

[Third 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

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:

¹ Assembly AAW committee amendments adopted February 22, 1996.

² Assembly AAP committee amendments adopted May 13, 1996.

³ Assembly floor amendments adopted September 26, 1996.

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

29 b. The Legislature further finds that the environmentally sound and
30 proper closure of municipal solid waste landfills, including the
31 remediation of contamination problems posed by terminated but
32 improperly closed municipal landfills, is a governmental function
33 affected with the public interest; that while the "Sanitary Landfill
34 Facility Closure and Contingency Fund Act," P.L.1981, c.306
35 (C.13:1E-100 et seq.) provided a means by which the owners and
36 operators of sanitary landfill facilities would provide financial
37 assurance for proper closure, it provides no funds for municipal solid
38 waste landfills terminated prior to its enactment; ¹that while municipal
39 solid waste landfills located in the Pinelands area were required to
40 terminate operations by August 8, 1990 in accordance with the
41 "National Parks and Recreation Act of 1978" (PL 95-625), the
42 "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.), and
43 the comprehensive management plan prepared and adopted by the
44 Pinelands Commission pursuant thereto, financial assurances for the
45 proper closure of these terminated municipal landfills as required by
46 the "Sanitary Landfill Facility Closure and Contingency Fund Act"

1 were not adequate due to the limited time in which they were
2 accrued;¹ that while the responsibility for the proper closure of
3 municipal solid waste landfills that ceased operating prior to the
4 enactment of P.L.1981, c.306 should ideally rest with the users
5 thereof, the considerable closing costs, including the cost of
6 remediating contamination problems, required to ensure the proper
7 closure of these facilities are, in many cases, beyond the financial
8 capabilities of affected municipalities; that the various environmental
9 problems resulting from terminated municipal landfills, including
10 methane gas migration, soil erosion, and ground and surface water
11 contamination, affect the quality of life of all citizens of this State; and
12 that since the proper closure and post-closure care required at each
13 terminated municipal landfill will ultimately enhance the quality of life
14 of all citizens of New Jersey, the State has the responsibility to provide
15 financial assistance to municipalities to stabilize these costs in an
16 efficient and equitable manner.

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

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

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

34

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

36 3. As used in this act:

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

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

1 collection systems, and long-term operations and maintenance;

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

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

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

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

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

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

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

45 "Designated agency" means the public authority, or the department,
46 unit or committee of the county government, which is designated by

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

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

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

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

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

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

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

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

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

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

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

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

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

45 [k.]"Resource recovery facility" means a solid waste facility
46 constructed and operated for the incineration of solid waste for energy

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

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

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

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

17

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

19 5. a. Bonds of the State of New Jersey are authorized to be issued
20 in the aggregate principal amount of \$85,000,000.00 for the purpose
21 of making low interest or zero interest State loans to local government
22 units for financing the costs of solid waste management projects
23 identified pursuant to the project priority list adopted by the
24 commissioner pursuant to section 25 of P.L. , c. (C.)(pending
25 in the Legislature as Assembly Bill No. ¹[1960 of 1994] 1511 of
26 1996¹) and section 9 of P.L. , c. (pending in the Legislature as this
27 bill), including (1) the construction of composting facilities, materials
28 recovery facilities, recycling centers, resource recovery facilities and
29 environmentally sound sanitary landfill facilities; (2) municipal solid
30 waste landfill closure projects; and (3) landfill mining projects.

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

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

36

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

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

1 general election held in the month of November, ¹[1995] ³[1996¹
2 1997³, and were approved by a majority of the legally qualified voters
3 of the State voting thereon. These recitals shall be conclusive
4 evidence of the validity of the bonds and of the authority of the State
5 to issue them. Any bonds containing [this recital] the recitals shall, in
6 any suit, action or proceeding involving their validity, be conclusively
7 deemed to be fully authorized by this act and to have been issued, sold,
8 executed and delivered in conformity herewith and with all other
9 provisions of laws applicable thereto, and shall be incontestable for
10 any cause.

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

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

16

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

18 14. ²a.² The proceeds from the sale of the bonds authorized
19 pursuant to subsection a. of section 5 of P.L.1985, c.330 shall be paid
20 to the State Treasurer[, to be held thereby] for deposit in a separate
21 nonlapsing revolving fund, which shall be known as the "Resource
22 Recovery and Solid Waste Disposal Facility Fund[.]." [The proceeds
23 of this fund shall be deposited in such depositories as may be selected
24 by the State Treasurer to the credit of the fund] for use by the
25 department as hereinafter provided.

