cipal payments on outstanding bonds issued under this act, are
 9 insufficient or not available, there shall be assessed, levied and
 10 collected annually in each of the municipalities of the counties of
 11 this State, a tax on the real and personal property upon which
 12 municipal taxes are or shall be assessed, levied and collected, suffi-
 13 cient to meet the interest on all outstanding bonds issued here-
 14 under and on the bonds proposed to be issued under this act in the

15 calendar year in which the tax is to be raised and for the payment
16 of bonds falling due in the year following the year for which the
17 tax is levied. The tax shall be assessed, levied and collected in the
18 same manner and at the same time as other taxes upon real and
19 personal property. The governing body of each municipality shall
20 pay to the treasurer of the county in which the municipality is
21 located, on or before December 15 in each year, the amount of tax
22 herein directed to be assessed and levied, and the county treasurer
23 shall pay the amount of the tax to the State Treasurer on or be-
24 fore December 20 in each year.

25 If on or before December 31 in any year, the issuing officials, by
26 resolution, determine that there are moneys in the General Fund
27 beyond the needs of the State, sufficient to meet the principal of
28 bonds falling due and all interest payable in the ensuing calendar
29 year, the issuing officials shall file the resolution in the office of the
30 State Treasurer, whereupon the State Treasurer shall transfer
31 the moneys to a separate fund to be designated by him, and shall
32 pay the principal and interest out of the fund as the same shall
33 become due and payable, and the other sources of payment of the
34 principal and interest provided for in this section shall not then
35 be available, and the receipts for the year from the tax specified
36 in subsection b. of this section shall be considered part of the
37 General Fund, available for general purposes.

1 ***[21.]*** *22.* Should the State Treasurer, by December 31 of any
2 year, deem it necessary, because of the insufficiency of funds col-
3 lected from the sources of revenues as provided in this act, to meet
4 the interest and principal payments for the year after the ensuing
5 year, then the State Treasurer shall certify to the Director of the Di-
6 vision of Budget and Accounting in the Department of the Treasury
7 the amount necessary to be raised by taxation for those purposes,
8 which is to be assessed, levied and collected for and in the ensuing
9 calendar year. The director shall, on or before March 1 following,
10 calculate the amount in dollars to be assessed, levied and collected
11 in each county as herein set forth. This calculation shall be based
12 upon the corrected assessed valuation of each county for the year
13 preceding the year in which the tax is to be assessed, but the tax
14 shall be assessed, levied and collected upon the assessed valuation
15 of the year in which the tax is assessed and levied. The director
16 shall certify the amount to the county board of taxation and the
17 treasurer of each county. The county board of taxation shall in-
18 clude the proper amount in the current tax levy of the several
19 taxing districts of the county in proportion to the ratables as as-
20 certained for the current year.

1 ***[22.]*** *24.* For the purpose of complying with the provisions of
 2 the State Constitution, this act shall be submitted to the people at
 3 the general election to be held in the month of November, 1986. To
 4 inform the people of the contents of this act, it shall be the duty of
 5 the Secretary of State, after this section takes effect, and at least 15
 6 days prior to the election, to publish this act in at least 10 news-
 7 papers published in this State and to notify the clerk of each county
 8 of this State of the passage of this act; and the clerks respectively,
 9 in accordance with the instructions of the Secretary of State, shall
 10 have each of the ballots printed as follows:

11 If you approve of the act entitled below, may a cross (X), plus
 12 (+) or check (✓) mark in the square opposite the word "Yes."

13 If you disapprove of the act entitled below, make a cross (X),
 14 plus (+) or check (✓) mark in the square opposite the word "No."

15 If voting machines are used, a vote of "Yes" or "No" shall be
 16 equivalent to these markings respectively.

Yes.	HAZARDOUS DISCHARGE BOND ACT OF 1986 Should the "Hazardous Discharge Bond Act of 1986" which authorizes the State to issue bonds in the amount of \$200,000,000.00 for the purpose of financing the cost of identification, cleanup and removal of hazardous discharges, providing ways and means to pay the interest on the debt and also to pay and discharge the principal thereof ***, <i>which bond issuance shall be conditional on the enactment of other revenue-raising measures for the funding of hazardous discharge cleanup.</i>*** be approved?
No.	INTERPRETIVE STATEMENT Approval of this act would authorize the sale of \$200,000,000.00 in bonds to be used to identify, cleanup and remove hazardous discharges ***<i>which sale is conditioned on the enactment of other revenue-raising measures for the funding of hazardous discharge cleanup</i>***.

