

# 58:11B-3

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**LAWS OF:** 1999                    **CHAPTER:** 175

**NJSA:** 58:11B-3            (New Jersey Environmental Infrastructure)

**BILL NO:** A20                    (Substituted for S1929)

**SPONSOR(S):** Gibson & Rooney

**DATE INTRODUCED:** May 17, 1999

**COMMITTEE:**            **ASSEMBLY:** Solid & Hazardous Waste; Appropriations

**SENATE:**                ----

**AMENDED DURING PASSAGE:**            No

**DATE OF PASSAGE:**            **ASSEMBLY:** June 14, 1999

**SENATE:**                June 21, 1999

**DATE OF APPROVAL:**            July 28, 1999

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL:** Original  
(Amendments during passage denoted by superscript numbers)

### A20

**SPONSORS STATEMENT:** (Begins on page 9 of original bill)            [Yes](#)

**COMMITTEE STATEMENT:**                    **ASSEMBLY:**            [Yes](#) [5-20-99 \(Solid & Hazardous\)](#)  
[Yes](#) [6-3-99 \(Appropriations\)](#)

**SENATE:**                No

**FLOOR AMENDMENT STATEMENTS:**            No

**LEGISLATIVE FISCAL ESTIMATE:**            No

### S1929

**SPONSORS STATEMENT:** (Begins on page 9 of original bill)            [Yes](#)  
Bill and Sponsor Statement identical to A20

**COMMITTEE STATEMENT:**                    **ASSEMBLY:**            No

**SENATE:**                [Yes](#) [6-7-99](#)  
Identical to Solid & Hazardous Statement for A20  
[Yes](#) [6-14-99](#)

**FLOOR AMENDMENT STATEMENTS:**            No

**LEGISLATIVE FISCAL ESTIMATE:**            No

**VETO MESSAGE:**

**GOVERNOR'S PRESS RELEASE ON SIGNING:**

Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

P.L. 1999, CHAPTER 175, *approved July 28, 1999*

Assembly, No. 20

1 **AN ACT** concerning the financing of environmental infrastructure  
2 projects, and amending P.L.1985, c.334 and P.L.1997, c.224.

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 read  
8 as follows:

9 3. As used in sections 1 through 27 of P.L.1985, c.334  
10 (C.58:11B-1 through 58:11B-27) and sections 23 through 27 of  
11 P.L.1997, c.224 (C.58:11B-10.1 et al.):

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

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

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

21 "Commissioner" means the Commissioner of the Department of  
22 Environmental Protection;

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

29 "Department" means the Department of Environmental Protection;

30 "Local government unit" means (1) a State authority, county,  
31 municipality, municipal or county sewerage or utility authority,  
32 municipal sewerage district, joint meeting, improvement authority, or  
33 any other political subdivision of the State authorized to construct,  
34 operate and maintain wastewater treatment systems; or (2) a State  
35 authority, district water supply commission, county, municipality,  
36 municipal or county utilities authority, municipal water district, joint  
37 meeting or any other political subdivision of the State authorized  
38 pursuant to law to operate or maintain a public water supply system  
39 or to construct, rehabilitate, operate or maintain water supply facilities  
40 or otherwise provide water for human consumption;

41 "Notes" means notes issued by the trust pursuant to P.L.1985,

**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 c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.);  
2 "Project" or "environmental infrastructure project" means the  
3 acquisition, construction, improvement, repair or reconstruction of all  
4 or part of any structure, facility or equipment, or real or personal  
5 property necessary for or ancillary to any (1) wastewater treatment  
6 system project, including any stormwater management or combined  
7 sewer overflow abatement projects; or (2) water supply project, as  
8 authorized pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.) or  
9 P.L.1997, c.224 (C.58:11B-10.1 et al.);

10 "Public water utility" means any investor-owned water company or  
11 small water company [that is subject to the jurisdiction or rate  
12 regulation of the Board of Public Utilities as a public utility];

13 "Small water company" means any company, purveyor or entity,  
14 other than a governmental agency, that provides water for human  
15 consumption and which regularly serves less than 1,000 customer  
16 connections, including nonprofit, noncommunity water systems owned  
17 or operated by a nonprofit group or organization;

18 "Stormwater management system" means any equipment, plants,  
19 structures, machinery, apparatus, management practices, or land, or  
20 any combination thereof, acquired, used, constructed, implemented or  
21 operated [by a local government unit] to prevent nonpoint source  
22 pollution, abate improper cross-connections and interconnections  
23 between stormwater and sewer systems, minimize stormwater runoff,  
24 reduce soil erosion, or induce groundwater recharge, or any  
25 combination thereof;

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

28 "Wastewater" means residential, commercial, industrial, or  
29 agricultural liquid waste, sewage, septage, stormwater runoff, or any  
30 combination thereof, or other liquid residue discharged or collected  
31 into a sewer system or stormwater management system, or any  
32 combination thereof;

33 "Wastewater treatment system" means any equipment, plants,  
34 structures, machinery, apparatus, or land, or any combination thereof,  
35 acquired, used, constructed or operated by, or on behalf of, a local  
36 government unit for the storage, collection, reduction, recycling,  
37 reclamation, disposal, separation, or other treatment of wastewater or  
38 sewage sludge, or for the collection or treatment, or both, of  
39 stormwater runoff and wastewater, or for the final disposal of residues  
40 resulting from the treatment of wastewater, including, but not limited  
41 to, pumping and ventilating stations, treatment plants and works,  
42 connections, outfall sewers, interceptors, trunk lines, stormwater  
43 management systems, and other personal property and appurtenances  
44 necessary for their use or operation; "wastewater treatment system"  
45 shall include a stormwater management system or a combined sewer  
46 system;

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

15 "Water supply facilities" means and refers to the real property and  
16 the plants, structures, interconnections between existing water supply  
17 facilities, machinery and equipment and other property, real, personal  
18 and mixed, acquired, constructed or operated, or to be acquired,  
19 constructed or operated, in whole or in part, by or on behalf of a  
20 public water utility, or by or on behalf of the State or a local  
21 government unit, for the purpose of augmenting the natural water  
22 resources of the State and making available an increased supply of  
23 water for all uses, or of conserving existing water resources, and any  
24 and all appurtenances necessary, useful or convenient for the  
25 collecting, impounding, storing, improving, treating, filtering,  
26 conserving or transmitting of water, and for the preservation and  
27 protection of these resources and facilities, whether in public or  
28 private ownership, and providing for the conservation and  
29 development of future water supply resources, and facilitating  
30 incidental recreational uses thereof;

31 "Water supply project" means any work relating to the acquisition,  
32 construction, improvement, repair or reconstruction of all or part of  
33 any structure, facility or equipment, or real or personal property  
34 necessary for or ancillary to water supply facilities that meets the  
35 requirements set forth in sections 24, 25 and 26 of P.L.1997, c.224  
36 (C.58:11B-20.1, C.58:11B-21.1 and C.58:11B-22.1); or any work  
37 relating to the purposes set forth in section 4 of P.L.1981, c.261; or  
38 any work relating to any other project eligible for funding pursuant to  
39 the federal "Safe Drinking Water Act Amendments of 1996"  
40 Pub.L.104-182, and any amendatory and supplementary acts thereto.  
41 (cf: P.L.1997, c.224, s.4)

42

43 2. Section 5 of P.L.1985, c.334 (C.58:11B-5) is amended to read  
44 as follows:

45 5. Except as otherwise limited by the provisions of P.L.1985, c.334  
46 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.), the