26 ²b. The department is authorized to use moneys in the "Resource
27 Recovery and Solid Waste Disposal Facility Fund" to cover
28 administrative expenses incurred in implementing the provisions of this
29 act, as amended and supplemented by P.L. ., c. (pending in the
30 Legislature as this bill), subject to the annual appropriation thereof by
31 the Legislature.²

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

33

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

35 15. a. The moneys in the "Resource Recovery and Solid Waste
36 Disposal Facility Fund" are specifically dedicated and shall be applied
37 to financing the cost of the purposes set forth in subsection a. of
38 section 5 of [this act] P.L.1985, c.330, and all such moneys are
39 appropriated for those purposes[, and]. However, no [such] moneys
40 in the fund shall be expended for those purposes, except as otherwise
41 authorized by this act, without the specific appropriation thereof by
42 the Legislature, but bonds may be issued as herein provided,
43 notwithstanding that the Legislature [has] shall not have then adopted
44 an act making a specific appropriation of any of the moneys. Any act
45 appropriating moneys from the "Resource Recovery and Solid Waste
46 Disposal Facility Fund" shall identify the specific project or projects

1 to be funded [with those] by the moneys [and the amount and terms
2 and conditions of any loan made from the "Resource Recovery and
3 Solid Waste Disposal Facility Fund."]¹ and the amount and terms
4 and conditions of any loan made from the "Resource Recovery and
5 Solid Waste Disposal Facility Fund."¹ Payments of principal and
6 interest on loans made from the "Resource Recovery and Solid Waste
7 Disposal Facility Fund" shall be returned to that fund for use for any
8 authorized purpose to which moneys in the fund may be used pursuant
9 to P.L.1985, c.330 or P.L. , c. (pending in the Legislature as this
10 bill).

11 (1) Payments of principal and interest on loans returned to the
12 "Resource Recovery and Solid Waste Disposal Facility Fund" may be
13 made available to the trust, with the concurrence of the department,
14 for temporary use by the trust for any of the purposes set forth in
15 section 8 of P.L. , c. (pending in the Legislature as this bill), under
16 terms and conditions established therefor by the commissioner and the
17 trust and approved by the State Treasurer. A maximum of
18 \$40,000,000 may be made available to the trust for these purposes.

19 (2) Any moneys made available to the trust pursuant to this
20 paragraph shall be deposited in a separate nonlapsing revolving fund,
21 which shall be known as the "Solid Waste Management Trust Fund,"
22 for use by the trust as hereinafter provided. The trust shall repay to
23 the "Resource Recovery and Solid Waste Disposal Facility Fund" any
24 moneys made available for temporary use. Repayment shall be in
25 accordance with the terms and conditions approved therefor.

26 If the "New Jersey Environmental Infrastructure Trust Act"
27 (pending in the Legislature as Assembly Bill No. ¹[1960 of 1994] 1511
28 of 1996¹) has not been enacted into law by the date of the approval of
29 this act by the voters, paragraphs (1) and (2) of this subsection shall
30 be inoperative.

31 b. At any time prior to the issuance and sale of bonds under this
32 act, the State Treasurer is authorized to transfer from any available
33 [money] moneys in any fund of the treasury of the State to the credit
34 of the "Resource Recovery and Solid Waste Disposal Facility Fund"
35 [such] those sums as [he] the State Treasurer may deem necessary.
36 The [sum] sums so transferred shall be returned to the same fund of
37 the treasury of the State by the State Treasurer from the proceeds of
38 the sale of the first issue of bonds.

39 c. Pending their application to the purposes provided in [this act]
40 P.L.1985, c.330 or P.L. , c. (pending in the Legislature as this
41 bill), the moneys in the "Resource Recovery and Solid Waste Disposal
42 Facility Fund" may be invested and reinvested as are other trust funds
43 in the custody of the State Treasurer, in the manner provided by law.
44 Net earnings received from the investment or deposit of moneys in the
45 "Resource Recovery and Solid Waste Disposal Facility Fund" shall be
46 paid into the "Resource Recovery and Solid Waste Disposal Facility

1 Fund[.]¹[" for use by the department to cover administrative expenses
2 incurred in administering the fund. Any moneys not required for
3 administrative expenses shall be used for any other authorized purpose
4 to which moneys in the fund may be used.]".¹