17 The fact and date of the approval or passage of this act, as the
 18 case may be, may be inserted in the appropriate place after the
 19 title in the ballot. No other requirements of law as to notice or
 20 procedure, except as herein provided, need be adhered to.

21 The votes cast for and against the approval of this act, by ballot
 22 or voting machine, shall be counted and the result thereof returned
 23 by the election officer, and a canvass of the election had in the same
 24 manner as is provided for by law in the case of the election of a
 25 Governor, and the approval or disapproval of this act so deter-

26 mined shall be declared in the same manner as the result of an
 27 election for a Governor, and if there is a majority of all votes cast
 28 for and against it at the election in favor of the approval of this
 29 act, then all the provisions of this act not made effective thereto-
 30 fore shall take effect forthwith.

1 ***[23.]*** *25.* There is appropriated the sum of \$5,000.00 to the
 2 Department of State for expenses in connection with the publication
 3 of notice pursuant to section ***[22.]*** *24* of this act.

1 ***[24.]*** *26.* The Commissioner of Environmental Protection
 2 shall submit to the State Treasurer and the New Jersey Commission
 3 on Capial Budgeting and Planning with the Department of Environ-
 4 mental Protection's annual budget request a plan for the expendi-
 5 ture of funds from the "Hazardous Discharge Fund of ***[1985]***
 6 *1986*" for the upcoming fiscal year. This plan shall include the
 7 following information: a performance evaluation of the expendi-
 8 tures made from the fund to date; a description of programs plan-
 9 ned during the upcoming fiscal year; a copy of the regulations in
 10 force governing the operations of programs that are financed, in
 11 part or in whole, by funds from the "Hazardous Discharge Fund of
 12 ***[1985]*** *1986*"; and an estimate of expenditures for the upcom-
 13 ing fiscal year.

1 ***[25.]*** *27.* Immediately following the submission of the Legis-
 2 lature of the Governor's annual budget message, the Commissioner
 3 of Environmental Protection shall submit to the General Assembly
 4 ***[Agriculture and Environment]*** *Environmental Quality* Com-
 5 mittee, the Senate Energy and Environment Committee, or their
 6 successors, and the ***[Subcommittee on Transfers of the Joint Ap-
 7 propriations]*** *Joint Budget Oversight* Committee, or its suc-
 8 cessor, a copy of the plan called for under section ***[24.]*** *26* of
 9 this act, together with such changes therein as may have been re-
 10 quired by the Governor's budget message.

1 ***[26.]*** *28.* No less than 30 days prior to entering into any con-
 2 tract, lease, obligation, or agreement to effectuate the purposes of
 3 this act, the Commissioner of Environmental Protection shall re-
 4 port to and consult with the ***[Subcommittee on Transfers of the
 5 Joint Appropriations]*** *Joint Budget Oversight* Committee, or
 6 its successor.

1 ***[27.]*** *29.* This section and sections ***[22.]*** *24* and ***[23.]***
 2 *25* of this act shall take effect immediately*****[**]**, but shall re-
 3 main inoperative until the enactment of P. L. , c. (C.
 4) (now pending before the Legislature as Senate Bill No.
 5 899 of 1986) and the enactment of P. L. , c. (C.)

6 *(now pending before the Legislature as Senate Bill No. 2011 of*
7 *1986) and until the Legislature has agreed to the amendment to*
8 *Article VIII, Section II of the Constitution of the State of New*
9 *Jersey proposed by the Senate Concurrent Resolution No. 82 of*
10 *1986,*** and the remainder of this act shall take effect as pro-*
11 *vided in section *22* *24*.*

HAZARDOUS WASTE (Cleanup)

Authorizes \$200,000,000.00 in State bonds for hazardous discharge
site cleanup.