- 1 trust may:
- 2 a. Make and alter bylaws for its organization and internal  
3 management and, subject to agreements with holders of its bonds,  
4 notes or other obligations, make rules and regulations with respect to  
5 its operations, properties and facilities;
- 6 b. Adopt an official seal and alter it;
- 7 c. Sue and be sued;
- 8 d. Make and enter into all contracts, leases and agreements  
9 necessary or incidental to the performance of its duties and the  
10 exercise of its powers under the provisions of P.L.1985, c.334  
11 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.), and  
12 subject to any agreement with the holders of the trust's bonds, notes  
13 or other obligations, consent to any modification, amendment or  
14 revision of any contract, lease or agreement to which the trust is a  
15 party;
- 16 e. Enter into agreements or other transactions with and accept,  
17 subject to the provisions of section 23 of P.L.1985, c.334  
18 (C.58:11B-23), grants, appropriations and the cooperation of the  
19 State, or any State agency, in furtherance of the purposes of P.L.1985,  
20 c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.),  
21 and do anything necessary in order to avail itself of that aid and  
22 cooperation;
- 23 f. Receive and accept aid or contributions from any source of  
24 money, property, labor or other things of value, to be held, used and  
25 applied to carry out the purposes of P.L.1985, c.334 (C.58:11B-1 et  
26 seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.), subject to the  
27 conditions upon which that aid and those contributions may be made,  
28 including, but not limited to, gifts or grants from any department or  
29 agency of the State, or any State agency, for any purpose consistent  
30 with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or  
31 P.L.1997, c.224 (C.58:11B-10.1 et al.), subject to the provisions of  
32 section 23 of P.L.1985, c.334 (C.58:11B-23);
- 33 g. Acquire, own, hold, construct, improve, rehabilitate, renovate,  
34 operate, maintain, sell, assign, exchange, lease, mortgage or otherwise  
35 dispose of real and personal property, or any interest therein, in the  
36 exercise of its powers and the performance of its duties under the  
37 provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224  
38 (C.58:11B-10.1 et al.);
- 39 h. Appoint and employ an executive director and any other officers  
40 or employees as it may require for the performance of its duties,  
41 without regard to the provisions of Title 11A of the New Jersey  
42 Statutes;
- 43 i. Borrow money and issue bonds, notes and other obligations, and  
44 secure the same, and provide for the rights of the holders thereof as  
45 provided in the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or  
46 P.L.1997, c.224 (C.58:11B-10.1 et al.);

- 1       j. Subject to any agreement with holders of its bonds, notes or  
2 other obligations, invest moneys of the trust not required for  
3 immediate use, including proceeds from the sale of any bonds, notes  
4 or other obligations, in any obligations, securities and other  
5 investments in accordance with the rules and regulations of the State  
6 Investment Council or as may otherwise be approved by the Director  
7 of the Division of Investment in the Department of the Treasury upon  
8 a finding that such investments are consistent with the corporate  
9 purposes of the trust;
- 10       k. Procure insurance to secure the payment of its bonds, notes or  
11 other obligations or the payment of any guarantees or loans made by  
12 it in accordance with the provisions of P.L.1985, c.334 (C.58:11B-1  
13 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.), or against any loss  
14 in connection with its property and other assets and operations, in any  
15 amounts and from any insurers as it deems desirable;
- 16       l. Engage the services of attorneys, accountants, engineers, and  
17 financial experts and any other advisors, consultants, experts and  
18 agents as may be necessary in its judgment and fix their compensation;
- 19       m. (1) Make and contract to make loans to local government  
20 units, or to a local government unit on behalf of another local  
21 government unit, to finance the cost of wastewater treatment system  
22 projects or water supply projects and acquire and contract to acquire  
23 notes, bonds or other obligations issued or to be issued by any local  
24 government units to evidence the loans, all in accordance with the  
25 provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224  
26 (C.58:11B-10.1 et al.);
- 27       (2) Make and contract to make loans to public water utilities, or to  
28 any other person or local government unit on behalf of a public water  
29 utility, to finance the cost of water supply projects in accordance with  
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.);
- 32       (3) Make and contract to make loans to private persons other than  
33 local government units, or to any other person or local government  
34 unit on behalf of a private person, to finance the cost of stormwater  
35 management systems in accordance with the provisions of P.L.1985,  
36 c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.);
- 37       n. Subject to any agreement with holders of its bonds, notes or  
38 other obligations, purchase bonds, notes and other obligations of the  
39 trust and hold the same for resale or provide for the cancellation  
40 thereof, all in accordance with the provisions of P.L.1985, c.334  
41 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.);
- 42       o. (1) Charge to and collect from local government units or public  
43 water utilities any fees and charges in connection with the trust's loans,  
44 guarantees or other services, including, but not limited to, fees and  
45 charges sufficient to reimburse the trust for all reasonable costs  
46 necessarily incurred by it in connection with its financings and the

1 establishment and maintenance of reserve or other funds, as the trust  
2 may determine to be reasonable. The fees and charges shall be in  
3 accordance with a uniform schedule published by the trust for the  
4 purpose of providing actual cost reimbursement for the services  
5 rendered;

6 (2) Any fees and charges collected by the trust pursuant to this  
7 subsection may be deposited and maintained in a fund separate from  
8 any other funds held by the trust pursuant to section 10 of P.L.1985,  
9 c.334 (C.58:11B-10) or section 23 of P.L.1997, c.224 (C.58:11B-10.1  
10 et al.) and shall be available for any corporate purposes of the trust;

11 p. Subject to any agreement with holders of its bonds, notes or  
12 other obligations, obtain as security or to provide liquidity for payment  
13 of all or any part of the principal of and interest and premium on the  
14 bonds, notes and other obligations of the trust or for the purchase  
15 upon tender or otherwise of the bonds, notes or other obligations,  
16 lines of credit, letters of credit and other security agreements or  
17 instruments in any amounts and upon any terms as the trust may  
18 determine, and pay any fees and expenses required in connection  
19 therewith;

20 q. Provide to local government units any financial and credit advice  
21 as these local government units may request;

22 r. Make payments to the State from any moneys of the trust  
23 available therefor as may be required pursuant to any agreement with  
24 the State or act appropriating moneys to the trust; and

25 s. Take any action necessary or convenient to the exercise of the  
26 foregoing powers or reasonably implied therefrom.

27 (cf: P.L.1997, c.224, s.6)

28

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

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

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

45 (3) The trust may make and contract to make loans to private  
46 persons other than local government units, or to any other person or



1 local government unit on behalf of a private person, in accordance  
2 with and subject to the provisions of P.L.1985, c.334 (C.58:11B-1 et  
3 seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to finance the cost of  
4 stormwater management systems.

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

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

44 c. The trust shall not make or contract to make any loans or  
45 guarantees to local government units **[or]**, public water utilities or any  
46 other person, or otherwise incur any additional indebtedness, on or

1 after November 5, 2005.  
2 (cf: P.L.1997, c.224, s.9)

3  
4 4. Section 23 of P.L.1997, c.224 (C.58:11B-10.1) is amended to  
5 read as follows:

6 23. The trust shall create and establish a special fund to be known  
7 as the "water supply facilities general loan fund."