5 ¹[d. The department may charge and collect from local government
6 units annual fees and charges in connection with any loans or other
7 services provided by the department in amounts sufficient to reimburse
8 the department for all reasonable costs necessarily incurred by it in
9 connection with its financings, as the department may determine to be
10 reasonable. The fees and charges shall be in accordance with a
11 uniform schedule published by the department for the purpose of
12 providing actual cost reimbursement for the services rendered.]¹

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

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

37 b. At any time prior to the issuance and sale of bonds under the
38 provisions of P.L.1985, c.330 or P.L. , c. (pending in the
39 Legislature as this bill), the State Treasurer is authorized to transfer
40 from any available moneys in any fund of the treasury of the State to
41 the credit of the "Solid Waste Management Trust Fund" those sums as
42 the State Treasurer may deem necessary. The sums so transferred
43 shall be returned to the same fund of the treasury of the State by the
44 State Treasurer from the proceeds of the sale of the first issue of
45 bonds.

46 c. Pending their application to the purposes provided in P.L.1985,

1 c.330 or P.L. , c. (pending in the Legislature as this bill), the
2 moneys in the "Solid Waste Management Trust Fund" may be invested
3 and reinvested by the trust as are other trust funds in the custody of
4 the trust. Net earnings received from the investment or deposit of
5 moneys in the "Solid Waste Management Trust Fund" shall be paid
6 into the "Solid Waste Management Trust Fund" for use by the trust to
7 cover administrative expenses incurred in administering the fund. Any
8 moneys not required for administrative expenses shall be used for any
9 other authorized purpose to which moneys in the fund may be used.

10 d. The trust may charge and collect from local government units
11 annual fees and charges in connection with the loans guarantees or
12 other services provided by the trust in amounts sufficient to reimburse
13 the trust for all reasonable costs necessarily incurred by it in
14 connection with its financings and the establishment and maintenance
15 of reserve and loan guarantee accounts or other funds, as the trust may
16 determine to be reasonable. The fees and charges shall be in
17 accordance with a uniform schedule published by the trust for the
18 purpose of providing actual cost reimbursement for the services
19 rendered.

20

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

35 (1) Any municipal solid waste landfill closure project on the project
36 priority list shall be based on the closure program for municipal solid
37 waste landfills established by the department pursuant to section 32 of
38 P.L. , c. (C.)(pending in the Legislature as Assembly Bill No.
39 ¹[1960 of 1994] 1511 of 1996¹).

40 (2) Any landfill mining project on the project priority list shall be
41 based on the landfill mining program for sanitary landfill facilities
42 established by the department pursuant to section 33 of P.L. , c.
43 (C.)(pending in the Legislature as Assembly Bill No. ¹[1960 of
44 1994] 1511 of 1996¹).

45 b. No moneys shall be expended for loans during a fiscal year for
46 any solid waste management project unless the expenditure is

1 authorized pursuant to an appropriations act.

2 c. As part of the annual submission required by this section, the
3 department shall provide a financial accounting of all project
4 expenditures made in the preceding year ¹[, and of all administrative
5 expenses incurred by the department from interest earnings from the
6 "Resource Recovery and Solid Waste Disposal Facility Fund" in
7 connection therewith]¹.

8 d. As part of the annual submission required by this section, the
9 trust shall provide a financial accounting of all project expenditures
10 made in the preceding year, and of all administrative expenses incurred
11 by the trust from interest earnings from the "Solid Waste Management
12 Trust Fund" in connection therewith.

13 If the "New Jersey Environmental Infrastructure Trust Act"
14 (pending in the Legislature as Assembly Bill No. ¹[1960 of 1994]
15 1511 of 1996¹) has not been enacted into law by the date of the
16 approval of this act by the voters, subsection d. of this section shall be
17 inoperative.

18

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

35 b. On and after the effective date of P.L. , c. (pending in the
36 Legislature as this bill), all moneys accruing to the "Resource
37 Recovery and Solid Waste Disposal Facility Fund" from the repayment
38 of principal and interest on loans made pursuant to P.L.1985, c.330,
39 all moneys accruing to that fund pursuant to P.L.1985, c.331, and any
40 interest earned on the management of moneys in that fund, shall be
41 reserved for appropriation for any solid waste management projects
42 authorized under P.L. , c. (pending in the Legislature as this bill).

