

[First Reprint]  
ASSEMBLY, No. 1126

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblywoman MURPHY and Assemblyman BUCCO

1 AN ACT amending and supplementing the title and body of P.L.1985,  
2 c.330 to authorize the Department of Environmental Protection and  
3 the "New Jersey Environmental Infrastructure Trust" to use bond  
4 moneys therefrom to provide loans and loan guarantees to local  
5 government units for solid waste management projects; providing  
6 for the submission of this act to the people at a general election,  
7 and making an appropriation.

8  
9 **BE IT ENACTED** by the Senate and General Assembly of the State  
10 of New Jersey:

11  
12 1. The title of P.L.1985, c.330 is amended to read as follows:  
13 AN ACT to authorize the creation of a debt of the State of New Jersey  
14 by the issuance of bonds of the State in the aggregate principal amount  
15 of \$85,000,000.00 to provide funds for loans and loan guarantees to  
16 local government units for [the construction of resource recovery  
17 facilities and environmentally sound sanitary landfill facilities] solid  
18 waste management projects; authorizing the issuance of refunding  
19 bonds; providing the ways and means to pay the interest on the bonds  
20 and refunding bonds and also to pay and discharge the principal  
21 thereof; providing for submission of this act to the people at a general  
22 election: and providing an appropriation therefor.  
23 (cf: P.L.1985, c.330, title)

24  
25 2. Section 2 of P.L.1985, c.330 is amended to read as follows:  
26 2. a. The Legislature finds [and declares] that an environmentally  
27 sound strategy for the disposal of solid waste is necessary for the  
28 protection of the public health and safety and the preservation of the  
29 State's natural resources; that the State should end its [virtually  
30 exclusive] reliance on [traditional] out-of-state landfills as a solid  
31 waste disposal method and encourage the [utilization of resource

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly AAW committee amendments adopted February 22, 1996.

1 recovery facilities designed to simultaneously dispose of and recover  
2 the energy contained in solid waste; that for areas of the State where  
3 the construction of resource recovery facilities is not a feasible  
4 economic option, the State should encourage the] construction of  
5 composting facilities, materials recovery facilities, recycling centers,  
6 resource recovery facilities and environmentally sound sanitary landfill  
7 facilities equipped with state-of-the-art pollution control systems; that  
8 the [cost of constructing and operating a resource recovery facility or  
9 an environmentally sound sanitary landfill facility will significantly  
10 increase the cost of solid waste disposal above the historically low  
11 rates associated with the use of traditional landfills;] proper in-state  
12 disposal of solid waste and the maximum practical recovery of  
13 recyclable materials from solid waste are matters of basic concern to  
14 all citizens of this State, and ensuring the implementation of an  
15 efficient statewide solid waste management strategy is a governmental  
16 function thoroughly imbued with the public interest; that the continued  
17 exportation of a significant portion of New Jersey's solid waste stream  
18 to out-of-state disposal sites is a short-sighted expedient; and that for  
19 self-evident economic, environmental and public health considerations,  
20 it is imperative that the State renew its commitment to, and provide  
21 the resources for, achieving self-sufficiency with respect to solid waste  
22 disposal; and that while the responsibility to plan for the rational and  
23 environmentally sound disposal of solid waste rests with solid waste  
24 management districts, the State has the responsibility to provide  
25 financial assistance to solid waste management districts in order to  
26 facilitate the transition to environmentally sound solid waste disposal  
27 methods[; and that it is therefore] in a timely manner.

28 b. The Legislature further finds that the environmentally sound and  
29 proper closure of municipal solid waste landfills, including the  
30 remediation of contamination problems posed by terminated but  
31 improperly closed municipal landfills, is a governmental function  
32 affected with the public interest; that while the "Sanitary Landfill  
33 Facility Closure and Contingency Fund Act," P.L.1981, c.306  
34 (C.13:1E-100 et seq.) provided a means by which the owners and  
35 operators of sanitary landfill facilities would provide financial  
36 assurance for proper closure, it provides no funds for municipal solid  
37 waste landfills terminated prior to its enactment; <sup>1</sup>that while municipal  
38 solid waste landfills located in the Pinelands area were required to  
39 terminate operations by August 8, 1990 in accordance with the  
40 "National Parks and Recreation Act of 1978" (PL 95-625), the  
41 "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.), and  
42 the comprehensive management plan prepared and adopted by the  
43 Pinelands Commission pursuant thereto, financial assurances for the  
44 proper closure of these terminated municipal landfills as required by  
45 the "Sanitary Landfill Facility Closure and Contingency Fund Act"  
46 were not adequate due to the limited time in which they were

