

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

S1924

SPONSORS STATEMENT: (Begins on page 3 of original bill) [Yes](#)
Bill and Sponsors Statement identical to A2849

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: [Yes](#)

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: [Yes](#)

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P.L. 1999, CHAPTER 184, *approved August 18, 1999*
Assembly Committee Substitute for
Assembly, No. 2849

1 **AN ACT** establishing a public library project grant program,
2 supplementing Title 18A of the New Jersey Statutes and amending
3 N.J.S.18A:72A-3.

4

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

7

8 1. (New section) For the purposes of this act:

9 "Area" means all or part of one or more political subdivisions of
10 the State of New Jersey;

11 "Authority" means the "New Jersey Educational Facilities
12 Authority" established pursuant to N.J.S.18A:72A-1 et seq.;

13 "Board" means the Public Library Construction Advisory Board
14 established pursuant to section 3 of P.L. , c. (C.) (now pending
15 before Legislature as this bill);

16 "Eligible project costs" means costs incurred in a project approved
17 by the board;

18 "Fund" means the "Public Library Project Fund" established
19 pursuant to section 2 of P.L. , c. (C.) (now pending before
20 Legislature as this bill);

21 "Project" means any construction, expansion, rehabilitation or
22 acquisition project eligible for a grant under regulations promulgated
23 under section 3 of P.L. , c. (C.) (now pending before
24 Legislature as this bill);

25 "Public library" means a library that serves free of charge all
26 residents of an area as established pursuant to chapter 33 or chapter
27 54 of Title 40 of the New Jersey Statutes;

28 "Secretary" means the Secretary of State of the State of New
29 Jersey or the Secretary's designated representative.

30

31 2. (New section) The "Public Library Project Fund" is established
32 as a separate account in the New Jersey Educational Facilities
33 Authority to carry out the purposes of P.L. , c. (C.) (now
34 pending before Legislature as this bill). The fund shall be administered
35 by the authority and shall be credited with:

36 a. moneys received from the issuance of bonds, notes or other

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

Matter underlined thus is new matter.

1 obligations issued pursuant to section 5 of P.L. , c. (C.) (now
2 pending before the Legislature as this bill);

3 b. moneys appropriated by the State for the purposes of the fund;
4 and

5 c. all interest and investment earnings received on moneys in the
6 fund.

7

8 3. (New section) There is created a Public Library Construction
9 Advisory Board to be comprised of seven members as follows: the
10 Secretary of State or the secretary's designee who shall serve as the
11 chair; the State Librarian or the librarian's designee; a member of the
12 State Library Advisory Council established pursuant to section 13 of
13 P.L.1969, c.158 (C.18A:73-28), or the council's designee, who shall
14 be chosen by the council and shall serve at the pleasure of the council
15 and until a successor is chosen; and four persons with library,
16 construction, or finance experience who shall be appointed by the
17 Governor with the advice and consent of the Senate and who shall
18 serve at the pleasure of the Governor and until their successors are
19 appointed and shall have qualified.

20 Moneys in the fund shall be distributed as grants to public libraries
21 for part of eligible project costs as enumerated in section 4 of
22 P.L. , c. (C.) (now pending before the Legislature as this bill),
23 based on criteria and a competitive selection process established by the
24 board. The board shall promulgate regulations prescribing procedures
25 for applying for a grant and the terms and conditions for receiving a
26 grant. A grant application shall include a complete description of the
27 project to be financed and an identification of additional sources of
28 revenue to be used. An application shall be reviewed, and approved
29 or denied by the board in accordance with uniform procedures by
30 resolution of the board. When a grant is approved by the board, the
31 board shall establish the recommended grant amount and shall submit
32 to the Joint Budget Oversight Committee, or its successor, the board's
33 approved amount of the grant and a brief description of the project for
34 approval by the committee. Any grant not disapproved by the Joint
35 Budget Oversight Committee within 30 days of such submission shall
36 be deemed approved by the committee. After a grant application is
37 approved by the committee, the board shall forward a copy of the
38 application and certify the approved amount of the grant to the
39 authority.

40

41 4. (New section) The following project costs shall be eligible for
42 grants, at the discretion of the board:

43 a. Construction of new buildings to be used for public library
44 purposes;

45 b. Expansion, rehabilitation or acquisition of existing buildings to
46 be used for public library purposes;

1 c. Expenses, other than interest and the carrying charge on bonds,
2 incurred after the effective date of P.L. , c. (C.) (now
3 pending before the Legislature as this bill), related to the acquisition
4 of land on which there is to be construction of new buildings or
5 expansion of existing buildings to be used for public library purposes,
6 provided the expenses constitute an actual cost or a transfer of public
7 funds in accordance with the usual procedures generally applicable to
8 all State and local agencies and institutions;

9 d. Site grading and improvement of land on which buildings used
10 for public library purposes are located or are to be located;

11 e. Architectural, engineering, consulting and inspection services
12 related to the specific project for which application for financial
13 assistance is made;

14 f. Expenses, other than interest and the carrying charges on bonds,
15 related to the acquisition of existing buildings to be used for public
16 library purposes, provided the expenses constitute an actual cost or
17 a transfer of public funds in accordance with the usual procedures
18 generally applicable to all State and local agencies and institutions; and

19 g. Expenses relating to the acquisition and installation of
20 equipment to be located in public library facilities, including all
21 necessary building fixtures and utilities, office furniture and public
22 library equipment, such as library shelving and filing equipment,
23 catalogs, cabinets, circulation desks, reading tables, study carrels, and
24 information retrieval devices including video, voice, and data
25 telecommunications equipment and linkages with a useful life of 10
26 years or more necessary for Internet access, but not including books
27 or other library materials.

