

R.S. 40:37C-1 to 18

LEGISLATIVE FACT SHEET

ON *New Jersey Industrial Pollution Control Financing Law*

N.J.R.S. 40:37C-1 to 18

(Amendment)

LAWS OF 1973

CHAPTER 376

SENATE

ASSEMBLY 1188

INTRODUCED

BY

STATEMENT

YES

NO

AMENDED DURING PASSAGE

YES

NO

HEARING *none found*

VETO *no*

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ASSEMBLY, No. 1188

STATE OF NEW JERSEY

INTRODUCED MAY 15, 1972

By Assemblywoman FENWICK and Assemblyman HORN

Referred to Committee on Agriculture, Conservation and Natural Resources

AN ACT concerning the authorization, acquisition, financing, selling, and leasing of industrial pollution control facilities; authorizing the creating of industrial pollution control financing ****[agencies]**** ****authorities****; defining the powers thereof; authorizing the issuance of bonds and notes by such ****[agencies]**** ****authorities**** for financing industrial pollution control facilities; and providing for the terms and security thereof.

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 "New Jersey
2 Industrial Pollution Control Financing Law."

1 2. The Legislature hereby finds and declares that there is an
2 urgent need to protect and enhance the quality of the natural en-
2A vironment; that to reduce, abate and prevent environ-
3 mental pollution, quality standards have been and will be
4 established necessitating the employment of devices, equipment and
5 facilities for the collection, reduction, treatment and disposal of
6 gaseous, liquid and solid wastes or other contaminants ****deriving
6A from the operation of public utility, industrial, manufacturing,
6B warehousing, commercial, office and research facilities****; that it is
7 desirable to provide additional and alternative methods of financing
8 the costs of the acquisition and installation of the devices, equip-
9 ment and facilities required to comply with the quality standards
10 which will accelerate the abatement process; and that the alterna-
11 tive method of financing provided in this act is in the public interest

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

12 and serves a public purpose in encouraging the protection of the
13 health, welfare and safety of the citizens of this State.

1 3. In this act, unless the context otherwise clearly requires, the
2 terms used herein shall have the meanings ascribed to them as
3 follows:

4 "Act" means this New Jersey Industrial Pollution Control
5 Financing Law.

6 **["Agency"]** **"Authority"** means an industrial pollu-
7 tion control financing **[agency]** **authority** created pur-
7A suant to this act;

8 "Bonds" means any notes, bonds and other evidences of indebt-
9 edness or obligations of any agency.

10 "County" means any county of any class.

11 "Governing body" means **[in the case of a municipality the
12 commission, council, board or body, by whatever name it may be
13 known, having charge of the finances of the municipality, and in the
14 case of a county]** the board of chosen freeholders.

15 **["Municipality"]** means any city of any class, any borough,
16 village, town, township or any other municipality of this State other
17 than a county or a school district.**

18 "Person" means any individual, partnership, firm, company,
19 corporation, public utility, association, trust, estate, or any other
20 legal entity, or their legal representative, agent or assigns.

21 "Pollution" means any form of environmental pollution
21A ***deriving from the operation of public utility, industrial, manu-*
21B *facturing, warehousing, commercial, office or research facilities,***
22 including, but not limited to, water pollution, air pollution, pollution
23 caused by solid waste disposal, thermal pollution, radiation con-
24 tamination, or noise pollution as determined by the various stan-
25 dards prescribed by this State or the Federal Government and
26 including, but not limited to, anything which is considered as
27 pollution or environmental damage pursuant to the laws, rules and
28 regulations administered by the Department of Environmental Pro-
29 tection as established by P. L. 1970, c. 33 (C. 13:1D-1 et seq.), and
30 any amendments and supplements thereto.

