

34:1B-2 ET AL.

LEGISLATIVE HISTORY CHECKLIST

NJSA 34:1B-2, -3 and -6

Laws of 1975 Chapter 32

Bill No. A3098

Sponsor(s) Sweeney & Others

Date Introduced February 10, 1975

Committee: Assembly Commerce, Industry & Professions

Senate

Amended during passage Yes No

Date of passage: Assembly February 27, 1975

Senate February 27, 1975

Date of approval March 7, 1975

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto message ~~Yes~~ No

Message on signing Yes ~~No~~

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

Do Not Remove From Library  
DEPOSITORY COPY

10/4/76  
JUN 1977

32 3-7-75  
3-7-75

ASSEMBLY, No. 3098

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 10, 1975

By Assemblymen SWEENEY, PERSKIE, KLEIN and  
WORTHINGTON

Referred to Committee on Commerce, Industry and Professions

AN ACT to amend "The New Jersey Economic Development Authority Act," approved August 7, 1974 (P. L. 1974, c. 80), and providing for financing of pollution control facilities and machinery and equipment for industrial and commercial projects.

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

1 1. Section 2 of P. L. 1974, c. 80 (C. 34:1B-2) is amended to  
2 read as follows:

3 2. It is hereby declared to be in the public interest and to be the  
4 policy of the State to foster and promote the economy of the State,  
5 increase opportunities for gainful employment and improve living  
6 conditions, assist in the economic development or redevelopment  
7 of political subdivisions within the State, *eliminate and reduce*  
8 *environmental pollution derived from the operation of industry*  
9 *and commerce*, and otherwise contribute to the prosperity, health  
10 and general welfare of the State and its inhabitants by inducing  
11 manufacturing, industrial, commercial and other employment pro-  
12 moting enterprises by making available financial assistance to  
13 locate, remain or expand within the State **[.]** and by providing a  
14 means of financing to assist such enterprises to comply with State  
15 and Federal environmental control standards. It is the purpose and  
16 object of this act to further and implement such policy by creating  
17 a body corporate and politic having the powers, duties and func-  
18 tions as provided in this act.

1 2. Section 3 of P. L. 1974, c. 80 (C. 34:1B-3) is amended to read  
2 as follows:

3 3. As used in this act, unless a different meaning clearly appears  
4 from the context:

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

4A a. "Authority" means the New Jersey Economic Development  
4B Authority, created by section 4 of this act.

5 b. "Bonds" means bonds or other obligations issued by the  
6 authority pursuant to this act;

7 c. "Cost" means, in addition to the usual connotations thereof,  
8 the cost of acquisition or construction of all or any part of any  
9 project, and shall include, but not be limited to, the cost or fair  
10 market value of construction, machinery and equipment, property,  
11 rights, easements, privileges, agreements, franchises, utility exten-  
12 sions, disposal facilities, or *pollution control facilities*, access roads  
13 and site development deemed by the authority to be necessary or  
14 useful and convenient therefor or in connection therewith, discount  
15 on bonds, cost of issuance of bonds, engineering and inspection  
16 costs and legal expenses, cost of financial, professional and other  
17 estimates and advice, organization, administrative, insurance,  
18 operating and other expenses of the authority or any person prior  
19 to and during any acquisition or construction, and all such other  
20 expenses as may be necessary or incident to the financing, acquisi-  
21 tion, construction and completion of such project or part thereof,  
22 and also such provision for reserves for payment or security of  
23 principal of or interest on bonds during or after such acquisition  
24 or construction as the authority may determine[;].

25 *"Cost" may also consist exclusively of the cost of pollution*  
26 *control facilities, and all costs deemed by the authority to be*  
27 *necessary or useful and convenient therefor or in connection*  
28 *therewith, and shall include, but not be limited to, the cost or fair*  
29 *market value of construction, machinery and equipment, property,*  
30 *rights, easements, privileges, agreements, franchises, utility exten-*  
31 *sions, disposal facilities, access roads and site development, dis-*  
32 *count on bonds, cost of issuance of bonds, engineering and*  
33 *inspection costs and legal expenses, cost of financial, professional*  
34 *and other estimates and advice, organization, administrative, insur-*  
35 *ance, operating and other expenses of the authority or any person*  
36 *prior to and during any acquisition or construction, and all such*  
37 *other expenses as may be necessary or incident to the financing,*  
38 *acquisition, construction and completion of such project or part*  
39 *thereof, and also such provision for reserves for payment or secu-*  
40 *rity of principal of or interest on bonds during or after such acqui-*  
41 *sition or construction as the authority may determine.*

42 d. "Person" means any person, including individuals, firms,  
43 partnerships, associations, societies, trusts, public or private cor-  
44 porations, or other legal entities, including public or governmental

45 bodies as well as natural persons. "Person" shall include the  
46 plural as well as the singular.