28

29 5. (New section) a. The authority shall from time to time issue
30 bonds, notes or other obligations in an amount sufficient to finance the
31 grants provided under P.L. , c. (C.) (now pending before
32 Legislature as this bill) and to finance the administrative costs
33 associated with the approval process and the issuance of the bonds,
34 notes, or other obligations, provided however that the aggregate
35 principal amount of the bonds, notes or other obligations shall not
36 exceed \$45,000,000 and the term of any bond, note, or other
37 obligation issued shall not exceed 30 years. In computing the
38 foregoing limitation as to amount, there shall be excluded all bonds,
39 notes or other obligations which have been retired or which shall be
40 issued for refunding purposes, provided that the refunding is
41 determined by the authority to result in a debt service savings. The
42 authority shall issue the bonds, notes or other obligations in such
43 manner as it shall determine in accordance with the provisions of
44 P.L. , c. (C.) (now pending before the Legislature as this bill)
45 and the "New Jersey educational facilities authority law,"
46 N.J.S.18A:72A-1 et seq., provided that no bonds, notes or other

1 obligations shall be issued pursuant to this section without the prior
2 written consent of the State Treasurer.

3 b. The State Treasurer is hereby authorized to enter into a
4 contract with the authority pursuant to which the State Treasurer,
5 subject to available appropriations, shall pay the amount necessary to
6 pay the principal and interest on bonds, notes and other obligations of
7 the authority issued pursuant to P.L. , c. (C.) (now pending
8 before Legislature as this bill) plus any amounts payable in connection
9 with an agreement authorized under subsection f. of this section.

10 c. The authority shall enter into a contractual agreement with the
11 appropriate local governing entity in the area served by the public
12 library, and the agreement shall be approved by a resolution of the
13 authority. Each agreement with an appropriate entity shall include
14 provisions as may be necessary to ensure that the entity shall provide
15 an amount equal to 300% of the grant amount.

16 The authority may enter into a loan agreement with the appropriate
17 local governing entity in the area served by the public library to finance
18 the entity's matching amounts for the project including, but not limited
19 to, the payment of principal and interest on the bonds, notes and other
20 obligations of the authority issued pursuant to this section or its share
21 of any amount payable in connection with an agreement authorized
22 pursuant to this section or the entity's share of any amount payable in
23 connection with an agreement authorized under subsection f. of this
24 section. The loan may be secured by the entity's guarantee or the
25 issuance of county or municipal bonds to the authority in a private
26 sale.

27 d. Bonds, notes or other obligations issued pursuant to P.L. , c.
28 (C.) (now pending before Legislature as this bill) shall not be in any
29 way a debt or liability of the State or of any political subdivision
30 thereof other than the authority and shall not create or constitute any
31 indebtedness, liability or obligation of the State or of any political
32 subdivision thereof, or be or constitute a pledge of the faith and credit
33 of the State or of any political subdivision thereof, but all bonds,
34 notes or other obligations, unless funded or refunded by the bonds,
35 notes or other obligations of the authority, shall be payable solely from
36 revenues of funds pledged or available for their payment as authorized
37 by P.L. , c. (C.) (now pending before Legislature as this bill).
38 Each bond, note or other obligation shall contain on its face a
39 statement to the effect that the authority is obligated to pay the
40 principal thereof, redemption premium, if any, or the interest thereon
41 only from revenue or funds of the authority, and that neither the State
42 nor any political subdivision thereof is obligated to pay the principal
43 thereof, redemption premium, if any, or interest thereon, and that
44 neither the faith and credit nor the taxing power of the State or of any
45 political subdivision thereof is pledged to the payment of the principal
46 of, redemption premium, if any, or the interest on the bonds, notes or

1 other obligations.

2 e. The State of New Jersey does hereby pledge to and covenant
3 and agree with the holders of any bonds, notes or other obligations
4 issued pursuant to the authorization of P.L. , c. (C.) (now
5 pending before Legislature as this bill) that the State shall not limit or
6 alter the rights or powers hereby vested in the authority to perform
7 and fulfill the terms of any agreement made with the holders of the
8 bonds, notes or other obligations, or to fix, establish, charge and
9 collect such rents, fees, rates, payments, or other charges as may be
10 convenient or necessary to produce sufficient revenues to meet all
11 expenses of the authority and to fulfill the terms of any agreement
12 made with the holders of the bonds, notes and other obligations
13 together with interest thereon, with interest on any unpaid installments
14 of interest, and all costs and expenses in connection with any action or
15 proceedings by or on behalf of the holders, until the bonds, notes and
16 other obligations, together with interest thereon, are fully met and
17 discharged or provided for.