1 accrued;<sup>1</sup> that while the responsibility for the proper closure of  
2 municipal solid waste landfills that ceased operating prior to the  
3 enactment of P.L.1981, c.306 should ideally rest with the users  
4 thereof, the considerable closing costs, including the cost of  
5 remediating contamination problems, required to ensure the proper  
6 closure of these facilities are, in many cases, beyond the financial  
7 capabilities of affected municipalities; that the various environmental  
8 problems resulting from terminated municipal landfills, including  
9 methane gas migration, soil erosion, and ground and surface water  
10 contamination, affect the quality of life of all citizens of this State; and  
11 that since the proper closure and post-closure care required at each  
12 terminated municipal landfill will ultimately enhance the quality of life  
13 of all citizens of New Jersey, the State has the responsibility to provide  
14 financial assistance to municipalities to stabilize these costs in an  
15 efficient and equitable manner.

16 c. The Legislature further finds that in many cases it may be  
17 beneficial for local governments to mine sanitary landfills for the  
18 purposes of (1) extracting materials to be used, reused, recycled, sold  
19 or composted; (2) reclaiming land; or (3) recovering landfill disposal  
20 capacity; that it is in the public interest for local governments to mine  
21 certain sanitary landfills; and that State financial assistance may be  
22 necessary for local governments to initiate landfill mining projects.

23 d. The Legislature therefore determines that it is in the public  
24 interest for the State to issue bonds and establish a Resource Recovery  
25 and Solid Waste Disposal Facility Fund and a Solid Waste  
26 Management Trust Fund for the [purpose] purposes of providing  
27 financial assistance to local government units for (1) the construction  
28 of composting facilities, materials recovery facilities, recycling centers,  
29 resource recovery facilities and environmentally sound sanitary landfill  
30 facilities; (2) municipal solid waste landfill closure projects; and (3)  
31 landfill mining projects.

32 (cf: P.L.1985, c.330, s.2)

33

34 3. Section 3 of P.L.1985, c.330 is amended to read as follows:

35 3. As used in this act:

36 [a.] "Bonds" means the bonds authorized to be issued, or issued,  
37 under this act;

38 "Closure" means all activities associated with the design, purchase,  
39 construction or maintenance of all measures required by the  
40 department, pursuant to law, in order to remediate, prevent, minimize  
41 or monitor pollution or health hazards resulting from municipal solid  
42 waste landfills subsequent to the termination of operations at any  
43 portion thereof, including, but not limited to, the placement of final  
44 earthen or vegetative cover, groundwater remediation, the installation  
45 of methane gas vents or monitors and leachate monitoring wells or  
46 collection systems, and long-term operations and maintenance;

1     "Commercial solid waste" means any nonhazardous solid waste  
2 derived from wholesale, retail or service establishments, including  
3 stores, markets, theaters, offices, restaurants, warehouses, or from  
4 other non-manufacturing commercial activities;

5     [b.]"Commission" means the New Jersey Commission on Capital  
6 Budgeting and Planning;

7     [c.]"Commissioner" means the Commissioner of the Department of  
8 Environmental Protection;

9     "Composting facility" means a solid waste facility at which the  
10 organic components of solid waste are processed and separated  
11 utilizing manual or mechanical methods and broken down into their  
12 chemical elements and compounds to form humus for the purposes of  
13 beneficial use or reuse as approved by the department;

14     [d.]"Construct" and "construction" mean, in addition to the usual  
15 meanings thereof, the designing, engineering, financing, extension,  
16 repair, remodeling, or rehabilitation, or any combination thereof, of a  
17 composting facility, materials recovery facility, recycling center,  
18 resource recovery facility or an environmentally sound sanitary landfill  
19 facility or any component part thereof;

20     [e.]"Cost" means the expenses incurred in connection with: the  
21 acquisition by purchase, lease or otherwise, the development, and the  
22 construction of any project authorized by this act; the acquisition by  
23 purchase, lease or otherwise, and the development of any real or  
24 personal property for use in connection with any project authorized by  
25 this act, including any rights or interests therein; the execution of any  
26 agreements and franchises deemed by the department to be necessary  
27 or useful and convenient in connection with any project authorized by  
28 this act; the procurement of engineering, inspection, planning, legal,  
29 financial or other professional services, including the services of a  
30 bond registrar or an authenticating agent; the issuance of bonds, or any  
31 interest or discount thereon; the administrative, organizational,  
32 operating or other expenses incident to the financing, completing and  
33 placing into service of projects authorized by this act; the  
34 establishment of a reserve fund or funds for working capital,  
35 operating, maintenance or replacement expenses and for the payment  
36 or security, principal or interest on bonds, as the Director of the  
37 Division of Budget and Accounting in the Department of the Treasury  
38 may determine; and reimbursement to any fund of the State of moneys  
39 which may have been transferred or advanced therefrom to any fund  
40 created by this act, or of any moneys which may have been expended  
41 therefrom for or in connection with any project authorized by this act;