47 e. "Project" means any building whether or not in existence or  
48 under construction, or other improvement, purchase of an existing  
49 building, refinancing of an existing building in order to facilitate  
50 substantial improvements thereto, or real estate improvement,  
51 including remodeling and refurnishing of or adding to existing  
52 property or both, in New Jersey, and, the land upon which it is  
53 located, all real property deemed necessary to its use, and the  
54 extension or provision of utilities, access roads and other appur-  
55 tenant facilities, which is to be used or occupied by any person  
56 for the manufacturing, processing or assembling of materials or  
57 manufactured products, or for research, office, industrial, com-  
58 mercial, recreational or hotel facilities, or warehousing, or for any  
59 combination thereof and *pollution control facilities occupied or*  
60 *utilized by an industrial, research, office or commercial enterprise*  
61 which the authority determines will tend to maintain or provide  
62 gainful employment within and for the people of the State, aid and  
63 assist in the economic development or redevelopment of any polit-  
64 ical subdivision of the State, maintain or increase the tax base of  
65 any political subdivision of the State and maintain or diversify and  
66 expand industry within the State, *or abate or reduce or prevent*  
67 *violations of environmental quality standards*, and also including  
68 reimbursement to any person for costs in connection with, or the  
69 refinancing of, any project or portion as above described, if deter-  
70 mined by the authority as necessary and in the public interest to  
71 facilitate substantial improvements thereto or the completion  
72 thereof. "Project" may also [include] *mean* machinery and equip-  
73 ment [necessary or convenient in connection therewith,] but  
74 [shall] not [include] raw materials, work in process or stock in  
75 trade[;].

76 "Project" may also consist exclusively of the construction, or  
77 other improvement, of *pollution control facilities as defined by this*  
78 *act which the authority determines will tend to abate or reduce or*  
79 *prevent violations of environmental quality standards within the*  
80 *State. "Project" includes the reimbursement to any person for*  
81 *costs in connection with, or the refinancing of, any project or*  
82 *portion thereof as described in this paragraph, if determined by*  
83 *the authority as necessary and in the public interest to facilitate*  
84 *substantial improvements thereto or the completion thereof.*

85 f. "Revenues" means receipts, fees, rentals or other payments  
86 to be received on account of lease, mortgage, conditional sale, or

87 sale and payments and any other income derived from the lease,  
88 sale or other disposition of a project, moneys in such reserve and  
89 insurance funds or accounts or other funds and accounts and income  
90 from the investment thereof, established in connection with the  
91 issuance of bonds or notes for a project or projects, and fees,  
92 charges or other moneys to be received by the authority in respect  
93 of projects and contracts with persons; and

94 g. "Resolution" means any resolution adopted or trust agree-  
95 ment executed by the authority pursuant to which bonds of the  
96 authority are authorized to be issued.

97 h. "Environmental quality standards" means the various  
98 standards prescribed by this State or the Federal Government,  
99 including but not limited to the rules and regulations administered  
100 by the Department of Environmental Protection as established  
101 by P. L. 1970, c. 33 (C. 31:1D-1 et seq.), and any amendments and  
102 supplements thereto, relating to any form of environmental pollu-  
103 tion deriving from the operation of industrial manufacturing, ware-  
104 housing, commercial, office or research facilities, including but not  
105 limited to water pollution, air pollution, pollution caused by solid  
106 waste disposal, thermal pollution, radiation contamination, or  
107 noise pollution.