18 f. In connection with any bonds or refunding of bonds issued
19 pursuant to this section, the authority may also enter into any
20 revolving credit agreement; agreement establishing a line of credit or
21 letter of credit; reimbursement agreement; interest rate exchange
22 agreement; currency exchange agreement; interest rate floor cap,
23 option, put or call to hedge payment, currency, rate, spread or similar
24 exposure, or similar agreement; float agreement; forward agreement;
25 insurance contract; surety bond; commitment to purchase or sell
26 bonds; purchase or sale agreement; or commitment or other contract
27 or agreement or other security agreement approved by the authority.

28

29 6. N.J.S.18A:72A-3 is amended to read as follows:

30 18A:72A-3. As used in this act, the following words and terms
31 shall have the following meanings, unless the context indicates or
32 requires another or different meaning or intent:

33 "Authority" means the New Jersey Educational Facilities Authority
34 created by this chapter or any board, body, commission, department
35 or officer succeeding to the principal functions thereof or to whom the
36 powers conferred upon the authority by this chapter shall be given by
37 law;

38 "Bond" means bonds or notes of the authority issued pursuant to
39 this chapter;

40 "County college capital project" means any capital project of a
41 county college certified pursuant to section 2 of P.L.1971, c.12
42 (C.18A:64A-22.2) and approved by the State Treasurer for funding
43 pursuant to the "County College Capital Projects Fund Act,"
44 P.L.1997, c.360 (C.18A:72A-12.2 et seq.);

45 "Dormitory" means a housing unit with necessary and usual
46 attendant and related facilities and equipment;

1 "Educational facility" means a structure suitable for use as a
2 dormitory, dining hall, student union, administration building,
3 academic building, library, laboratory, research facility, classroom,
4 athletic facility, health care facility, teaching hospital, and parking
5 maintenance storage or utility facility and other structures or facilities
6 related thereto or required or useful for the instruction of students or
7 the conducting of research or the operation of an institution for higher
8 education, and public libraries, and the necessary and usual attendant
9 and related facilities and equipment, but shall not include any facility
10 used or to be used for sectarian instruction or as a place for religious
11 worship;

12 "Emerging needs program" means a program at one or more public
13 or private institutions of higher education directed to meeting new and
14 advanced technology needs or to supporting new academic programs
15 in science and technology;

16 "Higher education equipment" means any property consisting of,
17 or relating to, scientific, engineering, technical, computer,
18 communications or instructional equipment;

19 "Participating college" means a public institution of higher
20 education or private college which, pursuant to the provisions of this
21 chapter, participates with the authority in undertaking the financing
22 and construction or acquisition of a project;

23 "Project" means a dormitory or an educational facility or any
24 combination thereof, or a county college capital project;

25 "Private college" means an institution for higher education other
26 than a public college, situated within the State and which, by virtue of
27 law or charter, is a nonprofit educational institution empowered to
28 provide a program of education beyond the high school level;

29 "Private institution of higher education" means independent
30 colleges or universities incorporated and located in New Jersey, which
31 by virtue of law or character or license, are nonprofit educational
32 institutions authorized to grant academic degrees and which provide
33 a level of education which is equivalent to the education provided by
34 the State's public institutions of higher education as attested by the
35 receipt of and continuation of regional accreditation by the Middle
36 States Association of Colleges and Schools, and which are eligible to
37 receive State aid;

38 "Public institution of higher education" means Rutgers, The State
39 University, the State colleges, the New Jersey Institute of Technology,
40 the University of Medicine and Dentistry of New Jersey, the county
41 colleges and any other public university or college now or hereafter
42 established or authorized by law;

43 "University" means Rutgers, The State University.

44 (cf: P.L.1997, c.360, s.5)

45

46 7. This act shall take effect immediately.

- 1 _____
- 2
- 3 Establishes a public library project grant program.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 2849**

STATE OF NEW JERSEY

DATED: JUNE 21, 1999

The Assembly Appropriations Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 2849.

This Assembly Committee Substitute for Assembly Bill No. 2849 creates a public library construction, expansion, rehabilitation and acquisition project grant program.

The substitute establishes within the New Jersey Educational Facilities Authority the "Public Library Project Fund" to be the repository for funds appropriated for grants to municipal and county public libraries. The grants will be made by the Public Library Construction Advisory Board, established under the substitute, based upon competitive criteria and through a selection process established by the board; the board's approval of grant applications shall be subject to the approval of the Legislature's Joint Budget Oversight Committee. The board will determine the formal loan process and the terms of the grants, which may be for all or part of eligible project costs.

Eligible project costs include construction of new library buildings; expansion, rehabilitation or acquisition of existing library buildings; related land acquisition and site improvement costs; and costs relating to the acquisition and installation of equipment to be located in public library facilities, including all necessary building fixtures and utilities, office furniture and public library equipment, such as library shelving and filing equipment, catalogs, cabinets, circulation desks, reading tables, study carrels, and information retrieval devices including equipment necessary for Internet access. Eligible project costs shall not include the cost of books or other library materials.

FISCAL IMPACT

The substitute authorizes the New Jersey Educational Facilities Authority to issue bonds or other obligations of the authority, in an amount not to exceed \$45,000,000, from which to finance grants for library projects under the legislation.