42     [f.]"Department" means the Department of Environmental  
43 Protection;

44     "Designated agency" means the public authority, or the department,  
45 unit or committee of the county government, which is designated by  
46 the board of chosen freeholders to supervise the implementation of the

1 district solid waste management plan pursuant to section 12 of  
2 P.L.1975, c.326 (C.13:1E-21), including the implementation of the  
3 district recycling plan required pursuant to section 3 of P.L.1987,  
4 c.102 (C.13:1E-99.13), and which has statutory power to enter into  
5 contracts or agreements and to borrow money;

6 [g.]"Environmentally sound sanitary landfill facility" means a  
7 sanitary landfill facility which is equipped with a liner or liners, a  
8 leachate control and collection system, and a groundwater pollution  
9 monitoring system, or any other pollution control or other engineering  
10 device required by the department pursuant to law or rule and  
11 regulation, and which is identified and included in a district solid waste  
12 management plan pursuant to the provisions of the "Solid Waste  
13 Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.);

14 [h.]"Government securities" means any bonds or other obligations  
15 which as to principal and interest constitute direct obligations of, or  
16 are unconditionally guaranteed by, the United States, including  
17 obligations of any federal agency to the extent those obligations are  
18 unconditionally guaranteed by the United States of America and any  
19 certificates or any other evidences of an ownership interest in those  
20 obligations of, or unconditionally guaranteed by, the United States or  
21 in specified portions of those obligations, which may consist of the  
22 principal of, or the interest on, those obligations;

23 "Household solid waste" means any solid waste derived from  
24 households, including but not limited to single and multiple residences,  
25 hotels and motels, bunkhouses, ranger stations, crew quarters,  
26 campgrounds, picnic grounds and day use recreation areas, except that  
27 "household solid waste" shall not include septic waste as defined in  
28 section 3 of P.L.1970, c.40 (C.48:13A-3);

29 "Industrial solid waste" means any solid waste derived from  
30 manufacturing, industrial and research and development processes and  
31 operations that is not a hazardous waste as defined in section 1 of  
32 P.L.1976, c.99 (C.13:1E-38), except that "industrial solid waste" shall  
33 not include mining waste, oil waste, gas waste, or cement kiln dust  
34 waste;

35 "Landfill mining project" means any work relating to the  
36 environmentally sound excavation and removal of materials from a  
37 sanitary landfill facility for the purposes of recycling, use, reuse, sale,  
38 or composting;

39 [i.]"Local government unit" means (1) a county, municipality,  
40 [municipal or county utility authority,]designated agency, public  
41 authority or any other political subdivision of the State authorized to  
42 construct or operate a composting facility, materials recovery facility,  
43 recycling center, resource recovery facility or an environmentally  
44 sound sanitary landfill facility; (2) a county, municipality, designated  
45 agency, public authority or any other political subdivision of the State  
46 authorized to undertake a municipal solid waste landfill closure

1 project; or (3) a county, municipality, designated agency, public  
2 authority or any other political subdivision of the State authorized to  
3 undertake a landfill mining project;

4 "Materials recovery facility" means a transfer station or other  
5 authorized solid waste facility at which nonhazardous solid waste,  
6 which material is not source separated by the generator thereof prior  
7 to collection, is received for onsite processing and separation utilizing  
8 manual or mechanical methods for the purposes of recovering  
9 recyclable materials for disposition and recycling prior to the disposal  
10 of the residual solid waste at an authorized solid waste facility;

11 "Municipal solid waste landfill" means a landfill that received for  
12 disposal household solid waste and at least one of the following: (1)  
13 commercial solid waste, (2) industrial solid waste, or (3) waste  
14 material that was received for disposal prior to October 21, 1976 and  
15 that is included within the definition of hazardous waste adopted by  
16 the federal government pursuant to the "Resource Conservation and  
17 Recovery Act," at 42 U.S.C. §6921; except that "municipal solid waste  
18 landfill" shall not include any landfill that is approved for disposal of  
19 hazardous waste and regulated pursuant to Subchapter III of the  
20 "Resource Conservation and Recovery Act," 42 U.S.C. §6921 et seq;