31 "Pollution control facilities" means any structures, facilities,
32 systems, fixtures, lands and rights in lands, improvements, appur-
33 tenances, machinery, equipment or any combination thereof de-
34 signed and utilized **[primarily]** for the purpose of reducing,
35 abating or preventing pollution, **[and which is so certified by the
36 State Department of Environmental Protection]** ***deriving from*
36A *the operation of public utility, industrial, manufacturing, ware-*

36B *housing, commercial, office or research facilities and provided that*
 36C *the State Department of Environmental Protection and the board*
 36D *of freeholders certify that any such facility does not conflict with,*
 36E *overlap or duplicate any other planned or existing pollution control*
 36F *facilities undertaken or planned by another public agency or*
 36G *authority**.*

37 “Project costs” as applied to pollution control facilities financed
 38 under the provisions of this act means the sum total of all reason-
 39 able or necessary costs incident to the acquisition, construction, re-
 40 construction, repair, alteration, improvement and extension of such
 41 pollution control facilities including, but not limited to, the cost of
 42 studies and surveys; plans, specifications, architectural and
 43 engineering services; organization, marketing or other special
 44 services; legal financing, acquisition, demolition, construction,
 45 equipment and site development of new and rehabilitated buildings;
 46 rehabilitation, reconstruction, repair or remodeling of existing
 47 buildings, fixtures, machinery and equipment; ***insurance pre-*
 48 *miums;*** and all other necessary and incidental expenses including
 49 an initial bond and interest reserve together with interest on bonds
 50 issued to finance such pollution control facilities to a date 6 months
 51 subsequent to the estimated date of completion and such other
 52 reserves as may be required by resolution of an agency.

1 4. a. Any county ***[or municipality]*** may create an
 2 ***[agency]*** ***authority*** under the provisions of this act which
 3 shall be a public body corporate and politic and a political sub-
 4 division of the State for the purpose of acquiring, constructing,
 5 reconstructing, repairing, altering, improving, extending, owning,
 6 leasing, financing, selling, maintaining****, *operating*** and dispos-
 7 ing of pollution control facilities within ***[or without]*** such
 8 county ***[or municipality, provided such facilities were undertaken*
 8A *and completed after the enactment of this act]*** ***provided that*
 8B *the Department of Environmental Protection certifies that the*
 8C *proposed undertaking of the authority is the proper method of solv-*
 8D *ing the problem under consideration**.*

9 b. The ***[agency]*** ***authority*** shall be created by resolution
 10 ***[in the case of a county or ordinance in the case of a munici-*
 11 *pality]*** and shall be known as the “Industrial Pollution Control
 12 Financing ***[Agency]*** ***Authority*** of,”
 13 inserting all or any significant part of the name of the county
 14 ***[or municipality]*** creating the ***[agency]*** ***authority***.
 15 The ***[agency]*** ***authority*** shall constitute an agency and
 15A instrumentality of the ***[municipality or]*** county creating it.

16 c. An **[agency]** *authority* shall **[consist]** *consist* of
 17 five members appointed by resolution of the governing body of the
 18 **[municipality or]** county which created such **[agency]**
 18A *authority*.

19 Members shall serve for terms of 5 years, provided that the
 20 members first appointed shall be designated by the resolution of
 21 appointment to serve for terms expiring on the first days of the
 22 first, second, third, fourth and fifth Februarys next ensuing after
 23 such appointment. Each member shall hold office for the term
 24 of his appointment and until his successor shall have been ap-
 25 pointed and qualified. Any vacancy shall be filled in the same man-
 26 ner as the original appointment but for the unexpired term only.

27 d. The governing body of any county **[or municipality]**
 28 which has created an **[agency]** *authority* may dissolve the
 29 **[agency]** *authority* by resolution **[in the case of a**
 30 **county and by ordinance in the case of a municipality,]** on condi-
 31 tion that the **[agency]** **[agency]** *authority* has no
 32 debts or obligations outstanding or that provision has been made
 33 for the retirement of such debts or obligations. Upon any such
 34 dissolution, all property, funds and assets of the **[agency]**
 34A *authority* shall be vested in the county **[or municipality]**
 34B which created the **[agency]** *authority*.

35 e. A certified copy of each resolution **[or ordinance]** creating
 36 or dissolving an **[agency]** *authority* and each resolution
 37 appointing members thereto shall be filed in the office of the Secre-
 38 tary of State. A copy of any such certified resolution **[or**
 39 **ordinance]**, certified by or on behalf of the Secretary of State,
 40 shall be conclusive evidence of the due and proper creation or
 41 dissolution of the **[agency]** *authority* or the due and
 41A proper appointment of the member or members named therein.

42 f. The powers of an **[agency]** *authority* shall be vested
 43 in the members thereof from time to time and three members shall
 44 constitute a quorum. Action may be taken and motions and resolu-
 45 tions adopted by an agency at any meeting thereof by the affirmative
 46 vote of at least three members of the **[agency]** *authority*.