NOTATIONS

- S 1975 Cardinale, Graves, Hurley, Bassano, Bubba, Garibaldi, Connors, DiFrancesco, Foran, McNamara, Ewing, McManimon, Dorsey, Gagliano, Orechio, Hirkala, Cowan, Costa, Weiss, Rand, Van Wagner**
Mar. 24—Provides certain mandatory sentencing provisions for sex offenders when the victim is less than 16 years of age.
Mar. 24, 1986—Judiciary Com.
- S 1976 Brown**
Mar. 24—Permits teachers to purchase credit in TPAF for prior service in government-operated schools within the United States.
Sep. 18, 1986—Passed in Senate. (37-0)
June 22, 1987—Passed in Assembly. (67-1)
Aug. 25, 1987—Approved, Chapter 247, 1987.
- S 1977 (S 380 - 1984) Gagliano**
Mar. 24—Restricts public access to documents submitted by businesses seeking to contract with the State.
Mar. 24, 1986—St. Gov't, Fed. & Interstate Rel. & Vet. Aff. Com.
- S 1978 Costa**
Mar. 24—Same as A2301 - 1986.
Mar. 24, 1986—Law, Public Safety & Defense Com.
- S 1979 McManimon**
Mar. 24—Eliminates certain requirements for prescription labels.
June 12, 1986—Passed in Senate. (39-1)
June 26, 1986—Passed in Assembly. (64-0)
Aug. 5, 1986—Approved, Chapter 75, 1986.
- S 1980 (S 379 - 1984) Gagliano**
Mar. 24—Requires notices of public hearings concerning wetlands development projects to be given to certain owners of real property and to each electric or gas utility.
Mar. 24, 1986—Energy & Environment Com.
- S 1981 Withdrawn from the files.**
- S 1982 Cardinale**
Mar. 24—Prohibits local units from reducing pension or benefits of or otherwise penalizing a retiree who accepts part-time employment with a local unit.
Mar. 24, 1986—St. Gov't, Fed. & Interstate Rel. & Vet. Aff. Com.
May 12, 1986—Reported with com. amend., 2nd reading.
July 17, 1986—Amended, 2nd reading, amended.
- S 1983 (S 1930 - 1984) Pallone**
Mar. 24—Establishes and incorporates the Borough of Ocean Grove in Monmouth County, which is now part of Neptune Township.
Mar. 24, 1986—County & Municipal Government Com.
- S 1984 Hurley, Gormley, Ewing, Zane, Costa**
Mar. 24—Appropriates \$1,100,000 for site suitability grants to municipalities designated as potential hosts for hazardous waste facilities.
Mar. 24, 1986—Energy & Environment Com.
- S 1985 (S 3298 - 1985) Dalton, Stockman, Cardinale, Costa**
Mar. 24—Revises the law concerning the inception and termination dates of World War II, the Korean Conflict and the Vietnam era to conform with the federal law.
Mar. 24, 1986—St. Gov't, Fed. & Interstate Rel. & Vet. Aff. Com.
Dec. 8, 1986—Reported with com. amend., 2nd reading.
Dec. 8, 1986—Revenue, Finance & Appropriations Com.
- S 1986 McNamara, Feldman, McManimon, Bassano, Ewing, O'Connor, Dumont, Lipman, Gagliano, Gormley, Cardinale, Lynch, Dorsey, Connors, Foran, Bubba, Hurley, Garibaldi, Hirkala, Jackman, Orechio, Codey, Van Wagner, Pallone, Costa, Rand, Caulfield, Graves, Cowan, DiFrancesco, Stockman, Russo, Dalton, Weiss; Assemblymen Kavanagh, Penn**
Mar. 24—The "Irish Investment Bill."
May 15, 1986—Passed in Senate, amended. (33-4)
May 21, 1987—Substituted for A2184.
May 21, 1987—Passed in Assembly. (66-3)
July 7, 1987—Approved, Chapter 177, 1987.
- S 1987 Pallone**
Mar. 24—Requires the DOH to prepare and distribute a pamphlet outlining the rights of Medicare patients and requires hospitals to give the pamphlets to their Medicare patients upon admission.
Mar. 24, 1986—Institutions, Health & Welfare Com.
June 16, 1986—Reported with com. amend., 2nd reading.
Sep. 15, 1986—Passed in Senate, amended. (37-0)
Sep. 15, 1986—Received in Assembly.
Sep. 15, 1986—Health & Human Resources Com.