21 [j.]"Project" or "solid waste management project" means any work  
22 relating to (1) the construction of a composting facility, materials  
23 recovery facility, recycling center, resource recovery facility or an  
24 environmentally sound sanitary landfill facility; (2) a municipal solid  
25 waste landfill closure project; or (3) a landfill mining project, all as  
26 undertaken by a local government unit;

27 "Public authority" means any solid waste management authority  
28 created pursuant to the "solid waste management authorities law,"  
29 P.L.1968, c.249 (C.40:66A-32 et seq.); municipal or county utilities  
30 authority created pursuant to the "municipal and county utilities  
31 authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.); incinerator  
32 authority created pursuant to the "incinerator authorities law,"  
33 P.L.1948, c.348 (C.40:66A-1 et seq.); county improvement authority  
34 created pursuant to the "county improvement authorities law,"  
35 P.L.1960, c.183 (C.40:37A-44 et seq.); pollution control financing  
36 authority created pursuant to the "New Jersey Pollution Control  
37 Financing Law," P.L.1973, c.376 (C.40:37C-1 et seq.), or any other  
38 public body corporate and politic created for solid waste management  
39 purposes in any county or municipality, pursuant to the provisions of  
40 any law;

41 "Recycling center" means any facility designed and operated solely  
42 for receiving, storing, processing or transferring source separated  
43 recyclable materials;

44 [k.]"Resource recovery facility" means a solid waste facility  
45 constructed and operated for the incineration of solid waste for energy  
46 production and the recovery of metals and other materials for reuse[.];

1 or a mechanized composting facility, or any other [solid waste] facility  
2 constructed or operated for the collection, separation, recycling, and  
3 recovery of metals, glass, paper, and other materials for reuse or for  
4 energy production, and which is identified and included in a district  
5 solid waste management plan pursuant to the provisions of the "Solid  
6 Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.);]

7 [l.]"Sanitary landfill facility" means a solid waste facility at which  
8 solid waste is deposited on or in the land as fill for the purpose of  
9 permanent disposal or storage for a period exceeding six months,  
10 except that it shall not include any waste facility approved for the  
11 disposal of hazardous waste;

12 "Trust" means the New Jersey Environmental Infrastructure Trust  
13 established pursuant to the "New Jersey Environmental Infrastructure  
14 Trust Act," P.L.1985, c.334 (C.58:11B-1 et seq.).

15 (cf: P.L.1985, c.330, s.3)

16  
17 4. Section 5 of P.L.1985, c.330 is amended to read as follows:

18 5. a. Bonds of the State of New Jersey are authorized to be issued  
19 in the aggregate principal amount of \$85,000,000.00 for the purpose  
20 of making low interest or zero interest State loans to local government  
21 units for financing the costs of solid waste management projects  
22 identified pursuant to the project priority list adopted by the  
23 commissioner pursuant to section 25 of P.L. , c. (C. )(pending  
24 in the Legislature as Assembly Bill No. <sup>1</sup>[1960 of 1994] 1511 of  
25 1996<sup>1</sup>) and section 9 of P.L. , c. (pending in the Legislature as this  
26 bill), including (1) the construction of composting facilities, materials  
27 recovery facilities, recycling centers, resource recovery facilities and  
28 environmentally sound sanitary landfill facilities; (2) municipal solid  
29 waste landfill closure projects; and (3) landfill mining projects.

30 b. Payments of principal and interest on loans made from the  
31 "Resource Recovery and Solid Waste Disposal Facility Fund" shall be  
32 made to the "Resource Recovery and Solid Waste Disposal Facility  
33 Fund."

34 (cf: P.L.1985, c.330, s.5)

35  
36 5. Section 10 of P.L.1985, c.330 is amended to read as follows:

37 10. a. The bonds shall recite that they are issued for the purposes  
38 set forth in section 5 of this act, that they are issued pursuant to this  
39 act, that this act was submitted to the people of the State at the  
40 general election held in the month of November, 1985, and that this  
41 act was approved by a majority of the legally qualified voters of the  
42 State voting thereon at the election. [This recital] The bonds shall also  
43 recite, if issued after the effective date of P.L. , c. (pending in the  
44 Legislature as this bill), that the amendments and supplements to  
45 P.L.1985, c.330 were submitted to the people of the State at the  
46 general election held in the month of November, <sup>1</sup>[1995] 1996<sup>1</sup>, and

1 were approved by a majority of the legally qualified voters of the State  
2 voting thereon. These recitals shall be conclusive evidence of the  
3 validity of the bonds and of the authority of the State to issue them.  
4 Any bonds containing [this recital] the recitals shall, in any suit, action  
5 or proceeding involving their validity, be conclusively deemed to be  
6 fully authorized by this act and to have been issued, sold, executed and  
7 delivered in conformity herewith and with all other provisions of laws  
8 applicable thereto, and shall be incontestable for any cause.

