

58:11B-3; 58:11B-9 & 58:11B-9.5 et al

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2019 **CHAPTER:** 516

NJSA: **58:11B-3; 58:11B-9 & 58:11B-9.5 et al** (Makes changes to New Jersey Infrastructure Bank's enabling act.)

BILL NO: A5972 (Substituted for S4203)

SPONSOR(S) Nancy J. Pinkin and others

DATE INTRODUCED: 11/18/2019

COMMITTEE: **ASSEMBLY:** Environment & Solid Waste
SENATE: ---

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 12/16/2019
SENATE: 1/9/2020

DATE OF APPROVAL: 1/21/2020

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First Reprint enacted) Yes

A5972

SPONSOR'S STATEMENT (Begins on page 18 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S4203

SPONSOR'S STATEMENT (Begins on page 19 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No
SENATE: Yes Envir. & Energy

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

RWH/JA

P.L. 2019, CHAPTER 516, *approved January 21, 2020*
Assembly, No. 5972 (*First Reprint*)

1 AN ACT concerning the New Jersey Infrastructure Bank and
2 amending various parts of the statutory law.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 3 of P.L.1985, c.334 (C.58:11B-3) is amended to
8 read as follows:

9 3. As used in sections 1 through 27 of P.L.1985, c.334
10 (C.58:11B-1 through C.58:11B-27), sections 23 through 27 of
11 P.L.1997, c.224 (C.58:11B-10.1 et al.), and sections 22 and 34
12 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-
13 10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4):

14 "Bonds" means bonds issued by the trust pursuant to P.L.1985,
15 c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et
16 al.);

17 "Combined sewer overflow" means the discharge of untreated or
18 partially treated stormwater runoff and wastewater from a combined
19 sewer system into a body of water;

20 "Combined sewer system" means a sewer system designed to
21 carry sanitary wastewater at all times, which is also designed to
22 collect and transport stormwater runoff from streets and other
23 sources, thereby serving a combined purpose;

24 "Commissioner" means the Commissioner of the Department of
25 Environmental Protection;

26 "Cost" means the cost of all labor, materials, machinery and
27 equipment, lands, property, rights and easements, financing
28 charges, interest on bonds, notes or other obligations, plans and
29 specifications, surveys or estimates of costs and revenues,
30 engineering and legal services, and all other expenses necessary or
31 incident to all or part of an environmental infrastructure project;

32 "Department" means the Department of Environmental
33 Protection;

34 "Environmental infrastructure project" means the acquisition,
35 construction, improvement, repair or reconstruction of all or part of
36 any structure, facility or equipment, or real or personal property
37 necessary for or ancillary to any: (1) wastewater treatment system
38 project, including any stormwater management or combined sewer
39 overflow abatement projects; or (2) water supply project, as
40 authorized pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.) or
41 P.L.1997, c.224 (C.58:11B-10.1 et al.), including any water
42 resources project, as authorized pursuant to P.L.2003, c.162;

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AEN committee amendments adopted December 9, 2019.

1 "Federal infrastructure bank program" means the United States
2 Department of Transportation State Infrastructure Bank Program
3 provided for in section 350 of Pub.L.104-59 and Pub.L.102-240 as
4 amended or superseded;

5 **["Line of credit"]** "Planning, design, and construction loan"
6 means a short-term or temporary loan for eligible costs incurred in
7 project planning, engineering design, **[and]** or construction issued
8 before or during the planning stage of a project;

9 "Local government unit" means (1) a State authority, county,
10 municipality, municipal, county or regional sewerage or utility
11 authority, municipal sewerage district, joint meeting, improvement
12 authority, or any other political subdivision of the State authorized
13 to construct, operate, and maintain wastewater treatment systems;
14 (2) a State authority, district water supply commission, county,
15 municipality, municipal, county or regional utilities authority,
16 municipal water district, joint meeting, or any other political
17 subdivision of the State authorized pursuant to law to operate or
18 maintain a public water supply system or to construct, rehabilitate,
19 operate, or maintain water supply facilities or otherwise provide
20 water for human consumption; or (3) a county, municipality,
21 municipal, county or regional transportation authority, or any other
22 political subdivision of the State authorized to construct, operate,
23 and maintain public highways or transportation projects as defined
24 pursuant to this section;

25 "New Jersey Environmental Infrastructure Financing Program"
26 means the financing program to fund environmental infrastructure
27 projects;

28 "New Jersey Transportation Infrastructure Financing Program"
29 means the financing program to fund transportation infrastructure
30 projects;

31 "Notes" means notes issued by the trust pursuant to P.L.1985,
32 c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.),
33 or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3
34 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and
35 C.58:11B-22.4);

36 "Onsite septic system ordinance or regulation" means an
37 ordinance adopted by a municipality or county or regulation
38 adopted by a regional planning agency establishing the
39 requirements for construction, maintenance and repair of onsite
40 wastewater treatment and disposal systems;

41 "Onsite wastewater treatment and disposal system" means an on-
42 site system designed to treat and dispose of domestic sewage;

43 "Other assistance" means forms of financial assistance, in
44 addition to loans, authorized by the New Jersey Infrastructure Bank
45 from the State Transportation Infrastructure Bank Fund, including,
46 but not limited to, use of funds to: provide credit enhancements;
47 serve as a capital reserve for bond or other debt instrument
48 financing; subsidize interest rates; ensure the issuance of letters of
49 credit and credit instruments; finance purchase and lease

1 agreements with respect to transit projects; and provide bond or
2 other debt financing instrument security;

3 "Project" means the acquisition, construction, improvement,
4 repair or reconstruction of all or part of any structure, facility, or
5 equipment, or real or personal property necessary for or ancillary to
6 any: (1) wastewater treatment system project, including any
7 stormwater management or combined sewer overflow abatement
8 projects; (2) water supply project, as authorized pursuant to
9 P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-
10 10.1 et al.), including any water resources project, as authorized
11 pursuant to P.L.2003, c.162; or (3) transportation project authorized
12 pursuant to sections 22 and 34 through 38 of P.L.2016, c.56
13 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-
14 22.3, and C.58:11B-22.4);

15 "Public highway" means public roads, streets, expressways,
16 freeways, parkways, motorways and boulevards, including bridges,
17 tunnels, overpasses, underpasses, interchanges, express bus
18 roadways, bus pullouts and turnarounds, park-ride facilities, traffic
19 circles, grade separations, traffic control devices, the elimination or
20 improvement of crossings of railroads and highways, whether at-
21 grade or not at-grade, bicycle and pedestrian pathways and
22 pedestrian and bicycle bridges, and any property, rights of way,
23 easements and interests therein needed for the construction,
24 improvement, and maintenance of highways;

25 "Public water utility" means any investor-owned water company
26 or small water company;

27 "Small water company" means any company, purveyor or entity,
28 other than a governmental agency, that provides water for human
29 consumption and which regularly serves less than 1,000 customer
30 connections, including nonprofit, noncommunity water systems
31 owned or operated by a nonprofit group or organization;

32 "Stormwater management system" means any equipment, plants,
33 structures, machinery, apparatus, management practices, or land, or
34 any combination thereof, acquired, used, constructed, implemented
35 or operated to prevent nonpoint source pollution, abate improper
36 cross-connections and interconnections between stormwater and
37 sewer systems, minimize stormwater runoff, reduce soil erosion, or
38 induce groundwater recharge, or any combination thereof;

39 "Transportation project" means capital projects for public
40 highways, approach roadways and other necessary land-side
41 improvements, ramps, signal systems, roadbeds, transit lanes or
42 rights of way, pedestrian walkways and bridges connecting to
43 passenger stations and servicing facilities, bridges, and grade
44 crossings;

45 "Trust" means the New Jersey Infrastructure Bank created
46 pursuant to section 4 of P.L.1985, c.334 (C.58:11B-4);

47 "Wastewater" means residential, commercial, industrial, or
48 agricultural liquid waste, sewage, septage, stormwater runoff, or
49 any combination thereof, or other liquid residue discharged or

1 collected into a sewer system or stormwater management system, or
2 any combination thereof;

3 "Wastewater treatment system" means any equipment, plants,
4 structures, machinery, apparatus, or land, or any combination
5 thereof, acquired, used, constructed or operated by, or on behalf of,
6 a local government unit for the storage, collection, reduction,
7 recycling, reclamation, disposal, separation, or other treatment of
8 wastewater or sewage sludge, or for the collection or treatment, or
9 both, of stormwater runoff and wastewater, or for the final disposal
10 of residues resulting from the treatment of wastewater, including,
11 but not limited to, pumping and ventilating stations, treatment
12 plants and works, connections, outfall sewers, interceptors, trunk
13 lines, stormwater management systems, and other personal property
14 and appurtenances necessary for their use or operation; "wastewater
15 treatment system" shall include a stormwater management system
16 or a combined sewer system;

17 "Wastewater treatment system project" means any work relating
18 to the acquisition, construction, improvement, repair or
19 reconstruction of all or part of any structure, facility or equipment,
20 or real or personal property necessary for or ancillary to any
21 wastewater treatment system that meets the requirements set forth
22 in sections 20, 21, and 22 of P.L.1985, c.334 (C.58:11B-20,
23 C.58:11B-21, and C.58:11B-22); or any work relating to any of the
24 stormwater management or combined sewer overflow abatement
25 projects identified in the stormwater management and combined
26 sewer overflow abatement project priority list adopted by the
27 commissioner pursuant to section 28 of P.L.1989, c.181; or any
28 work relating to the purposes set forth in section 6 of P.L.2003,
29 c.162; or any work relating to any other project eligible for
30 financing under the "Federal Water Pollution Control Act
31 Amendments of 1972" (33 U.S.C. s.1251 et seq.), or any
32 amendatory or supplementary acts thereto;

33 "Water resources project" means any work related to transferring
34 water between public water systems during a state of water
35 emergency, to avert a drought emergency in all or any part of the
36 State, to plan, design or construct interconnections of existing water
37 supplies, or to extend water supplies to areas with contaminated
38 ground water supplies;

39 "Water supply facilities" means and refers to the real property
40 and the plants, structures, interconnections between existing water
41 supply facilities, machinery and equipment and other property, real,
42 personal and mixed, acquired, constructed or operated, or to be
43 acquired, constructed or operated, in whole or in part, by or on
44 behalf of a public water utility, or by or on behalf of the State or a
45 local government unit, for the purpose of augmenting the natural
46 water resources of the State and making available an increased
47 supply of water for all uses, or of conserving existing water
48 resources, and any and all appurtenances necessary, useful or
49 convenient for the collecting, impounding, storing, improving,

1 treating, filtering, conserving or transmitting of water, and for the
2 preservation and protection of these resources and facilities,
3 whether in public or private ownership, and providing for the
4 conservation and development of future water supply resources, and
5 facilitating incidental recreational uses thereof;

6 "Water supply project" means any work relating to the
7 acquisition, construction, improvement, repair or reconstruction of
8 all or part of any structure, facility or equipment, or real or personal
9 property necessary for or ancillary to water supply facilities that
10 meets the requirements set forth in sections 24, 25, and 26 of
11 P.L.1997, c.224 (C.58:11B-20.1, C.58:11B-21.1, and C.58:11B-
12 22.1); or any work relating to the purposes set forth in section 4 of
13 P.L.1981, c.261; or any work relating to the purposes set forth in
14 section 6 of P.L.2003, c.162; or any work relating to any other
15 project eligible for funding pursuant to the federal "Safe Drinking
16 Water Act Amendments of 1996," Pub.L.104-182, and any
17 amendatory and supplementary acts thereto.

18 (cf: P.L.2018, c.75, s.1)

19

20 2. Section 9 of P.L.1985, c.334 (C.58:11B-9) is amended to
21 read as follows:

22 9. a. (1) The trust may make and contract to make loans to
23 local government units, or to a local government unit on behalf of
24 another local government unit, in accordance with and subject to the
25 provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997,
26 c.224 (C.58:11B-10.1 et al.) to finance the cost of any wastewater
27 treatment system project or water supply project, which the local
28 government unit may lawfully undertake or acquire and for which
29 the local government unit is authorized by law to borrow money.

30 (2) The trust may make and contract to make loans to public
31 water utilities, or to any other person or local government unit on
32 behalf of a public water utility, in accordance with and subject to
33 the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997,
34 c.224 (C.58:11B-10.1 et al.) to finance the cost of any water supply
35 project, which the public water utility may lawfully undertake or
36 acquire.

37 (3) The trust may make and contract to make loans to private
38 persons other than local government units, or to any other person or
39 local government unit on behalf of a private person, in accordance
40 with and subject to the provisions of P.L.1985, c.334 (C.58:11B-1
41 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to finance the cost
42 of stormwater management systems.

43 (4) The trust may make and contract to make loans and provide
44 other assistance to a local government unit or consortia thereof to
45 finance the cost of transportation projects pursuant to sections 22
46 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through
47 C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-
48 22.4), and provided that the federally-funded subaccount is operated

1 in accordance with the provisions of the federal infrastructure bank
2 program.

3 The loans may be made subject to those terms and conditions as
4 the trust shall determine to be consistent with the purposes thereof.
5 Each loan by the trust and the terms and conditions thereof shall be
6 subject to approval by the State Treasurer, and the trust shall make
7 available to the State Treasurer all information, statistical data and
8 reports of independent consultants or experts as the State Treasurer
9 shall deem necessary in order to evaluate the loan. Each loan to a
10 local government unit, public water utility or any other person shall
11 be evidenced by notes, bonds or other obligations thereof issued to
12 the trust. In the case of each local government unit, notes and
13 bonds to be issued to the trust and, if applicable, the State, acting by
14 and through the Department of Environmental Protection, by the
15 local government unit (1) shall be authorized and issued as provided
16 by law for the issuance of notes and bonds by the local government
17 unit, (2) notwithstanding any provisions of the "Local Authorities
18 Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.) to the
19 contrary, shall be approved by the Director of the Division of Local
20 Government Services in the Department of Community Affairs, and
21 (3) notwithstanding the provisions of N.J.S.40A:2-27, N.J.S.40A:2-
22 28 and N.J.S.40A:2-29 or any other provisions of law to the
23 contrary, may be sold at private sale to the trust or the State, as the
24 case may be, at any price, whether or not less than par value, and
25 shall be subject to redemption prior to maturity at any times and at
26 any prices as the trust or the State, as the case may be, and local
27 government units may agree. Each loan to a local government unit,
28 public water utility or any other person and the notes, bonds or
29 other obligations thereby issued shall bear interest at a rate or rates
30 per annum as the trust or the State, as the case may be, and the local
31 government unit, public water utility or any other person, as the
32 case may be, may agree.

33 b. The trust is authorized to guarantee or contract to guarantee
34 the payment of all or any portion of the principal and interest on
35 bonds, notes or other obligations issued by a local government unit
36 to finance the cost of any wastewater treatment system project,
37 water supply project, or transportation project which the local
38 government unit may lawfully undertake or acquire and for which
39 the local government unit is authorized by law to borrow money,
40 and the guarantee shall constitute an obligation of the trust for the
41 purposes of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224
42 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of
43 P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-
44 20.2, C.58:11B-22.3, and C.58:11B-22.4). Each guarantee by the
45 trust and the terms and conditions thereof shall be subject to
46 approval by the State Treasurer, and the trust shall make available
47 to the State Treasurer all information, statistical data and reports of
48 independent consultants or experts as the State Treasurer shall deem
49 necessary in order to evaluate the guarantee.

1 c. The trust shall not make or contract to make any loans or
2 guarantees to local government units, public water utilities or any
3 other person, or otherwise incur any additional indebtedness, on or
4 after June 30, 2033.

5 d. Notwithstanding any provision of P.L.1985, c.334
6 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to
7 the contrary, the trust may receive funds from any source including,
8 without limitation, any funds drawn by the trust from a revolving
9 line of credit or other similar financial vehicle that may be procured
10 by the trust, either through a competitive or negotiated process,
11 pursuant to section 5 of P.L.1985, c.334 (C.58:11B-5), for deposit
12 into the Interim Environmental Financing Program Fund or the trust
13 may issue its bonds, notes or other obligations, including
14 commercial paper issued through a competitive or negotiated
15 process, in any principal amounts, in either case, as in the judgment
16 of the trust shall be necessary to provide sufficient funds to finance
17 or refinance short-term or temporary loans to local government
18 units, public water utilities or private persons for any wastewater
19 treatment system projects included on the Department of
20 Environmental Protection project priority list and eligible for
21 approval pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20)
22 or water supply projects included on the Department of
23 Environmental Protection project priority list and eligible for
24 approval pursuant to section 24 of P.L.1997, c.224 (C.58:11B-20.1),
25 as applicable, without regard to any other provisions of P.L.1985,
26 c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et
27 al.), including, without limitation, any administrative or legislative
28 approvals.

29 The trust shall create and establish a special fund to be known as
30 the "Interim Environmental Financing Program Fund" for the short-
31 term or temporary loan financing or refinancing program to be
32 known as the "Interim Environmental Financing Program." The
33 monies in the fund shall be used for short-term or temporary loans
34 for clean water and drinking water projects pursuant to the New
35 Jersey Environmental Infrastructure Financing Program.

36 Except as provided in section 1 of P.L.2013, c.93 (C.58:11B-
37 9.5), any short-term or temporary loans made by the trust pursuant
38 to this subsection may only be made in advance of the anticipated
39 loans the trust may make and contract to make under the provisions
40 of subsection a. of this section from any source of funds anticipated
41 to be received by the trust. Any such short-term or temporary loan
42 made pursuant to the Interim Environmental Financing Program
43 shall mature no later than the last day of the third succeeding fiscal
44 year following the closing date on which the short-term or
45 temporary loan was made by the trust to the project sponsor; except
46 a **【line of credit loan】** planning, design, and construction loan shall
47 mature no later than the last day of the fifth succeeding fiscal year
48 following the closing date of the **【line of credit loan】** planning,
49 design, and construction loan or the last day of the third succeeding

1 fiscal year following the date of construction certification following
2 the closing date of the **【line of credit loan】** planning, design, and
3 construction loan, whichever is sooner , provided that, in either
4 case, project planning or engineering design activities shall not
5 exceed two years from the closing date of the planning, design, and
6 construction loan; and except a short-term or temporary loan made
7 pursuant to this subsection for environmental planning and
8 engineering design costs associated with long-term control plans for
9 combined sewer overflow projects shall mature no later than the last
10 day of the 10th succeeding fiscal year following the closing date on
11 which the short-term or temporary loan was made by the trust to the
12 project sponsor. With respect to any short-term or temporary loan
13 or planning, design, and construction loan made by the trust
14 pursuant to this subsection, the trust may authorize one short-term
15 supplemental loan for residual project expenses thereof upon receipt
16 by the trust from the Department of Environmental Protection of a
17 certification that states that the time required by the project sponsor
18 to complete construction of the project exceeds the maximum
19 maturity date of the project sponsor's outstanding short-term or
20 temporary loan or planning, design, and construction loan. Any
21 such short-term supplemental loan shall not exceed in duration the
22 last day of the third succeeding fiscal year following the loan
23 closing of the supplemental loan. The trust may make short-term or
24 temporary loans pursuant to the Interim Environmental Financing
25 Program to any one or more of the project sponsors, for the
26 respective projects thereof, identified in the interim financing
27 project priority list to be known as the "Interim Environmental
28 Financing Program Project Priority List" in the form provided to the
29 Legislature by the Commissioner of Environmental Protection.

30 The Interim Environmental Financing Program Project Priority
31 List, including any revision thereof or supplement thereto, shall be
32 submitted to the Legislature pursuant to section 2 of P.L.1991,
33 c.164 (C.52:14-19.1) at least once in each fiscal year as provided in
34 section 20 of P.L.1985, c.334 (C.58:11B-20) and section 24 of
35 P.L.1997, c.224 (C.58:11B-20.1). The Secretary and the Clerk shall
36 cause the date of submission to be entered upon the Senate Journal
37 and the Minutes of the General Assembly, respectively. The trust
38 may revise or supplement the Interim Environmental Financing
39 Program Project Priority List no more than four times during the
40 fiscal year and shall submit the revised list to the Legislature when
41 the revisions are made. Any environmental infrastructure project or
42 the project sponsor thereof not identified in the Interim
43 Environmental Financing Program Project Priority List shall not be
44 eligible for a short-term or temporary loan from the Interim
45 Environmental Financing Program Fund. The trust may issue short-
46 term or temporary loans pursuant to this subsection only if a project
47 is listed on an Interim Environmental Financing Program Project
48 Priority List that has been submitted to the Legislature. No funds
49 may be disbursed pursuant to this section for project activities prior

1 to a determination and certification, in writing, from the
2 Department of Environmental Protection, that the project activities
3 satisfy the provisions of P.L.1985, **[c.332]** c.334 (C.58:11B-1 et
4 seq.).

5 e. Notwithstanding any provisions of the "Local Bond Law"
6 (N.J.S.40A:2-1 et seq.), the "sewerage authorities law," P.L.1946,
7 c.138 (C.40:14A-1 et seq.), or the "municipal and county utilities
8 authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.) to the
9 contrary, short-term or temporary loans made by the trust pursuant
10 to section 9 of P.L.1985, c.334 (C.58:11B-9) or section 1 of
11 P.L.2013, c.93 (C.58:11B-9.5), and the obligations issued by project
12 sponsors to evidence such loans, may, at the discretion of the trust
13 and upon application by the project sponsor, bear interest at a
14 variable rate determined pursuant to a methodology as may be
15 established by the trust from time to time.