8 Subject to the provisions of the legislation appropriating moneys to  
9 the trust, subject to any other provision of P.L.1985, c.334  
10 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.)  
11 providing otherwise, and subject to agreements with the holders of  
12 bonds, notes and other obligations of the trust, the trust shall deposit  
13 into the water supply facilities general loan fund all revenues and  
14 receipts of the trust, including moneys received by the trust as  
15 payment of the principal of and the interest or premium on loans made  
16 from moneys in any fund or account held by the trust under the  
17 provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224  
18 (C.58:11B-10.1 et al.), and the earnings on the moneys in any fund or  
19 account of the trust, and all grants, appropriations, other than those  
20 referred to in section 11 of P.L.1985, c.334 (C.58:11B-11),  
21 contributions, or other moneys from any source, available for the  
22 making of loans to local government units ~~【or】~~, public water utilities,  
23 or to any other person or local government unit on behalf of a public  
24 water utility, for water supply projects. The amounts in the water  
25 supply facilities general loan fund shall be available for application by  
26 the trust for loans to local government units ~~【or】~~, public water utilities  
27 or any other person for the cost of water supply projects, and for other  
28 corporate purposes of the trust, subject to agreements with the holders  
29 of bonds, notes or other obligations of the trust.

30 (cf: P.L.1997, c.224, s.23)

31

32 5. This act shall take effect immediately.

33

34

35

#### STATEMENT

36

37 This bill would expand the New Jersey Environmental  
38 Infrastructure Financing Program to authorize the New Jersey  
39 Environmental Infrastructure Trust to finance certain kinds of clean  
40 water and drinking water projects.

41 The bill would amend the "New Jersey Environmental Infrastructure  
42 Trust Act," P.L.1985, c.334 (C.58:11B-1 et seq.), as revised pursuant  
43 to P.L.1997, c.224, to authorize the Trust to finance small drinking  
44 water projects sponsored by or on behalf of nonprofit noncommunity  
45 water systems and private nonpoint source pollution and stormwater  
46 management system projects. These projects would be funded through

1 federal moneys made available under the Federal Safe Drinking Water  
2 Act.

3 The bill would also allow the trust to finance clean water projects  
4 sponsored by a state authority, which are currently authorized to  
5 sponsor drinking water projects, as well as to explicitly permit a local  
6 government (as the project sponsor) to receive a Trust loan by or on  
7 behalf of another local government or private water company.

8

9

10

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11

12 Authorizes New Jersey Environmental Infrastructure Trust to finance  
13 certain clean water and drinking water projects.

**ASSEMBLY, No. 20**

---

**STATE OF NEW JERSEY**

**208th LEGISLATURE**

---

INTRODUCED MAY 17, 1999

**Sponsored by:**

**Assemblyman JOHN C. GIBSON**

**District 1 (Cape May, Atlantic and Cumberland)**

**Assemblyman JOHN E. ROONEY**

**District 39 (Bergen)**

**Co-Sponsored by:**

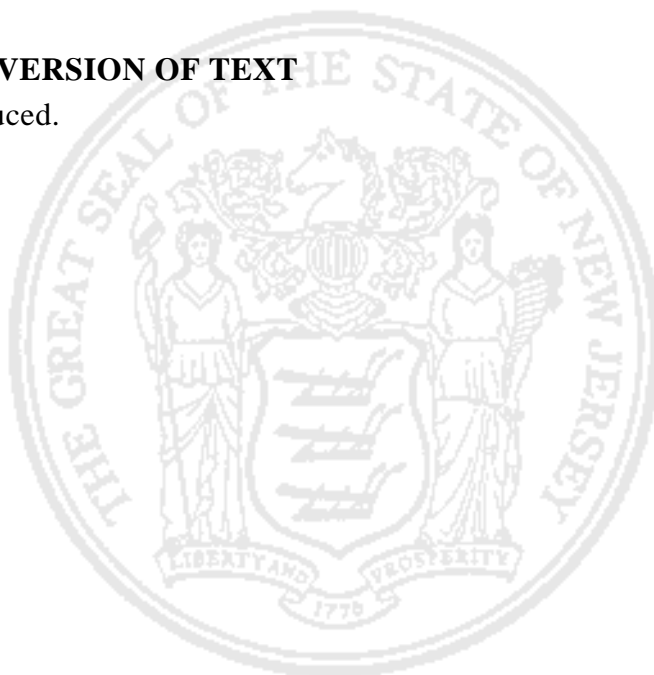
**Assemblymen Bodine, Chatzidakis, LeFevre, Romano, Senators  
McNamara, Allen and Bucco**

**SYNOPSIS**

Authorizes New Jersey Environmental Infrastructure Trust to finance certain clean water and drinking water projects.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/22/1999)**

1 AN ACT concerning the financing of environmental infrastructure  
2 projects, and amending P.L.1985, c.334 and P.L.1997, c.224.

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

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9 3. As used in sections 1 through 27 of P.L.1985, c.334  
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15 sanitary wastewater at all times, which is also designed to collect and  
16 transport stormwater runoff from streets and other sources, thereby  
17 serving a combined purpose;

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

21 "Commissioner" means the Commissioner of the Department of  
22 Environmental Protection;

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

29 "Department" means the Department of Environmental Protection;

30 "Local government unit" means (1) a State authority, county,  
31 municipality, municipal or county sewerage or utility authority,  
32 municipal sewerage district, joint meeting, improvement authority, or  
33 any other political subdivision of the State authorized to construct,  
34 operate and maintain wastewater treatment systems; or (2) a State  
35 authority, district water supply commission, county, municipality,  
36 municipal or county utilities authority, municipal water district, joint  
37 meeting or any other political subdivision of the State authorized  
38 pursuant to law to operate or maintain a public water supply system  
39 or to construct, rehabilitate, operate or maintain water supply facilities  
40 or otherwise provide water for human consumption;

41 "Notes" means notes issued by the trust pursuant to P.L.1985,  
42 c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.);

43 "Project" or "environmental infrastructure project" means the

**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 acquisition, construction, improvement, repair or reconstruction of all  
2 or part of any structure, facility or equipment, or real or personal  
3 property necessary for or ancillary to any (1) wastewater treatment  
4 system project, including any stormwater management or combined  
5 sewer overflow abatement projects; or (2) water supply project, as  
6 authorized pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.) or  
7 P.L.1997, c.224 (C.58:11B-10.1 et al.);

8 "Public water utility" means any investor-owned water company or  
9 small water company [that is subject to the jurisdiction or rate  
10 regulation of the Board of Public Utilities as a public utility];

11 "Small water company" means any company, purveyor or entity,  
12 other than a governmental agency, that provides water for human  
13 consumption and which regularly serves less than 1,000 customer  
14 connections, including nonprofit, noncommunity water systems owned  
15 or operated by a nonprofit group or organization;

16 "Stormwater management system" means any equipment, plants,  
17 structures, machinery, apparatus, management practices, or land, or  
18 any combination thereof, acquired, used, constructed, implemented or  
19 operated [by a local government unit] to prevent nonpoint source  
20 pollution, abate improper cross-connections and interconnections  
21 between stormwater and sewer systems, minimize stormwater runoff,  
22 reduce soil erosion, or induce groundwater recharge, or any  
23 combination thereof;

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

26 "Wastewater" means residential, commercial, industrial, or  
27 agricultural liquid waste, sewage, septage, stormwater runoff, or any  
28 combination thereof, or other liquid residue discharged or collected  
29 into a sewer system or stormwater management system, or any  
30 combination thereof;