9 b. The bonds shall be issued in [such] those denominations and in  
10 [such] the form or forms, whether coupon, fully-registered or  
11 book-entry, and with or without provisions for the interchangeability  
12 thereof, as may be determined by the issuing officials.

13 (cf: P.L.1985, c.330, s.10)

14

15 6. Section 14 of P.L.1985, c.330 is amended to read as follows:

16 14. The proceeds from the sale of the bonds authorized pursuant  
17 to subsection a. of section 5 of P.L.1985, c.330 shall be paid to the  
18 State Treasurer[, to be held thereby] for deposit in a separate  
19 nonlapsing revolving fund, which shall be known as the "Resource  
20 Recovery and Solid Waste Disposal Facility Fund[.]" [The proceeds  
21 of this fund shall be deposited in such depositories as may be selected  
22 by the State Treasurer to the credit of the fund] for use by the  
23 department as hereinafter provided.

24 (cf: P.L.1985, c.330, s.14)

25

26 7. Section 15 of P.L.1985, c.330 is amended to read as follows:

27 15. a. The moneys in the "Resource Recovery and Solid Waste  
28 Disposal Facility Fund" are specifically dedicated and shall be applied  
29 to financing the cost of the purposes set forth in subsection a. of  
30 section 5 of [this act] P.L.1985, c.330, and all such moneys are  
31 appropriated for those purposes[, and]. However, no [such] moneys  
32 in the fund shall be expended for those purposes, except as otherwise  
33 authorized by this act, without the specific appropriation thereof by  
34 the Legislature, but bonds may be issued as herein provided,  
35 notwithstanding that the Legislature [has] shall not have then adopted  
36 an act making a specific appropriation of any of the moneys. Any act  
37 appropriating moneys from the "Resource Recovery and Solid Waste  
38 Disposal Facility Fund" shall identify the specific project or projects  
39 to be funded [with those] by the moneys [and the amount and terms  
40 and conditions of any loan made from the "Resource Recovery and  
41 Solid Waste Disposal Facility Fund." ] <sup>1</sup>[.] and the amount and terms  
42 and conditions of any loan made from the "Resource Recovery and  
43 Solid Waste Disposal Facility Fund."<sup>1</sup> Payments of principal and  
44 interest on loans made from the "Resource Recovery and Solid Waste  
45 Disposal Facility Fund" shall be returned to that fund for use for any  
46 authorized purpose to which moneys in the fund may be used pursuant

1 to P.L.1985, c.330 or P.L. , c. (pending in the Legislature as this  
2 bill).

3 (1) Payments of principal and interest on loans returned to the  
4 "Resource Recovery and Solid Waste Disposal Facility Fund" may be  
5 made available to the trust, with the concurrence of the department,  
6 for temporary use by the trust for any of the purposes set forth in  
7 section 8 of P.L. , c. (pending in the Legislature as this bill), under  
8 terms and conditions established therefor by the commissioner and the  
9 trust and approved by the State Treasurer. A maximum of  
10 \$40,000,000 may be made available to the trust for these purposes.

11 (2) Any moneys made available to the trust pursuant to this  
12 paragraph shall be deposited in a separate nonlapsing revolving fund,  
13 which shall be known as the "Solid Waste Management Trust Fund,"  
14 for use by the trust as hereinafter provided. The trust shall repay to the  
15 "Resource Recovery and Solid Waste Disposal Facility Fund" any  
16 moneys made available for temporary use. Repayment shall be in  
17 accordance with the terms and conditions approved therefor.

18 If the "New Jersey Environmental Infrastructure Trust Act"  
19 (pending in the Legislature as Assembly Bill No. <sup>1</sup>[1960 of 1994] 1511  
20 of 1996<sup>1</sup>) has not been enacted into law by the date of the approval of  
21 this act by the voters, paragraphs (1) and (2) of this subsection shall  
22 be inoperative.