16 Further, notwithstanding any provisions of the "Local Bond
17 Law" (N.J.S.40A:2-1 et seq.), the "sewerage authorities law,"
18 P.L.1946, c.138 (C.40:14A-1 et seq.), or the "municipal and county
19 utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.) to
20 the contrary, any short-term or temporary loans made by the trust
21 pursuant to section 9 of P.L.1985, c.334 (C.58:11B-9) or section 1
22 of P.L.2013, c.93 (C.58:11B-9.5), and any notes or other
23 obligations issued by project sponsors to evidence such short-term
24 or temporary loans, as such loans, notes, or other obligations may
25 be refinanced or extended, as provided in subsections d. and g. of
26 this section and section 1 of P.L.2013, c.93 (C.58:11B-9.5), except
27 for loans for environmental planning and engineering design costs
28 associated with long-term control plans for combined sewer
29 overflow projects as provided in subsection d. of this section, shall
30 mature no later than the **[**last day of the fifth succeeding fiscal year
31 following the date of issuance of such notes or other obligations**]**
32 maturity date as established pursuant to subsections d. and g. of this
33 section and section 1 of P.L.2013, c.93 (C.58:11B-9.5), without
34 payment by project sponsors of any portion of the principal thereof
35 prior to maturity.

36 f. Any balances remaining in the Emergency Loan Fund
37 established pursuant to section 4 of P.L.2007, c.138 (C.58:11B-9.1),
38 the Planning and Design Fund established pursuant to section 1 of
39 P.L.2009, c.59 (C.58:11B-9.2), the Onsite Wastewater Disposal
40 Loan Fund established pursuant to section 5 of P.L.2009, c.103
41 (C.58:11B-9.3), the Supplemental Loan Fund established pursuant
42 to section 2 of P.L.2011, c.94 (C.58:11B-9.4), and the Equipment
43 Loan Fund established pursuant to section 1 of P.L.2014, c.28
44 (C.58:11B-9.6) after the date of enactment of P.L.2016, c.30 shall
45 be transferred to the Interim Environmental Financing Program
46 Fund, and any loan repayments to the trust of principal and interest
47 or premium on loans made from those funds shall be credited to the
48 Interim Environmental Financing Program Fund.

1 g. The trust shall create and establish a special fund to be
2 known as the "Interim Transportation Financing Program Fund" for
3 the short-term or temporary loan financing or refinancing program
4 to be known as the "Interim Transportation Financing Program."

5 Notwithstanding any provision of P.L.1985, c.334 (C.58:11B-1
6 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to the contrary,
7 the trust may receive funds from any source including, without
8 limitation, any funds drawn by the trust from a revolving line of
9 credit or other similar financial vehicle that may be procured by the
10 trust, either through a competitive or negotiated process, pursuant to
11 section 5 of P.L.1985, c.334 (C.58:11B-5), for deposit into the
12 Interim Transportation Financing Program Fund or the trust may
13 issue its bonds, notes or other obligations in any principal amounts,
14 in either case, as in the judgment of the trust shall be necessary to
15 provide sufficient funds to finance or refinance short-term or
16 temporary loans to local government units or private persons for
17 any transportation project included on the Department of
18 Transportation Interim Transportation Financing Program Project
19 Priority List for the ensuing fiscal year and eligible for approval
20 pursuant to sections 22 and 34 through 38 of P.L.2016, c.56
21 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-
22 22.3, and C.58:11B-22.4), without regard to any other provisions of
23 P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-
24 10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56
25 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-
26 22.3, and C.58:11B-22.4), including, without limitation, any
27 administrative or legislative approvals.

28 Any short-term or temporary loans made by the trust pursuant to
29 this subsection may only be made in advance of the anticipated
30 loans the trust may make and contract to make under the provisions
31 of subsection a. of this section from any source of funds anticipated
32 to be received by the trust. Any such short-term or temporary loan
33 made pursuant to the Interim Transportation Financing Program
34 shall mature no later than the last day of the third succeeding fiscal
35 year following the closing date on which the short-term or
36 temporary loan was made by the trust to the project sponsor; except
37 a 【line of credit loan】 planning, design, and construction loan shall
38 mature no later than the last day of the fifth succeeding fiscal year
39 following the closing date of the 【line of credit loan】 planning,
40 design, and construction loan or the last day of the third succeeding
41 fiscal year following the date of construction certification following
42 the closing date of the 【line of credit loan】 planning, design, and
43 construction loan, whichever is sooner, provided that, in either
44 case, project planning or engineering design activities shall not
45 exceed two years from the closing date of the planning, design, and
46 construction loan. With respect to any short-term or temporary loan
47 or planning, design, and construction loan made by the trust
48 pursuant to this subsection, the trust may authorize one short-term
49 supplemental loan for residual expenses thereof upon receipt by the

1 trust from the Department of Transportation of a certification that
2 states that the time required by the project sponsor to complete
3 construction of the project exceeds the maximum maturity date of
4 the short-term or temporary loan or planning, design, and
5 construction loan. Any such short-term supplemental loan shall not
6 exceed in duration the last day of the third succeeding fiscal year
7 following the loan closing of the short-term supplemental loan. The
8 trust may make short-term or temporary loans pursuant to the
9 Interim Transportation Financing Program to any one or more of the
10 project sponsors, for the respective projects thereof, only if a
11 project is identified in the Department of Transportation Interim
12 Transportation Financing Program Project Priority List to be known
13 as the “Interim Transportation Financing Program Project Priority
14 List” in the form provided to the Legislature by the Commissioner
15 of Transportation.

16 The Interim Transportation Financing Program Project Priority
17 List, including any revision thereof or supplement thereto, shall be
18 submitted to the Secretary of the Senate and the Clerk of the
19 General Assembly on or before July 1 of each year. The Interim
20 Transportation Financing Program Project Priority List shall be
21 submitted to the Legislature pursuant to section 2 of P.L.1991,
22 c.164 (C.52:14-19.1) at least once in each fiscal year. The
23 Secretary and the Clerk shall cause the date of submission to be
24 entered upon the Senate Journal and the Minutes of the General
25 Assembly, respectively. Any transportation infrastructure project or
26 the project sponsor thereof not identified in the Interim
27 Transportation Financing Program Project Priority List shall not be
28 eligible for a short-term or temporary loan from the Interim
29 Transportation Financing Program Fund. The trust may revise or
30 supplement the Interim Transportation Financing Program Project
31 **【Eligibility】** Priority List no more than four times during the fiscal
32 year, and shall submit the revised list to the Legislature when the
33 revisions are made.

34 No funds may be disbursed pursuant to this subsection for
35 project activities prior to written notification of award concurrence
36 from the Department of Transportation and certification in writing,
37 from the trust, that the project activities satisfy the provisions of
38 P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-
39 10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56
40 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-
41 22.3, and C.58:11B-22.4).

42 (cf: P.L.2019, c.194, s.1)

43

44 3. Section 1 of P.L.2013, c.93 (C.58:11B-9.5) is amended to
45 read as follows:

46 1. a. The trust shall create and establish a special fund to be
47 known as the “Disaster Relief Emergency Financing Program Fund”
48 for the disaster relief emergency short-term or temporary loan

1 program of the trust to be known as the “Disaster Relief Emergency
2 Financing Program.”

3 The Disaster Relief Emergency Financing Program Fund shall be
4 credited with:

5 (1) moneys deposited in the fund as administrative fees received
6 by the trust pursuant to subsection o. of section 5 of P.L.1985, c.334
7 (C.58:11B-5);

8 (2) moneys received by the trust as repayment of the principal
9 of and the interest or premium on loans made from the fund;

10 (3) any interest earnings received on the moneys in the fund;

11 (4) such other moneys as the Legislature may appropriate to the
12 trust for deposit into the fund at any time to finance or refinance
13 emergency short-term or temporary loans pursuant to the Disaster
14 Relief Emergency Financing Program;

15 (5) the proceeds of any bonds, notes or other obligations that
16 may be issued by the trust from time to time in any principal
17 amounts as in the judgment of the trust shall be necessary or
18 appropriate to provide sufficient funds for deposit into the fund to
19 finance or refinance emergency short-term or temporary loans
20 pursuant to the Disaster Relief Emergency Financing Program; and

21 (6) any other source of available funds that may be deemed by
22 the trust to be necessary or appropriate to provide sufficient funds
23 for deposit into the fund to finance or refinance emergency short-
24 term or temporary loans pursuant to the Disaster Relief Emergency
25 Financing Program, including, without limitation, any funds drawn
26 by the trust from (i) a revolving line of credit or other similar
27 financial vehicle, or (ii) a commercial paper financing program,
28 either through a competitive or negotiated process, that may be
29 procured by the trust pursuant to the provisions of section 5 of
30 P.L.1985, c.334 (C.58:11B-5), for deposit into the fund to finance
31 or refinance emergency short-term or temporary loans pursuant to
32 the Disaster Relief Emergency Financing Program.

33 b. Notwithstanding any provision of P.L.1985, c.334
34 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.),
35 sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3
36 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and
37 C.58:11B-22.4) to the contrary, the trust may make emergency
38 short-term or temporary Disaster Relief Emergency Financing
39 Program loans to: (1) local government units to finance or refinance
40 the costs incurred in the environmental planning and design
41 associated with such wastewater treatment system projects, and
42 wastewater treatment system projects, as applicable; or (2) local
43 government units, public water utilities, or private persons to
44 finance or refinance the costs incurred in the environmental
45 planning and design of water supply projects, and water supply
46 projects, as applicable.

47 Funds may only be disbursed for emergency short-term or
48 temporary loans upon the determination and certification in writing
49 by the department that any such project costs are necessary and

1 appropriate to: repair damages to a wastewater treatment system or
2 water supply facility directly arising from an act of terrorism,
3 seismic activity, or weather conditions that occurred within the
4 three fiscal years after a declaration by the Governor of a state of
5 emergency, provided the wastewater treatment system or water
6 supply facility is located in a county included in the Governor's
7 state of emergency declaration; or mitigate the risk of future
8 damage to a wastewater treatment system or water supply facility
9 from an act of terrorism, seismic activity, or weather conditions
10 comparable in scope and severity to the act of terrorism, seismic
11 activity, or weather conditions that occurred within the three fiscal
12 years after a declaration by the Governor of a state of emergency,
13 provided the wastewater treatment system or water supply facility is
14 located in a county included in the Governor's state of emergency
15 declaration, without regard to any other provisions of P.L.1985,
16 c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.),
17 or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3
18 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and
19 C.58:11B-22.4), including, without limitation, the provisions of
20 section 20 of P.L.1985, c.334 (C.58:11B-20), section 24 of
21 P.L.1997, c.224 (C.58:11B-20.1), the Interim Environmental
22 Financing Program Project Priority List pursuant to subsection d. of
23 section 9 of P.L.1985, c.334 (C.58:11B-9), or any administrative or
24 legislative approvals. A project shall be eligible for emergency
25 short-term or temporary loans pursuant to this section if it is
26 identified on a Disaster Relief Emergency Financing Program
27 Project Priority List no more than three years after the conditions
28 that gave rise to a declaration by the Governor of a state of
29 emergency. Any such short-term or temporary loan pursuant to the
30 Disaster Relief Emergency Financing Program shall mature no later
31 than the last day of the third succeeding fiscal year following the
32 closing date on which the short-term or temporary loan was made
33 by the trust to the project sponsor; except a **【line of credit loan】**
34 planning, design, and construction loan shall mature no later than
35 the last day of the fifth succeeding fiscal year following the closing
36 date of the **【line of credit loan】** planning, design, and construction
37 loan or the last day of the third succeeding fiscal year following the
38 date of construction certification following the closing date of the
39 **【line of credit loan】** planning, design, and construction loan,
40 whichever is sooner, provided that, in either case, project planning
41 or engineering design activities shall not exceed two years from the
42 closing date of the planning, design, and construction loan. With
43 respect to any short-term or temporary loan or planning, design, and
44 construction loan made by the trust pursuant to this subsection, the
45 trust may authorize one short-term supplemental loan for residual
46 project expenses thereof upon receipt by the trust from the
47 department of a certification that states that the time required by the
48 project sponsor to complete construction of the project exceeds the
49 maximum maturity date of the short-term or temporary loan or

1 planning, design, and construction loan. Any such short-term
2 supplemental loan shall not exceed in duration the last day of the
3 third succeeding fiscal year following the loan closing of the short-
4 term supplemental loan.

5 c. The trust may make short-term or temporary loans pursuant
6 to the Disaster Relief Emergency Financing Program to one or more
7 of the project sponsors, for the respective projects thereof, provided
8 that the project is identified on the Disaster Relief Emergency
9 Financing Program project priority list to be known as the "Disaster
10 Relief Emergency Financing Program Project Priority List" no later
11 than three years after the date of the declaration by the Governor of
12 a state of emergency in the form provided to the Legislature by the
13 Commissioner of Environmental Protection. However, a project
14 may be eligible for funding pursuant to this section more than three
15 years after the date of the declaration by the Governor of a state of
16 emergency if the project was first included on a Disaster Relief
17 Emergency Financing Program Project Priority List within three
18 years after the date of the declaration by the Governor of a state of
19 emergency and continues to be identified on the Disaster Relief
20 Emergency Financing Program Project Priority List in the fiscal
21 year in which the funding is issued. The Disaster Relief Emergency
22 Financing Program Project Priority List shall be submitted to the
23 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1)
24 at least once in each fiscal year. An environmental infrastructure
25 project or a project sponsor thereof not identified on the Disaster
26 Relief Emergency Financing Program Project Priority List
27 submitted to the Legislature shall not be eligible for a short-term or
28 temporary loan from the Disaster Relief Emergency Financing
29 Program Fund.

30 d. The trust shall submit a report on the Disaster Emergency
31 Financing Program to the Legislature pursuant to section 2 of
32 P.L.1991, c.164 (~~【C.54:14-19.1】~~ C.52:14-19.1) on or before
33 January 15 of each year. The Secretary of the Senate and the Clerk
34 of the General Assembly shall cause the date of submission to be
35 entered upon the Senate Journal and the Minutes of the General
36 Assembly, respectively. The report shall identify the wastewater
37 treatment system and water supply projects financed during the
38 prior fiscal year through the program including a project
39 description, the amount of the Disaster Relief Emergency Financing
40 Program loan provided for each project, and the duration of each
41 loan.

42 (cf: P.L.2019, c.194, s.2)

43

44 4. Section 1 of P.L.2005, c.202 (C.58:11B-10.2) is amended to
45 read as follows:

46 1. a. There is established in the New Jersey Infrastructure
47 Bank a special fund to be known as the Department of
48 Environmental Protection Loan Origination Fee Fund.

1 The Department of Environmental Protection Loan Origination
2 Fee Fund shall be credited with:

3 (1) moneys deposited into the fund as loan origination fees
4 received by the Department of Environmental Protection and paid
5 by project sponsors of wastewater treatment system projects or
6 water supply projects financed under the New Jersey Environmental
7 Infrastructure Financing Program; and

8 (2) any interest **【accumulated】** paid on the amounts **【of】** on
9 deposit in the Department of Environmental Protection **【loan**
10 **origination fees】** Loan Origination Fee Fund.

11 b. Moneys in the Department of Environmental Protection
12 Loan Origination Fee Fund shall be drawn and used by the
13 Department of Environmental Protection for administrative and
14 operating expenses incurred by the department in administering the
15 New Jersey Environmental Infrastructure Financing Program,
16 except that the total amount utilized by the department for
17 administrative and operating expenses in any fiscal year shall not
18 exceed \$5,000,000. The **【amounts】** monies in the Department of
19 Environmental Protection Loan Origination Fee Fund shall also be
20 available for application by the department for State matching funds
21 or loans to local government units for the cost of wastewater
22 treatment system or water supply projects. Amounts in excess of
23 **【revenue anticipation】** the funds drawn by the department from the
24 Department of Environmental Protection Loan Origination Fee
25 Fund during any given fiscal year shall be carried forward into the
26 following fiscal year and held on deposit in the fund.

27 c. As used in this section, "Department of Environmental
28 Protection loan origination fee" means the fee charged by the
29 Department of Environmental Protection **【and financed under the】**
30 in connection with engineering and environmental services
31 provided by the department to a project sponsor pursuant to such
32 project sponsor's participation in the New Jersey Environmental
33 Infrastructure Financing Program. A project sponsor may finance
34 any portion of the Department of Environmental Protection loan
35 origination fee through the trust by a trust loan to pay a portion of
36 the costs incurred by the department in the implementation of the
37 New Jersey Environmental Infrastructure Financing Program.

38 (cf: P.L.2016, c.56, s.21)

39

40 5. Section 22 of P.L.2016, c.56 (C.58:11B-10.3) is amended to
41 read as follows:

42 22. a. There is established in the New Jersey Infrastructure
43 Bank a special fund to be known as the Transportation Loan
44 Origination Fee Fund.

45 The Transportation Loan Origination Fee Fund shall be credited
46 with:

47 (1) moneys deposited into the fund as loan origination fees
48 received by the trust and paid by loan applicants for transportation

1 projects financed under the New Jersey Transportation
2 Infrastructure Financing Program; and

3 (2) any interest **【accumulated】** paid on the amounts of the
4 transportation loan origination fees.

5 b. Moneys in the Transportation Loan Origination Fee Fund
6 shall be drawn and used by the trust to reimburse the trust and then
7 the Department of Transportation for administrative and operating
8 expenses incurred in administering the New Jersey Transportation
9 Infrastructure Financing Program, except that the total amount
10 expended by the trust for administrative and operating expenses in
11 any fiscal year shall not exceed \$8,000,000. The **【amounts】** monies
12 in the Transportation Loan Origination Fee Fund shall also be
13 available for application by the trust for loans to local government
14 units for the cost of transportation projects. Amounts in excess of
15 **【revenue anticipation】** the funds drawn by the Department of
16 Transportation from the Transportation Loan Origination Fee Fund
17 during any given fiscal year shall be carried forward into the
18 following fiscal year and held on deposit in the fund.

19 c. As used in this section, “transportation loan origination fee”
20 means the fee charged by the trust **【and financed under the】** in
21 connection with engineering and environmental services provided
22 by the Department of Transportation to a project sponsor pursuant
23 to such project sponsor’s participation in the New Jersey
24 Transportation Financing Program. A project sponsor may finance
25 any portion of the transportation loan origination fee through the
26 trust through a transportation loan **【to pay a portion of the costs**
27 **incurred by the trust or the Department of Transportation in the**
28 **implementation of the New Jersey Transportation Infrastructure**
29 **Financing Program】** by the trust to such project sponsor.

30 (cf: P.L.2019, c.194, s.3)

31

32 6. Section 23 of P.L.1985, c.334 (C.58:11B-23) is amended to
33 read as follows:

34 23. a. No funds from State sources or State bond issues used to
35 capitalize the trust shall be available for use by the trust unless
36 appropriated by law to the trust.

37 b. No funds shall be expended by the trust for its annual
38 operating expenses unless appropriated by law to the trust. Unless
39 required to be otherwise applied pursuant to law, funds generated
40 by the operation of the trust, including, but not limited to: proceeds
41 from the sale of the trust's bonds, notes or other obligations;
42 revenues derived from investments by the trust; loan repayments
43 from local government units; and fees and charges levied by the
44 trust, may thereafter be applied in accordance with the provisions of
45 P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-
46 10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56
47 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-
48 22.3, and C.58:11B-22.4) for any corporate purpose of the trust
49 without appropriation; except that the funds shall only be used to

1 make loans or guarantees approved by the Legislature in accordance
2 with the provisions of sections 20, 21, and 22 of P.L.1985, c.334
3 (C.58:11B-20, C.58:11B-21 and C.58:11B-22), sections 24, 25, and
4 26 of P.L.1997, c.224 (C.58:11B-20.1, C.58:11B-21.1 and
5 C.58:11B-22.1), or sections 35 through 37 of P.L.2016, c.56
6 (C.58:11B-10.5, C.58:11B-20.2, and C.58:11B-22.3).

7 c. The trust shall not apply for federal funds, including funds
8 which are authorized pursuant to the "Federal Water Pollution
9 Control Act Amendments of 1972," Pub.L. 92-500 (33 U.S.C.
10 s.1251 et seq.), and any amendatory or supplementary acts thereto ,
11 except the trust is expressly authorized to apply, ¹[.] in
12 consultation¹ with ¹[notice to]¹ the Department of Environmental
13 Protection, for funds under the "Water Infrastructure Finance and
14 Innovation Act," (WIFIA) 33 U.S.C. s.3901 et seq. as amended or
15 superseded, with notice to the Department of Transportation, for
16 funds under the Transportation Infrastructure Finance and
17 Innovation Act (TIFIA) 23 U.S.C. 601 through 23 U.S.C. 609 as
18 amended or superseded, and provisions of the Moving Ahead for
19 Progress in the 21st Century Act (MAP-21) Pub. L. 112-141, the
20 Fixing America's Surface Transportation Act (FAST Act) Pub. L.
21 114-94, the Transportation Equity Act for the 21st Century (TEA-
22 21) Pub. L. 105-178, the Safe, Accountable, Flexible and Efficient
23 Transportation Equity Act: a Legacy for User ("SAFETEA-LU")
24 Pub. L. 109-59, and the Rail Safety Improvement Act of 2008 Pub.
25 L. 110-432, or any subsequent law concerning federal surface
26 transportation programs as applicable.

27 The trust, with the concurrence of the Commissioner of
28 Environmental Protection, may receive, accept or utilize moneys
29 received from local government units as repayments of principal
30 and interest on loans made from the State Revolving Fund Accounts
31 established pursuant to section 1 of P.L.1988, c.133.

32 Repayments of principal and interest on all federal funds for
33 which the New Jersey Infrastructure Bank is expressly permitted to
34 apply shall be the responsibility of the borrowers of New Jersey
35 Infrastructure Bank loans issued utilizing those federal funds, and in
36 no way shall it be the responsibility of the State of New Jersey or
37 the Department of Transportation.
38 (cf: P.L.2019, c.194, s.5)

39

40 7. This act shall take effect immediately.

41

42

43

44

45

Makes changes to New Jersey Infrastructure Bank's enabling act.