47 No vacancy in the membership of an **[agency]** *authority*
 48 shall impair the right of a quorum of the members thereof to
 49 exercise all the powers and perform all the duties of the
 49A **[agency]** *authority*.

50 g. At the first meeting of any **[agency]** *authority* and
 51 thereafter on or after February 1 in each year, the members shall
 52 elect from among their number a chairman and vice chairman who

53 shall hold office until February 1 next ensuing and until their
 54 respective successors have been appointed and qualified. Every
 55 ****[agency]**** ***authority*** also may appoint, without regard to
 56 the provisions of Title 11 of the Revised Statutes, a secretary,
 57 treasurer and such other officers, agents and employees as it may
 57A require.

58 h. The members of an ****[agency]**** ***authority*** shall serve
 59 without compensation, but the ****[agency]**** ***authority*** shall
 60 reimburse its members for actual expenses necessarily incurred in
 60A the discharge of their official duties.

61 i. No member, officer or employee of an ****[agency]****
 62 ***authority***, nor member of their family, shall have or acquire any
 63 interest, direct or indirect in any pollution control facilities under-
 64 taken or planned by the ****[agency]**** ***authority*** or in any
 65 contract or proposed contract for materials or services to be
 66 furnished to or used by the ****[agency]**** ***authority***, but
 67 neither the holding of any office or employment in the government
 68 of any county or municipality or under any law of the State shall be
 69 deemed a disqualification for membership in or employment by an
 70 ****[agency]**** ***authority***, except as may be specifically provided
 71 by law, and members of the governing body of a ****[municipality**
 72 **or]**** county may be appointed by such governing body and may
 73 serve as members of the ****[agency]**** ***authority***. A member
 74 may be removed only by the governing body by which he was
 75 appointed for inefficiency or neglect of duty or misconduct in office
 76 or conviction of a crime, and after he shall have been given a copy
 77 of the charges against him and, not sooner than 10 days thereafter,
 78 had the opportunity in person or by counsel to be heard thereon by
 79 such governing body.

1 5. The ****[agency]**** ***authority*** shall have the following
 2 powers together with all powers incidental thereto or necessary
 2A for the performance thereof:

3 a. to have perpetual succession as a public body corporate and
 4 politic;

5 b. to adopt by laws for the regulation of its affairs and the con-
 6 duct of its business;

7 c. to sue and to be sued;

8 d. to have and to use a corporate seal and to alter the same at
 9 pleasure;

10 e. to maintain an office at such place or places within the
 11 ****[State]**** ***county*** as it may designate;

12 f. to acquire after a public notice has been given at least 20 days
 13 prior thereto in a newspaper of general circulation in the area

14 served by the ****[agency]**** ***authority***, in the name of the
15 ****[agency]**** ***authority*** by purchase or otherwise, on such
16 terms and conditions and in such manner as it may deem proper
17 any land and other property which it may determine is reasonably
18 necessary for any of its pollution control facilities.

19 g. to determine, with the approval of the State Department of
20 Environmental Protection, the location and manner of construc-
21 tion of pollution control facilities to be financed under the pro-
22 visions of this act, and to acquire, construct, reconstruct, repair,
23 alter, improve, extend, own, lease, finance, sell, maintain and dis-
24 pose of the same and to enter into contracts for any and all of such
25 purposes, and to designate persons as its employees and agents to
26 accomplish the same;

27 h. to lease to a person or persons any or all of the pollution control
28 facilities upon such terms, conditions and guarantees as the
29 ****[agency]**** ***authority*** shall deem proper, and to charge and
30 collect rent and fees therefor and to terminate any such lease upon
31 the failure of the lessee to comply with any of the obligations
32 thereof; and to include in any such lease, if desired, provisions that
33 the lessee or lessees thereof, and any guarantor of such lease, shall
34 have upon the termination of the lease term options to renew the
35 term of the lease for such period or periods and at such rent as shall
36 be determined by the ****[agency]**** ***authority*** or to purchase
37 any or all of the pollution control facilities for a nominal amount
38 or otherwise or that upon payment of all of the indebtedness in-
39 curred by the ****[agency]**** ***authority*** for the financing of such
40 pollution control facilities the ****[agency]**** ***authority*** may
41 convey any or all of the pollution control facilities to the lessee or
41A lessees thereof;