31 "Wastewater treatment system" means any equipment, plants,  
32 structures, machinery, apparatus, or land, or any combination thereof,  
33 acquired, used, constructed or operated by, or on behalf of, a local  
34 government unit for the storage, collection, reduction, recycling,  
35 reclamation, disposal, separation, or other treatment of wastewater or  
36 sewage sludge, or for the collection or treatment, or both, of  
37 stormwater runoff and wastewater, or for the final disposal of residues  
38 resulting from the treatment of wastewater, including, but not limited  
39 to, pumping and ventilating stations, treatment plants and works,  
40 connections, outfall sewers, interceptors, trunk lines, stormwater  
41 management systems, and other personal property and appurtenances  
42 necessary for their use or operation; "wastewater treatment system"  
43 shall include a stormwater management system or a combined sewer  
44 system;

45 "Wastewater treatment system project" means any work relating to  
46 the acquisition, construction, improvement, repair or reconstruction

1 of all or part of any structure, facility or equipment, or real or personal  
2 property necessary for or ancillary to any wastewater treatment system  
3 that meets the requirements set forth in sections 20, 21 and 22 of  
4 P.L.1985, c.334 (C.58:11B-20, 58:11B-21 and 58:11B-22); or any  
5 work relating to any of the stormwater management or combined  
6 sewer overflow abatement projects identified in the stormwater  
7 management and combined sewer overflow abatement project priority  
8 list adopted by the commissioner pursuant to section 28 of P.L.1989,  
9 c.181; or any work relating to any other project eligible for financing  
10 under the Federal Water Pollution Control Act Amendments of 1972  
11 (33 U.S.C. s.1251 et seq.), or any amendatory or supplementary acts  
12 thereto;

13 "Water supply facilities" means and refers to the real property and  
14 the plants, structures, interconnections between existing water supply  
15 facilities, machinery and equipment and other property, real, personal  
16 and mixed, acquired, constructed or operated, or to be acquired,  
17 constructed or operated, in whole or in part, by or on behalf of a  
18 public water utility, or by or on behalf of the State or a local  
19 government unit, for the purpose of augmenting the natural water  
20 resources of the State and making available an increased supply of  
21 water for all uses, or of conserving existing water resources, and any  
22 and all appurtenances necessary, useful or convenient for the  
23 collecting, impounding, storing, improving, treating, filtering,  
24 conserving or transmitting of water, and for the preservation and  
25 protection of these resources and facilities, whether in public or  
26 private ownership, and providing for the conservation and  
27 development of future water supply resources, and facilitating  
28 incidental recreational uses thereof;

29 "Water supply project" means any work relating to the acquisition,  
30 construction, improvement, repair or reconstruction of all or part of  
31 any structure, facility or equipment, or real or personal property  
32 necessary for or ancillary to water supply facilities that meets the  
33 requirements set forth in sections 24, 25 and 26 of P.L.1997, c.224  
34 (C.58:11B-20.1, C.58:11B-21.1 and C.58:11B-22.1); or any work  
35 relating to the purposes set forth in section 4 of P.L.1981, c.261; or  
36 any work relating to any other project eligible for funding pursuant to  
37 the federal "Safe Drinking Water Act Amendments of 1996"  
38 Pub.L.104-182, and any amendatory and supplementary acts thereto.  
39 (cf: P.L.1997, c.224, s.4)

40

41 2. Section 5 of P.L.1985, c.334 (C.58:11B-5) is amended to read  
42 as follows:

43 5. Except as otherwise limited by the provisions of P.L.1985, c.334  
44 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.), the  
45 trust may:

46 a. Make and alter bylaws for its organization and internal

- 1 management and, subject to agreements with holders of its bonds,  
2 notes or other obligations, make rules and regulations with respect to  
3 its operations, properties and facilities;
- 4 b. Adopt an official seal and alter it;
- 5 c. Sue and be sued;
- 6 d. Make and enter into all contracts, leases and agreements  
7 necessary or incidental to the performance of its duties and the  
8 exercise of its powers under the provisions of P.L.1985, c.334  
9 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.), and  
10 subject to any agreement with the holders of the trust's bonds, notes  
11 or other obligations, consent to any modification, amendment or  
12 revision of any contract, lease or agreement to which the trust is a  
13 party;
- 14 e. Enter into agreements or other transactions with and accept,  
15 subject to the provisions of section 23 of P.L.1985, c.334  
16 (C.58:11B-23), grants, appropriations and the cooperation of the  
17 State, or any State agency, in furtherance of the purposes of P.L.1985,  
18 c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.),  
19 and do anything necessary in order to avail itself of that aid and  
20 cooperation;
- 21 f. Receive and accept aid or contributions from any source of  
22 money, property, labor or other things of value, to be held, used and  
23 applied to carry out the purposes of P.L.1985, c.334 (C.58:11B-1 et  
24 seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.), subject to the  
25 conditions upon which that aid and those contributions may be made,  
26 including, but not limited to, gifts or grants from any department or  
27 agency of the State, or any State agency, for any purpose consistent  
28 with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or  
29 P.L.1997, c.224 (C.58:11B-10.1 et al.), subject to the provisions of  
30 section 23 of P.L.1985, c.334 (C.58:11B-23);
- 31 g. Acquire, own, hold, construct, improve, rehabilitate, renovate,  
32 operate, maintain, sell, assign, exchange, lease, mortgage or otherwise  
33 dispose of real and personal property, or any interest therein, in the  
34 exercise of its powers and the performance of its duties under the  
35 provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224  
36 (C.58:11B-10.1 et al.);
- 37 h. Appoint and employ an executive director and any other officers  
38 or employees as it may require for the performance of its duties,  
39 without regard to the provisions of Title 11A of the New Jersey  
40 Statutes;
- 41 i. Borrow money and issue bonds, notes and other obligations, and  
42 secure the same, and provide for the rights of the holders thereof as  
43 provided in the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or  
44 P.L.1997, c.224 (C.58:11B-10.1 et al.);
- 45 j. Subject to any agreement with holders of its bonds, notes or  
46 other obligations, invest moneys of the trust not required for



1 immediate use, including proceeds from the sale of any bonds, notes  
2 or other obligations, in any obligations, securities and other  
3 investments in accordance with the rules and regulations of the State  
4 Investment Council or as may otherwise be approved by the Director  
5 of the Division of Investment in the Department of the Treasury upon  
6 a finding that such investments are consistent with the corporate  
7 purposes of the trust;

8 k. Procure insurance to secure the payment of its bonds, notes or  
9 other obligations or the payment of any guarantees or loans made by  
10 it in accordance with the provisions of P.L.1985, c.334 (C.58:11B-1  
11 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.), or against any loss  
12 in connection with its property and other assets and operations, in any  
13 amounts and from any insurers as it deems desirable;

14 l. Engage the services of attorneys, accountants, engineers, and  
15 financial experts and any other advisors, consultants, experts and  
16 agents as may be necessary in its judgment and fix their compensation;

17 m. (1) Make and contract to make loans to local government  
18 units, or to a local government unit on behalf of another local  
19 government unit, to finance the cost of wastewater treatment system  
20 projects or water supply projects and acquire and contract to acquire  
21 notes, bonds or other obligations issued or to be issued by any local  
22 government units to evidence the loans, all in accordance with the  
23 provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224  
24 (C.58:11B-10.1 et al.);

25 (2) Make and contract to make loans to public water utilities, or to  
26 any other person or local government unit on behalf of a public water  
27 utility, to finance the cost of water supply projects in accordance with  
28 the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997,  
29 c.224 (C.58:11B-10.1 et al.);