ASSEMBLY, No. 2849

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED FEBRUARY 11, 1999

Sponsored by:

Assemblywoman ROSE MARIE HECK

District 38 (Bergen)

Assemblyman LEONARD LANCE

District 23 (Warren, Hunterdon and Mercer)

Co-Sponsored by:

Assemblyman Felice

SYNOPSIS

Establishes a public library construction, expansion, rehabilitation and acquisition project grant program; appropriates \$15,000,000.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/11/1999)

1 AN ACT establishing a program of public library project grants and
2 making an appropriation, supplementing Title 18A of the New
3 Jersey Statutes.

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

7
8 1. For the purposes of this act:

9 "Commissioner" means the Commissioner of Education of the
10 State of New Jersey or the commissioner's designated representative;

11 "Eligible project costs" means costs incurred in a project approved
12 by the commissioner;

13 "Fund" means the "Public Library Project Fund" established
14 pursuant to section 2 of this act;

15 "Project," means any construction, expansion, rehabilitation or
16 acquisition project eligible for a grant under regulations and standards
17 promulgated under section 3 of this act;

18 "Public library" means a library that serves free of charges all
19 residents of an area as established pursuant to chapter 33 or chapter
20 54 of Title 40 of the New Jersey Statutes.

21
22 2. The "Public Library Project Fund" is established as a separate
23 account in the General Fund within the Department of Education. The
24 fund shall be administered by the department and shall be credited with
25 such monies as are appropriated by the Legislature and any other
26 moneys made available to the department from any source or sources
27 that the commissioner shall determine may be used for the purposes
28 authorized by this act. Monies in the fund shall be used by the
29 department solely for providing grants authorized by section 3 of this
30 act for eligible project costs determined pursuant to section 4 of this
31 act.

32
33 3. Monies in the fund shall be distributed as grants to public
34 libraries for all or part of eligible project costs as are enumerated in
35 section 4 of this act, based on competitive criteria and a selection
36 process established by the Division of the State Library, Archives and
37 History and approved by the commissioner. The commissioner shall
38 prescribe procedures for applying for the grant, and terms and
39 conditions for receiving a grant. The commissioner shall adopt such
40 rules and regulations as the commissioner determines are necessary to
41 the administration of this act.

42
43 4. The following project costs shall be eligible for grants, at the
44 discretion of the commissioner:

45 a. Construction of new buildings to be used for public library
46 purposes;

A2849 HECK, LANCE

4

1 related land acquisition and site improvement costs; and costs relating
2 to the acquisition and installation of equipment to be located in public
3 library facilities, including all necessary building fixtures and utilities,
4 office furniture and public library equipment, such as library shelving
5 and filing equipment, catalogs, cabinets, circulation desks, reading
6 tables, study carrels, and information retrieval devices including
7 equipment necessary for Internet access.

8 The bill appropriates \$15,000,000 for the purposes of the program
9 and directs that \$15,000,000 be appropriated in each of the two
10 subsequent years for the purposes of the program.

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1924

STATE OF NEW JERSEY
208th LEGISLATURE

ADOPTED JUNE 17, 1999

Sponsored by:

Senator ROBERT E. LITTELL

District 24 (Sussex, Hunterdon and Morris)

Senator PETER A. INVERSO

District 14 (Mercer and Middlesex)

Co-Sponsored by:

**Senators Allen, Bucco, Bryant, Kyrillos, Girgenti, Robertson and
Matheussen**

SYNOPSIS

Establishes a public library project grant program.

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate Budget and Appropriations Committee.



(Sponsorship Updated As Of: 7/2/1999)

1 **AN ACT** establishing a public library project grant program,
2 supplementing Title 18A of the New Jersey Statutes and amending
3 N.J.S.18A:72A-3.

4

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

7

8 1. (New section) For the purposes of this act:

9 "Area" means all or part of one or more political subdivisions of
10 the State of New Jersey;

11 "Authority" means the "New Jersey Educational Facilities
12 Authority" established pursuant to N.J.S.18A:72A-1 et seq.;

13 "Board" means the Public Library Construction Advisory Board
14 established pursuant to section 3 of P.L. , c. (C.) (now pending
15 before Legislature as this bill);

16 "Eligible project costs" means costs incurred in a project approved
17 by the board;

18 "Fund" means the "Public Library Project Fund" established
19 pursuant to section 2 of P.L. , c. (C.) (now pending before
20 Legislature as this bill);

21 "Project" means any construction, expansion, rehabilitation or
22 acquisition project eligible for a grant under regulations promulgated
23 under section 3 of P.L. , c. (C.) (now pending before Legislature as
24 this bill);

25 "Public library" means a library that serves free of charge all
26 residents of an area as established pursuant to chapter 33 or chapter
27 54 of Title 40 of the New Jersey Statutes;

28 "Secretary" means the Secretary of State of the State of New
29 Jersey or the Secretary's designated representative.

30

31 2. (New section) The "Public Library Project Fund" is established
32 as a separate account in the New Jersey Educational Facilities
33 Authority to carry out the purposes of P.L. , c. (C.) (now pending
34 before Legislature as this bill). The fund shall be administered by the
35 authority and shall be credited with:

36 a. moneys received from the issuance of bonds, notes or other
37 obligations issued pursuant to section 5 of P.L. , c. (C.) (now
38 pending before the Legislature as this bill);

39 b. moneys appropriated by the State for the purposes of the fund;
40 and

41 c. all interest and investment earnings received on moneys in the
42 fund.