42 i. to sell to a person or persons any or all of the pollution control
43 facilities upon such terms and conditions as the ****[agency]****
44 ***authority*** shall deem proper including the right to receive for
45 such sale the note or notes of the person or persons purchasing the
45A facility;

46 j. to acquire, hold, pledge, mortgage and dispose of real and
47 personal property in the exercise of its powers and performance
48 of its duties under this act;

49 k. to invest and reinvest bond proceeds pending application to
50 the purposes for which such bonds were issued and other funds
51 under its control, subject only to the provisions of any bond resolu-
52 tion, lease or other agreement entered into by such ****[agency]****
52A ***authority***;

53 l. to issue bonds in such principal amounts as, in the opinion
 54 of such ****[agency]**** ***authority***, shall be necessary to provide
 55 sufficient funds to carry out the purpose of this act, including the
 56 planning, financing, acquisition, construction and other project
 57 costs of pollution control facilities, the payment of interest on the
 58 bonds of the ****[agency]**** ***authority***, the provision for working
 59 capital and all other expenditures of the agency incident to and
 60 necessary or convenient for carrying out its purposes and powers
 61 and to refund the same, all as provided for in this act;

62 m. to employ engineers, architects, attorneys, accountants, con-
 63 struction and financial experts, superintendents, managers and
 64 such other employees and agents, without regard to the ****[pro-**
 65 **vision]**** ***provisions*** of Title 11, Civil Service, as may be necessary
 66 in its judgment and to fix their compensation;

67 n. to receive and accept from any public agency loans or grants
 68 for or in aid of the construction of pollution control facilities and
 69 any portion thereof, or for equipping the same, and to receive and
 70 accept grants, gifts or other contributions from any source;

71 o. to refund, after public notice has been given, outstanding
 72 obligations incurred by any agency or any person to finance the cost
 73 of pollution control facilities, including obligations incurred for
 74 pollution control facilities undertaken and completed after the en-
 75 actment of this act when the ****[agency]**** ***authority*** finds
 76 that such financing is in the public interest; and

77 p. to do all things necessary and convenient to carry out the
 78 purposes of this act.

1 6. Any sale or lease of pollution control facilities entered into
 2 pursuant to the provisions of this act shall provide for payments
 3 or rentals adequate to pay the principal of and interest and pre-
 4 miums, if any, on bonds issued to finance such facilities as the same
 5 fall due and to create and maintain such reserves and accounts for
 6 depreciation, if any, as the ****[agency]**** ***authority*** shall
 7 determine to be necessary.

1 7. No ****[agency]**** ***authority*** shall be subject to the pro-
 2 visions of chapters 32 to 36, inclusive, of Title 52 of the Revised
 3 Statutes or the "Local Public Contracts Law" (P. L. 1971, c. 198)
 4 (N. J. S. 40A:11-1, et seq.) in the exercise of any of its powers under
 5 this act.

1 8. All bonds issued by an ****[agency]**** ***authority*** may be
 2 issued as serial bonds or as term bonds or a combination of both
 3 types. Such bonds shall be payable solely out of the revenues and
 4 receipts derived from the leasing or sale by the ****[agency]****