ASSEMBLY, No. 5972

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED NOVEMBER 18, 2019

Sponsored by:

Assemblywoman NANCY J. PINKIN

District 18 (Middlesex)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblyman ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

SYNOPSIS

Makes changes to New Jersey Infrastructure Bank's enabling act.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the New Jersey Infrastructure Bank and
2 amending various parts of the statutory law.

3

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

6

7 1. Section 3 of P.L.1985, c.334 (C.58:11B-3) is amended to
8 read as follows:

9 3. As used in sections 1 through 27 of P.L.1985, c.334
10 (C.58:11B-1 through C.58:11B-27), sections 23 through 27 of
11 P.L.1997, c.224 (C.58:11B-10.1 et al.), and sections 22 and 34
12 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-
13 10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4):

14 "Bonds" means bonds issued by the trust pursuant to P.L.1985,
15 c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et
16 al.);

17 "Combined sewer overflow" means the discharge of untreated or
18 partially treated stormwater runoff and wastewater from a combined
19 sewer system into a body of water;

20 "Combined sewer system" means a sewer system designed to
21 carry sanitary wastewater at all times, which is also designed to
22 collect and transport stormwater runoff from streets and other
23 sources, thereby serving a combined purpose;

24 "Commissioner" means the Commissioner of the Department of
25 Environmental Protection;

26 "Cost" means the cost of all labor, materials, machinery and
27 equipment, lands, property, rights and easements, financing
28 charges, interest on bonds, notes or other obligations, plans and
29 specifications, surveys or estimates of costs and revenues,
30 engineering and legal services, and all other expenses necessary or
31 incident to all or part of an environmental infrastructure project;

32 "Department" means the Department of Environmental
33 Protection;

34 "Environmental infrastructure project" means the acquisition,
35 construction, improvement, repair or reconstruction of all or part of
36 any structure, facility or equipment, or real or personal property
37 necessary for or ancillary to any: (1) wastewater treatment system
38 project, including any stormwater management or combined sewer
39 overflow abatement projects; or (2) water supply project, as
40 authorized pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.) or
41 P.L.1997, c.224 (C.58:11B-10.1 et al.), including any water
42 resources project, as authorized pursuant to P.L.2003, c.162;

43 "Federal infrastructure bank program" means the United States
44 Department of Transportation State Infrastructure Bank Program
45 provided for in section 350 of Pub.L.104-59 and Pub.L.102-240 as
46 amended or superseded;

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

Matter underlined thus is new matter.

1 **["Line of credit]** "Planning, design, and construction loan"
2 means a short-term or temporary loan for eligible costs incurred in
3 project planning, engineering design, **[and]** or construction issued
4 before or during the planning stage of a project;

5 "Local government unit" means (1) a State authority, county,
6 municipality, municipal, county or regional sewerage or utility
7 authority, municipal sewerage district, joint meeting, improvement
8 authority, or any other political subdivision of the State authorized
9 to construct, operate, and maintain wastewater treatment systems;
10 (2) a State authority, district water supply commission, county,
11 municipality, municipal, county or regional utilities authority,
12 municipal water district, joint meeting, or any other political
13 subdivision of the State authorized pursuant to law to operate or
14 maintain a public water supply system or to construct, rehabilitate,
15 operate, or maintain water supply facilities or otherwise provide
16 water for human consumption; or (3) a county, municipality,
17 municipal, county or regional transportation authority, or any other
18 political subdivision of the State authorized to construct, operate,
19 and maintain public highways or transportation projects as defined
20 pursuant to this section;

21 "New Jersey Environmental Infrastructure Financing Program"
22 means the financing program to fund environmental infrastructure
23 projects;

24 "New Jersey Transportation Infrastructure Financing Program"
25 means the financing program to fund transportation infrastructure
26 projects;

27 "Notes" means notes issued by the trust pursuant to P.L.1985,
28 c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.),
29 or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3
30 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and
31 C.58:11B-22.4);

32 "Onsite septic system ordinance or regulation" means an
33 ordinance adopted by a municipality or county or regulation
34 adopted by a regional planning agency establishing the
35 requirements for construction, maintenance and repair of onsite
36 wastewater treatment and disposal systems;

37 "Onsite wastewater treatment and disposal system" means an on-
38 site system designed to treat and dispose of domestic sewage;

39 "Other assistance" means forms of financial assistance, in
40 addition to loans, authorized by the New Jersey Infrastructure Bank
41 from the State Transportation Infrastructure Bank Fund, including,
42 but not limited to, use of funds to: provide credit enhancements;
43 serve as a capital reserve for bond or other debt instrument
44 financing; subsidize interest rates; ensure the issuance of letters of
45 credit and credit instruments; finance purchase and lease
46 agreements with respect to transit projects; and provide bond or
47 other debt financing instrument security;

48 "Project" means the acquisition, construction, improvement,
49 repair or reconstruction of all or part of any structure, facility, or

1 equipment, or real or personal property necessary for or ancillary to
2 any: (1) wastewater treatment system project, including any
3 stormwater management or combined sewer overflow abatement
4 projects; (2) water supply project, as authorized pursuant to
5 P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-
6 10.1 et al.), including any water resources project, as authorized
7 pursuant to P.L.2003, c.162; or (3) transportation project authorized
8 pursuant to sections 22 and 34 through 38 of P.L.2016, c.56
9 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-
10 22.3, and C.58:11B-22.4);

11 "Public highway" means public roads, streets, expressways,
12 freeways, parkways, motorways and boulevards, including bridges,
13 tunnels, overpasses, underpasses, interchanges, express bus
14 roadways, bus pullouts and turnarounds, park-ride facilities, traffic
15 circles, grade separations, traffic control devices, the elimination or
16 improvement of crossings of railroads and highways, whether at-
17 grade or not at-grade, bicycle and pedestrian pathways and
18 pedestrian and bicycle bridges, and any property, rights of way,
19 easements and interests therein needed for the construction,
20 improvement, and maintenance of highways;

21 "Public water utility" means any investor-owned water company
22 or small water company;

23 "Small water company" means any company, purveyor or entity,
24 other than a governmental agency, that provides water for human
25 consumption and which regularly serves less than 1,000 customer
26 connections, including nonprofit, noncommunity water systems
27 owned or operated by a nonprofit group or organization;

28 "Stormwater management system" means any equipment, plants,
29 structures, machinery, apparatus, management practices, or land, or
30 any combination thereof, acquired, used, constructed, implemented
31 or operated to prevent nonpoint source pollution, abate improper
32 cross-connections and interconnections between stormwater and
33 sewer systems, minimize stormwater runoff, reduce soil erosion, or
34 induce groundwater recharge, or any combination thereof;

35 "Transportation project" means capital projects for public
36 highways, approach roadways and other necessary land-side
37 improvements, ramps, signal systems, roadbeds, transit lanes or
38 rights of way, pedestrian walkways and bridges connecting to
39 passenger stations and servicing facilities, bridges, and grade
40 crossings;

41 "Trust" means the New Jersey Infrastructure Bank created
42 pursuant to section 4 of P.L.1985, c.334 (C.58:11B-4);

43 "Wastewater" means residential, commercial, industrial, or
44 agricultural liquid waste, sewage, septage, stormwater runoff, or
45 any combination thereof, or other liquid residue discharged or
46 collected into a sewer system or stormwater management system, or
47 any combination thereof;

48 "Wastewater treatment system" means any equipment, plants,
49 structures, machinery, apparatus, or land, or any combination

1 thereof, acquired, used, constructed or operated by, or on behalf of,
2 a local government unit for the storage, collection, reduction,
3 recycling, reclamation, disposal, separation, or other treatment of
4 wastewater or sewage sludge, or for the collection or treatment, or
5 both, of stormwater runoff and wastewater, or for the final disposal
6 of residues resulting from the treatment of wastewater, including,
7 but not limited to, pumping and ventilating stations, treatment
8 plants and works, connections, outfall sewers, interceptors, trunk
9 lines, stormwater management systems, and other personal property
10 and appurtenances necessary for their use or operation; "wastewater
11 treatment system" shall include a stormwater management system
12 or a combined sewer system;

13 "Wastewater treatment system project" means any work relating
14 to the acquisition, construction, improvement, repair or
15 reconstruction of all or part of any structure, facility or equipment,
16 or real or personal property necessary for or ancillary to any
17 wastewater treatment system that meets the requirements set forth
18 in sections 20, 21, and 22 of P.L.1985, c.334 (C.58:11B-20,
19 C.58:11B-21, and C.58:11B-22); or any work relating to any of the
20 stormwater management or combined sewer overflow abatement
21 projects identified in the stormwater management and combined
22 sewer overflow abatement project priority list adopted by the
23 commissioner pursuant to section 28 of P.L.1989, c.181; or any
24 work relating to the purposes set forth in section 6 of P.L.2003,
25 c.162; or any work relating to any other project eligible for
26 financing under the "Federal Water Pollution Control Act
27 Amendments of 1972" (33 U.S.C. s.1251 et seq.), or any
28 amendatory or supplementary acts thereto;

29 "Water resources project" means any work related to transferring
30 water between public water systems during a state of water
31 emergency, to avert a drought emergency in all or any part of the
32 State, to plan, design or construct interconnections of existing water
33 supplies, or to extend water supplies to areas with contaminated
34 ground water supplies;

35 "Water supply facilities" means and refers to the real property
36 and the plants, structures, interconnections between existing water
37 supply facilities, machinery and equipment and other property, real,
38 personal and mixed, acquired, constructed or operated, or to be
39 acquired, constructed or operated, in whole or in part, by or on
40 behalf of a public water utility, or by or on behalf of the State or a
41 local government unit, for the purpose of augmenting the natural
42 water resources of the State and making available an increased
43 supply of water for all uses, or of conserving existing water
44 resources, and any and all appurtenances necessary, useful or
45 convenient for the collecting, impounding, storing, improving,
46 treating, filtering, conserving or transmitting of water, and for the
47 preservation and protection of these resources and facilities,
48 whether in public or private ownership, and providing for the

1 conservation and development of future water supply resources, and
2 facilitating incidental recreational uses thereof;

3 "Water supply project" means any work relating to the
4 acquisition, construction, improvement, repair or reconstruction of
5 all or part of any structure, facility or equipment, or real or personal
6 property necessary for or ancillary to water supply facilities that
7 meets the requirements set forth in sections 24, 25, and 26 of
8 P.L.1997, c.224 (C.58:11B-20.1, C.58:11B-21.1, and C.58:11B-
9 22.1); or any work relating to the purposes set forth in section 4 of
10 P.L.1981, c.261; or any work relating to the purposes set forth in
11 section 6 of P.L.2003, c.162; or any work relating to any other
12 project eligible for funding pursuant to the federal "Safe Drinking
13 Water Act Amendments of 1996," Pub.L.104-182, and any
14 amendatory and supplementary acts thereto.
15 (cf: P.L.2018, c.75, s.1)

16

17 2. Section 9 of P.L.1985, c.334 (C.58:11B-9) is amended to
18 read as follows:

19 9. a. (1) The trust may make and contract to make loans to local
20 government units, or to a local government unit on behalf of
21 another local government unit, in accordance with and subject to the
22 provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997,
23 c.224 (C.58:11B-10.1 et al.) to finance the cost of any wastewater
24 treatment system project or water supply project, which the local
25 government unit may lawfully undertake or acquire and for which
26 the local government unit is authorized by law to borrow money.

27 (2) The trust may make and contract to make loans to public
28 water utilities, or to any other person or local government unit on
29 behalf of a public water utility, in accordance with and subject to
30 the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997,
31 c.224 (C.58:11B-10.1 et al.) to finance the cost of any water supply
32 project, which the public water utility may lawfully undertake or
33 acquire.

34 (3) The trust may make and contract to make loans to private
35 persons other than local government units, or to any other person or
36 local government unit on behalf of a private person, in accordance
37 with and subject to the provisions of P.L.1985, c.334 (C.58:11B-1
38 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to finance the cost
39 of stormwater management systems.

40 (4) The trust may make and contract to make loans and provide
41 other assistance to a local government unit or consortia thereof to
42 finance the cost of transportation projects pursuant to sections 22
43 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through
44 C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-
45 22.4), and provided that the federally-funded subaccount is operated
46 in accordance with the provisions of the federal infrastructure bank
47 program.

48 The loans may be made subject to those terms and conditions as
49 the trust shall determine to be consistent with the purposes thereof.

1 Each loan by the trust and the terms and conditions thereof shall be
2 subject to approval by the State Treasurer, and the trust shall make
3 available to the State Treasurer all information, statistical data and
4 reports of independent consultants or experts as the State Treasurer
5 shall deem necessary in order to evaluate the loan. Each loan to a
6 local government unit, public water utility or any other person shall
7 be evidenced by notes, bonds or other obligations thereof issued to
8 the trust. In the case of each local government unit, notes and
9 bonds to be issued to the trust and, if applicable, the State, acting by
10 and through the Department of Environmental Protection, by the
11 local government unit (1) shall be authorized and issued as provided
12 by law for the issuance of notes and bonds by the local government
13 unit, (2) notwithstanding any provisions of the "Local Authorities
14 Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.) to the
15 contrary, shall be approved by the Director of the Division of Local
16 Government Services in the Department of Community Affairs, and
17 (3) notwithstanding the provisions of N.J.S.40A:2-27, N.J.S.40A:2-
18 28 and N.J.S.40A:2-29 or any other provisions of law to the
19 contrary, may be sold at private sale to the trust or the State, as the
20 case may be, at any price, whether or not less than par value, and
21 shall be subject to redemption prior to maturity at any times and at
22 any prices as the trust or the State, as the case may be, and local
23 government units may agree. Each loan to a local government unit,
24 public water utility or any other person and the notes, bonds or
25 other obligations thereby issued shall bear interest at a rate or rates
26 per annum as the trust or the State, as the case may be, and the local
27 government unit, public water utility or any other person, as the
28 case may be, may agree.

29 b. The trust is authorized to guarantee or contract to guarantee
30 the payment of all or any portion of the principal and interest on
31 bonds, notes or other obligations issued by a local government unit
32 to finance the cost of any wastewater treatment system project,
33 water supply project, or transportation project which the local
34 government unit may lawfully undertake or acquire and for which
35 the local government unit is authorized by law to borrow money,
36 and the guarantee shall constitute an obligation of the trust for the
37 purposes of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224
38 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of
39 P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-
40 20.2, C.58:11B-22.3, and C.58:11B-22.4). Each guarantee by the
41 trust and the terms and conditions thereof shall be subject to
42 approval by the State Treasurer, and the trust shall make available
43 to the State Treasurer all information, statistical data and reports of
44 independent consultants or experts as the State Treasurer shall deem
45 necessary in order to evaluate the guarantee.

46 c. The trust shall not make or contract to make any loans or
47 guarantees to local government units, public water utilities or any
48 other person, or otherwise incur any additional indebtedness, on or
49 after June 30, 2033.

1 d. Notwithstanding any provision of P.L.1985, c.334
2 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to
3 the contrary, the trust may receive funds from any source including,
4 without limitation, any funds drawn by the trust from a revolving
5 line of credit or other similar financial vehicle that may be procured
6 by the trust, either through a competitive or negotiated process,
7 pursuant to section 5 of P.L.1985, c.334 (C.58:11B-5), for deposit
8 into the Interim Environmental Financing Program Fund or the trust
9 may issue its bonds, notes or other obligations, including
10 commercial paper issued through a competitive or negotiated
11 process, in any principal amounts, in either case, as in the judgment
12 of the trust shall be necessary to provide sufficient funds to finance
13 or refinance short-term or temporary loans to local government
14 units, public water utilities or private persons for any wastewater
15 treatment system projects included on the Department of
16 Environmental Protection project priority list and eligible for
17 approval pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20)
18 or water supply projects included on the Department of
19 Environmental Protection project priority list and eligible for
20 approval pursuant to section 24 of P.L.1997, c.224 (C.58:11B-20.1),
21 as applicable, without regard to any other provisions of P.L.1985,
22 c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et
23 al.), including, without limitation, any administrative or legislative
24 approvals.

25 The trust shall create and establish a special fund to be known as
26 the "Interim Environmental Financing Program Fund" for the short-
27 term or temporary loan financing or refinancing program to be
28 known as the "Interim Environmental Financing Program." The
29 monies in the fund shall be used for short-term or temporary loans
30 for clean water and drinking water projects pursuant to the New
31 Jersey Environmental Infrastructure Financing Program.

32 Except as provided in section 1 of P.L.2013, c.93 (C.58:11B-
33 9.5), any short-term or temporary loans made by the trust pursuant
34 to this subsection may only be made in advance of the anticipated
35 loans the trust may make and contract to make under the provisions
36 of subsection a. of this section from any source of funds anticipated
37 to be received by the trust. Any such short-term or temporary loan
38 made pursuant to the Interim Environmental Financing Program
39 shall mature no later than the last day of the third succeeding fiscal
40 year following the closing date on which the short-term or
41 temporary loan was made by the trust to the project sponsor; except
42 a **【line of credit loan】** planning, design, and construction loan shall
43 mature no later than the last day of the fifth succeeding fiscal year
44 following the closing date of the **【line of credit loan】** planning,
45 design, and construction loan or the last day of the third succeeding
46 fiscal year following the date of construction certification following
47 the closing date of the **【line of credit loan】** planning, design, and
48 construction loan, whichever is sooner, provided that, in either
49 case, project planning or engineering design activities shall not

1 exceed two years from the closing date of the planning, design, and
2 construction loan; and except a short-term or temporary loan made
3 pursuant to this subsection for environmental planning and
4 engineering design costs associated with long-term control plans for
5 combined sewer overflow projects shall mature no later than the last
6 day of the 10th succeeding fiscal year following the closing date on
7 which the short-term or temporary loan was made by the trust to the
8 project sponsor. With respect to any short-term or temporary loan
9 or planning, design, and construction loan made by the trust
10 pursuant to this subsection, the trust may authorize one short-term
11 supplemental loan for residual project expenses thereof upon receipt
12 by the trust from the Department of Environmental Protection of a
13 certification that states that the time required by the project sponsor
14 to complete construction of the project exceeds the maximum
15 maturity date of the project sponsor's outstanding short-term or
16 temporary loan or planning, design, and construction loan. Any
17 such short-term supplemental loan shall not exceed in duration the
18 last day of the third succeeding fiscal year following the loan
19 closing of the supplemental loan. The trust may make short-term or
20 temporary loans pursuant to the Interim Environmental Financing
21 Program to any one or more of the project sponsors, for the
22 respective projects thereof, identified in the interim financing
23 project priority list to be known as the "Interim Environmental
24 Financing Program Project Priority List" in the form provided to the
25 Legislature by the Commissioner of Environmental Protection.

26 The Interim Environmental Financing Program Project Priority
27 List, including any revision thereof or supplement thereto, shall be
28 submitted to the Legislature pursuant to section 2 of P.L.1991,
29 c.164 (C.52:14-19.1) at least once in each fiscal year as provided in
30 section 20 of P.L.1985, c.334 (C.58:11B-20) and section 24 of
31 P.L.1997, c.224 (C.58:11B-20.1). The Secretary and the Clerk shall
32 cause the date of submission to be entered upon the Senate Journal
33 and the Minutes of the General Assembly, respectively. The trust
34 may revise or supplement the Interim Environmental Financing
35 Program Project Priority List no more than four times during the
36 fiscal year and shall submit the revised list to the Legislature when
37 the revisions are made. Any environmental infrastructure project or
38 the project sponsor thereof not identified in the Interim
39 Environmental Financing Program Project Priority List shall not be
40 eligible for a short-term or temporary loan from the Interim
41 Environmental Financing Program Fund. The trust may issue short-
42 term or temporary loans pursuant to this subsection only if a project
43 is listed on an Interim Environmental Financing Program Project
44 Priority List that has been submitted to the Legislature. No funds
45 may be disbursed pursuant to this section for project activities prior
46 to a determination and certification, in writing, from the
47 Department of Environmental Protection, that the project activities
48 satisfy the provisions of P.L.1985, **[c.332]** c.334 (C.58:11B-1 et
49 seq.).

1 e. Notwithstanding any provisions of the "Local Bond Law"
2 (N.J.S.40A:2-1 et seq.), the "sewerage authorities law," P.L.1946,
3 c.138 (C.40:14A-1 et seq.), or the "municipal and county utilities
4 authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.) to the
5 contrary, short-term or temporary loans made by the trust pursuant
6 to section 9 of P.L.1985, c.334 (C.58:11B-9) or section 1 of
7 P.L.2013, c.93 (C.58:11B-9.5), and the obligations issued by project
8 sponsors to evidence such loans, may, at the discretion of the trust
9 and upon application by the project sponsor, bear interest at a
10 variable rate determined pursuant to a methodology as may be
11 established by the trust from time to time.

12 Further, notwithstanding any provisions of the "Local Bond
13 Law" (N.J.S.40A:2-1 et seq.), the "sewerage authorities law,"
14 P.L.1946, c.138 (C.40:14A-1 et seq.), or the "municipal and county
15 utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.) to
16 the contrary, any short-term or temporary loans made by the trust
17 pursuant to section 9 of P.L.1985, c.334 (C.58:11B-9) or section 1
18 of P.L.2013, c.93 (C.58:11B-9.5), and any notes or other
19 obligations issued by project sponsors to evidence such short-term
20 or temporary loans, as such loans, notes, or other obligations may
21 be refinanced or extended, as provided in subsections d. and g. of
22 this section and section 1 of P.L.2013, c.93 (C.58:11B-9.5), except
23 for loans for environmental planning and engineering design costs
24 associated with long-term control plans for combined sewer
25 overflow projects as provided in subsection d. of this section, shall
26 mature no later than the **l**ast day of the fifth succeeding fiscal year
27 following the date of issuance of such notes or other obligations **l**
28 maturity date as established pursuant to subsections d. and g. of this
29 section and section 1 of P.L.2013, c.93 (C.58:11B-9.5), without
30 payment by project sponsors of any portion of the principal thereof
31 prior to maturity.