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

Matter underlined thus is new matter.

1 3. (New section) There is created a Public Library Construction
2 Advisory Board to be comprised of seven members as follows: the
3 Secretary of State or the Secretary's designee who shall serve as the
4 chair; the State Librarian or the librarian's designee; a member of the
5 State Library Advisory Council established pursuant to section 13 of
6 P.L.1969, c.158 (C.18A:73-28), or the council's designee, who shall
7 be chosen by the council and shall serve at the pleasure of the council
8 and until a successor is chosen; and four persons with library,
9 construction, or finance experience who shall be appointed by the
10 Governor with the advice and consent of the Senate and who shall
11 serve at the pleasure of the Governor and until their successors are
12 appointed and shall have qualified.

13 Moneys in the fund shall be distributed as grants to public libraries
14 for part of eligible project costs as enumerated in section 4 of
15 P.L. , c. (C.) (now pending before the Legislature as this bill),
16 based on criteria and a competitive selection process established by the
17 board. The board shall promulgate regulations prescribing procedures
18 for applying for a grant and the terms and conditions for receiving a
19 grant. A grant application shall include a complete description of the
20 project to be financed and an identification of additional sources of
21 revenue to be used. An application shall be reviewed, and approved
22 or denied by the board in accordance with uniform procedures by
23 resolution of the board. When a grant is approved by the board, the
24 board shall establish the recommended grant amount and shall submit
25 to the Joint Budget Oversight Committee, or its successor, the board's
26 approved amount of the grant and a brief description of the project for
27 approval by the committee. Any grant not disapproved by the Joint
28 Budget Oversight Committee within 30 days of such submission shall
29 be deemed approved by the committee. After a grant application is
30 approved by the committee, the board shall forward a copy of the
31 application and certify the approved amount of the grant to the
32 authority.

33
34 4. (New section) The following project costs shall be eligible for
35 grants, at the discretion of the board:

36 a. Construction of new buildings to be used for public library
37 purposes;

38 b. Expansion, rehabilitation or acquisition of existing buildings to
39 be used for public library purposes;

40 c. Expenses, other than interest and the carrying charge on bonds,
41 incurred after the effective date of P.L. , c. (C.) (now pending
42 before the Legislature as this bill), related to the acquisition of land on
43 which there is to be construction of new buildings or expansion of
44 existing buildings to be used for public library purposes, provided the
45 expenses constitute an actual cost or a transfer of public funds in
46 accordance with the usual procedures generally applicable to all State

1 and local agencies and institutions;

2 d. Site grading and improvement of land on which buildings used
3 for public library purposes are located or are to be located;

4 e. Architectural, engineering, consulting and inspection services
5 related to the specific project for which application for financial
6 assistance is made;

7 f. Expenses, other than interest and the carrying charges on bonds,
8 related to the acquisition of existing buildings to be used for public
9 library purposes, provided the expenses constitute an actual cost or
10 a transfer of public funds in accordance with the usual procedures

11 generally applicable to all State and local agencies and institutions; and
12 g. Expenses relating to the acquisition and installation of
13 equipment to be located in public library facilities, including all
14 necessary building fixtures and utilities, office furniture and public
15 library equipment, such as library shelving and filing equipment,
16 catalogs, cabinets, circulation desks, reading tables, study carrels, and
17 information retrieval devices including video, voice, and data
18 telecommunications equipment and linkages with a useful life of 10
19 years or more necessary for Internet access, but not including books
20 or other library materials.

21

22 5. (New section) a. The authority shall from time to time issue
23 bonds, notes or other obligations in an amount sufficient to finance the
24 grants provided under P.L. , c. (C.) (now pending before
25 Legislature as this bill) and to finance the administrative costs
26 associated with the approval process and the issuance of the bonds,
27 notes or other obligations, provided however that the aggregate
28 principal amount of the bonds, notes or other obligations shall not
29 exceed \$45,000,000 and the term of any bond, note or other obligation
30 issued shall not exceed 30 years. In computing the foregoing
31 limitation as to amount, there shall be excluded all bonds, notes or
32 other obligations which have been retired or which shall be issued for
33 refunding purposes, provided that the refunding is determined by the
34 authority to result in a debt service savings. The authority shall issue
35 the bonds, notes or other obligations in such manner as it shall
36 determine in accordance with the provisions of P.L. , c. (C.)
37 (now pending before the Legislature as this bill) and the "New
38 Jersey educational facilities authority law," N.J.S.18A:72A-1 et seq.,
39 provided that no bonds, notes or other obligations shall be issued
40 pursuant to this section without the prior written consent of the State
41 Treasurer.

42 b. The State Treasurer is hereby authorized to enter into a
43 contract with the authority pursuant to which the State Treasurer,
44 subject to available appropriations, shall pay the amount necessary to
45 pay the principal and interest on bonds, notes and other obligations of
46 the authority issued pursuant to P.L. , c. (C.) (now pending before

1 Legislature as this bill) plus any amounts payable in connection with
2 an agreement authorized under subsection f. of this section.

3 c. The authority shall enter into a contractual agreement with the
4 appropriate local governing entity in the area served by the public
5 library, and the agreement shall be approved by a resolution of the
6 authority. Each agreement with an appropriate entity shall include
7 provisions as may be necessary to ensure that the entity shall provide
8 an amount equal to 300% of the grant amount.