30 (3) Make and contract to make loans to private persons other than  
31 local government units, or to any other person or local government  
32 unit on behalf of a private person, to finance the cost of stormwater  
33 management systems in accordance with the provisions of P.L.1985,  
34 c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.);

35 n. Subject to any agreement with holders of its bonds, notes or  
36 other obligations, purchase bonds, notes and other obligations of the  
37 trust and hold the same for resale or provide for the cancellation  
38 thereof, all in accordance with the provisions of P.L.1985, c.334  
39 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.);

40 o. (1) Charge to and collect from local government units or public  
41 water utilities any fees and charges in connection with the trust's loans,  
42 guarantees or other services, including, but not limited to, fees and  
43 charges sufficient to reimburse the trust for all reasonable costs  
44 necessarily incurred by it in connection with its financings and the  
45 establishment and maintenance of reserve or other funds, as the trust  
46 may determine to be reasonable. The fees and charges shall be in

1 accordance with a uniform schedule published by the trust for the  
2 purpose of providing actual cost reimbursement for the services  
3 rendered;

4 (2) Any fees and charges collected by the trust pursuant to this  
5 subsection may be deposited and maintained in a fund separate from  
6 any other funds held by the trust pursuant to section 10 of P.L.1985,  
7 c.334 (C.58:11B-10) or section 23 of P.L.1997, c.224 (C.58:11B-10.1  
8 et al.) and shall be available for any corporate purposes of the trust;

9 p. Subject to any agreement with holders of its bonds, notes or  
10 other obligations, obtain as security or to provide liquidity for payment  
11 of all or any part of the principal of and interest and premium on the  
12 bonds, notes and other obligations of the trust or for the purchase  
13 upon tender or otherwise of the bonds, notes or other obligations,  
14 lines of credit, letters of credit and other security agreements or  
15 instruments in any amounts and upon any terms as the trust may  
16 determine, and pay any fees and expenses required in connection  
17 therewith;

18 q. Provide to local government units any financial and credit advice  
19 as these local government units may request;

20 r. Make payments to the State from any moneys of the trust  
21 available therefor as may be required pursuant to any agreement with  
22 the State or act appropriating moneys to the trust; and

23 s. Take any action necessary or convenient to the exercise of the  
24 foregoing powers or reasonably implied therefrom.

25 (cf: P.L.1997, c.224, s.6)

26

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

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

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

43 (3) The trust may make and contract to make loans to private  
44 persons other than local government units, or to any other person or  
45 local government unit on behalf of a private person, in accordance  
46 with and subject to the provisions of P.L.1985, c.334 (C.58:11B-1 et

1 seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to finance the cost of  
2 stormwater management systems.

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

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

42 c. The trust shall not make or contract to make any loans or  
43 guarantees to local government units **【or】**, public water utilities or any  
44 other person, or otherwise incur any additional indebtedness, on or  
45 after November 5, 2005.

46 (cf: P.L.1997, c.224, s.9)

1       4. Section 23 of P.L.1997, c.224 (C.58:11B-10.1) is amended to  
2 read as follows:

3       23. The trust shall create and establish a special fund to be known  
4 as the "water supply facilities general loan fund."

5       Subject to the provisions of the legislation appropriating moneys to  
6 the trust, subject to any other provision of P.L.1985, c.334  
7 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.)  
8 providing otherwise, and subject to agreements with the holders of  
9 bonds, notes and other obligations of the trust, the trust shall deposit  
10 into the water supply facilities general loan fund all revenues and  
11 receipts of the trust, including moneys received by the trust as  
12 payment of the principal of and the interest or premium on loans made  
13 from moneys in any fund or account held by the trust under the  
14 provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224  
15 (C.58:11B-10.1 et al.), and the earnings on the moneys in any fund or  
16 account of the trust, and all grants, appropriations, other than those  
17 referred to in section 11 of P.L.1985, c.334 (C.58:11B-11),  
18 contributions, or other moneys from any source, available for the  
19 making of loans to local government units **[or]**, public water utilities,  
20 or to any other person or local government unit on behalf of a public  
21 water utility, for water supply projects. The amounts in the water  
22 supply facilities general loan fund shall be available for application by  
23 the trust for loans to local government units **[or]**, public water utilities  
24 or any other person for the cost of water supply projects, and for other  
25 corporate purposes of the trust, subject to agreements with the holders  
26 of bonds, notes or other obligations of the trust.

27 (cf: P.L.1997, c.224, s.23)

28

29       5. This act shall take effect immediately.

30

31

32

#### STATEMENT

33

34       This bill would expand the New Jersey Environmental  
35 Infrastructure Financing Program to authorize the New Jersey  
36 Environmental Infrastructure Trust to finance certain kinds of clean  
37 water and drinking water projects.

38       The bill would amend the "New Jersey Environmental Infrastructure  
39 Trust Act," P.L.1985, c.334 (C.58:11B-1 et seq.), as revised pursuant  
40 to P.L.1997, c.224, to authorize the Trust to finance small drinking  
41 water projects sponsored by or on behalf of nonprofit noncommunity  
42 water systems and private nonpoint source pollution and stormwater  
43 management system projects. These projects would be funded through  
44 federal moneys made available under the Federal Safe Drinking Water  
45 Act.

46       The bill would also allow the trust to finance clean water projects

**A20 GIBSON, ROONEY**

10

1 sponsored by a state authority, which are currently authorized to  
2 sponsor drinking water projects, as well as to explicitly permit a local  
3 government (as the project sponsor) to receive a Trust loan by or on  
4 behalf of another local government or private water company.

# ASSEMBLY SOLID AND HAZARDOUS WASTE COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 20

# STATE OF NEW JERSEY

DATED: MAY 20, 1999

The Assembly Solid and Hazardous Waste Committee favorably reports Assembly Bill No. 20.

Assembly Bill No. 20 would expand the New Jersey Environmental Infrastructure Financing Program to authorize the New Jersey Environmental Infrastructure Trust (Trust) to finance certain kinds of clean water and drinking water projects.

The bill would amend the "New Jersey Environmental Infrastructure Trust Act," P.L.1985, c.334 (C.58:11B-1 et seq.), as revised pursuant to P.L.1997, c.224, to authorize the Trust to finance small drinking water projects sponsored by or on behalf of nonprofit noncommunity water systems and private nonpoint source pollution and stormwater management system projects. These projects would be funded through federal moneys made available under the Federal Safe Drinking Water Act.

The bill would also allow the Trust to finance clean water projects sponsored by a state authority, which are currently authorized to sponsor drinking water projects, as well as to explicitly permit a local government (as the project sponsor) to receive a Trust loan by or on behalf of another local government or private water company.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 20**

**STATE OF NEW JERSEY**

DATED: JUNE 3, 1999

The Assembly Appropriations Committee reports favorably Assembly Bill No. 20.

Assembly Bill No. 20 expands the New Jersey Environmental Infrastructure Financing Program to authorize the New Jersey Environmental Infrastructure Trust (Trust) to finance certain kinds of clean water and drinking water projects.

The bill amends the "New Jersey Environmental Infrastructure Trust Act," P.L.1985, c.334 (C.58:11B-1 et seq.), as revised pursuant to P.L.1997, c.224, to authorize the Trust to finance small drinking water projects sponsored by or on behalf of nonprofit noncommunity water systems and private nonpoint source pollution and stormwater management system projects. These projects will be funded through federal moneys made available under the Federal Safe Drinking Water Act.