5 ***authority*** of the pollution control facilities acquired with the
6 proceeds thereof as may be designated in the proceedings under
7 which the bonds shall be authorized to be issued. Such bonds may
7A be executed and delivered by the **[agency]** ***authority*** at any
8 time and from time to time, bear such date or dates, mature at
9 such time or times, bear interest at such rate or rates, be in such
10 denominations, be in such form, either coupon or registered, carry
11 such registration privileges, be executed in such manner, be payable
12 in such medium of payment, at such place or places, be subject to
13 such terms of redemption, be executed by the manual or facsimile
14 signatures of such officers of the **[agency]** ***authority*** and
15 contain such provisions not inconsistent herewith, all as shall be
16 provided in the proceedings of the **[agency]** ***authority***.
17 If deemed advisable by the **[agency]** ***authority***, there may
18 be retained in the proceedings under which any bonds are au-
19 thorized to be issued a right or option to redeem all or any part
20 thereof as may be specified in such proceedings, at such price or
21 prices and after such notice or notices and on such terms and condi-
22 tions as may be set forth in such proceedings, but nothing herein
23 contained shall be construed to confer on any **[agency]**
24 ***authority*** the right or option to redeem any bonds except as
25 may be provided in the proceedings under which they shall be
26 issued. Any bonds may be sold at public or private sale for such
27 price or prices and in such manner and at such time or times as
28 may be determined by the **[agency]** ***authority*** and the
29 **[agency]** ***authority*** may pay all expenses, premiums and
30 commissions which it may deem necessary or advantageous in con-
31 nection with the issuance thereof. Issuance by the **[agency]**
32 ***authority*** of one or more series of bonds for one or more
33 purposes shall not preclude it from issuing other bonds in connec-
34 tion with the same pollution control facilities or any other pollution
35 control facilities or for any other purpose hereunder, but the pro-
36 ceedings whereunder any subsequent bonds may be issued shall
37 recognize and protect any prior pledge made for any prior issue
37A of bonds. Any bonds at any time outstanding may at any time and
37B from time to time be refunded by the issuance of refunding bonds
37C in such amount as the **[agency]** ***authority*** may deem neces-
38 sary but not exceeding an amount sufficient to refund the principal
39 of the bonds so to be refunded, together with any unpaid interest
40 thereon and any premiums, commissions, service fees and other
41 expenses necessary to be paid in connection therewith. Any such
42 refunding may be effected whether the bonds to be refunded shall
43 have then matured or shall thereafter mature, either by sale of the

44 refunding bonds and the application of the proceeds thereof for
45 the payment of the bonds to be refunded thereby, or by the exchange
46 of the refunding bonds for the bonds to be refunded thereby with
47 the consent of all or so many of the holders of the bonds so to be
48 refunded as may be determined and regardless of whether or not
49 the bonds to be refunded were issued in connection with the same
50 pollution control facilities or separate pollution control facilities
51 or for any other purpose hereunder, and regardless of whether or
52 not the bonds proposed to be refunded shall be payable on the same
53 date or different dates or shall be due serially or otherwise. All
54 such bonds and the interest coupons applicable thereto, if any, are
55 hereby made and shall be construed to be negotiable instruments
56 within the meaning, and for all purposes, of Title 12A, Commercial
57 Transactions, of the New Jersey Statutes (N. J. S. 12A:1-101
58 et seq.) with the exception of any provisions thereof pertaining to
59 registration.

1 9. The principal of and interest and premiums, if any, on any
2 bonds issued by an ****[agency]**** ***authority*** shall be secured by
3 a mortgage or pledge of the revenues and receipts out of which the
4 same shall be made payable and may be secured by the pledge of
5 all or any part of the assets of such ****[agency]**** ***authority***,
6 subject to such agreements with bondholders as may then prevail.
7 The resolution under which the bonds are authorized to be issued
8 may contain any agreements and provisions respecting the mainte-
9 nance of the properties covered thereby; the fixing, collection and
10 use of rents for any portions thereof leased by the ****[agency]****
10A ***authority*** to others; the determination, collection and applica-
11 tion of payments to be received for the sale of any properties
12 covered thereby; the creation and maintenance of special funds
13 from such revenues or receipts and the limitations on the purpose
14 to which the proceeds from the sale of the bonds may be applied
15 and pledging such proceeds to secure the payment of the bonds;
16 the limitations on the issuance of additional bonds and on the re-
17 funding of outstanding or other bonds; the procedure, if any, by
18 which the terms of any such agreement may be amended or abro-
19 gated; and the rights and remedies available in the event of default,
20 including the designation of a trustee, all as the ****[agency]****
21 ***authority*** shall deem advisable and not in conflict with the pro-
22 visions hereof. Each pledge and agreement made for the benefit or
23 security of any of the bonds of the ****[agency]**** ***authority***
24 shall continue effective until the principal of and interest and
25 premiums, if any, on the bonds for the benefit of which the same

26 were made shall have been fully paid or provision for such payment
 27 duly made. In the event of default in such payment or in any
 27A agreement of the ****[agency]**** ***authority*** made as a part of the
 28 contract under which the bonds were issued, whether contained
 29 in the proceedings authorizing the bonds or in any indenture
 30 executed as security therefor, said payment or agreement may be
 31 enforced by suit, action in lieu of prerogative writ, or the appoint-
 32 ment of a receiver in equity, or any one or more of said remedies.