- S 1988 O'Connor, Cowan, Jackman**
Apr. 7—Directs the Board of Examiners of Electrical Contractors to examine applicants for licensing and to make application forms available in either English or Spanish.
Apr. 7, 1986—Labor, Industry & Professions Com.
- S 1989 Cowan, O'Connor**
Apr. 7—Requires the board of elections in certain counties to appoint a group of individuals to translate, from English to Spanish, sample ballots and other election materials.
Apr. 7, 1986—St. Gov't, Fed. & Interstate Rel. & Vet. Aff. Com.
- S 1990 Cowan, McManimon, O'Connor; Assemblypersons J. Smith, Azzolina**
Apr. 7—Specifies requirements for reporting cases of blindness and visual impairment to the Commission for the Blind and Visually Impaired.
June 2, 1986—Passed in Senate. (39-0)
Sep. 29, 1986—Substituted for A2474.
Sep. 29, 1986—Passed in Assembly. (73-0)
Nov. 13, 1986—Approved, Chapter 147, 1986.
- S 1991 Rand; Assemblyman Rocco**
Apr. 7—Requires all State departments, agencies and commissions to publish notices regarding the availability of federal and State grant funds.
June 23, 1986—Passed in Senate. (35-0)
Nov. 10, 1986—Substituted for A2709.
Nov. 10, 1986—Passed in Assembly, amended. (72-0)
Dec. 4, 1986—Assembly amend. passed in Senate. (37-0)
Jan. 20, 1987—Approved, Chapter 7, 1987.
- S 1992 Orechio, Graves, Caulfield**
Apr. 7—Establishes regional citizens' advisory committees on motor vehicles for the northern, central, and southern regions of the State.
Apr. 7, 1986—Law, Public Safety & Defense Com.
- S 1993 Feldman, Dumont, McNamara, Ewing, Brown, McManimon**
Apr. 7—Renames the Governor's Annual Award for Outstanding Teaching as the Governor's Christa McAuliffe Annual Award for Outstanding Teaching.
Apr. 7, 1986—Education Com.
Sep. 22, 1986—Reported, 2nd reading.
Sep. 29, 1986—Passed in Senate. (36-0)
Sep. 29, 1986—Received in Assembly.
Sep. 29, 1986—Education Com.
May 18, 1987—Reported, 2nd reading.
- S 1994 Bassano**
Apr. 7—Provides that State aid for the transportation of non-public school pupils be paid in the year in which the expenditures are incurred.
Apr. 7, 1986—Education Com.
- S 1995 Bubba, Brown, Hurley, Bassano, Garibaldi**
Apr. 7—Same as A2361 - 1986.
Apr. 7, 1986—Labor, Industry & Professions Com.
- S 1996 Hurley, Gagliano, Zane**
Apr. 7—Same as A2213 - 1986.
Apr. 7, 1986—Natural Resources & Agriculture Com.
- S 1997 McManimon**
Apr. 7—Same as A887 - 1986.
Apr. 7, 1986—Education Com.
- S 1998 Orechio, Graves, Caulfield**
Apr. 7—Creates an Office of the Ombudsman for the Division of Motor Vehicles.
Apr. 7, 1986—Law, Public Safety & Defense Com.
- S 1999 Hurley, Gagliano, Zane**
Apr. 7—Same as A2212 - 1986.
Apr. 7, 1986—Natural Resources & Agriculture Com.
June 9, 1986—Reported with com. amend., 2nd reading.
June 12, 1986—Revenue, Finance & Appropriations Com.
- S 2000 Rand, McManimon, Cowan, Gagliano, Hurley, Dorsey**
Apr. 7—Creates a fine for driving with an unsigned driver's license.
July 31, 1986—Passed in Senate, amended. (37-0)
Dec. 18, 1986—Passed in Assembly. (66-0)
Jan. 27, 1987—Approved, Chapter 20, 1987.
- S 2001 Garibaldi**
Apr. 7—Same as A2360 - 1986.
Apr. 7, 1986—Transportation & Communications Com.
- S 2002 Costa, Pallone**
Apr. 7—Requires nursing homes to have at least one registered professional nurse on duty 24 hours a day, seven days a week.
Apr. 7, 1986—Institutions, Health & Welfare Com.
- S 2003 Lynch, Stockman, Orechio, Van Wagner, Garibaldi**
June 29, 1987—Substituted by A2342.
- S 2004 DiFrancesco**
Oct. 30, 1986—Substituted by A1134.
- S 2005 DiFrancesco**