The bill also allows the Trust to finance clean water projects sponsored by a state authority, which are currently authorized to sponsor drinking water projects, as well as to explicitly permit a local government (as the project sponsor) to receive a Trust loan by or on behalf of another local government or private water company.

**FISCAL IMPACT:**

This bill expands the authorization of the New Jersey Environmental Infrastructure Trust to finance certain kinds of clean water and drinking water projects.

# SENATE, No. 1929

## STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED MAY 24, 1999

**Sponsored by:**

**Senator HENRY P. MCNAMARA**

**District 40 (Bergen and Passaic)**

**Senator DIANE ALLEN**

**District 7 (Burlington and Camden)**

**Co-Sponsored by:**

**Senator Bucco**

**SYNOPSIS**

Authorizes New Jersey Environmental Infrastructure Trust to finance certain clean water and drinking water projects.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/25/1999)**



1 AN ACT concerning the financing of environmental infrastructure  
2 projects, and amending P.L.1985, c.334 and P.L.1997, c.224.

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 read  
8 as follows:

9 3. As used in sections 1 through 27 of P.L.1985, c.334  
10 (C.58:11B-1 through 58:11B-27) and sections 23 through 27 of  
11 P.L.1997, c.224 (C.58:11B-10.1 et al.):

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

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

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

21 "Commissioner" means the Commissioner of the Department of  
22 Environmental Protection;

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

29 "Department" means the Department of Environmental Protection;

30 "Local government unit" means (1) a State authority, county,  
31 municipality, municipal or county sewerage or utility authority,  
32 municipal sewerage district, joint meeting, improvement authority, or  
33 any other political subdivision of the State authorized to construct,  
34 operate and maintain wastewater treatment systems; or (2) a State  
35 authority, district water supply commission, county, municipality,  
36 municipal or county utilities authority, municipal water district, joint  
37 meeting or any other political subdivision of the State authorized  
38 pursuant to law to operate or maintain a public water supply system  
39 or to construct, rehabilitate, operate or maintain water supply facilities  
40 or otherwise provide water for human consumption;

41 "Notes" means notes issued by the trust pursuant to P.L.1985,  
42 c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.);

43 "Project" or "environmental infrastructure project" means the

**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 acquisition, construction, improvement, repair or reconstruction of all  
2 or part of any structure, facility or equipment, or real or personal  
3 property necessary for or ancillary to any (1) wastewater treatment  
4 system project, including any stormwater management or combined  
5 sewer overflow abatement projects; or (2) water supply project, as  
6 authorized pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.) or  
7 P.L.1997, c.224 (C.58:11B-10.1 et al.);

8 "Public water utility" means any investor-owned water company or  
9 small water company [that is subject to the jurisdiction or rate  
10 regulation of the Board of Public Utilities as a public utility];

11 "Small water company" means any company, purveyor or entity,  
12 other than a governmental agency, that provides water for human  
13 consumption and which regularly serves less than 1,000 customer  
14 connections, including nonprofit, noncommunity water systems owned  
15 or operated by a nonprofit group or organization;

16 "Stormwater management system" means any equipment, plants,  
17 structures, machinery, apparatus, management practices, or land, or  
18 any combination thereof, acquired, used, constructed, implemented or  
19 operated [by a local government unit] to prevent nonpoint source  
20 pollution, abate improper cross-connections and interconnections  
21 between stormwater and sewer systems, minimize stormwater runoff,  
22 reduce soil erosion, or induce groundwater recharge, or any  
23 combination thereof;

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

26 "Wastewater" means residential, commercial, industrial, or  
27 agricultural liquid waste, sewage, septage, stormwater runoff, or any  
28 combination thereof, or other liquid residue discharged or collected  
29 into a sewer system or stormwater management system, or any  
30 combination thereof;

31 "Wastewater treatment system" means any equipment, plants,  
32 structures, machinery, apparatus, or land, or any combination thereof,  
33 acquired, used, constructed or operated by, or on behalf of, a local  
34 government unit for the storage, collection, reduction, recycling,  
35 reclamation, disposal, separation, or other treatment of wastewater or  
36 sewage sludge, or for the collection or treatment, or both, of  
37 stormwater runoff and wastewater, or for the final disposal of residues  
38 resulting from the treatment of wastewater, including, but not limited  
39 to, pumping and ventilating stations, treatment plants and works,  
40 connections, outfall sewers, interceptors, trunk lines, stormwater  
41 management systems, and other personal property and appurtenances  
42 necessary for their use or operation; "wastewater treatment system"  
43 shall include a stormwater management system or a combined sewer  
44 system;

45 "Wastewater treatment system project" means any work relating to  
46 the acquisition, construction, improvement, repair or reconstruction

1 of all or part of any structure, facility or equipment, or real or personal  
2 property necessary for or ancillary to any wastewater treatment system  
3 that meets the requirements set forth in sections 20, 21 and 22 of  
4 P.L.1985, c.334 (C.58:11B-20, 58:11B-21 and 58:11B-22); or any  
5 work relating to any of the stormwater management or combined  
6 sewer overflow abatement projects identified in the stormwater  
7 management and combined sewer overflow abatement project priority  
8 list adopted by the commissioner pursuant to section 28 of P.L.1989,  
9 c.181; or any work relating to any other project eligible for financing  
10 under the Federal Water Pollution Control Act Amendments of 1972  
11 (33 U.S.C. s.1251 et seq.), or any amendatory or supplementary acts  
12 thereto;

13 "Water supply facilities" means and refers to the real property and  
14 the plants, structures, interconnections between existing water supply  
15 facilities, machinery and equipment and other property, real, personal  
16 and mixed, acquired, constructed or operated, or to be acquired,  
17 constructed or operated, in whole or in part, by or on behalf of a  
18 public water utility, or by or on behalf of the State or a local  
19 government unit, for the purpose of augmenting the natural water  
20 resources of the State and making available an increased supply of  
21 water for all uses, or of conserving existing water resources, and any  
22 and all appurtenances necessary, useful or convenient for the  
23 collecting, impounding, storing, improving, treating, filtering,  
24 conserving or transmitting of water, and for the preservation and  
25 protection of these resources and facilities, whether in public or  
26 private ownership, and providing for the conservation and  
27 development of future water supply resources, and facilitating  
28 incidental recreational uses thereof;

29 "Water supply project" means any work relating to the acquisition,  
30 construction, improvement, repair or reconstruction of all or part of  
31 any structure, facility or equipment, or real or personal property  
32 necessary for or ancillary to water supply facilities that meets the  
33 requirements set forth in sections 24, 25 and 26 of P.L.1997, c.224  
34 (C.58:11B-20.1, C.58:11B-21.1 and C.58:11B-22.1); or any work  
35 relating to the purposes set forth in section 4 of P.L.1981, c.261; or  
36 any work relating to any other project eligible for funding pursuant to  
37 the federal "Safe Drinking Water Act Amendments of 1996"  
38 Pub.L.104-182, and any amendatory and supplementary acts thereto.  
39 (cf: P.L.1997, c.224, s.4)

40

41 2. Section 5 of P.L.1985, c.334 (C.58:11B-5) is amended to read  
42 as follows:

43 5. Except as otherwise limited by the provisions of P.L.1985, c.334  
44 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.), the  
45 trust may:

46 a. Make and alter bylaws for its organization and internal

- 1 management and, subject to agreements with holders of its bonds,  
2 notes or other obligations, make rules and regulations with respect to  
3 its operations, properties and facilities;
- 4 b. Adopt an official seal and alter it;
- 5 c. Sue and be sued;
- 6 d. Make and enter into all contracts, leases and agreements  
7 necessary or incidental to the performance of its duties and the  
8 exercise of its powers under the provisions of P.L.1985, c.334  
9 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.), and  
10 subject to any agreement with the holders of the trust's bonds, notes  
11 or other obligations, consent to any modification, amendment or  
12 revision of any contract, lease or agreement to which the trust is a  
13 party;
- 14 e. Enter into agreements or other transactions with and accept,  
15 subject to the provisions of section 23 of P.L.1985, c.334  
16 (C.58:11B-23), grants, appropriations and the cooperation of the  
17 State, or any State agency, in furtherance of the purposes of P.L.1985,  
18 c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.),  
19 and do anything necessary in order to avail itself of that aid and  
20 cooperation;
- 21 f. Receive and accept aid or contributions from any source of  
22 money, property, labor or other things of value, to be held, used and  
23 applied to carry out the purposes of P.L.1985, c.334 (C.58:11B-1 et  
24 seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.), subject to the  
25 conditions upon which that aid and those contributions may be made,  
26 including, but not limited to, gifts or grants from any department or  
27 agency of the State, or any State agency, for any purpose consistent  
28 with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or  
29 P.L.1997, c.224 (C.58:11B-10.1 et al.), subject to the provisions of  
30 section 23 of P.L.1985, c.334 (C.58:11B-23);
- 31 g. Acquire, own, hold, construct, improve, rehabilitate, renovate,  
32 operate, maintain, sell, assign, exchange, lease, mortgage or otherwise  
33 dispose of real and personal property, or any interest therein, in the  
34 exercise of its powers and the performance of its duties under the  
35 provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224  
36 (C.58:11B-10.1 et al.);
- 37 h. Appoint and employ an executive director and any other officers  
38 or employees as it may require for the performance of its duties,  
39 without regard to the provisions of Title 11A of the New Jersey  
40 Statutes;
- 41 i. Borrow money and issue bonds, notes and other obligations, and  
42 secure the same, and provide for the rights of the holders thereof as  
43 provided in the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or  
44 P.L.1997, c.224 (C.58:11B-10.1 et al.);
- 45 j. Subject to any agreement with holders of its bonds, notes or  
46 other obligations, invest moneys of the trust not required for

1 immediate use, including proceeds from the sale of any bonds, notes  
2 or other obligations, in any obligations, securities and other  
3 investments in accordance with the rules and regulations of the State  
4 Investment Council or as may otherwise be approved by the Director  
5 of the Division of Investment in the Department of the Treasury upon  
6 a finding that such investments are consistent with the corporate  
7 purposes of the trust;

8 k. Procure insurance to secure the payment of its bonds, notes or  
9 other obligations or the payment of any guarantees or loans made by  
10 it in accordance with the provisions of P.L.1985, c.334 (C.58:11B-1  
11 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.), or against any loss  
12 in connection with its property and other assets and operations, in any  
13 amounts and from any insurers as it deems desirable;

14 l. Engage the services of attorneys, accountants, engineers, and  
15 financial experts and any other advisors, consultants, experts and  
16 agents as may be necessary in its judgment and fix their compensation;

17 m. (1) Make and contract to make loans to local government  
18 units, or to a local government unit on behalf of another local  
19 government unit, to finance the cost of wastewater treatment system  
20 projects or water supply projects and acquire and contract to acquire  
21 notes, bonds or other obligations issued or to be issued by any local  
22 government units to evidence the loans, all in accordance with the  
23 provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224  
24 (C.58:11B-10.1 et al.);

25 (2) Make and contract to make loans to public water utilities, or to  
26 any other person or local government unit on behalf of a public water  
27 utility, to finance the cost of water supply projects in accordance with  
28 the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997,  
29 c.224 (C.58:11B-10.1 et al.);

30 (3) Make and contract to make loans to private persons other than  
31 local government units, or to any other person or local government  
32 unit on behalf of a private person, to finance the cost of stormwater  
33 management systems in accordance with the provisions of P.L.1985,  
34 c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.);

35 n. Subject to any agreement with holders of its bonds, notes or  
36 other obligations, purchase bonds, notes and other obligations of the  
37 trust and hold the same for resale or provide for the cancellation  
38 thereof, all in accordance with the provisions of P.L.1985, c.334  
39 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.);

40 o. (1) Charge to and collect from local government units or public  
41 water utilities any fees and charges in connection with the trust's loans,  
42 guarantees or other services, including, but not limited to, fees and  
43 charges sufficient to reimburse the trust for all reasonable costs  
44 necessarily incurred by it in connection with its financings and the  
45 establishment and maintenance of reserve or other funds, as the trust  
46 may determine to be reasonable. The fees and charges shall be in

1 accordance with a uniform schedule published by the trust for the  
2 purpose of providing actual cost reimbursement for the services  
3 rendered;

4 (2) Any fees and charges collected by the trust pursuant to this  
5 subsection may be deposited and maintained in a fund separate from  
6 any other funds held by the trust pursuant to section 10 of P.L.1985,  
7 c.334 (C.58:11B-10) or section 23 of P.L.1997, c.224 (C.58:11B-10.1  
8 et al.) and shall be available for any corporate purposes of the trust;

9 p. Subject to any agreement with holders of its bonds, notes or  
10 other obligations, obtain as security or to provide liquidity for payment  
11 of all or any part of the principal of and interest and premium on the  
12 bonds, notes and other obligations of the trust or for the purchase  
13 upon tender or otherwise of the bonds, notes or other obligations,  
14 lines of credit, letters of credit and other security agreements or  
15 instruments in any amounts and upon any terms as the trust may  
16 determine, and pay any fees and expenses required in connection  
17 therewith;

18 q. Provide to local government units any financial and credit advice  
19 as these local government units may request;

20 r. Make payments to the State from any moneys of the trust  
21 available therefor as may be required pursuant to any agreement with  
22 the State or act appropriating moneys to the trust; and

23 s. Take any action necessary or convenient to the exercise of the  
24 foregoing powers or reasonably implied therefrom.

25 (cf: P.L.1997, c.224, s.6)

26

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

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

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

43 (3) The trust may make and contract to make loans to private  
44 persons other than local government units, or to any other person or  
45 local government unit on behalf of a private person, in accordance  
46 with and subject to the provisions of P.L.1985, c.334 (C.58:11B-1 et

1 seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to finance the cost of  
2 stormwater management systems.

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

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

42 c. The trust shall not make or contract to make any loans or  
43 guarantees to local government units **[or]**, public water utilities or any  
44 other person, or otherwise incur any additional indebtedness, on or  
45 after November 5, 2005.

46 (cf: P.L.1997, c.224, s.9)

1 4. Section 23 of P.L.1997, c.224 (C.58:11B-10.1) is amended to  
2 read as follows:

3 23. The trust shall create and establish a special fund to be known  
4 as the "water supply facilities general loan fund."