33 As further security for the bonds, an ****[agency]**** ***authority***
 34 may enter into ****[a contract]**** ***contracts*** of insurance assur-
 35 ing ****[the bondholders]**** that the principal of and interest on
 36 such bonds will be paid ***and that rental payments, installment
 37 payments or other payments to be made by the user of the facilities
 38 will be made***; provided, however, that the ****[agency]****
 39 ***authority*** shall not be obligated under the terms of such policy
 40 to any greater extent than allowed by the provisions of this act.
 41 The cost of any such insurance contract may be paid out of the
 42 proceeds of the sale of the bonds so insured.

1 10. Bonds issued under the provisions of this act shall not be
 2 deemed to constitute a debt or liability of the State or of any
 3 political subdivision thereof, but shall be payable solely from the
 4 funds herein provided therefor. The issuance of bonds under the
 5 provisions of this act shall not, directly, indirectly or contingently,
 6 obligate the State or any political subdivision thereof to levy any
 7 form of taxation therefor or to make any appropriation for their
 8 payment. Nothing in this act shall be construed to authorize an
 9 agency to create a debt of the State or any county or municipality
 10 within the meaning of the Constitution or statutes of New Jersey
 11 and all bonds issued by such ****[agency]**** ***authority*** pursuant
 12 to the provisions of this act, unless funded or refunded pursuant to
 13 this act, are payable and shall state that they are payable solely
 14 from the funds pledged for their payment in accordance with the
 15 resolution authorizing their issuance or in any indenture executed
 16 as security therefor. The State, county, and municipality shall not
 17 in any event be liable for the payment of the principal of or interest
 18 or premiums, if any, on any bonds of an ****[agency]****
 19 ***authority*** or for the performance of any pledge, obligation or
 20 agreement of any kind whatsoever which may be undertaken by
 21 such ****[agency]**** ***authority***. No breach by an ****[agency]****
 22 ***authority*** of any such pledge, obligation or agreement may
 23 impose any pecuniary liability upon the State, county or munici-
 23A pality or any charge upon their general credit or against their
 23B taxing power.

24 The State, however, does pledge and agree with the holders of
25 any bonds issued under this act that it will not limit or alter the
26 rights hereby vested in any ****[agency]**** ****authority**** to fulfill
27 the terms of any agreements made with the holders thereof con-
28 sistent herewith, or in any way impair the rights and remedies of
29 such holders until such bonds, together with the interest thereon,
30 with interest on any unpaid installments of interest, and all costs
31 and expenses for which the ****[agency]**** ****authority**** is liable
32 in connection with any action or proceeding by or on behalf of such
33 holders, are fully met and discharged. Any ****[agency]****
34 ****authority**** is authorized to include this pledge and agreement of
35 the State in any agreement it may make with the holders of such
36 bonds.

1 11. Before any ****[agency]**** ****authority**** adopts a resolution
2 authorizing the issuance of bonds and as a condition precedent to
3 any such authority to issue bonds, the Commissioner of Environ-
4 mental Protection must first have certified that the facilities to be
5 financed are or, when constructed, will be pollution control facilities
6 as defined in this act.

1 12. All bonds issued pursuant to the act are hereby declared to
2 be issued for an essential public and governmental purpose and
3 such bonds, and the interest thereon and the income therefrom, and
4 all funds, revenues, income and other moneys received or to be
5 received by the issuing ****[agency]**** ****authority**** and pledged or
6 available to pay or secure the payment of such bonds, or interest
7 thereon, shall at all times be exempt from taxation except for
8 transfer, inheritance and estate taxes.

1 13. When the principal of and interest on bonds issued by an
2 ****[agency]**** ****authority**** to finance the cost of a particular
3 pollution control facility, including any refunding bonds issued to
4 refund and refinance such bonds, have been fully paid and retired
5 or when adequate provision has been made to fully pay and retire
6 the same, and all other conditions of the resolution and the in-
7 denture authorizing and securing the same have been satisfied, such
8 ****[agency]**** ****authority**** may do all things and execute such
9 deeds and conveyances as are necessary and required to convey its
10 right, title and interest in such pollution control facilities for a
11 nominal amount or otherwise.

1 14. Except as herein provided, no proceedings, referendum,
2 notice or approval shall be required for the creation of an
3 ****[agency]**** ****authority**** or the issuance of any bonds or any
4 instrument as security therefor, provided however, that nothing
5 herein shall be construed to deprive the State and its govern-

6 mental subdivisions of their respective police powers over prop-
 6A erties of an ****[agency]**** ****authority****, or to impair any power
 7 thereover of any official or agency of the State and its governmental
 8 subdivisions which may be otherwise provided by law.