9 The authority may enter into a loan agreement with the appropriate
10 local governing entity in the area served by the public library to finance
11 the entity's matching amounts for the project including, but not limited
12 to, the payment of principal and interest on the bonds, notes and other
13 obligations of the authority issued pursuant to this section or its share
14 of any amount payable in connection with an agreement authorized
15 pursuant to this section or the entity's share of any amount payable in
16 connection with an agreement authorized under subsection f. of this
17 section. The loan may be secured by the entity's guarantee or the
18 issuance of county or municipal bonds to the authority in a private
19 sale.

20 d. Bonds, notes or other obligations issued pursuant to P.L. , c.
21 (C.) (now pending before Legislature as this bill) shall not be in any
22 way a debt or liability of the State or of any political subdivision
23 thereof other than the authority and shall not create or constitute any
24 indebtedness, liability or obligation of the State or of any political
25 subdivision thereof, or be or constitute a pledge of the faith and credit
26 of the State or of any political subdivision thereof, but all bonds,
27 notes or other obligations, unless funded or refunded by the bonds,
28 notes or other obligations of the authority, shall be payable solely from
29 revenues of funds pledged or available for their payment as authorized
30 by P.L. , c. (C.) (now pending before Legislature as this bill). Each
31 bond, note or other obligation shall contain on its face a statement to
32 the effect that the authority is obligated to pay the principal thereof,
33 redemption premium, if any, or the interest thereon only from revenue
34 or funds of the authority, and that neither the State nor any political
35 subdivision thereof is obligated to pay the principal thereof,
36 redemption premium, if any, or interest thereon, and that neither the
37 faith and credit nor the taxing power of the State or of any political
38 subdivision thereof is pledged to the payment of the principal of,
39 redemption premium, if any, or the interest on the bonds, notes or
40 other obligations.

41 e. The State of New Jersey does hereby pledge to and covenant
42 and agree with the holders of any bonds, notes or other obligations
43 issued pursuant to the authorization of P.L. , c. (C.) (now pending
44 before Legislature as this bill) that the State shall not limit or alter the
45 rights or powers hereby vested in the authority to perform and fulfill
46 the terms of any agreement made with the holders of the bonds, notes

1 or other obligations, or to fix, establish, charge and collect such rents,
2 fees, rates, payments, or other charges as may be convenient or
3 necessary to produce sufficient revenues to meet all expenses of the
4 authority and to fulfill the terms of any agreement made with the
5 holders of the bonds, notes and other obligations together with
6 interest thereon, with interest on any unpaid installments of interest,
7 and all costs and expenses in connection with any action or
8 proceedings by or on behalf of the holders, until the bonds, notes and
9 other obligations, together with interest thereon, are fully met and
10 discharged or provided for.

11 f. In connection with any bonds or refunding of bonds issued
12 pursuant to this section, the authority may also enter into any
13 revolving credit agreement; agreement establishing a line of credit or
14 letter of credit; reimbursement agreement; interest rate exchange
15 agreement; currency exchange agreement; interest rate floor cap,
16 option, put or call to hedge payment, currency, rate, spread or similar
17 exposure, or similar agreement; float agreement; forward agreement;
18 insurance contract; surety bond; commitment to purchase or sell
19 bonds; purchase or sale agreement; or commitment or other contract
20 or agreement or other security agreement approved by the authority.

21

22 6. N.J.S.18A:72A-3 is amended to read as follows:

23 18A:72A-3. As used in this act, the following words and terms
24 shall have the following meanings, unless the context indicates or
25 requires another or different meaning or intent:

26 "Authority" means the New Jersey Educational Facilities Authority
27 created by this chapter or any board, body, commission, department
28 or officer succeeding to the principal functions thereof or to whom the
29 powers conferred upon the authority by this chapter shall be given by
30 law;

31 "Bond" means bonds or notes of the authority issued pursuant to
32 this chapter;

33 "County college capital project" means any capital project of a
34 county college certified pursuant to section 2 of P.L.1971, c.12
35 (C.18A:64A-22.2) and approved by the State Treasurer for funding
36 pursuant to the "County College Capital Projects Fund Act,"
37 P.L.1997, c.360 (C.18A:72A-12.2 et seq.);

38 "Dormitory" means a housing unit with necessary and usual
39 attendant and related facilities and equipment;

40 "Educational facility" means a structure suitable for use as a
41 dormitory, dining hall, student union, administration building,
42 academic building, library, laboratory, research facility, classroom,
43 athletic facility, health care facility, teaching hospital, and parking
44 maintenance storage or utility facility and other structures or facilities
45 related thereto or required or useful for the instruction of students or
46 the conducting of research or the operation of an institution for higher

1 education, and public libraries, and the necessary and usual attendant
2 and related facilities and equipment, but shall not include any facility
3 used or to be used for sectarian instruction or as a place for religious
4 worship;

5 "Emerging needs program" means a program at one or more public
6 or private institutions of higher education directed to meeting new and
7 advanced technology needs or to supporting new academic programs
8 in science and technology;

9 "Higher education equipment" means any property consisting of,
10 or relating to, scientific, engineering, technical, computer,
11 communications or instructional equipment;