32 f. Any balances remaining in the Emergency Loan Fund
33 established pursuant to section 4 of P.L.2007, c.138 (C.58:11B-9.1),
34 the Planning and Design Fund established pursuant to section 1 of
35 P.L.2009, c.59 (C.58:11B-9.2), the Onsite Wastewater Disposal
36 Loan Fund established pursuant to section 5 of P.L.2009, c.103
37 (C.58:11B-9.3), the Supplemental Loan Fund established pursuant
38 to section 2 of P.L.2011, c.94 (C.58:11B-9.4), and the Equipment
39 Loan Fund established pursuant to section 1 of P.L.2014, c.28
40 (C.58:11B-9.6) after the date of enactment of P.L.2016, c.30 shall
41 be transferred to the Interim Environmental Financing Program
42 Fund, and any loan repayments to the trust of principal and interest
43 or premium on loans made from those funds shall be credited to the
44 Interim Environmental Financing Program Fund.

45 g. The trust shall create and establish a special fund to be
46 known as the "Interim Transportation Financing Program Fund" for
47 the short-term or temporary loan financing or refinancing program
48 to be known as the "Interim Transportation Financing Program."

1 Notwithstanding any provision of P.L.1985, c.334 (C.58:11B-1
2 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to the contrary,
3 the trust may receive funds from any source including, without
4 limitation, any funds drawn by the trust from a revolving line of
5 credit or other similar financial vehicle that may be procured by the
6 trust, either through a competitive or negotiated process, pursuant to
7 section 5 of P.L.1985, c.334 (C.58:11B-5), for deposit into the
8 Interim Transportation Financing Program Fund or the trust may
9 issue its bonds, notes or other obligations in any principal amounts,
10 in either case, as in the judgment of the trust shall be necessary to
11 provide sufficient funds to finance or refinance short-term or
12 temporary loans to local government units or private persons for
13 any transportation project included on the Department of
14 Transportation Interim Transportation Financing Program Project
15 Priority List for the ensuing fiscal year and eligible for approval
16 pursuant to sections 22 and 34 through 38 of P.L.2016, c.56
17 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-
18 22.3, and C.58:11B-22.4), without regard to any other provisions of
19 P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-
20 10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56
21 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-
22 22.3, and C.58:11B-22.4), including, without limitation, any
23 administrative or legislative approvals.

24 Any short-term or temporary loans made by the trust pursuant to
25 this subsection may only be made in advance of the anticipated
26 loans the trust may make and contract to make under the provisions
27 of subsection a. of this section from any source of funds anticipated
28 to be received by the trust. Any such short-term or temporary loan
29 made pursuant to the Interim Transportation Financing Program
30 shall mature no later than the last day of the third succeeding fiscal
31 year following the closing date on which the short-term or
32 temporary loan was made by the trust to the project sponsor; except
33 a 【line of credit loan】 planning, design, and construction loan shall
34 mature no later than the last day of the fifth succeeding fiscal year
35 following the closing date of the 【line of credit loan】 planning,
36 design, and construction loan or the last day of the third succeeding
37 fiscal year following the date of construction certification following
38 the closing date of the 【line of credit loan】 planning, design, and
39 construction loan, whichever is sooner, provided that, in either
40 case, project planning or engineering design activities shall not
41 exceed two years from the closing date of the planning, design, and
42 construction loan. With respect to any short-term or temporary loan
43 or planning, design, and construction loan made by the trust
44 pursuant to this subsection, the trust may authorize one short-term
45 supplemental loan for residual expenses thereof upon receipt by the
46 trust from the Department of Transportation of a certification that
47 states that the time required by the project sponsor to complete
48 construction of the project exceeds the maximum maturity date of
49 the short-term or temporary loan or planning, design, and

1 construction loan. Any such short-term supplemental loan shall not
2 exceed in duration the last day of the third succeeding fiscal year
3 following the loan closing of the short-term supplemental loan. The
4 trust may make short-term or temporary loans pursuant to the
5 Interim Transportation Financing Program to any one or more of the
6 project sponsors, for the respective projects thereof, only if a
7 project is identified in the Department of Transportation Interim
8 Transportation Financing Program Project Priority List to be known
9 as the “Interim Transportation Financing Program Project Priority
10 List” in the form provided to the Legislature by the Commissioner
11 of Transportation.

12 The Interim Transportation Financing Program Project Priority
13 List, including any revision thereof or supplement thereto, shall be
14 submitted to the Secretary of the Senate and the Clerk of the
15 General Assembly on or before July 1 of each year. The Interim
16 Transportation Financing Program Project Priority List shall be
17 submitted to the Legislature pursuant to section 2 of P.L.1991,
18 c.164 (C.52:14-19.1) at least once in each fiscal year. The
19 Secretary and the Clerk shall cause the date of submission to be
20 entered upon the Senate Journal and the Minutes of the General
21 Assembly, respectively. Any transportation infrastructure project or
22 the project sponsor thereof not identified in the Interim
23 Transportation Financing Program Project Priority List shall not be
24 eligible for a short-term or temporary loan from the Interim
25 Transportation Financing Program Fund. The trust may revise or
26 supplement the Interim Transportation Financing Program Project
27 **【Eligibility】** Priority List no more than four times during the fiscal
28 year, and shall submit the revised list to the Legislature when the
29 revisions are made.

30 No funds may be disbursed pursuant to this subsection for
31 project activities prior to written notification of award concurrence
32 from the Department of Transportation and certification in writing,
33 from the trust, that the project activities satisfy the provisions of
34 P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-
35 10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56
36 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-
37 22.3, and C.58:11B-22.4).
38 (cf: P.L.2019, c.194, s.1)

39
40 3. Section 1 of P.L.2013, c.93 (C.58:11B-9.5) is amended to
41 read as follows:

42 1. a. The trust shall create and establish a special fund to be
43 known as the “Disaster Relief Emergency Financing Program Fund”
44 for the disaster relief emergency short-term or temporary loan
45 program of the trust to be known as the “Disaster Relief Emergency
46 Financing Program.”

47 The Disaster Relief Emergency Financing Program Fund shall be
48 credited with:

- 1 (1) moneys deposited in the fund as administrative fees received
2 by the trust pursuant to subsection o. of section 5 of P.L.1985, c.334
3 (C.58:11B-5);
- 4 (2) moneys received by the trust as repayment of the principal
5 of and the interest or premium on loans made from the fund;
- 6 (3) any interest earnings received on the moneys in the fund;
- 7 (4) such other moneys as the Legislature may appropriate to the
8 trust for deposit into the fund at any time to finance or refinance
9 emergency short-term or temporary loans pursuant to the Disaster
10 Relief Emergency Financing Program;
- 11 (5) the proceeds of any bonds, notes or other obligations that
12 may be issued by the trust from time to time in any principal
13 amounts as in the judgment of the trust shall be necessary or
14 appropriate to provide sufficient funds for deposit into the fund to
15 finance or refinance emergency short-term or temporary loans
16 pursuant to the Disaster Relief Emergency Financing Program; and
- 17 (6) any other source of available funds that may be deemed by
18 the trust to be necessary or appropriate to provide sufficient funds
19 for deposit into the fund to finance or refinance emergency short-
20 term or temporary loans pursuant to the Disaster Relief Emergency
21 Financing Program, including, without limitation, any funds drawn
22 by the trust from (i) a revolving line of credit or other similar
23 financial vehicle, or (ii) a commercial paper financing program,
24 either through a competitive or negotiated process, that may be
25 procured by the trust pursuant to the provisions of section 5 of
26 P.L.1985, c.334 (C.58:11B-5), for deposit into the fund to finance
27 or refinance emergency short-term or temporary loans pursuant to
28 the Disaster Relief Emergency Financing Program.
- 29 b. Notwithstanding any provision of P.L.1985, c.334
30 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.),
31 sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3
32 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and
33 C.58:11B-22.4) to the contrary, the trust may make emergency
34 short-term or temporary Disaster Relief Emergency Financing
35 Program loans to: (1) local government units to finance or refinance
36 the costs incurred in the environmental planning and design
37 associated with such wastewater treatment system projects, and
38 wastewater treatment system projects, as applicable; or (2) local
39 government units, public water utilities, or private persons to
40 finance or refinance the costs incurred in the environmental
41 planning and design of water supply projects, and water supply
42 projects, as applicable.
- 43 Funds may only be disbursed for emergency short-term or
44 temporary loans upon the determination and certification in writing
45 by the department that any such project costs are necessary and
46 appropriate to: repair damages to a wastewater treatment system or
47 water supply facility directly arising from an act of terrorism,
48 seismic activity, or weather conditions that occurred within the
49 three fiscal years after a declaration by the Governor of a state of

1 emergency, provided the wastewater treatment system or water
2 supply facility is located in a county included in the Governor's
3 state of emergency declaration; or mitigate the risk of future
4 damage to a wastewater treatment system or water supply facility
5 from an act of terrorism, seismic activity, or weather conditions
6 comparable in scope and severity to the act of terrorism, seismic
7 activity, or weather conditions that occurred within the three fiscal
8 years after a declaration by the Governor of a state of emergency,
9 provided the wastewater treatment system or water supply facility is
10 located in a county included in the Governor's state of emergency
11 declaration, without regard to any other provisions of P.L.1985,
12 c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.),
13 or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3
14 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and
15 C.58:11B-22.4), including, without limitation, the provisions of
16 section 20 of P.L.1985, c.334 (C.58:11B-20), section 24 of
17 P.L.1997, c.224 (C.58:11B-20.1), the Interim Environmental
18 Financing Program Project Priority List pursuant to subsection d. of
19 section 9 of P.L.1985, c.334 (C.58:11B-9), or any administrative or
20 legislative approvals. A project shall be eligible for emergency
21 short-term or temporary loans pursuant to this section if it is
22 identified on a Disaster Relief Emergency Financing Program
23 Project Priority List no more than three years after the conditions
24 that gave rise to a declaration by the Governor of a state of
25 emergency. Any such short-term or temporary loan pursuant to the
26 Disaster Relief Emergency Financing Program shall mature no later
27 than the last day of the third succeeding fiscal year following the
28 closing date on which the short-term or temporary loan was made
29 by the trust to the project sponsor; except a **[line of credit loan]**
30 planning, design, and construction loan shall mature no later than
31 the last day of the fifth succeeding fiscal year following the closing
32 date of the **[line of credit loan]** planning, design, and construction
33 loan or the last day of the third succeeding fiscal year following the
34 date of construction certification following the closing date of the
35 **[line of credit loan]** planning, design, and construction loan,
36 whichever is sooner, provided that, in either case, project planning
37 or engineering design activities shall not exceed two years from the
38 closing date of the planning, design, and construction loan. With
39 respect to any short-term or temporary loan or planning, design, and
40 construction loan made by the trust pursuant to this subsection, the
41 trust may authorize one short-term supplemental loan for residual
42 project expenses thereof upon receipt by the trust from the
43 department of a certification that states that the time required by the
44 project sponsor to complete construction of the project exceeds the
45 maximum maturity date of the short-term or temporary loan or
46 planning, design, and construction loan. Any such short-term
47 supplemental loan shall not exceed in duration the last day of the
48 third succeeding fiscal year following the loan closing of the short-
49 term supplemental loan.

1 c. The trust may make short-term or temporary loans pursuant
2 to the Disaster Relief Emergency Financing Program to one or more
3 of the project sponsors, for the respective projects thereof, provided
4 that the project is identified on the Disaster Relief Emergency
5 Financing Program project priority list to be known as the "Disaster
6 Relief Emergency Financing Program Project Priority List" no later
7 than three years after the date of the declaration by the Governor of
8 a state of emergency in the form provided to the Legislature by the
9 Commissioner of Environmental Protection. However, a project
10 may be eligible for funding pursuant to this section more than three
11 years after the date of the declaration by the Governor of a state of
12 emergency if the project was first included on a Disaster Relief
13 Emergency Financing Program Project Priority List within three
14 years after the date of the declaration by the Governor of a state of
15 emergency and continues to be identified on the Disaster Relief
16 Emergency Financing Program Project Priority List in the fiscal
17 year in which the funding is issued. The Disaster Relief Emergency
18 Financing Program Project Priority List shall be submitted to the
19 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1)
20 at least once in each fiscal year. An environmental infrastructure
21 project or a project sponsor thereof not identified on the Disaster
22 Relief Emergency Financing Program Project Priority List
23 submitted to the Legislature shall not be eligible for a short-term or
24 temporary loan from the Disaster Relief Emergency Financing
25 Program Fund.

26 d. The trust shall submit a report on the Disaster Emergency
27 Financing Program to the Legislature pursuant to section 2 of
28 P.L.1991, c.164 (~~【C.54:14-19.1】~~ C.52:14-19.1) on or before
29 January 15 of each year. The Secretary of the Senate and the Clerk
30 of the General Assembly shall cause the date of submission to be
31 entered upon the Senate Journal and the Minutes of the General
32 Assembly, respectively. The report shall identify the wastewater
33 treatment system and water supply projects financed during the
34 prior fiscal year through the program including a project
35 description, the amount of the Disaster Relief Emergency Financing
36 Program loan provided for each project, and the duration of each
37 loan.
38 (cf: P.L.2019, c.194, s.2)

39
40 4. Section 1 of P.L.2005, c.202 (C.58:11B-10.2) is amended to
41 read as follows:

42 1. a. There is established in the New Jersey Infrastructure Bank
43 a special fund to be known as the Department of Environmental
44 Protection Loan Origination Fee Fund.

45 The Department of Environmental Protection Loan Origination
46 Fee Fund shall be credited with:

47 (1) moneys deposited into the fund as loan origination fees
48 received by the Department of Environmental Protection and paid
49 by project sponsors of wastewater treatment system projects or

1 water supply projects financed under the New Jersey Environmental
2 Infrastructure Financing Program; and

3 (2) any interest **【accumulated】** paid on the amounts **【of】** on
4 deposit in the Department of Environmental Protection **【loan**
5 origination fees】 Loan Origination Fee Fund.

6 b. Moneys in the Department of Environmental Protection
7 Loan Origination Fee Fund shall be drawn and used by the
8 Department of Environmental Protection for administrative and
9 operating expenses incurred by the department in administering the
10 New Jersey Environmental Infrastructure Financing Program,
11 except that the total amount utilized by the department for
12 administrative and operating expenses in any fiscal year shall not
13 exceed \$5,000,000. The **【amounts】** monies in the Department of
14 Environmental Protection Loan Origination Fee Fund shall also be
15 available for application by the department for State matching funds
16 or loans to local government units for the cost of wastewater
17 treatment system or water supply projects. Amounts in excess of
18 **【revenue anticipation】** the funds drawn by the department from the
19 Department of Environmental Protection Loan Origination Fee
20 Fund during any given fiscal year shall be carried forward into the
21 following fiscal year and held on deposit in the fund.

22 c. As used in this section, "Department of Environmental
23 Protection loan origination fee" means the fee charged by the
24 Department of Environmental Protection **【and financed under the】**
25 in connection with engineering and environmental services
26 provided by the department to a project sponsor pursuant to such
27 project sponsor's participation in the New Jersey Environmental
28 Infrastructure Financing Program. A project sponsor may finance
29 any portion of the Department of Environmental Protection loan
30 origination fee through the trust by a trust loan to pay a portion of
31 the costs incurred by the department in the implementation of the
32 New Jersey Environmental Infrastructure Financing Program.

33 (cf: P.L.2016, c.56, s.21)

34

35 5. Section 22 of P.L.2016, c.56 (C.58:11B-10.3) is amended to
36 read as follows:

37 22. a. There is established in the New Jersey Infrastructure
38 Bank a special fund to be known as the Transportation Loan
39 Origination Fee Fund.

40 The Transportation Loan Origination Fee Fund shall be credited
41 with:

42 (1) moneys deposited into the fund as loan origination fees
43 received by the trust and paid by loan applicants for transportation
44 projects financed under the New Jersey Transportation
45 Infrastructure Financing Program; and

46 (2) any interest **【accumulated】** paid on the amounts of the
47 transportation loan origination fees.

48 b. Moneys in the Transportation Loan Origination Fee Fund
49 shall be drawn and used by the trust to reimburse the trust and then

1 the Department of Transportation for administrative and operating
2 expenses incurred in administering the New Jersey Transportation
3 Infrastructure Financing Program, except that the total amount
4 expended by the trust for administrative and operating expenses in
5 any fiscal year shall not exceed \$8,000,000. The **【amounts】 monies**
6 in the Transportation Loan Origination Fee Fund shall also be
7 available for application by the trust for loans to local government
8 units for the cost of transportation projects. Amounts in excess of
9 **【revenue anticipation】** the funds drawn by the Department of
10 Transportation from the Transportation Loan Origination Fee Fund
11 during any given fiscal year shall be carried forward into the
12 following fiscal year and held on deposit in the fund.

13 c. As used in this section, “transportation loan origination fee”
14 means the fee charged by the trust **【and financed under the】** in
15 connection with engineering and environmental services provided
16 by the Department of Transportation to a project sponsor pursuant
17 to such project sponsor’s participation in the New Jersey
18 Transportation Financing Program. A project sponsor may finance
19 any portion of the transportation loan origination fee through the
20 trust through a transportation loan **【to pay a portion of the costs**
21 **incurred by the trust or the Department of Transportation in the**
22 **implementation of the New Jersey Transportation Infrastructure**
23 **Financing Program】** by the trust to such project sponsor.
24 (cf: P.L.2019, c.194, s.3)
25

26 6. Section 23 of P.L.1985, c.334 (C.58:11B-23) is amended to
27 read as follows:

28 23. a. No funds from State sources or State bond issues used to
29 capitalize the trust shall be available for use by the trust unless
30 appropriated by law to the trust.

31 b. No funds shall be expended by the trust for its annual
32 operating expenses unless appropriated by law to the trust. Unless
33 required to be otherwise applied pursuant to law, funds generated
34 by the operation of the trust, including, but not limited to: proceeds
35 from the sale of the trust's bonds, notes or other obligations;
36 revenues derived from investments by the trust; loan repayments
37 from local government units; and fees and charges levied by the
38 trust, may thereafter be applied in accordance with the provisions of
39 P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-
40 10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56
41 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-
42 22.3, and C.58:11B-22.4) for any corporate purpose of the trust
43 without appropriation; except that the funds shall only be used to
44 make loans or guarantees approved by the Legislature in accordance
45 with the provisions of sections 20, 21, and 22 of P.L.1985, c.334
46 (C.58:11B-20, C.58:11B-21 and C.58:11B-22), sections 24, 25, and
47 26 of P.L.1997, c.224 (C.58:11B-20.1, C.58:11B-21.1 and
48 C.58:11B-22.1), or sections 35 through 37 of P.L.2016, c.56
49 (C.58:11B-10.5, C.58:11B-20.2, and C.58:11B-22.3).

1 c. The trust shall not apply for federal funds, including funds
2 which are authorized pursuant to the "Federal Water Pollution
3 Control Act Amendments of 1972," Pub.L. 92-500 (33 U.S.C.
4 s.1251 et seq.), and any amendatory or supplementary acts thereto ,
5 except the trust is expressly authorized to apply, with notice to the
6 Department of Environmental Protection, for funds under the
7 "Water Infrastructure Finance and Innovation Act," (WIFIA) 33
8 U.S.C. s.3901 et seq. as amended or superseded, with notice to the
9 Department of Transportation, for funds under the Transportation
10 Infrastructure Finance and Innovation Act (TIFIA) 23 U.S.C. 601
11 through 23 U.S.C. 609 as amended or superseded, and provisions of
12 the Moving Ahead for Progress in the 21st Century Act (MAP-21)
13 Pub. L. 112-141, the Fixing America's Surface Transportation Act
14 (FAST Act) Pub. L. 114-94, the Transportation Equity Act for the
15 21st Century (TEA-21) Pub. L. 105-178, the Safe, Accountable,
16 Flexible and Efficient Transportation Equity Act: a Legacy for User
17 ("SAFETEA-LU") Pub. L. 109-59, and the Rail Safety
18 Improvement Act of 2008 Pub. L. 110-432, or any subsequent law
19 concerning federal surface transportation programs as applicable.

20 The trust, with the concurrence of the Commissioner of
21 Environmental Protection, may receive, accept or utilize moneys
22 received from local government units as repayments of principal
23 and interest on loans made from the State Revolving Fund Accounts
24 established pursuant to section 1 of P.L.1988, c.133.

25 Repayments of principal and interest on all federal funds for
26 which the New Jersey Infrastructure Bank is expressly permitted to
27 apply shall be the responsibility of the borrowers of New Jersey
28 Infrastructure Bank loans issued utilizing those federal funds, and in
29 no way shall it be the responsibility of the State of New Jersey or
30 the Department of Transportation.

31 (cf: P.L.2019, c.194, s.5)

32

33 7. This act shall take effect immediately.

34

35

36

STATEMENT

37

38 This bill would make various changes to the New Jersey
39 Infrastructure Bank's (NJIB) enabling law.

40 Specifically, the bill would rename the line of credit loan as the
41 planning, design, and construction loan. A planning, design, and
42 construction loan is a short-term or temporary loan for eligible costs
43 incurred in project planning, engineering design, or construction
44 issued before or during the planning stage of an environmental
45 infrastructure or transportation project. The bill also provides that,
46 for a planning, design, and construction loan, project planning or
47 engineering design activities may not exceed two years from the
48 closing date of the loan.