108 i. "Pollution control facilities" means any structures, facilities,  
109 systems, fixtures, real or personal property, rights in lands, im-  
110 provements, appurtenances, machinery, equipment, or any com-  
111 bination thereof which is to be used to abate or reduce or aid in the  
112 prevention, control, disposal or monitoring of noise, air, water or  
113 thermal pollution, solid waste or other pollutants without limitation  
114 thereto and may include property or equipment which is to be  
115 installed primarily to supplement or to replace existing property  
116 or equipment not meeting acceptable pollution control standards  
117 or which is to be supplemented or replaced to comply with an order  
118 or citation to eliminate pollution issued by any Federal or State  
119 authority having jurisdiction and provided that the State Depart-  
120 ment of Environmental Protection certifies that any such facility  
121 does not conflict with, overlap or duplicate any other planned or  
122 existing pollution control facilities undertaken or planned by  
123 another public agency or authority and provided further that the  
124 State Department of Environmental Protection certifies that such  
125 facilities represent an acceptable method of correcting the pollu-  
126 tion problem under consideration.

1 3. Section 6 of P. L. 1974, c. 80 (C. 34:1B-6) is amended to read  
2 as follows:

3 6. A copy of any application for assistance under this act  
4 received by the authority shall be submitted to, and for the review  
5 and advice of, the Director of the Division of Economic Develop-  
6 ment. Prior to making any commitment for such assistance, the  
7 authority, after consultation with the director of said division shall  
8 by resolution duly adopted, find and determine, on the basis of all  
9 information reasonably available to it, that such assistance will  
10 tend to maintain or provide gainful employment for the inhabitants  
11 of the State[,] or will eliminate and reduce environmental pollution  
12 derived from the operation of industry and commerce and improve  
13 living conditions, and shall serve a public purpose by contributing  
14 to the prosperity, health and general welfare of the inhabitants of  
15 the State and will tend to aid and assist in the economic growth,  
16 development or redevelopment of the political subdivision wherein  
17 it is to be located, and such finding and determination shall be  
18 conclusive for all purposes of this act.

19 *The authority shall also find and determine, on the basis of all*  
20 *information reasonably available to it, that such assistance, or any*  
21 *part thereof, used to construct, improve or refinance any pollution*  
22 *control facility as defined by this act will not impair any obligation*  
23 *undertaken by any County Industrial Pollution Control Financing*  
24 *Authority created pursuant to P. L. 1973, c. 376 (C. 40:37C-1*  
25 *et seq.).*

1 4. This act shall take effect immediately.

---

#### STATEMENT

This bill grants the Economic Development Authority the power to assist industrial and commercial enterprises in financing pollution control facilities that are necessary to comply with State and Federal environmental control standards, and permits the authority to finance machinery and equipment for industrial and commercial projects.

FROM THE OFFICE OF THE GOVERNOR

MARCH 11, 1975

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

DICK CAMPBELL

Governor Brendan Byrne signed into law Tuesday two bills designed to stimulate the economy by expanding the scope of the Economic Development Authority.

The bills, A-3098, sponsored by Assemblyman John A. Sweeney, D-Burlington, and A-3118, sponsored by Assemblyman Charles D. Worthington, D-Atlantic, were signed at a public ceremony in the Governor's office.

One measure permits the Economic Development Authority to assist industries and businesses in financing pollution control facilities that are necessary to comply with state and federal environmental control standards. It also makes it clear that the authority has the power to finance the purchase of machinery and equipment for business and industry even when no construction or rehabilitation of a facility is taking place.

The other bill appropriates \$10 million from the unemployment compensation auxiliary fund for use as a collateral reserve to guarantee project loans by the Economic Development Authority.

"In this time of high unemployment, it is essential that the State take whatever action possible to stimulate the economy and create new jobs," said Byrne. "These bills are intended to achieve those objectives."

The Governor pointed out that the \$10 million appropriation actually will enable the authority to guarantee approximately \$50 million in new loans. The measure requires at least 50 per cent of the total amount of loan guarantees by the authority under the new appropriation to be used for projects located in the 24 "Urban Aid" municipalities.

RECEIVED  
NEW JERSEY

1975

MAR 12 1975

The new laws are in keeping with the goals outlined by the Governor in his Annual Message to the Legislature in January.

"When more than 300,000 persons in New Jersey are unemployed and the cost of living increases more than 12 per cent a year, there should be little doubt about our responsibility as public officials," Byrne said in the Annual Message. "It is to relieve the burdens of a harsh economy, to do all in our power to provide jobs for our people, to use the authority we have to develop the state's economy."

###