12 "Participating college" means a public institution of higher
13 education or private college which, pursuant to the provisions of this
14 chapter, participates with the authority in undertaking the financing
15 and construction or acquisition of a project;

16 "Project" means a dormitory or an educational facility or any
17 combination thereof, or a county college capital project;

18 "Private college" means an institution for higher education other
19 than a public college, situated within the State and which, by virtue of
20 law or charter, is a nonprofit educational institution empowered to
21 provide a program of education beyond the high school level;

22 "Private institution of higher education" means independent
23 colleges or universities incorporated and located in New Jersey, which
24 by virtue of law or character or license, are nonprofit educational
25 institutions authorized to grant academic degrees and which provide
26 a level of education which is equivalent to the education provided by
27 the State's public institutions of higher education as attested by the
28 receipt of and continuation of regional accreditation by the Middle
29 States Association of Colleges and Schools, and which are eligible to
30 receive State aid;

31 "Public institution of higher education" means Rutgers, The State
32 University, the State colleges, the New Jersey Institute of Technology,
33 the University of Medicine and Dentistry of New Jersey, the county
34 colleges and any other public university or college now or hereafter
35 established or authorized by law;

36 "University" means Rutgers, The State University.
37 (cf: P.L.1997, c.360, s.5)

38

39 7. This act shall take effect immediately.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 1924**

STATE OF NEW JERSEY

DATED: JUNE 17, 1999

The Senate Budget and Appropriations Committee reports favorably a committee substitute for Senate Bill No. 1924.

This bill creates a public library construction, expansion, rehabilitation and acquisition project grant program.

The bill establishes within the New Jersey Educational Facilities Authority the "Public Library Project Fund" to be the repository for funds appropriated for grants to local public libraries. The grants will be made by the Public Library Construction Advisory Board, established under the bill, based upon criteria and through a competitive selection process established by the board; the board's approval of grant applications shall be subject to the approval of the Legislature's Joint Budget Oversight Committee. The board will determine the formal loan process and the terms of the grants, which may be for all or part of eligible project costs.

Eligible project costs include construction of new library buildings; expansion, rehabilitation or acquisition of existing library buildings; related land acquisition and site improvement costs; and costs relating to the acquisition and installation of equipment to be located in public library facilities, including all necessary building fixtures and utilities, office furniture and public library equipment, such as library shelving and filing equipment, catalogs, cabinets, circulation desks, reading tables, study carrels, and information retrieval devices including equipment necessary for Internet access. Eligible project costs shall not include the cost of books or other library materials.

FISCAL IMPACT

The bill authorizes the New Jersey Educational Facilities Authority to issue bonds or other obligations of the Authority, in an amount not to exceed \$45,000,000, from which to finance grants for library projects under the legislation.

SENATE, No. 1924

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED MAY 24, 1999

Sponsored by:

Senator ROBERT E. LITTELL

District 24 (Sussex, Hunterdon and Morris)

Senator PETER A. INVERSO

District 14 (Mercer and Middlesex)

Co-Sponsored by:

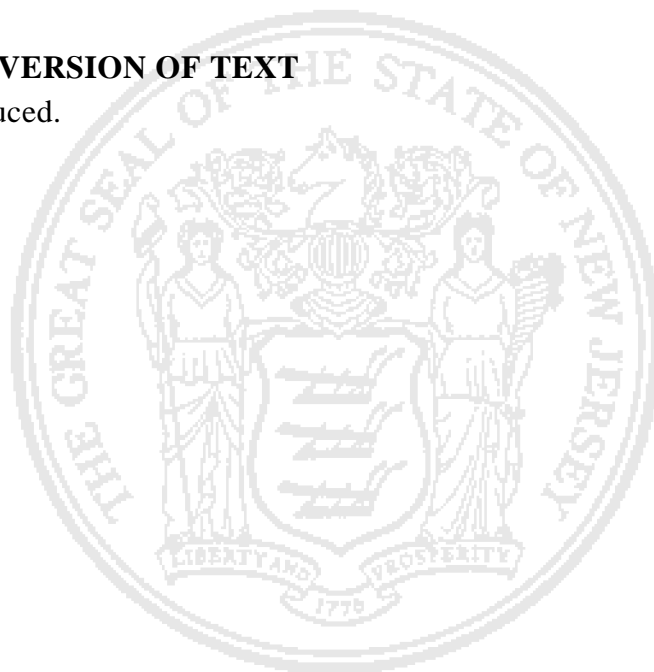
Senators Allen, Bucco, Bryant and Kyrillos

SYNOPSIS

Establishes a public library construction, expansion, rehabilitation and acquisition project grant program; appropriates \$15,000,000.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/18/1999)

S1924 LITTELL, INVERSO

2

1 **AN ACT** establishing a program of public library project grants and
2 making an appropriation, supplementing Title 18A of the New
3 Jersey Statutes.

4

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

7

8 1. For the purposes of this act:

9 "Commissioner" means the Commissioner of Education of the
10 State of New Jersey or the commissioner's designated representative;

11 "Eligible project costs" means costs incurred in a project approved
12 by the commissioner;

13 "Fund" means the "Public Library Project Fund" established
14 pursuant to section 2 of this act;

15 "Project," means any construction, expansion, rehabilitation or
16 acquisition project eligible for a grant under regulations and standards
17 promulgated under section 3 of this act;

18 "Public library" means a library that serves free of charges all
19 residents of an area as established pursuant to chapter 33 or chapter
20 54 of Title 40 of the New Jersey Statutes.