23 b. At any time prior to the issuance and sale of bonds under this  
24 act, the State Treasurer is authorized to transfer from any available  
25 [money] moneys in any fund of the treasury of the State to the credit  
26 of the "Resource Recovery and Solid Waste Disposal Facility Fund"  
27 [such] those sums as [he] the State Treasurer may deem necessary.  
28 The [sum] sums so transferred shall be returned to the same fund of  
29 the treasury of the State by the State Treasurer from the proceeds of  
30 the sale of the first issue of bonds.

31 c. Pending their application to the purposes provided in [this act]  
32 P.L.1985, c.330 or P.L. , c. (pending in the Legislature as this  
33 bill), the moneys in the "Resource Recovery and Solid Waste Disposal  
34 Facility Fund" may be invested and reinvested as are other trust funds  
35 in the custody of the State Treasurer, in the manner provided by law.  
36 Net earnings received from the investment or deposit of moneys in the  
37 "Resource Recovery and Solid Waste Disposal Facility Fund" shall be  
38 paid into the "Resource Recovery and Solid Waste Disposal Facility  
39 Fund [.] <sup>1</sup>[" for use by the department to cover administrative  
40 expenses incurred in administering the fund. Any moneys not required  
41 for administrative expenses shall be used for any other authorized  
42 purpose to which moneys in the fund may be used.]."<sup>1</sup>

43 <sup>1</sup>[d. The department may charge and collect from local government  
44 units annual fees and charges in connection with any loans or other  
45 services provided by the department in amounts sufficient to reimburse  
46 the department for all reasonable costs necessarily incurred by it in

1 connection with its financings, as the department may determine to be  
2 reasonable. The fees and charges shall be in accordance with a uniform  
3 schedule published by the department for the purpose of providing  
4 actual cost reimbursement for the services rendered.]<sup>1</sup>

5 (cf: P.L.1985, c.330, s.15)

6

7 8. (New section) a. The moneys in the "Solid Waste Management  
8 Trust Fund" are specifically dedicated and allocated to, and shall be  
9 applied to the cost of, the establishment by the trust of reserve and  
10 loan guarantee accounts within that fund. The reserve account is to be  
11 used to secure debt issued by the trust pursuant to the provisions of  
12 P.L.1985, c.334 (C.58:11B-1 et seq.), and the guarantee fund is to be  
13 used by the trust to secure debt issued by a local government unit. The  
14 trust shall not directly or indirectly use any moneys paid to it pursuant  
15 to this section for the purpose of issuing a loan guarantee to a local  
16 government unit in connection with the financing of a solid waste  
17 management project unless the project, and the amount and the terms  
18 or conditions of the loan guarantee, shall have been approved by the  
19 Legislature. Moneys in the reserve and loan guarantee accounts may  
20 be made available to the department, with the concurrence of the trust,  
21 for temporary use by the department in implementing the provisions of  
22 P.L.1985, c.330 or P.L. , c. (pending in the Legislature as this bill),  
23 under terms and conditions established therefor by the commissioner  
24 and the trust and approved by the State Treasurer. The department  
25 shall repay to the "Solid Waste Management Trust Fund" any sums  
26 made available for temporary use. Repayment shall be in accordance  
27 with the terms and conditions approved therefor.

28 b. At any time prior to the issuance and sale of bonds under the  
29 provisions of P.L.1985, c.330 or P.L. , c. (pending in the  
30 Legislature as this bill), the State Treasurer is authorized to transfer  
31 from any available moneys in any fund of the treasury of the State to  
32 the credit of the "Solid Waste Management Trust Fund" those sums as  
33 the State Treasurer may deem necessary. The sums so transferred shall  
34 be returned to the same fund of the treasury of the State by the State  
35 Treasurer from the proceeds of the sale of the first issue of bonds.

36 c. Pending their application to the purposes provided in P.L.1985,  
37 c.330 or P.L. , c. (pending in the Legislature as this bill), the  
38 moneys in the "Solid Waste Management Trust Fund" may be invested  
39 and reinvested by the trust as are other trust funds in the custody of  
40 the trust. Net earnings received from the investment or deposit of  
41 moneys in the "Solid Waste Management Trust Fund" shall be paid  
42 into the "Solid Waste Management Trust Fund" for use by the trust to  
43 cover administrative expenses incurred in administering the fund. Any  
44 moneys not required for administrative expenses shall be used for any  
45 other authorized purpose to which moneys in the fund may be used.

46 d. The trust may charge and collect from local government units

1 annual fees and charges in connection with the loans guarantees or  
2 other services provided by the trust in amounts sufficient to reimburse  
3 the trust for all reasonable costs necessarily incurred by it in  
4 connection with its financings and the establishment and maintenance  
5 of reserve and loan guarantee accounts or other funds, as the trust may  
6 determine to be reasonable. The fees and charges shall be in  
7 accordance with a uniform schedule published by the trust for the  
8 purpose of providing actual cost reimbursement for the services  
9 rendered.