Apr. 7—Permits the use of school vehicles for the transportation of pupils when necessary for the health, safety or welfare of the pupil.
Apr. 7, 1986—Education Com.
- S 2006 Bubba, Brown, Hurley, Bassano, Garibaldi**
Apr. 7—Same as A2362 - 1986.
Apr. 7, 1986—Judiciary Com.
- S 2007 Garibaldi, Bubba**
Apr. 7—Same as A2357 - 1986.
Apr. 7, 1986—Judiciary Com.
- S 2008 Jackman**
Apr. 7—Prohibits the discharge of certain employees after 6 months employment without documented justifiable cause.
Apr. 7, 1986—Labor, Industry & Professions Com.
- S 2009 Lipman**
Apr. 7—Appropriates \$161,000 to the State Arts Council for a grant to the New Jersey Ballet for the "On School Time" program.
Apr. 7, 1986—St. Gov't, Fed. & Interstate Rel. & Vet. Aff. Com.
Oct. 20, 1986—Reported with com. amend., 2nd reading.
- S 2010 Orechio**
Apr. 7—Specifies the deadline for application for certain water supply wastewater system licenses.
Apr. 7, 1986—Energy & Environment Com.
- S 2011 Lesniak**
Oct. 23, 1986—Substituted by A2699.
- S 2012 Dalton; Assemblyman Bennett**
Apr. 7—Authorizes \$200,000,000 in State bonds for hazardous discharge site cleanup.
Sep. 18, 1986—Passed in Senate, amended. (34-2)
Sep. 18, 1986—Substituted for A2701
Sep. 18, 1986—Passed in Assembly. (79-0)
Sep. 26, 1986—Approved, Chapter 113, 1986.
- S 2013 Pallone**
Apr. 7—Permits the Bureau of Securities to deny registration of securities that do not pass merit review.
Apr. 7, 1986—Labor, Industry & Professions Com.
- S 2014 Bubba**
Apr. 21—Requires service stations to provide their customers access to air compressors at no charge.
Apr. 21, 1986—Labor, Industry & Professions Com.
- S 2015 Haines**
Apr. 21—Exempts from municipal caps aid to privately owned libraries and reading rooms.
Apr. 21, 1986—Education Com.
Apr. 27, 1987—Reported with com. amend., 2nd reading.
- S 2016 Ewing, Haines, Dumont, Connors, Brown, McNamara, Dorsey**
Apr. 21—Provides that the postmark date stamped on an envelope containing a return or payment of tax shall be deemed to be the date of delivery.
Apr. 21, 1986—Revenue, Finance & Appropriations Com.
May 19, 1986—Reported, 2nd reading.
June 12, 1986—Passed in Senate. (38-0)
June 12, 1986—Received in Assembly.
June 12, 1986—Appropriations/T Com.
- S 2017 Hurley, Gagliano**
Apr. 21—Exempts seasonal rentals from requirement that security deposits be kept in interest-bearing deposits or investments.
Apr. 21, 1986—Labor, Industry & Professions Com.
- S 2018 Lynch, Bubba**
Apr. 21—Provides that only certain owners who hold interest in certain rental property may be included in the owner-occupier exception of the good cause eviction statutes.
Apr. 21, 1986—Labor, Industry & Professions Com.
Sep. 22, 1986—Reported with com. amend., 2nd reading.
Dec. 18, 1986—Passed in Senate, amended. (35-1)
Dec. 18, 1986—Received in Assembly.
Dec. 18, 1986—Housing Com.
- S 2019 Lynch**
Apr. 21—Same as A1820, A1838 - 1986.
Apr. 21, 1986—Institutions, Health & Welfare Com.
May 12, 1986—Reported with com. amend., 2nd reading.
May 15, 1986—Revenue, Finance & Appropriations Com.
- S 2020 Bassano, Bubba**
Apr. 21—Requires police officers to complete a police training course at an approved school before assuming the powers and duties of a police officer.
Apr. 21, 1986—Law, Public Safety & Defense Com.
- S 2021 Feldman**
Apr. 21—Changes the date on which a school district will be governed by the laws pertaining to type I districts where the voters have elected that a type II district shall become a type I district.
Apr. 21, 1986—Education Com.