43 c. Nothing in this section shall be deemed to impede the State

1 Treasurer in fulfilling his responsibility under section 17 of P.L.1985,
 2 c.330.

3
 4 11. (New section) For the purpose of complying with the
 5 provisions of the State Constitution, this amendatory and
 6 supplementary act shall be submitted to the people at the general
 7 election to be held in the month of November, ¹[1995] ³[1996¹] 1997
 8 ³. To inform the people of the contents of this amendatory and
 9 supplementary act, it shall be the duty of the Secretary of State, after
 10 this section takes effect, and at least 60 days prior to the election, to
 11 cause this amendatory and supplementary act to be published at least
 12 once in one or more newspapers of each county, if any newspapers are
 13 published therein, and to notify the clerk of each county of this State
 14 of the passage of this amendatory and supplementary act; and the
 15 clerks respectively, in accordance with the instructions of the
 16 Secretary of State, shall have printed on each of the ballots the
 17 following:

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

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

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

24

<p>25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44</p>	<p>YES</p>	<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, ²<u>which authorize the Department of Environmental Protection to use bond moneys to cover administrative costs incurred therewith, subject to the annual appropriation thereof by the Legislature,</u> ² ¹<u>and which authorize the Trust to use interest earnings on bond moneys to cover the administrative costs incurred therewith,</u> ¹ be approved?</p>
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1		INTERPRETIVE STATEMENT
2		² [Approval of this act would provide that] <u>If</u>
3		<u>approved.</u> ² moneys in the "Resource Recovery
4		and Solid Waste Disposal Facility Bond Act
5		of 1985" ² <u>could be used for loans to local</u>
6		<u>governments for solid waste management</u>
7		<u>projects. These moneys are</u> ² from repayments
8		of certain loans, canceled resource recovery
9		facility projects, cash earned from the
10		investment of amounts in the fund, and the
11		remaining moneys in the fund ² [, may be used
12		for loans to local governments for solid waste
13		management projects. The proposed revisions
14		would permit] . <u>It is proposed that</u> ² these
15		moneys ² [to] ² be used for the financing of
16		composting facilities, materials recovery
17		facilities, recycling centers, municipal solid
18		waste landfill closure projects and landfill
19		mining projects in addition to resource
20		recovery or sanitary landfill facilities as
21		² [provided in] <u>under</u> ² the ² <u>current</u> ² bond act
22	NO	² [, under a] . <u>The</u> ² combined loan and loan
23		guarantee program ² <u>would be</u> ² administered
24		by the Department of Environmental
25		Protection and the New Jersey Environmental
26		Infrastructure Trust ² [¹ , <u>which would be</u>
27		<u>authorized to use interest earnings on bond</u>
28		<u>moneys to cover its administrative expenses</u> ¹].
29		<u>It is proposed that the Department be</u>
30		<u>permitted to cover its administrative costs out</u>
31		<u>of bond moneys, if the Legislature</u>
32		<u>appropriates the moneys each year, and that</u>
33		<u>the Trust be permitted to cover its</u>
34		<u>administrative costs out of interest earned on</u>
35		<u>bond moneys</u> ² .
36		Approval of these revisions to the
37		"Resource Recovery and Solid Waste
38		Disposal Facility Bond Act of 1985" would
39		not involve any new State bonded
40		indebtedness.
41		
42		

43 The fact and date of the approval or passage of this amendatory and
 44 supplementary act, as the case may be, may be inserted in the
 45 appropriate place after the title in the ballot. No other requirements

1 of law of any kind or character as to notice or procedure, except as
2 herein provided, need be adhered to.

3 The votes so cast for and against the approval of this amendatory
4 and supplementary act, by ballot or voting machine, shall be counted
5 and the result thereof returned by the election officer, and a canvass
6 of the election had in the same manner as is provided for by law in the
7 case of the election of a Governor, and the approval or disapproval of
8 this act so determined shall be declared in the same manner as the
9 result of an election for a Governor, and if there is a majority of all the
10 votes cast for and against it at the election in favor of the approval of
11 this amendatory and supplementary act, then all the provisions thereof
12 not made effective theretofore shall take effect forthwith.

13

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

17

18 13. Section 11 and 12 of this act shall take effect immediately, and
19 the remainder of the act shall take effect as and when provided in
20 section 11 of this act.

21

22

23

24

25 Revises the "Resource Recovery and Solid Waste Disposal Facility
26 Bond Act of 1985," appropriates \$5,000.