10

11 9. (New section) a. The commissioner shall for each fiscal year  
12 develop a priority system for solid waste management projects and  
13 shall establish the ranking criteria and funding policies therefor. The  
14 commissioner shall set forth a project priority list for funding for each  
15 fiscal year and shall include the aggregate amount of funds to be  
16 authorized for these purposes. The project priority list shall be in  
17 conformance with applicable provisions of the "Solid Waste  
18 Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.), and any  
19 amendatory or supplementary acts thereto. The project priority list  
20 shall include a description of each project and its purpose, impact,  
21 cost, and construction schedule, and an explanation of the manner in  
22 which priorities were established. The priority system and project  
23 priority list for the ensuing fiscal year shall be submitted to the  
24 Legislature on or before January 15 of each year.

25 (1) Any municipal solid waste landfill closure project on the project  
26 priority list shall be based on the closure program for municipal solid  
27 waste landfills established by the department pursuant to section 32 of  
28 P.L. , c. (C. )(pending in the Legislature as Assembly Bill No.  
29 <sup>1</sup>[1960 of 1994] 1511 of 1996<sup>1</sup>).

30 (2) Any landfill mining project on the project priority list shall be  
31 based on the landfill mining program for sanitary landfill facilities  
32 established by the department pursuant to section 33 of P.L. , c.  
33 (C. )(pending in the Legislature as Assembly Bill No. <sup>1</sup>[1960 of  
34 1994] 1511 of 1996<sup>1</sup>).

35 b. No moneys shall be expended for loans during a fiscal year for  
36 any solid waste management project unless the expenditure is  
37 authorized pursuant to an appropriations act.

38 c. As part of the annual submission required by this section, the  
39 department shall provide a financial accounting of all project  
40 expenditures made in the preceding year<sup>1</sup>[, and of all administrative  
41 expenses incurred by the department from interest earnings from the  
42 "Resource Recovery and Solid Waste Disposal Facility Fund" in  
43 connection therewith]<sup>1</sup>.

44 d. As part of the annual submission required by this section, the  
45 trust shall provide a financial accounting of all project expenditures  
46 made in the preceding year, and of all administrative expenses incurred

1 by the trust from interest earnings from the "Solid Waste Management  
2 Trust Fund" in connection therewith.

3 If the "New Jersey Environmental Infrastructure Trust Act"  
4 (pending in the Legislature as Assembly Bill No. <sup>1</sup>[1960 of 1994]  
5 1511 of 1996<sup>1</sup>) has not been enacted into law by the date of the  
6 approval of this act by the voters, subsection d. of this section shall be  
7 inoperative.

8  
9 10. (New section) a. The provisions of any other law, or of any  
10 rule or regulation adopted pursuant thereto to the contrary  
11 notwithstanding, the unexpended balance of those moneys heretofore  
12 appropriated to the department from the "Resource Recovery and  
13 Solid Waste Disposal Facility Fund" for the purpose of providing an  
14 interest-free loan to Bergen county for the design, acquisition and  
15 construction of a resource recovery facility pursuant to section 2 of  
16 P.L.1985, c.335, and the unexpended balance of those moneys  
17 heretofore appropriated to the department from the "Resource  
18 Recovery and Solid Waste Disposal Facility Fund" for the purpose of  
19 providing an interest-free loan to Passaic county for the design,  
20 acquisition and construction of a resource recovery facility pursuant  
21 to P.L.1988, c.86, shall revert to the "Resource Recovery and Solid  
22 Waste Disposal Facility Fund," and may be appropriated therefrom for  
23 any purpose authorized under P.L.1985, c.330, as amended and  
24 supplemented by P.L. , c. (pending in the Legislature as this bill).

25 b. On and after the effective date of P.L. , c. (pending in the  
26 Legislature as this bill), all moneys accruing to the "Resource  
27 Recovery and Solid Waste Disposal Facility Fund" from the repayment  
28 of principal and interest on loans made pursuant to P.L.1985, c.330,  
29 all moneys accruing to that fund pursuant to P.L.1985, c.331, and any  
30 interest earned on the management of moneys in that fund, shall be  
31 reserved for appropriation for any solid waste management projects  
32 authorized under P.L. , c. (pending in the Legislature as this bill).

33 c. Nothing in this section shall be deemed to impede the State  
34 Treasurer in fulfilling his responsibility under section 17 of P.L.1985,  
35 c.330.