1 With respect to any short-term or temporary loan or planning,
2 design, and construction loan made by the NJIB for environmental
3 infrastructure or transportation projects, the bill provides that the
4 NJIB may authorize one short-term supplemental loan for residual
5 project expenses. The NJIB would only be authorized to make the
6 short-term supplemental loan upon receipt from the Department of
7 Environmental Protection (DEP) or the Department of
8 Transportation, as applicable, of a certification that states that the
9 time required by the project sponsor to complete construction of the
10 project exceeds the maximum maturity date of the project sponsor's
11 outstanding short-term or temporary loan or planning, design, and
12 construction loan. A short-term supplemental loan would not
13 exceed in duration the last day of the third succeeding fiscal year
14 following the loan closing of the supplemental loan.

15 The bill would clarify that the DEP Loan Origination Fee Fund,
16 established pursuant to section 1 of P.L.2005, c.202 (C.58:11B-
17 10.2), would be credited with any interest paid on the amounts on
18 deposit in the fund. The bill would provide that amounts in excess
19 of the funds drawn by the DEP from the fund during any given
20 fiscal year would be carried forward into the following fiscal year
21 and held on deposit in the fund. The bill clarifies that a
22 "Department of Environmental Protection loan origination fee"
23 means the fee charged by the DEP in connection with engineering
24 and environmental services provided by the DEP to a project
25 sponsor pursuant to the project sponsor's participation in the NJ
26 Environmental Infrastructure Financing Portion. The bill provides
27 that a project sponsor may finance any portion of the loan original
28 fee through the NJIB by a trust loan.

29 The bill would make substantially similar changes regarding the
30 Transportation Loan Origination Fee Fund, established pursuant to
31 section 22 of P.L.2016, c.56 (C.58:11B-10.3), and the transportation
32 loan origination fee.

33 Finally, the bill would authorize the NJIB to apply, with notice
34 to the DEP, for funds under the federal "Water Infrastructure
35 Finance and Innovation Act," (WIFIA) 33 U.S.C. s.3901 et seq.

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 5972

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 9, 2019

The Assembly Environment and Solid Waste Committee reports favorably and with committee amendments Assembly Bill No. 5972.

This bill, as amended, would make various changes to the New Jersey Infrastructure Bank's (NJIB) enabling law.

Specifically, the bill would rename the line of credit loan as the planning, design, and construction loan. A planning, design, and construction loan is a short-term or temporary loan for eligible costs incurred in project planning, engineering design, or construction issued before or during the planning stage of an environmental infrastructure or transportation project. The bill also provides that, for a planning, design, and construction loan, project planning or engineering design activities may not exceed two years from the closing date of the loan.

With respect to any short-term or temporary loan or planning, design, and construction loan made by the NJIB for environmental infrastructure or transportation projects, the bill provides that the NJIB may authorize one short-term supplemental loan for residual project expenses. The NJIB would only be authorized to make the short-term supplemental loan upon receipt from the Department of Environmental Protection (DEP) or the Department of Transportation, as applicable, of a certification that states that the time required by the project sponsor to complete construction of the project exceeds the maximum maturity date of the project sponsor's outstanding short-term or temporary loan or planning, design, and construction loan. A short-term supplemental loan would not exceed in duration the last day of the third succeeding fiscal year following the loan closing of the supplemental loan.

The bill would clarify that the DEP Loan Origination Fee Fund, established pursuant to section 1 of P.L.2005, c.202 (C.58:11B-10.2), would be credited with any interest paid on the amounts on deposit in the fund. The bill would provide that amounts in excess of the funds drawn by the DEP from the fund during any given fiscal year would be carried forward into the following fiscal year and held on deposit in the fund. The bill clarifies that a "Department of Environmental Protection loan origination fee" means the fee charged by the DEP in

connection with engineering and environmental services provided by the DEP to a project sponsor pursuant to the project sponsor's participation in the NJ Environmental Infrastructure Financing Portion. The bill provides that a project sponsor may finance any portion of the loan original fee through the NJIB by a trust loan.

The bill would make substantially similar changes regarding the Transportation Loan Origination Fee Fund, established pursuant to section 22 of P.L.2016, c.56 (C.58:11B-10.3), and the transportation loan origination fee.

Finally, the bill would authorize the NJIB to apply, in consultation with the DEP, for funds under the federal "Water Infrastructure Finance and Innovation Act," (WIFIA) 33 U.S.C. s.3901 et seq.

COMMITTEE AMENDMENTS

The committee amendments to the bill would require the NJIB to consult with the DEP when applying for WIFIA funds.

SENATE, No. 4203

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED NOVEMBER 7, 2019

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Makes changes to New Jersey Infrastructure Bank's enabling act.

CURRENT VERSION OF TEXT

As introduced.



S4203 GREENSTEIN

2

1 AN ACT concerning the New Jersey Infrastructure Bank and
2 amending various parts of the statutory law.

3

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

6

7 1. Section 3 of P.L.1985, c.334 (C.58:11B-3) is amended to
8 read as follows:

9 3. As used in sections 1 through 27 of P.L.1985, c.334
10 (C.58:11B-1 through C.58:11B-27), sections 23 through 27 of
11 P.L.1997, c.224 (C.58:11B-10.1 et al.), and sections 22 and 34
12 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-
13 10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4):

14 "Bonds" means bonds issued by the trust pursuant to P.L.1985,
15 c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et
16 al.);

17 "Combined sewer overflow" means the discharge of untreated or
18 partially treated stormwater runoff and wastewater from a combined
19 sewer system into a body of water;

20 "Combined sewer system" means a sewer system designed to
21 carry sanitary wastewater at all times, which is also designed to
22 collect and transport stormwater runoff from streets and other
23 sources, thereby serving a combined purpose;

24 "Commissioner" means the Commissioner of the Department of
25 Environmental Protection;

26 "Cost" means the cost of all labor, materials, machinery and
27 equipment, lands, property, rights and easements, financing
28 charges, interest on bonds, notes or other obligations, plans and
29 specifications, surveys or estimates of costs and revenues,
30 engineering and legal services, and all other expenses necessary or
31 incident to all or part of an environmental infrastructure project;

32 "Department" means the Department of Environmental
33 Protection;

34 "Environmental infrastructure project" means the acquisition,
35 construction, improvement, repair or reconstruction of all or part of
36 any structure, facility or equipment, or real or personal property
37 necessary for or ancillary to any: (1) wastewater treatment system
38 project, including any stormwater management or combined sewer
39 overflow abatement projects; or (2) water supply project, as
40 authorized pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.) or
41 P.L.1997, c.224 (C.58:11B-10.1 et al.), including any water
42 resources project, as authorized pursuant to P.L.2003, c.162;

43 "Federal infrastructure bank program" means the United States
44 Department of Transportation State Infrastructure Bank Program
45 provided for in section 350 of Pub.L.104-59 and Pub.L.102-240 as

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

Matter underlined thus is new matter.

1 amended or superseded;

2 **["Line of credit]** "Planning, design, and construction loan"
3 means a short-term or temporary loan for eligible costs incurred in
4 project planning, engineering design, **[and]** or construction issued
5 before or during the planning stage of a project;

6 "Local government unit" means (1) a State authority, county,
7 municipality, municipal, county or regional sewerage or utility
8 authority, municipal sewerage district, joint meeting, improvement
9 authority, or any other political subdivision of the State authorized
10 to construct, operate, and maintain wastewater treatment systems;
11 (2) a State authority, district water supply commission, county,
12 municipality, municipal, county or regional utilities authority,
13 municipal water district, joint meeting, or any other political
14 subdivision of the State authorized pursuant to law to operate or
15 maintain a public water supply system or to construct, rehabilitate,
16 operate, or maintain water supply facilities or otherwise provide
17 water for human consumption; or (3) a county, municipality,
18 municipal, county or regional transportation authority, or any other
19 political subdivision of the State authorized to construct, operate,
20 and maintain public highways or transportation projects as defined
21 pursuant to this section;

22 "New Jersey Environmental Infrastructure Financing Program"
23 means the financing program to fund environmental infrastructure
24 projects;

25 "New Jersey Transportation Infrastructure Financing Program"
26 means the financing program to fund transportation infrastructure
27 projects;

28 "Notes" means notes issued by the trust pursuant to P.L.1985,
29 c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.),
30 or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3
31 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and
32 C.58:11B-22.4);

33 "Onsite septic system ordinance or regulation" means an
34 ordinance adopted by a municipality or county or regulation
35 adopted by a regional planning agency establishing the
36 requirements for construction, maintenance and repair of onsite
37 wastewater treatment and disposal systems;

38 "Onsite wastewater treatment and disposal system" means an on-
39 site system designed to treat and dispose of domestic sewage;

40 "Other assistance" means forms of financial assistance, in
41 addition to loans, authorized by the New Jersey Infrastructure Bank
42 from the State Transportation Infrastructure Bank Fund, including,
43 but not limited to, use of funds to: provide credit enhancements;
44 serve as a capital reserve for bond or other debt instrument
45 financing; subsidize interest rates; ensure the issuance of letters of
46 credit and credit instruments; finance purchase and lease
47 agreements with respect to transit projects; and provide bond or
48 other debt financing instrument security;

1 "Project" means the acquisition, construction, improvement,
2 repair or reconstruction of all or part of any structure, facility, or
3 equipment, or real or personal property necessary for or ancillary to
4 any: (1) wastewater treatment system project, including any
5 stormwater management or combined sewer overflow abatement
6 projects; (2) water supply project, as authorized pursuant to
7 P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-
8 10.1 et al.), including any water resources project, as authorized
9 pursuant to P.L.2003, c.162; or (3) transportation project authorized
10 pursuant to sections 22 and 34 through 38 of P.L.2016, c.56
11 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-
12 22.3, and C.58:11B-22.4);

13 "Public highway" means public roads, streets, expressways,
14 freeways, parkways, motorways and boulevards, including bridges,
15 tunnels, overpasses, underpasses, interchanges, express bus
16 roadways, bus pullouts and turnarounds, park-ride facilities, traffic
17 circles, grade separations, traffic control devices, the elimination or
18 improvement of crossings of railroads and highways, whether at-
19 grade or not at-grade, bicycle and pedestrian pathways and
20 pedestrian and bicycle bridges, and any property, rights of way,
21 easements and interests therein needed for the construction,
22 improvement, and maintenance of highways;

23 "Public water utility" means any investor-owned water company
24 or small water company;

25 "Small water company" means any company, purveyor or entity,
26 other than a governmental agency, that provides water for human
27 consumption and which regularly serves less than 1,000 customer
28 connections, including nonprofit, noncommunity water systems
29 owned or operated by a nonprofit group or organization;

30 "Stormwater management system" means any equipment, plants,
31 structures, machinery, apparatus, management practices, or land, or
32 any combination thereof, acquired, used, constructed, implemented
33 or operated to prevent nonpoint source pollution, abate improper
34 cross-connections and interconnections between stormwater and
35 sewer systems, minimize stormwater runoff, reduce soil erosion, or
36 induce groundwater recharge, or any combination thereof;

37 "Transportation project" means capital projects for public
38 highways, approach roadways and other necessary land-side
39 improvements, ramps, signal systems, roadbeds, transit lanes or
40 rights of way, pedestrian walkways and bridges connecting to
41 passenger stations and servicing facilities, bridges, and grade
42 crossings;

43 "Trust" means the New Jersey Infrastructure Bank created
44 pursuant to section 4 of P.L.1985, c.334 (C.58:11B-4);

45 "Wastewater" means residential, commercial, industrial, or
46 agricultural liquid waste, sewage, septage, stormwater runoff, or
47 any combination thereof, or other liquid residue discharged or

1 collected into a sewer system or stormwater management system, or
2 any combination thereof;

3 "Wastewater treatment system" means any equipment, plants,
4 structures, machinery, apparatus, or land, or any combination
5 thereof, acquired, used, constructed or operated by, or on behalf of,
6 a local government unit for the storage, collection, reduction,
7 recycling, reclamation, disposal, separation, or other treatment of
8 wastewater or sewage sludge, or for the collection or treatment, or
9 both, of stormwater runoff and wastewater, or for the final disposal
10 of residues resulting from the treatment of wastewater, including,
11 but not limited to, pumping and ventilating stations, treatment
12 plants and works, connections, outfall sewers, interceptors, trunk
13 lines, stormwater management systems, and other personal property
14 and appurtenances necessary for their use or operation; "wastewater
15 treatment system" shall include a stormwater management system
16 or a combined sewer system;

17 "Wastewater treatment system project" means any work relating
18 to the acquisition, construction, improvement, repair or
19 reconstruction of all or part of any structure, facility or equipment,
20 or real or personal property necessary for or ancillary to any
21 wastewater treatment system that meets the requirements set forth
22 in sections 20, 21, and 22 of P.L.1985, c.334 (C.58:11B-20,
23 C.58:11B-21, and C.58:11B-22); or any work relating to any of the
24 stormwater management or combined sewer overflow abatement
25 projects identified in the stormwater management and combined
26 sewer overflow abatement project priority list adopted by the
27 commissioner pursuant to section 28 of P.L.1989, c.181; or any
28 work relating to the purposes set forth in section 6 of P.L.2003,
29 c.162; or any work relating to any other project eligible for
30 financing under the "Federal Water Pollution Control Act
31 Amendments of 1972" (33 U.S.C. s.1251 et seq.), or any
32 amendatory or supplementary acts thereto;

33 "Water resources project" means any work related to transferring
34 water between public water systems during a state of water
35 emergency, to avert a drought emergency in all or any part of the
36 State, to plan, design or construct interconnections of existing water
37 supplies, or to extend water supplies to areas with contaminated
38 ground water supplies;

39 "Water supply facilities" means and refers to the real property
40 and the plants, structures, interconnections between existing water
41 supply facilities, machinery and equipment and other property, real,
42 personal and mixed, acquired, constructed or operated, or to be
43 acquired, constructed or operated, in whole or in part, by or on
44 behalf of a public water utility, or by or on behalf of the State or a
45 local government unit, for the purpose of augmenting the natural
46 water resources of the State and making available an increased
47 supply of water for all uses, or of conserving existing water
48 resources, and any and all appurtenances necessary, useful or

1 convenient for the collecting, impounding, storing, improving,
2 treating, filtering, conserving or transmitting of water, and for the
3 preservation and protection of these resources and facilities,
4 whether in public or private ownership, and providing for the
5 conservation and development of future water supply resources, and
6 facilitating incidental recreational uses thereof;

7 "Water supply project" means any work relating to the
8 acquisition, construction, improvement, repair or reconstruction of
9 all or part of any structure, facility or equipment, or real or personal
10 property necessary for or ancillary to water supply facilities that
11 meets the requirements set forth in sections 24, 25, and 26 of
12 P.L.1997, c.224 (C.58:11B-20.1, C.58:11B-21.1, and C.58:11B-
13 22.1); or any work relating to the purposes set forth in section 4 of
14 P.L.1981, c.261; or any work relating to the purposes set forth in
15 section 6 of P.L.2003, c.162; or any work relating to any other
16 project eligible for funding pursuant to the federal "Safe Drinking
17 Water Act Amendments of 1996," Pub.L.104-182, and any
18 amendatory and supplementary acts thereto.

19 (cf: P.L.2018, c.75, s.1)

20

21 2. Section 9 of P.L.1985, c.334 (C.58:11B-9) is amended to
22 read as follows:

23 9. a. (1) The trust may make and contract to make loans to
24 local government units, or to a local government unit on behalf of
25 another local government unit, in accordance with and subject to the
26 provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997,
27 c.224 (C.58:11B-10.1 et al.) to finance the cost of any wastewater
28 treatment system project or water supply project, which the local
29 government unit may lawfully undertake or acquire and for which
30 the local government unit is authorized by law to borrow money.

31 (2) The trust may make and contract to make loans to public
32 water utilities, or to any other person or local government unit on
33 behalf of a public water utility, in accordance with and subject to
34 the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997,
35 c.224 (C.58:11B-10.1 et al.) to finance the cost of any water supply
36 project, which the public water utility may lawfully undertake or
37 acquire.

38 (3) The trust may make and contract to make loans to private
39 persons other than local government units, or to any other person or
40 local government unit on behalf of a private person, in accordance
41 with and subject to the provisions of P.L.1985, c.334 (C.58:11B-1
42 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to finance the cost
43 of stormwater management systems.

44 (4) The trust may make and contract to make loans and provide
45 other assistance to a local government unit or consortia thereof to
46 finance the cost of transportation projects pursuant to sections 22
47 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through
48 C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-

1 22.4), and provided that the federally-funded subaccount is operated
2 in accordance with the provisions of the federal infrastructure bank
3 program.

4 The loans may be made subject to those terms and conditions as
5 the trust shall determine to be consistent with the purposes thereof.
6 Each loan by the trust and the terms and conditions thereof shall be
7 subject to approval by the State Treasurer, and the trust shall make
8 available to the State Treasurer all information, statistical data and
9 reports of independent consultants or experts as the State Treasurer
10 shall deem necessary in order to evaluate the loan. Each loan to a
11 local government unit, public water utility or any other person shall
12 be evidenced by notes, bonds or other obligations thereof issued to
13 the trust. In the case of each local government unit, notes and
14 bonds to be issued to the trust and, if applicable, the State, acting by
15 and through the Department of Environmental Protection, by the
16 local government unit (1) shall be authorized and issued as provided
17 by law for the issuance of notes and bonds by the local government
18 unit, (2) notwithstanding any provisions of the "Local Authorities
19 Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.) to the
20 contrary, shall be approved by the Director of the Division of Local
21 Government Services in the Department of Community Affairs, and
22 (3) notwithstanding the provisions of N.J.S.40A:2-27, N.J.S.40A:2-
23 28 and N.J.S.40A:2-29 or any other provisions of law to the
24 contrary, may be sold at private sale to the trust or the State, as the
25 case may be, at any price, whether or not less than par value, and
26 shall be subject to redemption prior to maturity at any times and at
27 any prices as the trust or the State, as the case may be, and local
28 government units may agree. Each loan to a local government unit,
29 public water utility or any other person and the notes, bonds or
30 other obligations thereby issued shall bear interest at a rate or rates
31 per annum as the trust or the State, as the case may be, and the local
32 government unit, public water utility or any other person, as the
33 case may be, may agree.

34 b. The trust is authorized to guarantee or contract to guarantee
35 the payment of all or any portion of the principal and interest on
36 bonds, notes or other obligations issued by a local government unit
37 to finance the cost of any wastewater treatment system project,
38 water supply project, or transportation project which the local
39 government unit may lawfully undertake or acquire and for which
40 the local government unit is authorized by law to borrow money,
41 and the guarantee shall constitute an obligation of the trust for the
42 purposes of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224
43 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of
44 P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-
45 20.2, C.58:11B-22.3, and C.58:11B-22.4). Each guarantee by the
46 trust and the terms and conditions thereof shall be subject to
47 approval by the State Treasurer, and the trust shall make available
48 to the State Treasurer all information, statistical data and reports of

1 independent consultants or experts as the State Treasurer shall deem
2 necessary in order to evaluate the guarantee.

3 c. The trust shall not make or contract to make any loans or
4 guarantees to local government units, public water utilities or any
5 other person, or otherwise incur any additional indebtedness, on or
6 after June 30, 2033.

7 d. Notwithstanding any provision of P.L.1985, c.334
8 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to
9 the contrary, the trust may receive funds from any source including,
10 without limitation, any funds drawn by the trust from a revolving
11 line of credit or other similar financial vehicle that may be procured
12 by the trust, either through a competitive or negotiated process,
13 pursuant to section 5 of P.L.1985, c.334 (C.58:11B-5), for deposit
14 into the Interim Environmental Financing Program Fund or the trust
15 may issue its bonds, notes or other obligations, including
16 commercial paper issued through a competitive or negotiated
17 process, in any principal amounts, in either case, as in the judgment
18 of the trust shall be necessary to provide sufficient funds to finance
19 or refinance short-term or temporary loans to local government
20 units, public water utilities or private persons for any wastewater
21 treatment system projects included on the Department of
22 Environmental Protection project priority list and eligible for
23 approval pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20)
24 or water supply projects included on the Department of
25 Environmental Protection project priority list and eligible for
26 approval pursuant to section 24 of P.L.1997, c.224 (C.58:11B-20.1),
27 as applicable, without regard to any other provisions of P.L.1985,
28 c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et
29 al.), including, without limitation, any administrative or legislative
30 approvals.

31 The trust shall create and establish a special fund to be known as
32 the "Interim Environmental Financing Program Fund" for the short-
33 term or temporary loan financing or refinancing program to be
34 known as the "Interim Environmental Financing Program." The
35 monies in the fund shall be used for short-term or temporary loans
36 for clean water and drinking water projects pursuant to the New
37 Jersey Environmental Infrastructure Financing Program.

38 Except as provided in section 1 of P.L.2013, c.93 (C.58:11B-
39 9.5), any short-term or temporary loans made by the trust pursuant
40 to this subsection may only be made in advance of the anticipated
41 loans the trust may make and contract to make under the provisions
42 of subsection a. of this section from any source of funds anticipated
43 to be received by the trust. Any such short-term or temporary loan
44 made pursuant to the Interim Environmental Financing Program
45 shall mature no later than the last day of the third succeeding fiscal
46 year following the closing date on which the short-term or
47 temporary loan was made by the trust to the project sponsor; except
48 a **【line of credit loan】** planning, design, and construction loan shall

1 mature no later than the last day of the fifth succeeding fiscal year
2 following the closing date of the **【line of credit loan】** planning,
3 design, and construction loan or the last day of the third succeeding
4 fiscal year following the date of construction certification following
5 the closing date of the **【line of credit loan】** planning, design, and
6 construction loan, whichever is sooner , provided that, in either
7 case, project planning or engineering design activities shall not
8 exceed two years from the closing date of the planning, design, and
9 construction loan; and except a short-term or temporary loan made
10 pursuant to this subsection for environmental planning and
11 engineering design costs associated with long-term control plans for
12 combined sewer overflow projects shall mature no later than the last
13 day of the 10th succeeding fiscal year following the closing date on
14 which the short-term or temporary loan was made by the trust to the
15 project sponsor. With respect to any short-term or temporary loan
16 or planning, design, and construction loan made by the trust
17 pursuant to this subsection, the trust may authorize one short-term
18 supplemental loan for residual project expenses thereof upon receipt
19 by the trust from the Department of Environmental Protection of a
20 certification that states that the time required by the project sponsor
21 to complete construction of the project exceeds the maximum
22 maturity date of the project sponsor's outstanding short-term or
23 temporary loan or planning, design, and construction loan. Any
24 such short-term supplemental loan shall not exceed in duration the
25 last day of the third succeeding fiscal year following the loan
26 closing of the supplemental loan. The trust may make short-term or
27 temporary loans pursuant to the Interim Environmental Financing
28 Program to any one or more of the project sponsors, for the
29 respective projects thereof, identified in the interim financing
30 project priority list to be known as the "Interim Environmental
31 Financing Program Project Priority List" in the form provided to the
32 Legislature by the Commissioner of Environmental Protection.