5 Subject to the provisions of the legislation appropriating moneys to  
6 the trust, subject to any other provision of P.L.1985, c.334  
7 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.)  
8 providing otherwise, and subject to agreements with the holders of  
9 bonds, notes and other obligations of the trust, the trust shall deposit  
10 into the water supply facilities general loan fund all revenues and  
11 receipts of the trust, including moneys received by the trust as  
12 payment of the principal of and the interest or premium on loans made  
13 from moneys in any fund or account held by the trust under the  
14 provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224  
15 (C.58:11B-10.1 et al.), and the earnings on the moneys in any fund or  
16 account of the trust, and all grants, appropriations, other than those  
17 referred to in section 11 of P.L.1985, c.334 (C.58:11B-11),  
18 contributions, or other moneys from any source, available for the  
19 making of loans to local government units **[or]**, public water utilities,  
20 or to any other person or local government unit on behalf of a public  
21 water utility, for water supply projects. The amounts in the water  
22 supply facilities general loan fund shall be available for application by  
23 the trust for loans to local government units **[or]**, public water utilities  
24 or any other person for the cost of water supply projects, and for other  
25 corporate purposes of the trust, subject to agreements with the holders  
26 of bonds, notes or other obligations of the trust.

27 (cf: P.L.1997, c.224, s.23)

28

29 5. This act shall take effect immediately.

30

31

32

#### STATEMENT

33

34 This bill would expand the New Jersey Environmental  
35 Infrastructure Financing Program to authorize the New Jersey  
36 Environmental Infrastructure Trust to finance certain kinds of clean  
37 water and drinking water projects.

38 The bill would amend the "New Jersey Environmental Infrastructure  
39 Trust Act," P.L.1985, c.334 (C.58:11B-1 et seq.), as revised pursuant  
40 to P.L.1997, c.224, to authorize the Trust to finance small drinking  
41 water projects sponsored by or on behalf of nonprofit noncommunity  
42 water systems and private nonpoint source pollution and stormwater  
43 management system projects. These projects would be funded through  
44 federal moneys made available under the Federal Safe Drinking Water  
45 Act.

46 The bill would also allow the trust to finance clean water projects



**S1929 MCNAMARA, ALLEN**

10

1 sponsored by a state authority, which are currently authorized to  
2 sponsor drinking water projects, as well as to explicitly permit a local  
3 government (as the project sponsor) to receive a Trust loan by or on  
4 behalf of another local government or private water company.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

**SENATE, No. 1929**

**STATE OF NEW JERSEY**

DATED: JUNE 7, 1999

The Senate Environment Committee favorably reports Senate Bill No. 1929.

This bill would expand the New Jersey Environmental Infrastructure Financing Program to authorize the New Jersey Environmental Infrastructure Trust to finance certain kinds of clean water and drinking water projects.

The bill would amend the "New Jersey Environmental Infrastructure Trust Act," P.L.1985, c.334 (C.58:11B-1 et seq.), as revised pursuant to P.L.1997, c.224, to authorize the Trust to finance small drinking water projects sponsored by or on behalf of nonprofit noncommunity water systems and private nonpoint source pollution and stormwater management system projects. These projects would be funded through federal moneys made available under the Federal Safe Drinking Water Act.

The bill would also allow the trust to finance clean water projects sponsored by a state authority, which are currently authorized to sponsor drinking water projects, as well as to explicitly permit a local government (as the project sponsor) to receive a Trust loan by or on behalf of another local government or private water company.

This bill is identical to Assembly Bill No. 20.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### **SENATE, No. 1929**

# **STATE OF NEW JERSEY**

DATED: JUNE 14, 1999

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1929.

This bill would expand the New Jersey Environmental Infrastructure Financing Program to authorize the New Jersey Environmental Infrastructure Trust to finance certain kinds of clean water and drinking water projects.

The bill would amend the "New Jersey Environmental Infrastructure Trust Act," P.L.1985, c.334 (C.58:11B-1 et seq.), as revised pursuant to P.L.1997, c.224, to authorize the Trust to finance small drinking water projects sponsored by or on behalf of nonprofit noncommunity water systems and private nonpoint source pollution and stormwater management system projects. These projects would be funded through federal moneys made available under the Federal Safe Drinking Water Act.

The bill would also allow the trust to finance clean water projects sponsored by State authorities (which are currently authorized to sponsor drinking water projects) and explicitly authorizes the trust to award a Trust loan to a local government (as the project sponsor) by or on behalf of another local government or private water company.

#### FISCAL IMPACT:

This bill has not been certified as having a fiscal impact.

PO BOX 004  
TRENTON, NJ 08625

*Office of the Governor*  
**NEWS RELEASE**

CONTACT: Jayne O'Connor  
Gene Herman  
609-777-2600

RELEASE: July 27, 1999

Governor Signs Legislation Authorizing  
\$200 Million for Clean Water Programs

Gov. Christie Whitman today emphasized her commitment to the environment when she signed three pieces of legislation that will help communities implement clean water programs. The bills authorize \$200 million in environmental infrastructure projects for Fiscal Year 2000.

"These bills will provide the money to implement the 1999 New Jersey Environmental Infrastructure Program, which will help local governments around the state provide clean water to their citizens," the Governor said.

"Because of this program, communities statewide will be able to implement programs and projects that will help ensure that clean water fills our streams and lakes, and nothing but pure, sparkling water comes from New Jersey's faucets - and that's something we all can drink to," she said during a visit to the Governor's School on the Environment at Richard Stockton College in Pomona.

"In New Jersey, we have always made protecting the environment a priority," Gov. Whitman said. "In fact, we are now leading the nation in open space preservation, thanks to the Garden State Preservation Act, which I signed last month."

"This landmark legislation will help us preserve one million acres of open space and farmland - about half of the remaining undeveloped land in our state. No other state in the nation has voluntarily made such a tremendous commitment to preserving its landscapes, parks, and farms," she said.

"Protecting the quality of our water is just as important. Our aggressive efforts in this area have produced some very positive results. We have made tremendous progress in cleaning up and protecting our environment, but, as always, there is more to be done," Gov. Whitman said.

As a result of the state's efforts, the Governor said, stringent testing regulations have helped New Jersey boast of some of the cleanest beaches and offshore waters in the nation, while ocean water quality has been declining in other states.

She said the number of beach closings has dropped from more than 800 in 1988 to just three in 1998. There have been no closings this year.

Also, the governor said, continued improvement in coastal water quality has allowed the state to make 21,000 more acres of waters available for shellfish harvesting since 1994 and the number of water systems reporting contaminants has declined over the past decade.

The bills the Governor signed were:

**A-18**, sponsored by Assembly Members John V. Kelly (R-Bergen/Essex/Passaic) and Joseph V. Doria, Jr. (D-Hudson), and Senators Norman M. Robertson (R-Essex/Passaic) and Walter J. Kavanaugh (R-Morris/Somerset), which authorizes the New Jersey Environmental Infrastructure Trust to provide loans with an interest rate at or below the prevailing market rate to project sponsors (primarily local governments or public utilities) for a portion of the costs of eligible environmental infrastructure projects.

**A-19**, sponsored by Assembly Members Peter J. Biondi (R-Morris/Somerset) and Nicholas Asselta (R-Cape May/Atlantic/Cumberland) and Senators Martha W. Bark (R-Atlantic/ Burlington/Camden) and Diane B. Allen (R-Burlington/Camden), which appropriates funds to the Department of Environmental Protection to make zero interest loans to local governments and privately-owned water companies for environmental infrastructure projects.

**A-20**, Sponsored by Assembly Members John C. Gibson (R-CapeMay/Atlantic/Cumberland) and John E. Rooney (R-Bergen) and Senators Henry P. McNamara (R-Bergen/Passaic) and Diane B. Allen (R-Burlington/Camden), which authorizes the New Jersey Environmental Infrastructure Trust to finance certain clean water and drinking water projects.

Together, these three bills authorize the 1999 New Jersey Environmental Infrastructure Financing Program to finance \$200 million in environmental infrastructure projects for state Fiscal Year 2000.