36  
37 11. (New section) For the purpose of complying with the  
38 provisions of the State Constitution, this amendatory and  
39 supplementary act shall be submitted to the people at the general  
40 election to be held in the month of November, <sup>1</sup>[1995]1996<sup>1</sup>. To  
41 inform the people of the contents of this amendatory and  
42 supplementary act, it shall be the duty of the Secretary of State, after  
43 this section takes effect, and at least 60 days prior to the election, to  
44 cause this amendatory and supplementary act to be published at least  
45 once in one or more newspapers of each county, if any newspapers are  
46 published therein, and to notify the clerk of each county of this State

1 of the passage of this amendatory and supplementary act; and the  
 2 clerks respectively, in accordance with the instructions of the  
 3 Secretary of State, shall have printed on each of the ballots the  
 4 following:

5 If you approve of the act entitled below, make a cross (X), plus (+),  
 6 or check (○) mark in the square opposite the word "Yes."

7 If you disapprove of the act entitled below, make a cross (X), plus  
 8 (+), or check (○) mark in the square opposite the word "No."

9 If voting machines are used, a vote of "Yes" or "No" shall be  
 10 equivalent to these markings respectively.

11

12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27	YES	<p style="text-align: center;">AMENDS AND SUPPLEMENTS                  RESOURCE RECOVERY AND SOLID                  WASTE DISPOSAL FACILITY BOND                  ACT OF 1985</p> <p>Shall the amendments and supplementary language to the "Resource Recovery and Solid Waste Disposal Facility Bond Act of 1985," which provide that the New Jersey Environmental Infrastructure Trust may use bond moneys therefrom to provide loans and loan guarantees to local governments for financing the costs of solid waste management projects, <sup>1</sup><u>and which authorize the Trust to use interest earnings on bond moneys to cover the administrative costs incurred therewith.</u><sup>1</sup> be approved?</p>
--	-----	--

1		<b>INTERPRETIVE STATEMENT</b>
2		Approval of this act would provide that
3		moneys in the "Resource Recovery and Solid
4		Waste Disposal Facility Bond Act of 1985"
5		from repayments of certain loans, cancelled
6		resource recovery facility projects, cash
7		earned from the investment of amounts in the
8		fund, and the remaining moneys in the fund,
9		may be used for loans to local governments
10		for solid waste management projects. The
11		proposed revisions would permit these
12		moneys to be used for the financing of
13		composting facilities, materials recovery
14		facilities, recycling centers, municipal solid
15		waste landfill closure projects and landfill
16	NO	mining projects in addition to resource
17		recovery or sanitary landfill facilities as
18		provided in the bond act, under a combined
19		loan and loan guarantee program administered
20		by the Department of Environmental
21		Protection and the New Jersey Environmental
22		Infrastructure Trust <sup>1</sup> , <u>which would be</u>
23		<u>authorized to use interest earnings on bond</u>
24		<u>moneys to cover its administrative expenses<sup>1</sup>.</u>
25		Approval of these revisions to the "Resource
26		Recovery and Solid Waste Disposal Facility
27		Bond Act of 1985" would not involve any
28		new State bonded indebtedness.
29		

30

31 The fact and date of the approval or passage of this amendatory and  
 32 supplementary act, as the case may be, may be inserted in the  
 33 appropriate place after the title in the ballot. No other requirements of  
 34 law of any kind or character as to notice or procedure, except as  
 35 herein provided, need be adhered to.

36 The votes so cast for and against the approval of this amendatory  
 37 and supplementary act, by ballot or voting machine, shall be counted  
 38 and the result thereof returned by the election officer, and a canvass  
 39 of the election had in the same manner as is provided for by law in the  
 40 case of the election of a Governor, and the approval or disapproval of  
 41 this act so determined shall be declared in the same manner as the  
 42 result of an election for a Governor, and if there is a majority of all the  
 43 votes cast for and against it at the election in favor of the approval of  
 44 this amendatory and supplementary act, then all the provisions thereof  
 45 not made effective theretofore shall take effect forthwith.

1       12. (New section) There is appropriated from the General Fund  
2 the sum of \$5,000 to the Department of State for expenses in  
3 connection with the publication of the notice pursuant to section 11 of  
4 this act.

5

6       13. Section 11 and 12 of this act shall take effect immediately, and  
7 the remainder of the act shall take effect as and when provided in  
8 section 11 of this act.

9

10

11

12

13       Revises the "Resource Recovery and Solid Waste Disposal Facility  
14 Bond Act of 1985."