33 The Interim Environmental Financing Program Project Priority
34 List, including any revision thereof or supplement thereto, shall be
35 submitted to the Legislature pursuant to section 2 of P.L.1991,
36 c.164 (C.52:14-19.1) at least once in each fiscal year as provided in
37 section 20 of P.L.1985, c.334 (C.58:11B-20) and section 24 of
38 P.L.1997, c.224 (C.58:11B-20.1). The Secretary and the Clerk shall
39 cause the date of submission to be entered upon the Senate Journal
40 and the Minutes of the General Assembly, respectively. The trust
41 may revise or supplement the Interim Environmental Financing
42 Program Project Priority List no more than four times during the
43 fiscal year and shall submit the revised list to the Legislature when
44 the revisions are made. Any environmental infrastructure project or
45 the project sponsor thereof not identified in the Interim
46 Environmental Financing Program Project Priority List shall not be
47 eligible for a short-term or temporary loan from the Interim
48 Environmental Financing Program Fund. The trust may issue short-

1 term or temporary loans pursuant to this subsection only if a project
2 is listed on an Interim Environmental Financing Program Project
3 Priority List that has been submitted to the Legislature. No funds
4 may be disbursed pursuant to this section for project activities prior
5 to a determination and certification, in writing, from the
6 Department of Environmental Protection, that the project activities
7 satisfy the provisions of P.L.1985, **[c.332]** c.334 (C.58:11B-1 et
8 seq.).

9 e. Notwithstanding any provisions of the "Local Bond Law"
10 (N.J.S.40A:2-1 et seq.), the "sewerage authorities law," P.L.1946,
11 c.138 (C.40:14A-1 et seq.), or the "municipal and county utilities
12 authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.) to the
13 contrary, short-term or temporary loans made by the trust pursuant
14 to section 9 of P.L.1985, c.334 (C.58:11B-9) or section 1 of
15 P.L.2013, c.93 (C.58:11B-9.5), and the obligations issued by project
16 sponsors to evidence such loans, may, at the discretion of the trust
17 and upon application by the project sponsor, bear interest at a
18 variable rate determined pursuant to a methodology as may be
19 established by the trust from time to time.

20 Further, notwithstanding any provisions of the "Local Bond
21 Law" (N.J.S.40A:2-1 et seq.), the "sewerage authorities law,"
22 P.L.1946, c.138 (C.40:14A-1 et seq.), or the "municipal and county
23 utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.) to
24 the contrary, any short-term or temporary loans made by the trust
25 pursuant to section 9 of P.L.1985, c.334 (C.58:11B-9) or section 1
26 of P.L.2013, c.93 (C.58:11B-9.5), and any notes or other
27 obligations issued by project sponsors to evidence such short-term
28 or temporary loans, as such loans, notes, or other obligations may
29 be refinanced or extended, as provided in subsections d. and g. of
30 this section and section 1 of P.L.2013, c.93 (C.58:11B-9.5), except
31 for loans for environmental planning and engineering design costs
32 associated with long-term control plans for combined sewer
33 overflow projects as provided in subsection d. of this section, shall
34 mature no later than the **[**last day of the fifth succeeding fiscal year
35 following the date of issuance of such notes or other obligations**]**
36 maturity date as established pursuant to subsections d. and g. of this
37 section and section 1 of P.L.2013, c.93 (C.58:11B-9.5), without
38 payment by project sponsors of any portion of the principal thereof
39 prior to maturity.

40 f. Any balances remaining in the Emergency Loan Fund
41 established pursuant to section 4 of P.L.2007, c.138 (C.58:11B-9.1),
42 the Planning and Design Fund established pursuant to section 1 of
43 P.L.2009, c.59 (C.58:11B-9.2), the Onsite Wastewater Disposal
44 Loan Fund established pursuant to section 5 of P.L.2009, c.103
45 (C.58:11B-9.3), the Supplemental Loan Fund established pursuant
46 to section 2 of P.L.2011, c.94 (C.58:11B-9.4), and the Equipment
47 Loan Fund established pursuant to section 1 of P.L.2014, c.28
48 (C.58:11B-9.6) after the date of enactment of P.L.2016, c.30 shall

1 be transferred to the Interim Environmental Financing Program
2 Fund, and any loan repayments to the trust of principal and interest
3 or premium on loans made from those funds shall be credited to the
4 Interim Environmental Financing Program Fund.

5 g. The trust shall create and establish a special fund to be
6 known as the "Interim Transportation Financing Program Fund" for
7 the short-term or temporary loan financing or refinancing program
8 to be known as the "Interim Transportation Financing Program."

9 Notwithstanding any provision of P.L.1985, c.334 (C.58:11B-1
10 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to the contrary,
11 the trust may receive funds from any source including, without
12 limitation, any funds drawn by the trust from a revolving line of
13 credit or other similar financial vehicle that may be procured by the
14 trust, either through a competitive or negotiated process, pursuant to
15 section 5 of P.L.1985, c.334 (C.58:11B-5), for deposit into the
16 Interim Transportation Financing Program Fund or the trust may
17 issue its bonds, notes or other obligations in any principal amounts,
18 in either case, as in the judgment of the trust shall be necessary to
19 provide sufficient funds to finance or refinance short-term or
20 temporary loans to local government units or private persons for
21 any transportation project included on the Department of
22 Transportation Interim Transportation Financing Program Project
23 Priority List for the ensuing fiscal year and eligible for approval
24 pursuant to sections 22 and 34 through 38 of P.L.2016, c.56
25 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-
26 22.3, and C.58:11B-22.4), without regard to any other provisions of
27 P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-
28 10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56
29 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-
30 22.3, and C.58:11B-22.4), including, without limitation, any
31 administrative or legislative approvals.

32 Any short-term or temporary loans made by the trust pursuant to
33 this subsection may only be made in advance of the anticipated
34 loans the trust may make and contract to make under the provisions
35 of subsection a. of this section from any source of funds anticipated
36 to be received by the trust. Any such short-term or temporary loan
37 made pursuant to the Interim Transportation Financing Program
38 shall mature no later than the last day of the third succeeding fiscal
39 year following the closing date on which the short-term or
40 temporary loan was made by the trust to the project sponsor; except
41 a 【line of credit loan】 planning, design, and construction loan shall
42 mature no later than the last day of the fifth succeeding fiscal year
43 following the closing date of the 【line of credit loan】 planning,
44 design, and construction loan or the last day of the third succeeding
45 fiscal year following the date of construction certification following
46 the closing date of the 【line of credit loan】 planning, design, and
47 construction loan, whichever is sooner, provided that, in either
48 case, project planning or engineering design activities shall not

1 exceed two years from the closing date of the planning, design, and
2 construction loan. With respect to any short-term or temporary loan
3 or planning, design, and construction loan made by the trust
4 pursuant to this subsection, the trust may authorize one short-term
5 supplemental loan for residual expenses thereof upon receipt by the
6 trust from the Department of Transportation of a certification that
7 states that the time required by the project sponsor to complete
8 construction of the project exceeds the maximum maturity date of
9 the short-term or temporary loan or planning, design, and
10 construction loan. Any such short-term supplemental loan shall not
11 exceed in duration the last day of the third succeeding fiscal year
12 following the loan closing of the short-term supplemental loan. The
13 trust may make short-term or temporary loans pursuant to the
14 Interim Transportation Financing Program to any one or more of the
15 project sponsors, for the respective projects thereof, only if a
16 project is identified in the Department of Transportation Interim
17 Transportation Financing Program Project Priority List to be known
18 as the “Interim Transportation Financing Program Project Priority
19 List” in the form provided to the Legislature by the Commissioner
20 of Transportation.

21 The Interim Transportation Financing Program Project Priority
22 List, including any revision thereof or supplement thereto, shall be
23 submitted to the Secretary of the Senate and the Clerk of the
24 General Assembly on or before July 1 of each year. The Interim
25 Transportation Financing Program Project Priority List shall be
26 submitted to the Legislature pursuant to section 2 of P.L.1991,
27 c.164 (C.52:14-19.1) at least once in each fiscal year. The
28 Secretary and the Clerk shall cause the date of submission to be
29 entered upon the Senate Journal and the Minutes of the General
30 Assembly, respectively. Any transportation infrastructure project or
31 the project sponsor thereof not identified in the Interim
32 Transportation Financing Program Project Priority List shall not be
33 eligible for a short-term or temporary loan from the Interim
34 Transportation Financing Program Fund. The trust may revise or
35 supplement the Interim Transportation Financing Program Project
36 **[Eligibility]** Priority List no more than four times during the fiscal
37 year, and shall submit the revised list to the Legislature when the
38 revisions are made.

39 No funds may be disbursed pursuant to this subsection for
40 project activities prior to written notification of award concurrence
41 from the Department of Transportation and certification in writing,
42 from the trust, that the project activities satisfy the provisions of
43 P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-
44 10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56
45 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-
46 22.3, and C.58:11B-22.4).
47 (cf: P.L.2019, c.194, s.1)

1 3. Section 1 of P.L.2013, c.93 (C.58:11B-9.5) is amended to
2 read as follows:

3 1. a. The trust shall create and establish a special fund to be
4 known as the “Disaster Relief Emergency Financing Program Fund”
5 for the disaster relief emergency short-term or temporary loan
6 program of the trust to be known as the “Disaster Relief Emergency
7 Financing Program.”

8 The Disaster Relief Emergency Financing Program Fund shall be
9 credited with:

10 (1) moneys deposited in the fund as administrative fees received
11 by the trust pursuant to subsection o. of section 5 of P.L.1985, c.334
12 (C.58:11B-5);

13 (2) moneys received by the trust as repayment of the principal
14 of and the interest or premium on loans made from the fund;

15 (3) any interest earnings received on the moneys in the fund;

16 (4) such other moneys as the Legislature may appropriate to the
17 trust for deposit into the fund at any time to finance or refinance
18 emergency short-term or temporary loans pursuant to the Disaster
19 Relief Emergency Financing Program;

20 (5) the proceeds of any bonds, notes or other obligations that
21 may be issued by the trust from time to time in any principal
22 amounts as in the judgment of the trust shall be necessary or
23 appropriate to provide sufficient funds for deposit into the fund to
24 finance or refinance emergency short-term or temporary loans
25 pursuant to the Disaster Relief Emergency Financing Program; and

26 (6) any other source of available funds that may be deemed by
27 the trust to be necessary or appropriate to provide sufficient funds
28 for deposit into the fund to finance or refinance emergency short-
29 term or temporary loans pursuant to the Disaster Relief Emergency
30 Financing Program, including, without limitation, any funds drawn
31 by the trust from (i) a revolving line of credit or other similar
32 financial vehicle, or (ii) a commercial paper financing program,
33 either through a competitive or negotiated process, that may be
34 procured by the trust pursuant to the provisions of section 5 of
35 P.L.1985, c.334 (C.58:11B-5), for deposit into the fund to finance
36 or refinance emergency short-term or temporary loans pursuant to
37 the Disaster Relief Emergency Financing Program.

38 b. Notwithstanding any provision of P.L.1985, c.334
39 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.),
40 sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3
41 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and
42 C.58:11B-22.4) to the contrary, the trust may make emergency
43 short-term or temporary Disaster Relief Emergency Financing
44 Program loans to: (1) local government units to finance or refinance
45 the costs incurred in the environmental planning and design
46 associated with such wastewater treatment system projects, and
47 wastewater treatment system projects, as applicable; or (2) local
48 government units, public water utilities, or private persons to

1 finance or refinance the costs incurred in the environmental
2 planning and design of water supply projects, and water supply
3 projects, as applicable.

4 Funds may only be disbursed for emergency short-term or
5 temporary loans upon the determination and certification in writing
6 by the department that any such project costs are necessary and
7 appropriate to: repair damages to a wastewater treatment system or
8 water supply facility directly arising from an act of terrorism,
9 seismic activity, or weather conditions that occurred within the
10 three fiscal years after a declaration by the Governor of a state of
11 emergency, provided the wastewater treatment system or water
12 supply facility is located in a county included in the Governor's
13 state of emergency declaration; or mitigate the risk of future
14 damage to a wastewater treatment system or water supply facility
15 from an act of terrorism, seismic activity, or weather conditions
16 comparable in scope and severity to the act of terrorism, seismic
17 activity, or weather conditions that occurred within the three fiscal
18 years after a declaration by the Governor of a state of emergency,
19 provided the wastewater treatment system or water supply facility is
20 located in a county included in the Governor's state of emergency
21 declaration, without regard to any other provisions of P.L.1985,
22 c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.),
23 or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3
24 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and
25 C.58:11B-22.4), including, without limitation, the provisions of
26 section 20 of P.L.1985, c.334 (C.58:11B-20), section 24 of
27 P.L.1997, c.224 (C.58:11B-20.1), the Interim Environmental
28 Financing Program Project Priority List pursuant to subsection d. of
29 section 9 of P.L.1985, c.334 (C.58:11B-9), or any administrative or
30 legislative approvals. A project shall be eligible for emergency
31 short-term or temporary loans pursuant to this section if it is
32 identified on a Disaster Relief Emergency Financing Program
33 Project Priority List no more than three years after the conditions
34 that gave rise to a declaration by the Governor of a state of
35 emergency. Any such short-term or temporary loan pursuant to the
36 Disaster Relief Emergency Financing Program shall mature no later
37 than the last day of the third succeeding fiscal year following the
38 closing date on which the short-term or temporary loan was made
39 by the trust to the project sponsor; except a **【line of credit loan】**
40 planning, design, and construction loan shall mature no later than
41 the last day of the fifth succeeding fiscal year following the closing
42 date of the **【line of credit loan】** planning, design, and construction
43 loan or the last day of the third succeeding fiscal year following the
44 date of construction certification following the closing date of the
45 **【line of credit loan】** planning, design, and construction loan,
46 whichever is sooner, provided that, in either case, project planning
47 or engineering design activities shall not exceed two years from the
48 closing date of the planning, design, and construction loan. With

1 respect to any short-term or temporary loan or planning, design, and
2 construction loan made by the trust pursuant to this subsection, the
3 trust may authorize one short-term supplemental loan for residual
4 project expenses thereof upon receipt by the trust from the
5 department of a certification that states that the time required by the
6 project sponsor to complete construction of the project exceeds the
7 maximum maturity date of the short-term or temporary loan or
8 planning, design, and construction loan. Any such short-term
9 supplemental loan shall not exceed in duration the last day of the
10 third succeeding fiscal year following the loan closing of the short-
11 term supplemental loan.

12 c. The trust may make short-term or temporary loans pursuant
13 to the Disaster Relief Emergency Financing Program to one or more
14 of the project sponsors, for the respective projects thereof, provided
15 that the project is identified on the Disaster Relief Emergency
16 Financing Program project priority list to be known as the "Disaster
17 Relief Emergency Financing Program Project Priority List" no later
18 than three years after the date of the declaration by the Governor of
19 a state of emergency in the form provided to the Legislature by the
20 Commissioner of Environmental Protection. However, a project
21 may be eligible for funding pursuant to this section more than three
22 years after the date of the declaration by the Governor of a state of
23 emergency if the project was first included on a Disaster Relief
24 Emergency Financing Program Project Priority List within three
25 years after the date of the declaration by the Governor of a state of
26 emergency and continues to be identified on the Disaster Relief
27 Emergency Financing Program Project Priority List in the fiscal
28 year in which the funding is issued. The Disaster Relief Emergency
29 Financing Program Project Priority List shall be submitted to the
30 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1)
31 at least once in each fiscal year. An environmental infrastructure
32 project or a project sponsor thereof not identified on the Disaster
33 Relief Emergency Financing Program Project Priority List
34 submitted to the Legislature shall not be eligible for a short-term or
35 temporary loan from the Disaster Relief Emergency Financing
36 Program Fund.

37 d. The trust shall submit a report on the Disaster Emergency
38 Financing Program to the Legislature pursuant to section 2 of
39 P.L.1991, c.164 (**[C.54:14-19.1]** C.52:14-19.1) on or before
40 January 15 of each year. The Secretary of the Senate and the Clerk
41 of the General Assembly shall cause the date of submission to be
42 entered upon the Senate Journal and the Minutes of the General
43 Assembly, respectively. The report shall identify the wastewater
44 treatment system and water supply projects financed during the
45 prior fiscal year through the program including a project
46 description, the amount of the Disaster Relief Emergency Financing

1 Program loan provided for each project, and the duration of each
2 loan.

3 (cf: P.L.2019, c.194, s.2)

4

5 4. Section 1 of P.L.2005, c.202 (C.58:11B-10.2) is amended to
6 read as follows:

7 1. a. There is established in the New Jersey Infrastructure Bank
8 a special fund to be known as the Department of Environmental
9 Protection Loan Origination Fee Fund.

10 The Department of Environmental Protection Loan Origination
11 Fee Fund shall be credited with:

12 (1) moneys deposited into the fund as loan origination fees
13 received by the Department of Environmental Protection and paid
14 by project sponsors of wastewater treatment system projects or
15 water supply projects financed under the New Jersey Environmental
16 Infrastructure Financing Program; and

17 (2) any interest **【accumulated】** paid on the amounts **【of】** on
18 deposit in the Department of Environmental Protection **【loan**
19 origination fees】 Loan Origination Fee Fund.

20 b. Moneys in the Department of Environmental Protection
21 Loan Origination Fee Fund shall be drawn and used by the
22 Department of Environmental Protection for administrative and
23 operating expenses incurred by the department in administering the
24 New Jersey Environmental Infrastructure Financing Program,
25 except that the total amount utilized by the department for
26 administrative and operating expenses in any fiscal year shall not
27 exceed \$5,000,000. The **【amounts】** monies in the Department of
28 Environmental Protection Loan Origination Fee Fund shall also be
29 available for application by the department for State matching funds
30 or loans to local government units for the cost of wastewater
31 treatment system or water supply projects. Amounts in excess of
32 **【revenue anticipation】** the funds drawn by the department from the
33 Department of Environmental Protection Loan Origination Fee
34 Fund during any given fiscal year shall be carried forward into the
35 following fiscal year and held on deposit in the fund.

36 c. As used in this section, "Department of Environmental
37 Protection loan origination fee" means the fee charged by the
38 Department of Environmental Protection **【and financed under the】**
39 in connection with engineering and environmental services
40 provided by the department to a project sponsor pursuant to such
41 project sponsor's participation in the New Jersey Environmental
42 Infrastructure Financing Program. A project sponsor may finance
43 any portion of the Department of Environmental Protection loan
44 origination fee through the trust by a trust loan to pay a portion of
45 the costs incurred by the department in the implementation of the
46 New Jersey Environmental Infrastructure Financing Program.

47 (cf: P.L.2016, c.56, s.21)

1 5. Section 22 of P.L.2016, c.56 (C.58:11B-10.3) is amended to
2 read as follows:

3 22. a. There is established in the New Jersey Infrastructure
4 Bank a special fund to be known as the Transportation Loan
5 Origination Fee Fund.

6 The Transportation Loan Origination Fee Fund shall be credited
7 with:

8 (1) moneys deposited into the fund as loan origination fees
9 received by the trust and paid by loan applicants for transportation
10 projects financed under the New Jersey Transportation
11 Infrastructure Financing Program; and

12 (2) any interest **【accumulated】** paid on the amounts of the
13 transportation loan origination fees.

14 b. Moneys in the Transportation Loan Origination Fee Fund
15 shall be drawn and used by the trust to reimburse the trust and then
16 the Department of Transportation for administrative and operating
17 expenses incurred in administering the New Jersey Transportation
18 Infrastructure Financing Program, except that the total amount
19 expended by the trust for administrative and operating expenses in
20 any fiscal year shall not exceed \$8,000,000. The **【amounts】** monies
21 in the Transportation Loan Origination Fee Fund shall also be
22 available for application by the trust for loans to local government
23 units for the cost of transportation projects. Amounts in excess of
24 **【revenue anticipation】** the funds drawn by the Department of
25 Transportation from the Transportation Loan Origination Fee Fund
26 during any given fiscal year shall be carried forward into the
27 following fiscal year and held on deposit in the fund.

28 c. As used in this section, “transportation loan origination fee”
29 means the fee charged by the trust **【and financed under the】** in
30 connection with engineering and environmental services provided
31 by the Department of Transportation to a project sponsor pursuant
32 to such project sponsor’s participation in the New Jersey
33 Transportation Financing Program. A project sponsor may finance
34 any portion of the transportation loan origination fee through the
35 trust through a transportation loan **【to pay a portion of the costs**
36 **incurred by the trust or the Department of Transportation in the**
37 **implementation of the New Jersey Transportation Infrastructure**
38 **Financing Program】** by the trust to such project sponsor.

39 (cf: P.L.2019, c.194, s.3)

40

41 6. Section 23 of P.L.1985, c.334 (C.58:11B-23) is amended to
42 read as follows:

43 23. a. No funds from State sources or State bond issues used to
44 capitalize the trust shall be available for use by the trust unless
45 appropriated by law to the trust.