1 15. The State and all public officers, municipal corporations,
 2 political subdivisions, and public bodies, all banks, bankers, trust
 3 companies, savings banks and institutions, building and loan
 4 associations, savings and loan associations, investment companies,
 5 and other persons carrying on a banking business, all insurance
 6 companies, insurance businesses and all executors, administrators,
 7 guardians, trustees and other fiduciaries may legally invest any
 8 sinking fund, moneys or other funds belonging to them or within
 9 their control in any bonds or other obligations issued by any
 10 ****[agency]**** ****authority**** created pursuant to this act, and such
 11 bonds or other obligations shall be authorized security for any and
 12 all public deposits.

1 16. The powers conferred by this act shall be in addition and
 2 supplementary to those in other laws and the limitations by this act
 3 shall not affect the powers conferred by any other law. ****[Pollution**
 4 control facilities may be acquired, constructed, reconstructed, re-
 5 paired, altered, improved, and extended and bonds may be issued
 6 under this act for said purposes notwithstanding that any other law
 7 may provide for the acquisition, construction, reconstruction, re-
 8 pair, altering, improvement and extensions of like pollution control
 9 facilities, or the issuance of bonds for like purposes.]**

1 17. The provisions of this act shall be severable, and if any of
 2 the provisions hereunder shall be held to be unconstitutional or
 3 otherwise invalid, such decision shall not affect the validity of any
 4 of the remaining provisions of this act.

1 18. It shall be the duty of every ****[agency]**** ****authority****
 2 created pursuant to this act to cause an annual audit of the accounts
 3 of the ****[agency]**** ****authority**** to be made and filed with the
 4 ****[agency]**** ****authority****, and for this purpose the ****[agency]****
 5 ****authority**** shall employ a registered municipal accountant of
 6 New Jersey or a certified public ****[account]**** ****accountant**** of
 7 New Jersey. The audit shall be completed and filed with the
 8 ****[agency]**** ****authority**** within 4 months after the close of
 9 the fiscal year of the ****[agency]**** ****authority**** and a certified
 10 duplicate copy thereof shall be filed with the Director of the
 11 Division of ****[Local Finance]**** ****Local**** ****Government**
 12 ****[Service]**** ****Services**** in the Department of Community
 13 Affairs within 5 days after the original report is filed with the

14 ****[agency]**** ****authority****. ***Every authority created pursuant*
15 *to this act shall file a certified copy of every bond resolution with*
16 *the Director of the Division of Local Government Services in the*
17 *Department of Community Affairs and in addition shall file a*
18 *certified copy of all bond proceedings with the director.***

1 19. This act shall take effect immediately.

1 16. The powers conferred by this act shall be in addition and
2 supplementary to those in other laws and the limitations by this act
3 shall not affect the powers conferred by any other law. Pollution
4 control facilities may be acquired, constructed, reconstructed, re-
5 paired, altered, improved, and extended and bonds may be issued
6 under this act for said purposes notwithstanding that any other law
7 may provide for the acquisition, construction, reconstruction, re-
8 pair, altering, improvement and extensions of like pollution control
9 facilities, or the issuance of bonds for like purposes.

1 17. The provisions of this act shall be severable, and if any of
2 the provisions hereunder shall be held to be unconstitutional or
3 otherwise invalid, such decision shall not affect the validity of any
4 of the remaining provisions of this act.

1 18. It shall be the duty of every agency created pursuant to this
2 act to cause an annual audit of the accounts of the agency to be
3 made and filed with the agency, and for this purpose the agency
4 shall employ a registered municipal accountant of New Jersey or
5 a certified public account of New Jersey. The audit shall be com-
6 pleted and filed with the agency within 4 months after the close of
7 the fiscal year of the agency and a certified duplicate copy thereof
8 shall be filed with the Director of the Division of Local Finance in
9 the Department of Community Affairs within 5 days after the
10 original report is filed with the agency.

1 19. This act shall take effect immediately.

STATEMENT

This proposal authorizes municipalities and counties to establish Industrial Pollution Control Financing Agencies. These agencies will extend low-cost financing for pollution control facilities which will assist industry comply with abatement orders and accelerate pollution control.