21

22 2. The "Public Library Project Fund" is established as a separate
23 account in the General Fund within the Department of Education. The
24 fund shall be administered by the department and shall be credited with
25 such monies as are appropriated by the Legislature and any other
26 moneys made available to the department from any source or sources
27 that the commissioner shall determine may be used for the purposes
28 authorized by this act. Monies in the fund shall be used by the
29 department solely for providing grants authorized by section 3 of this
30 act for eligible project costs determined pursuant to section 4 of this
31 act.

32

33 3. Monies in the fund shall be distributed as grants to public
34 libraries for all or part of eligible project costs as are enumerated in
35 section 4 of this act, based on competitive criteria and a selection
36 process established by the Division of the State Library, Archives and
37 History and approved by the commissioner. The commissioner shall
38 prescribe procedures for applying for the grant, and terms and
39 conditions for receiving a grant. The commissioner shall adopt such
40 rules and regulations as the commissioner determines are necessary to
41 the administration of this act.

42

43 4. The following project costs shall be eligible for grants, at the
44 discretion of the commissioner:

45 a. Construction of new buildings to be used for public library
46 purposes;

S1924 LITTELL, INVERSO

4

1 related land acquisition and site improvement costs; and costs relating
2 to the acquisition and installation of equipment to be located in public
3 library facilities, including all necessary building fixtures and utilities,
4 office furniture and public library equipment, such as library shelving
5 and filing equipment, catalogs, cabinets, circulation desks, reading
6 tables, study carrels, and information retrieval devices including
7 equipment necessary for Internet access.

8 The bill appropriates \$15,000,000 for the purposes of the program
9 and directs that \$15,000,000 be appropriated in each of the two
10 subsequent years for the purposes of the program.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 1924

STATE OF NEW JERSEY

DATED: JUNE 7, 1999

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 1924.

Senate Bill 1924 establishes a public library construction, expansion, rehabilitation and acquisition project grant program in the Department of Education.

The bill establishes the "Public Library Project Fund" in the Department of Education to be the repository for funds appropriated for grants to municipal and county public libraries. The grants will be made based on competitive criteria and a selection process established by the Division of the State Library, Archives and History, subject to the approval of the Commissioner of Education. The commissioner will determine the formal loan process and the terms of the grants, which may be for all or part of eligible project costs.

Eligible project costs include construction of new library buildings; expansion, rehabilitation or acquisition of existing library buildings; related land acquisition and site improvement costs; and costs relating to the acquisition and installation of equipment to be located in public library facilities, including all necessary building fixtures and utilities, office furniture and public library equipment, such as library shelving and filing equipment, catalogs, cabinets, circulation desks, reading tables, study carrels, and information retrieval devices including equipment necessary for Internet access.

The bill appropriates \$15,000,000 for the purposes of the program and directs that \$15,000,000 be appropriated in each of the two subsequent years for the purposes of the program.

**GOVERNOR SIGNS LEGISLATION ESTABLISHING
\$45 MILLION GRANT PROGRAM FOR LIBRARY CONSTRUCTION**

Gov. Christie Whitman today demonstrated her commitment to improving educational facilities in New Jersey when she signed legislation establishing a \$45 million grant program to assist municipalities and counties in building new libraries or improving existing ones.

"With this legislation, state government steps forward to provide critically needed money to help our libraries continue their vital services," the Governor said. "We are answering the need many libraries have for serious infrastructure repair, as well as significant renovation to wire for new technology and to make libraries compliant with the Americans With Disabilities Act."

"This is not an issue we can `shelve.' We have to think about the thousands of people who rely on public libraries. The library is a primary educational tool for the elderly and retired and a valuable supplement for children. We have to make sure New Jersey's libraries remain a center of learning and advancement for everyone," Gov. Whitman said.

"Libraries have long been a symbol of education and advancement in American society. The need for libraries has always been clear, but in this age of information it is obvious they are essential. And today it seems more and more people are taking advantage of this limitless resource," the Governor said.

"Improving our libraries will help us move to the forefront of the information superhighway. An investment in our libraries is an investment in the future of our state," she said.

The legislation, **A-2849**, was signed by the Governor at a public ceremony at the Hasbrouck Heights Public Library. The legislation was sponsored by Assembly Members Rose Marie Heck (R- Bergen), Leonard Lance (R- Warren/Hunterdon/Mercer) and Senators Robert E. Littel (R- Sussex/Hunterdon/Morris) and Peter A. Inverso (R- Mercer/Middlesex).

The bill establishes the Public Library Grant Program, which will be administered by a seven-member Public Library Construction Advisory Board. The board will be chaired by the Secretary of State. The program provides \$45 million in bonds that will be financed through the Educational Facilities Authority to be used for the construction, expansion, rehabilitation and acquisition of public library facilities.

Public libraries receiving a grant will be subject to a 3:1 matching requirement. Therefore, a total of \$180 million will be leveraged for library construction in the state.

Following the bill signing, the Governor visited Rutherford Township and participated in a walking tour of Rutherford's Main Street.