46 b. No funds shall be expended by the trust for its annual
47 operating expenses unless appropriated by law to the trust. Unless

1 required to be otherwise applied pursuant to law, funds generated
2 by the operation of the trust, including, but not limited to: proceeds
3 from the sale of the trust's bonds, notes or other obligations;
4 revenues derived from investments by the trust; loan repayments
5 from local government units; and fees and charges levied by the
6 trust, may thereafter be applied in accordance with the provisions of
7 P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-
8 10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56
9 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-
10 22.3, and C.58:11B-22.4) for any corporate purpose of the trust
11 without appropriation; except that the funds shall only be used to
12 make loans or guarantees approved by the Legislature in accordance
13 with the provisions of sections 20, 21, and 22 of P.L.1985, c.334
14 (C.58:11B-20, C.58:11B-21 and C.58:11B-22), sections 24, 25, and
15 26 of P.L.1997, c.224 (C.58:11B-20.1, C.58:11B-21.1 and
16 C.58:11B-22.1), or sections 35 through 37 of P.L.2016, c.56
17 (C.58:11B-10.5, C.58:11B-20.2, and C.58:11B-22.3).

18 c. The trust shall not apply for federal funds, including funds
19 which are authorized pursuant to the "Federal Water Pollution
20 Control Act Amendments of 1972," Pub.L. 92-500 (33 U.S.C.
21 s.1251 et seq.), and any amendatory or supplementary acts thereto ,
22 except the trust is expressly authorized to apply, with notice to the
23 Department of Environmental Protection, for funds under the
24 "Water Infrastructure Finance and Innovation Act," (WIFIA) 33
25 U.S.C. s.3901 et seq. as amended or superseded, with notice to the
26 Department of Transportation, for funds under the Transportation
27 Infrastructure Finance and Innovation Act (TIFIA) 23 U.S.C. 601
28 through 23 U.S.C. 609 as amended or superseded, and provisions of
29 the Moving Ahead for Progress in the 21st Century Act (MAP-21)
30 Pub. L. 112-141, the Fixing America's Surface Transportation Act
31 (FAST Act) Pub. L. 114-94, the Transportation Equity Act for the
32 21st Century (TEA-21) Pub. L. 105-178, the Safe, Accountable,
33 Flexible and Efficient Transportation Equity Act: a Legacy for User
34 ("SAFETEA-LU") Pub. L. 109-59, and the Rail Safety
35 Improvement Act of 2008 Pub. L. 110-432, or any subsequent law
36 concerning federal surface transportation programs as applicable.

37 The trust, with the concurrence of the Commissioner of
38 Environmental Protection, may receive, accept or utilize moneys
39 received from local government units as repayments of principal
40 and interest on loans made from the State Revolving Fund Accounts
41 established pursuant to section 1 of P.L.1988, c.133.

42 Repayments of principal and interest on all federal funds for
43 which the New Jersey Infrastructure Bank is expressly permitted to
44 apply shall be the responsibility of the borrowers of New Jersey
45 Infrastructure Bank loans issued utilizing those federal funds, and in
46 no way shall it be the responsibility of the State of New Jersey or
47 the Department of Transportation.

48 (cf: P.L.2019, c.194, s.5)

1 7. This act shall take effect immediately.

2

3

4

STATEMENT

5

6 This bill would make various changes to the New Jersey
7 Infrastructure Bank's (NJIB) enabling law.

8 Specifically, the bill would rename the line of credit loan as the
9 planning, design, and construction loan. A planning, design, and
10 construction loan is a short-term or temporary loan for eligible costs
11 incurred in project planning, engineering design, or construction
12 issued before or during the planning stage of an environmental
13 infrastructure or transportation project. The bill also provides that,
14 for a planning, design, and construction loan, project planning or
15 engineering design activities may not exceed two years from the
16 closing date of the loan.

17 With respect to any short-term or temporary loan or planning,
18 design, and construction loan made by the NJIB for environmental
19 infrastructure or transportation projects, the bill provides that the
20 NJIB may authorize one short-term supplemental loan for residual
21 project expenses. The NJIB would only be authorized to make the
22 short-term supplemental loan upon receipt from the Department of
23 Environmental Protection (DEP) or the Department of
24 Transportation, as applicable, of a certification that states that the
25 time required by the project sponsor to complete construction of the
26 project exceeds the maximum maturity date of the project sponsor's
27 outstanding short-term or temporary loan or planning, design, and
28 construction loan. A short-term supplemental loan would not
29 exceed in duration the last day of the third succeeding fiscal year
30 following the loan closing of the supplemental loan.

31 The bill would clarify that the DEP Loan Origination Fee Fund,
32 established pursuant to section 1 of P.L.2005, c.202 (C.58:11B-
33 10.2), would be credited with any interest paid on the amounts on
34 deposit in the fund. The bill would provide that amounts in excess
35 of the funds drawn by the DEP from the fund during any given
36 fiscal year would be carried forward into the following fiscal year
37 and held on deposit in the fund. The bill clarifies that a
38 "Department of Environmental Protection loan origination fee"
39 means the fee charged by the DEP in connection with engineering
40 and environmental services provided by the DEP to a project
41 sponsor pursuant to the project sponsor's participation in the NJ
42 Environmental Infrastructure Financing Portion. The bill provides
43 that a project sponsor may finance any portion of the loan original
44 fee through the NJIB by a trust loan.

45 The bill would make substantially similar changes regarding the
46 Transportation Loan Origination Fee Fund, established pursuant to
47 section 22 of P.L.2016, c.56 (C.58:11B-10.3), and the transportation
48 loan origination fee.

S4203 GREENSTEIN

20

1 Finally, the bill would authorize the NJIB to apply, with notice
2 to the DEP, for funds under the federal “Water Infrastructure
3 Finance and Innovation Act,” (WIFIA) 33 U.S.C. s.3901 et seq.

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

SENATE, No. 4203

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 18, 2019

The Senate Environment and Energy Committee favorably reports Senate Bill No. 4203 with committee amendments.

This bill, as amended by the committee, would make various changes to the New Jersey Infrastructure Bank's (NJIB) enabling law.

Specifically, the bill would rename the line of credit loan as the planning, design, and construction loan. A planning, design, and construction loan is a short-term or temporary loan for eligible costs incurred in project planning, engineering design, or construction issued before or during the planning stage of an environmental infrastructure or transportation project. The bill also provides that, for a planning, design, and construction loan, project planning or engineering design activities may not exceed two years from the closing date of the loan.

With respect to any short-term or temporary loan or planning, design, and construction loan made by the NJIB for environmental infrastructure or transportation projects, the bill provides that the NJIB may authorize one short-term supplemental loan for residual project expenses. The NJIB would only be authorized to make the short-term supplemental loan upon receipt from the Department of Environmental Protection (DEP) or the Department of Transportation, as applicable, of a certification that states that the time required by the project sponsor to complete construction of the project exceeds the maximum maturity date of the project sponsor's outstanding short-term or temporary loan or planning, design, and construction loan. A short-term supplemental loan would not exceed in duration the last day of the third succeeding fiscal year following the loan closing of the supplemental loan.

The bill would clarify that the DEP Loan Origination Fee Fund, established pursuant to section 1 of P.L.2005, c.202 (C.58:11B-10.2), would be credited with any interest paid on the amounts on deposit in the fund. The bill would provide that amounts in excess of the funds drawn by the DEP from the fund during any given fiscal year would be carried forward into the following fiscal year and held on deposit in the fund. The bill clarifies that a "Department of Environmental Protection loan origination fee" means the fee charged by the DEP in connection with engineering and environmental services provided by the DEP to a project sponsor pursuant to the project sponsor's

participation in the NJ Environmental Infrastructure Financing Portion. The bill provides that a project sponsor may finance any portion of the loan origination fee through the NJIB by a trust loan.

The bill would make substantially similar changes regarding the Transportation Loan Origination Fee Fund, established pursuant to section 22 of P.L.2016, c.56 (C.58:11B-10.3), and the transportation loan origination fee.

Finally, the bill would authorize the NJIB to apply, in consultation with the DEP, for funds under the federal “Water Infrastructure Finance and Innovation Act,” (WIFIA) 33 U.S.C. s.3901 et seq.

The committee amendments to the bill would require the NJIB to consult with the DEP when applying for WIFIA funds.

Governor Murphy Takes Action on Legislation

01/21/2020

TRENTON – Today, Governor Phil Murphy signed the following bills into law:

S-62/A-2478 (Singleton, Oroho/DeAngelo, Houghtaling, Space) – Requires certain contractors to register under "The Public Works Contractor Registration Act"

S-358/A-4587 (Rice/Sumter, Reynolds-Jackson) – Establishes database with certain information about individuals elected to public office in this State

S-376/A-3839 (Madden, Gopal/Moriarty, Lagana, Mukherji, Murphy) – Eliminates eligibility time limit on tuition benefits for spouses of certain public safety workers killed in performance of their duties

S-497/A-4626 (Vitale, Madden/Mosquera, McKnight, Vainieri Huttle) – Allows certain prior statements by children to be admitted into evidence in child abuse and termination of parental rights cases

S-498/ACS for A-3391 (Vitale, Oroho/DeCroce, Johnson, DiMaso) – Makes various changes to "Criminal Injuries Compensation Act of 1971"

S-521/A-4378 (T. Kean, C.A. Brown, Pou, Ruiz/Caputo, Mukherji, Vainieri Huttle) – Requires NJ State Council on Arts to establish "Artist District" designation and select certain municipalities or areas within municipalities for such designation

S-589/ACS for A-422 (Weinberg/Mosquera, Jones, Moriarty) – Requires Secretary of State to establish secure Internet website for online voter registration; authorizes use of digitized signatures from New Jersey Motor Vehicle Commission's database

S-700/A-3836 (Ruiz, Cunningham/Schaer, Mukherji, Jasey) – "Higher Education Citizenship Equality Act"; defines domicile for dependent students for purpose of eligibility for State student grants and scholarships, and resident tuition rate

S-721/A-1751 (Greenstein, Cunningham, Diegnan/Quijano, Benson) – Authorizes use of certain electric school buses

S-758/A-1987 (Cunningham, Cruz-Perez/Sumter, Mukherji, Quijano) – Requires incarcerated individual from State to be counted at residential address for legislative redistricting purposes

S-765/A-541 (Cunningham, T. Kean, Ruiz/Mazzeo, Jasey, Vainieri Huttle, Sumter, Benson) – Prohibits Higher Education Student Assistance Authority from referring defaulted loans under New Jersey College Loans to Assist State Students (NJCLASS) Loan Program for certain actions if authority and borrower have entered into settlement agreement

S-782/A-1110 (Sarlo, Scutari/Downey, Houghtaling, Dancer) – Increases workers' compensation for loss of hand or foot

S-834 wGR/A-4186 (Scutari, Greenstein/Jones, Pintor Marin) – Prohibits resale of non-prescription diabetes test devices by pharmacists

S-939/A-3331 (Pou/Vainieri Huttle, Lopez, McKnight) – Requires forms and materials for individuals with developmental disabilities to be available in languages other than English

S-974/A-3040 (Singleton, T. Kean/Vainieri Huttle, Timberlake, Mosquera) – Requires newborn infants be screened for spinal muscular atrophy

- S-1032/A-2389 (Vitale, Gopal/Schaer, Benson, Verrelli)** – Concerns expansion of services provided by DHS mental health screening services
- S-1146/A-2365 (Codey, Rice/Vainieri Huttle, Mukherji, Downey)** – Requires hospital patient's medical record to include notation if patient is at increased risk of confusion, agitation, behavioral problems, and wandering due to dementia related disorder
- S-1298/ACS for A-2972 (A.M. Bucco, Singleton/Mazzeo, Dunn, Space)** – Permits municipalities to provide information on property tax bills concerning amount of local tax dollars saved through shared services
- S-1318/A-3156 (Ruiz, Scutari/Lampitt, Mosquera)** – Permits counties and non-governmental, community-based agencies to establish family justice centers which provide coordinated, multi-agency governmental and non-governmental assistance to victims of certain crimes and offenses, including domestic violence, and their family members
- S-1505/A-1707 (Vitale/Vainieri Huttle, Lampitt, Benson, Mosquera)** – Expands membership of NJ Task Force on Child Abuse and Neglect
- S-1647/A-3181 (Diegnan, Codey/Conaway, Vainieri Huttle, Benson, Murphy)** – Prohibits use of coupons, price rebates, and price reduction promotions in sales of tobacco and vapor products
- S-1683/A-4267 (Smith, Greenstein/McKeon, Space, Wirths)** – Concerns regulation of solid waste, hazardous waste, and soil and fill recycling industries
- S-1703/A-715 (Connors, Holzapfel/Gove, Rumpf, DiMaso)** – Exempts disabled veterans from beach buggy permit fees
- S-1791/A-3414 (Weinberg/Johnson, Vainieri Huttle, Houghtaling)** – Requires employers to disclose certain wage information to employees
- S-1796/A-4693 (Addiego, Sweeney/Murphy)** – Permits school district of residence to provide aid in-lieu-of transportation to pupil attending Marine Academy of Science and Technology provided certain conditions are met
- S-1832/A-211 (Ruiz, Sarlo/Chiaravalloti, Zwicker, Pintor Marin)** – Establishes loan redemption program and tuition reimbursement program for certain teachers of science, technology, engineering, and mathematics
- S-2267/A-3616 (Sweeney, Corrado/Burzichelli, Holley, Calabrese)** – Gives State lottery winners option of remaining anonymous indefinitely
- S-2303/A-4843 (Sweeney, Ruiz, Cunningham/Wimberly, Karabinchak, Calabrese)** – Requires establishment of Work and Learn Consortiums by certain educational institutions to establish certificate and degree programs identified in high labor-demand industries
- S-2389 wGR/A-5449 (Singleton/Quijano, Downey, Houghtaling, Moriarty)** – Requires New Jersey State Board of Pharmacy to establish prescription drug pricing disclosure website and certain pharmaceutical manufacturing companies to provide prescription drug price information
- S-2428/A-4965 (Scutari/Quijano, Vainieri Huttle)** – Requires that massage and bodywork therapists and employers carry professional liability insurance
- S-2469/A-3745 (Singleton, Oroho/Wirths, Mazzeo, Space)** – Prohibits person from contracting for public work if person is federally debarred from receiving federal contract
- S-2511/A-4020 (Madden/Mazzeo, Murphy, Johnson)** – Changes title of DEP "conservation officer" to "conservation police officer"
- S-2521/A-4087 (Cryan, Greenstein/Vainieri Huttle, Lopez, Timberlake)** – Requires reporting of inmate abuse by employees of State correctional facilities and establishes reporting and investigation program
- S-2522/A-4090 (Cryan, Greenstein/Vainieri Huttle, Lopez, Timberlake)** – Limits cross gender strip searches in

State correctional facilities

S-2532/A-4086 (Greenstein, Cruz-Perez/Vainieri Huttle, Lopez, Timberlake) – Requires correctional police officers receive 20 hours in-service training, including four hours in prevention of sexual misconduct, non-fraternization, and manipulation

S-2555/A-3990 (Gopal, Ruiz/Mukherji, Benson, Karabinchak) – Allows dependent students whose parents or guardians hold H-1B visas to qualify for in-State tuition at public institutions of higher education provided they meet certain criteria

S-2564/A-3519 (Turner, Singleton/Benson, McKnight, Jasey) – Establishes "Restorative Justice in Education Pilot Program" in Department of Education

SCS for S-2599/ACS for A-1268 (Bateman, Beach/Tucker, Conaway, Lampitt, Quijano) – Authorizes veterans' property tax exemption and veterans' property tax deduction for honorably discharged veterans of United States Armed Forces who did not serve in time of war or other emergency

S-2826/A-3274 (Greenstein/Vainieri Huttle, Dancer, Benson) – Requires institutions of higher education to offer cats and dogs no longer used for educational, research, or scientific purposes for adoption; designated the "Homes for Animal Heroes Act"

S-2849/A-4590 (A.M. Bucco/DiMaio, Caputo, Dunn) – Designates Seeing Eye® dog as State Dog

S-3036/A-1697 (Lagana, Scutari/Dancer, Downey) – Prohibits medical providers from reporting certain workers' compensation medical charges to collection and credit reporting agencies

S-3061/A-4603 (Ruiz, Greenstein/Lampitt, Mukherji, Benson) – Provides corporation business tax and gross income tax credits for businesses that participate in DOL registered apprenticeship programs; establishes grant program for tax-exempt organizations participating in DOL registered apprenticeship programs

S-3065/A-4657 (Ruiz, Singleton/Armato, Benson, Timberlake) – Establishes youth apprenticeship pilot program in Department of Education

S-3067/A-4602 (Ruiz, Singleton/Lampitt, Reynolds-Jackson, Sumter) – Establishes five year Apprentice Assistance and Support Services Pilot Program

S-3116/A-4683 (Ruiz/Speight, Munoz, Tucker) – Requires certain medical facilities to undertake end-of-life planning and training

S-3117/A-4685 (Ruiz/Speight, Pinkin, Munoz) – Requires emergency departments to take certain measures concerning palliative care for patients

S-3126/A-4107 (Gopal/Benson, DeCroce, Chiaravalloti) – Requires drivers to stop at railroad crossing when on-track equipment is approaching railroad crossing

S-3170/A-5145 (Cryan, Pou/Quijano, Milam, Land) – Increases prenotification time and requires severance pay in certain plant closings, transfers, and mass layoffs

S-3227/A-5261 (Gopal/Tully, Pinkin, Swain) – Requires restaurants to post signs advising customers to notify servers of food allergies; requires restaurant managers to complete food allergen training

S-3265/A-3178 (Turner, Codey, Vitale/Conaway, Murphy, Vainieri Huttle) – Prohibits sale or distribution of flavored vapor products

[Copy of Statement](#)

S-3330 wGR/A-5066 (Addiego, Singleton/Jones, Vainieri Huttle, Lampitt, Murphy) – Establishes pilot program in DCF to study impact of child care services provided by community providers operating in public school facilities; requires community providers to meet certain criteria

S-3422/A-6056 (Singer, T. Kean/Houghtaling, Downey, Vainieri Huttle) – Requires declaration of Code Blue

alert when National Weather Service predicts temperatures of 32 degrees Fahrenheit or lower

S-3468/A-5105 (Sweeney, Singleton/Murphy, Karabinchak, Vainieri Huttie) – Establishes Task Force on Maximizing Employment for People with Disabilities

S-3511/A-5298 (Singer, T. Kean/Mukherji, Vainieri Huttie, Downey) – Authorizes certain health care and social service resources to be made available during Code Blue alert

S-3581/A-5963 (Singleton/Lopez, Quijano) – Prohibits certain business financing contracts that contain judgment by confession provisions

S-3685/A-5345 (Sarlo, Singleton/Mukherji, Conaway, McKnight) – Establishes program to increase participation of underrepresented students in New Jersey's science and engineering workforce

S-3756/A-6115 (Ruiz, Sarlo, O'Scanlon/Jasey, Jones, Wirths) – Requires limited purpose regional school districts to coordinate with constituent districts regarding school calendar and curriculum

S-3763/A-6116 (Addiego, Bateman, Sarlo/DeAngelo, Dancer, Space) – Renames joint meetings as regional service agencies; grandfathers existing joint meetings

S-3869/A-5561 (Sarlo/Burzichelli, Houghtaling) – Prohibits local governments from imposing fines on alarm companies in certain circumstances

S-3871/A-5427 (Bateman, Scutari/DePhillips, McKeon) – Adds member from Retired Judges Association of New Jersey to State Investment Council

SCS for S-3878/ACS for A-5394 (Ruiz, Weinberg, Cunningham/Moriarty, McKnight, Pinkin) – Reaffirms and clarifies that Attorney General and Division on Civil Rights may initiate actions in Superior Court to enforce "Law Against Discrimination"

S-3920 wGR/A-5552 (Pou/Wimberly, Sumter) – Concerns provision of energy to certain manufacturing facilities by providing exemptions to certain energy related taxes

S-3923/A-5680 (Madden, Singleton/Giblin, Timberlake, Murphy) – Concerns labor harmony agreements for hospitality projects

SCS for S-3939 and 3944/ACS for A-5681 and 5682 (Smith, Greenstein, Bateman, Codey/Pinkin, Lopez, McKeon) – Establishes Recycling Market Development Council

S-3985/A-5663 (Smith/McKeon, Pinkin, Vainieri Huttie) – Amends "Electric Discount and Energy Competition Act" to add definition of "open access offshore wind transmission facility" and revises law concerning "qualified offshore wind projects"

S-4025/A-5695 (Pou/Wimberly, Sumter) – Makes FY 2020 language allocation of \$1,000,000 appropriated to Grants for Urban Parks to Hinchliffe Stadium in Paterson

S-4162/A-6014 (Smith, Greenstein/Vainieri Huttie, Pinkin, Houghtaling) – Establishes NJ Climate Change Resource Center at Rutgers University; appropriates up to \$500,000

S-4165/A-4364 (Rice/Giblin, Caputo, Tucker) – Expands University Hospital board of directors membership from 11 to 13 members

S-4188/A-6075 (Beach/Murphy, Dancer, Lampitt) – "Lindsay's Law"; provides tax benefits to organ and bone marrow donors and their employers, and provides paid time off to donors who are State or local government employees

S-4200/A-5855 (Ruiz, Turner/Coughlin, Lampitt, Holley) – Requires State to pay difference between federal allocation and total cost of reduced price breakfast or lunch; appropriates \$4.5 million

S-4247/A-6049 (Gopal, O'Scanlon/Conaway, Houghtaling, Downey) – Establishes criteria for distribution of Fiscal Year 2020 funding to Community Food Bank of New Jersey and partner organizations

S-4264/A-5962 (Pou/Wimberly, Sumter, Calabrese) – Designates State Highway Route 19 as "William J. Pascrell Jr. Highway"

S-4275/A-6088 (Smith, Greenstein/Burzichelli) – Allows BPU to increase cost to customers of Class I renewable energy requirement for energy years 2022 through 2024, under certain conditions

S-4276/A-6109 (Corrado, Bateman/Armato, Calabrese, Land) – Appropriates \$32,153,936 to State Agriculture Development Committee, and amends 2017 appropriations for stewardship activities, for farmland preservation purposes

S-4277/A-6112 (Greenstein, Bateman/Freiman, Danielsen, Downey) – Appropriates \$5,000,000 from constitutionally dedicated CBT revenues to State Agriculture Development Committee for municipal planning incentive grants for farmland preservation purposes

S-4278/A-6108 (Greenstein, Bateman/Taliaferro, Karabinchak, Kennedy) – Appropriates \$21 million from constitutionally dedicated CBT revenues to State Agriculture Development Committee for county planning incentive grants for farmland preservation purposes

S-4279/A-6106 (Smith, Bateman/Houghtaling, Reynolds-Jackson, Pinkin) – Appropriates \$1,350,000 from constitutionally dedicated CBT revenues to State Agriculture Development Committee for grants to certain nonprofit organizations for farmland preservation purposes

S-4286/A-5890 (Vitale/Swain, Jones) – Clarifies procedures concerning collection of child support on behalf of child over age 19 when court has ordered such support

S-4309/A-6107 (Turner, Cruz-Perez/Mejia, Vainieri Huttie, Zwicker) – Appropriates \$13,902,723 from constitutionally dedicated CBT revenues to NJ Historic Trust for grants for certain historic preservation projects and associated administrative expenses

S-4310/A-6114 (Codey, Bateman/Carter, Murphy, Lopez) – Appropriates \$8,872,682 to DEP from constitutionally dedicated CBT revenues for grants to certain nonprofit entities to acquire or develop lands for recreation and conservation purposes

S-4311/A-6113 (Greenstein, Bateman/Speight, Mukherji, Verrelli) – Appropriates \$77,450,448 from constitutionally dedicated CBT revenues and various Green Acres funds to DEP for local government open space acquisition and park development projects

S-4312/A-6111 (Smith, Bateman/Giblin, Mazzeo, Land) – Appropriates \$36.143 million from constitutionally dedicated CBT revenues for recreation and conservation purposes to DEP for State capital and park development projects

S-4313/A-6110 (Corrado, Bateman/Moriarty, McKeon, Swain) – Appropriates \$33.915 million from constitutionally dedicated CBT revenues to DEP for State acquisition of lands for recreation and conservation purposes, including Blue Acres projects

SCS for S-4315/ACS for A-6063 (Beach, Turner/Jones, Zwicker) – Creates fund to reimburse local units of government for cost of certain mail-in ballot procedures; appropriates \$3,000,000

SJR-51/AJR-189 (Rice, Turner/Verrelli, Reynolds-Jackson, Sumter) – Establishes the "New Jersey State Commission on Urban Violence"

SJR-65/AJR-90 (Weinberg, Addiego/DiMaso, Vainieri Huttie, Schepisi) – Designates March 19th "Women in Public Office Day" in New Jersey

SJR-80/AJR-121 (Lagana, Weinberg/Jones, Benson, Chiaravalloti, DeCroce) – Urges federal government to adhere to commitment to improve Northeast Corridor rail infrastructure by providing funding to complete Gateway Program

SJR-125/AJR-169 (Gopal, Codey/Wolfe, Pinkin) – Designates the second week of October of each year as "Obesity Care Week" in NJ

- A-344/S-1575 (Murphy, McKeon, Timberlake/Cruz-Perez, Singleton)** – Revises certain aspects of the New Jersey Individual Development Account Program
- A-1040/S-3928 (Houghtaling, Taliaferro/Andrzejczak)** – Establishes NJ "Landowner of the Year" award program
- A-1146/S-4330 (Wimberly, Holley/Pou, Singleton)** – Establishes "New Jersey Investing in You Promise Neighborhood Commission"
- A-1277/S-2629 (Tucker, Holley, Lopez/Singleton, Gopal)** – Requires hospitals and homeless shelters to provide information on services and resources to individuals who are homeless or military veterans
- A-1449/S-3168 (Benson, DeAngelo/Greenstein, Turner)** – Provides job security to certain organ and bone marrow donors
- A-1477/S-3228 (Chaparro, Vainieri Huttle, Benson, Jimenez, Mukherji, Downey/Gopal, Scutari)** – Establishes Statewide Hit and Run Advisory Program to facilitate apprehension of persons fleeing motor vehicle accident scene; designated as "Zackhary's Law"
- A-1478/S-1648 (Chaparro, Vainieri Huttle/Diegnan, T. Kean)** – Revises law governing theater liquor licenses
- A-1604/S-2734 (Conaway, Murphy, Jimenez/Singleton)** – "Recreational Therapists Licensing Act"
- A-1796/S-2609 (McKeon, Downey/Lagana, Gopal)** – Prevents criminal defendant from asserting "gay and transgender panic" defense to murder charge in order to reduce charge to manslaughter committed in heat of passion
- A-1924/S-2930 (Mukherji, A.M. Bucco, DeAngelo, DeCroce/Beach)** – Exempts certain honorably discharged United States military veterans from initial insurance producer licensing fee
- A-1992/S-1780 (Sumter, Benson, Vainieri Huttle, Houghtaling, Wimberly/Diegnan, Turner)** – "New Jersey Call Center Jobs Act"
- A-2183/S-1687 (Land, Johnson/Cruz-Perez, Andrzejczak)** – "Music Therapist Licensing Act"
- ACS for A-2431 wGR/SCS for S-1865 (Benson, Jimenez, DeCroce/Weinberg, T. Kean)** – Requires health insurers to provide plans that limit patient cost-sharing concerning certain prescription drug coverage
- ACS for A-2444 and S-2656/S-2081 (Benson, Lampitt, Pinkin, Mukherji/Turner, Singleton)** – Provides for coverage of comprehensive tobacco cessation benefits in Medicaid
- A-2767/S-2924 (Greenwald, Mosquera, McKnight/Greenstein, Singleton)** – Amends certain provisions of sexual assault statute to clarify elements necessary for conviction
- A-3312/S-1972 (Murphy, Lagana, Downey, Sumter/Gopal, Corrado)** – Requires Legislature to adopt and distribute policy prohibiting sexual harassment; requires members, officers, and employees of Legislature to complete online training on policy once every two years
- A-3670/S-995 (Benson, Giblin, Murphy/Vitale, Weinberg)** – Provides for designation of acute stroke ready hospitals, establishes Stroke Care Advisory Panel and Statewide stroke database, and requires development of emergency medical services stroke care protocols
- ACS for A-4136/SCS for S-2675 (Land, Milam/Andrzejczak, Van Drew)** – Establishes Possession In Excess of Daily Limit Vessel License for black sea bass and summer flounder; dedicates fees therefrom to marine fisheries programs
- A-4147/S-2744 (Lampitt, Houghtaling, Zwicker/Ruiz, Corrado)** – Requires school districts and nonpublic schools to conduct audit of security features of buildings, grounds, and communication systems and to submit audit to NJ Office of Homeland Security and Preparedness and DOE

- A-4150/S-2742 (Lampitt, Jones, Timberlake/Ruiz, Corrado)** – Requires meeting between student and appropriate school personnel after multiple suspensions or proposed expulsion from public school to identify behavior or health difficulties
- A-4151/S-2745 (Swain, Tully, Jasey/Ruiz, Corrado)** – Requires school security training for persons employed by public and nonpublic schools in substitute capacity and for employees and volunteers of youth programs operated in school buildings
- A-4260/S-4335 (Timberlake, Giblin, Tucker, Caputo/Pou, Scutari)** – Prohibits sale of certain toy guns and imitation firearms
- A-4370/S-2919 (Carroll/A.M. Bucco)** – Increases membership of board of trustees of Washington Association of New Jersey
- A-4377/S-2934 (Benson, Land, DeCroce/Greenstein)** – Requires DOT and OIT to develop materials concerning capabilities of airports in NJ and establishes "Public Use Airports Task Force"
- A-4517/S-4341 (Wimberly, Speight, Reynolds-Jackson/Singleton, Cunningham)** – Establishes "New Jersey Eviction Crisis Task Force"
- A-4529/S-3191 (Mazzeo, Armato/Gopal, Andrezejczak)** – Concerns reimbursements to Superstorm Sandy-impacted homeowners subjected to contractor fraud
- A-4563/S-3096 (Zwicker, Benson/Greenstein, Gill)** – Prohibits use of bots to deceive person about origin and content of communication for certain commercial or election purposes
- A-4564/S-3087 (Zwicker, Freiman/Greenstein)** – Establishes "Voting Precinct Transparency Act;" requires filing of election district, county district, and municipal ward boundary data with Secretary of State for posting and download on official website with matching election results data
- A-4699/S-2938 (Moriarty, Burzichelli, Bramnick/Turner)** – Regulates annual report filing services
- A-4803/S-4211 (Greenwald, Johnson, Pintor Marin/Cryan, Vitale)** – Authorizes certain entities to directly bill Victims of Crime Compensation Office for counseling services provided to victims of firearm and stabbing crimes
- A-4822/S-3408 (Wimberly, Tully, Swain/Singleton, Greenstein)** – Permits municipalities to lease vacant municipal land for tiny home occupancy; directs DCA to enhance regulatory guidance on acceptable tiny home construction and use
- A-4904 wGR/S-3347 (Mukherji, Quijano, Mazzeo/Cryan, Sweeney)** – Concerns property taxes due and owing on real property owned by certain federal employees or contractors under certain circumstances
- A-4954/S-3368 (Quijano, Murphy, Carter/Singleton, Greenstein)** – Revises requirements for provision of counseling and support services to emergency services personnel
- ACS for A-4972/SCS for S-1490 (Moriarty/Beach, Scutari)** – Establishes certain consumer protections related to arbitration organizations
- A-4978 wGR/S-3498 (Timberlake, Zwicker, Vainieri Huttle/Greenstein, Cryan)** – Prohibits online education services from using and disclosing certain information, engaging in targeted advertising, and requires deletion of certain information in certain circumstances
- A-5023/S-3467 (McKnight, Mukherji, Chaparro, Chiaravalloti/Cunningham)** – Exempts from DOT permitting requirements certain signs not located in protected areas that have been approved by municipality
- A-5028/S-3523 (Mukherji, Conaway, Pintor Marin/Vitale, Diegnan)** – Establishes "James Nicholas Rentas's Law," revises "New Jersey SmokeFree Air Act"
- A-5029/S-3522 (Sumter, Reynolds-Jackson, Johnson/Rice, T. Kean)** – Requires New Jersey Office on Minority and Multicultural Health to study racial disparities on sexual and reproductive health of African-American women

A-5031/S-3455 (Speight, McKnight, Timberlake/Ruiz) – Requires hospital emergency departments to ask person of childbearing age about recent pregnancy history

A-5314/S-3692 (Zwicker, Milam, Mazzeo/Cryan, Ruiz) – Requires DHS to study social isolation occurring in certain population groups

A-5344/S-3833 (Mukherji, Vainieri Huttie, Milam/Gopal, Corrado) – Establishes uniform standard for acceptable proof of veteran status for veteran's ID cards and various State and local programs

A-5388/S-3895 (Speight, Pintor Marin, Greenwald/Greenstein, Ruiz) – Requires specialized in-service training regarding crime victims for police departments in certain high-crime areas

A-5389/S-3896 (Speight, Pintor Marin, Greenwald/Greenstein, Ruiz) – Requires training or experience in crime victims' rights for certain members of Victims of Crime Compensation Review Board

A-5432/S-3796 (Milam, Land/Andrzejczak) – Requires DEP Commissioner to establish individual transferable quota system for menhaden purse seine fishery

A-5445/S-3909 (Swain, Tully, Spearman/T. Kean, Corrado) – Requires AG to establish program to detect fentanyl in State's illegal drug supply and make information related to presence of fentanyl available in database accessible by law enforcement

A-5511/S-1852 (Spearman, Jones, Reynolds-Jackson/Turner, Cruz-Perez) – Revises certain penalties for illegal operation of snowmobile, all-terrain vehicle, or dirt bike

A-5580/S-3842 (Johnson, Moriarty, Greenwald/Weinberg, Sarlo) – Extends availability period for tax credits for certain expenses incurred for production of certain film and digital media content, raises annual cap related to film production, and provides for annual administration of film tax credits

A-5583/S-3919 (Pinkin, Lopez, Mukherji/Smith, Bateman) – Prohibits sale, lease, rent, or installation of certain equipment or products containing hydrofluorocarbons or other greenhouse gases

A-5630/S-3981 (Pintor Marin, Munoz, Reynolds-Jackson/Weinberg, Corrado) – Requires Civil Service Commission to establish and maintain hotline for State employees to submit reports of workplace discrimination and harassment

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A-5667/S-3933 (Mukherji, Vainieri Huttie, Armato, DeCroce, Karabinchak/Singer, Scutari) – "Charlie's Law"; requires pharmacy practice sites and hospice programs to furnish patients with information and means to safely dispose of unused prescription drugs and medications

A-5801/S-4064 (Coughlin, Houghtaling, Verrelli/Singleton, Sweeney) – Concerns responsibility of contractors for wage claims against subcontractors

A-5817/S-4263 (Mazzeo, Armato/Cunningham, Sweeney, C.A. Brown) – Allows certain persons to qualify for casino key employee license and casino employee registration

A-5916/S-4255 (Chiaravalloti, McKnight, Karabinchak/Cunningham, Weinberg) – Authorizes DOH to notify elected officials of financial distress of certain hospitals

A-5918/SCS for S-3741 and 4253 (Chiaravalloti, McKnight/Weinberg, Cunningham, Vitale) – Expands hospital reporting requirements

A-5970/S-4201 (Lopez, Speight, Chaparro/Codey) – Amends list of environmental infrastructure projects approved for long-term funding for FY2020 to include new projects, remove certain projects, and modify estimated loan amounts for certain projects

A-5971/S-4202 (Mukherji, Pintor Marin, Spearman/Bateman, Corrado) – Authorizes NJ Infrastructure Bank to expend additional sums to make loans for environmental infrastructure projects for FY2020

A-5972/S-4203 (Pinkin, Benson, Zwicker/Greenstein, Singleton) – Makes changes to New Jersey Infrastructure Bank's enabling act

A-5977/S-4282 (Greenwald, Downey, Vainieri Huttie/Vitale, Singleton) – Provides for establishment of Regional Health Hub Program as replacement to Accountable Care Organization Demonstration Project, and designates existing accountable care organizations and look-alike organizations as Regional Health Hubs

A-6119/S-4336 (Egan, Houghtaling/Madden) – Revises "The Public Works Contractor Registration Act" and amends definition of registered apprenticeship program

AJR-35/SJR-159 (McKnight, Chaparro, Chiaravalloti, DeCroce/Cunningham, Greenstein) – Designates third full week in March as "Domestic Violence Services Awareness Week" to bring awareness of services available to domestic violence victims

AJR-103/SJR-70 (Rooney, DePhillips, Murphy/Corrado) – Permanently designates January as "NUT Carcinoma Awareness Month" in New Jersey

AJR-118/SJR-157 (McKnight, Timberlake, McKeon/Pou, Madden) – Designates April of each year as "Financial Literacy Month" in New Jersey

AJR-180/SJR-112 (DeAngelo, McKnight, Murphy/Singleton, Corrado) – Designates February in each year as "Career and Technical Education Month" in New Jersey

Governor Murphy declined to sign the following bills, meaning they expire without becoming law:

S-691/A-657 (Ruiz, Pou/Jasey, Caputo, Pintor Marin, Sumter, Wimberly) – Requires that if a school district satisfies 80% or more of the required NJ Quality Single Accountability Continuum standards in an area of district effectiveness under State intervention, the State must return that area to local control

S-1083/A-544 (Cruz-Perez, Gopal/Mazzeo, Houghtaling, Holley, Dancer) – Establishes loan program and provides corporation business tax and gross income tax credits for establishment of new vineyards and wineries

S-2421/A-1030 (Smith, Bateman/Johnson, Kennedy, Benson, DeAngelo) – Concerns installation of electric vehicle charging stations in common interest communities

S-2425/A-3851 (Singleton, Andrzejczak/Conaway) – Revises law relating to common interest communities

S-2429/A-4028 (Scutari, Pou/Bramnick, Downey) – Requires automobile insurers to disclose policy limits upon request by an attorney under certain circumstances

S-2835/A-3926 (Singleton, Ruiz/Conaway, Lampitt, Murphy) – Requires public schools to administer written screenings for depression for students in certain grades

S-2897/A-1433 (Madden, Singer/Benson, Wimberly, Carter) – Requires DCA to establish procedures for inspection and abatement of mold hazards in residential buildings and school facilities, and certification programs for mold inspectors and mold hazard abatement workers

S-2957/A-4712 (Stack/Mukherji, Chaparro) – Establishes five-year moratorium on conversions of certain residential rental premises in qualified counties

S-2958/A-4535 (Sarlo, Oroho/Zwicker, DePhillips, DeCroce) – Establishes the "Energy Infrastructure Public-Private Partnership Act"

S-3062/A-2049 (Ruiz, Greenstein/Howarth, Benson, Murphy) – Provides corporation business tax and gross income tax credits for businesses that employ apprentices in DOL registered apprenticeships

S-3063/A-4655 (Ruiz/Armato, Vainieri Huttie, DeAngelo) – Provides tuition fee waiver apprenticeship courses

S-3137/A-1308 (Sweeney, Oroho, Singleton/Greenwald, Milam, Land) – The "Electronic Construction Procurement Act"

S-3252/A-4713 (Greenstein, Stack/DeAngelo, Quijano) – "New Townhouse Fire Safety Act"; requires automatic fire sprinkler systems in new townhomes

S-3263/A-4837 (T. Kean, Diegnan/Vainieri Huttle, Chiaravalloti, McKnight) – Revises and updates membership and purpose of Advisory Council on the Deaf and Hard of Hearing in DHS

S-3270/A-5095 (Pou/McKeon, Freiman, DeCroce) – Establishes certain requirements for stop loss insurance offered to small employers

S-3393/ACS for A-5384 and 5157 (Sarlo, Addiego/Mazzeo, Murphy, Houghtaling, Calabrese, Armato, Dancer) – Allows certain preserved farms to hold 14 special occasion events per year; imposes further event restrictions on residentially-exposed preserved farms

S-3770/A-6118 (Sarlo, Oroho, Sweeney/Greenwald, Jones) – Establishes "New Jersey Economic and Fiscal Policy Review Commission" to provide ongoing review of State and local tax structure, economic conditions, and related fiscal issues

S-3888/A-5585 (Ruiz/Dancer, Pintor Marin) – Extends document submission deadlines under Economic Redevelopment and Growth Grant program and Urban Transit Hub Tax Credit program

S-4035/A-5702 (Pou, Singleton/Wimberly, Reynolds-Jackson, Sumter) – Makes Fiscal Year 2020 supplemental appropriation of \$1,700,000 for Thomas Edison State University

S-4281/A-6094 (Smith, Diegnan/Danielsen, Pinkin) – Requires State to sell and convey to Educational Services Commission of New Jersey certain land and improvements known as Piscataway Regional Day School

S-4331/A-4727 (Diegnan, Madden/Karabinchak, Holley, Jones) – Requires person taking written examination for permit to watch video of rights and responsibilities of driver stopped by law enforcement; requires testing on rights and responsibilities of driver stopped by law enforcement

A-491/S-4340 (Jimenez/Sacco, Stack) – Enhances PFRS accidental death pension for surviving spouse by providing for minimum of \$50,000 annually

A-1044/S-1441 (Houghtaling, Downey, DiMaio, Space/Doherty, Madden) – Requires Director of Division of Taxation to examine feasibility of centralized property tax information system to verify property taxes paid by homestead property tax reimbursement claimants

A-1045/S-2856 (Houghtaling, Downey, Dancer/Gopal, Oroho) – Clarifies sales tax collection responsibilities of horse-boarding businesses in New Jersey

A-1526/S-1048 (Zwicker, Johnson/Vitale) – Concerns payment of independent contractors

A-2731/S-3407 (Taliaferro, Space/Sweeney, Oroho) – Removes statutory limitation on number of permits that may be issued by Division of Fish and Wildlife for the taking of beaver

A-4382/S-2815 (Pinkin, Lopez, Kennedy/Beach, Smith) – Requires paint producers to implement or participate in paint stewardship program

A-4463/S-3927 (Freiman, Egan, Karabinchak/Oroho, Andrzejczak) – Establishes "Electronic Permit Processing Review System"

A-4788/S-3880 (Karabinchak, Freiman, Calabrese/Diegnan) – Establishes expedited construction inspection program

A-5072/S-3496 (Karabinchak, Johnson, Mukherji/Greenstein, Cryan) – "Defense Against Porch Pirates Act"; creates new category of theft, with penalties including mandatory restitution and community service, for taking package delivered to residence by cargo carrier

A-5446/S-3907 (Land, Reynolds-Jackson, Verrelli/T. Kean, Lagana) – Requires reporting of opioid deaths

A-5629/S-3980 (Pintor Marin, Munoz/Weinberg, Corrado) – Clarifies provisions concerning disclosure of existence and content of discrimination or harassment complaints; requires certain disclosures to person against whom complaint is made

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ACS for A-5922 and 5923/SCS for S-4223 and 4224 (Conaway, Vainieri Huttle, Lopez, Pinkin/Vitale, Sweeney) – Revises requirements for sale of tobacco and vapor products; increases penalties for prohibited sales; increases fees for cigarette and vapor business licensure

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