

T & E

P.L. 1996, CHAPTER 70, *approved July 17, 1996*
Senate Committee Substitute (*First Reprint*) for
Senate Committee Substitute for
Senate, No. 95

1 **AN ACT** authorizing the creation of a debt of the State of New Jersey
2 by issuance of bonds of the State in the aggregate principal amount
3 of ¹[\$230,000,000] \$300,000,000¹ to provide moneys for the
4 construction of subaqueous pits and a containment facility or
5 facilities for the disposal of dredged material from the New
6 Jersey/New York port region; for the costs of projects related to
7 the decontamination of dredged material; for the dredging of the
8 Kill Van Kull, the Arthur Kill, and other navigational channels
9 located in the port region; for the dredging of navigational
10 waterways not located in the port region; ¹for the remediation of
11 hazardous discharge sites and contaminated water supplies;¹ for
12 the restoration of lakes; and for the construction of economic
13 development sites in the Delaware River and Bay Region;
14 providing the ways and means to pay and discharge the principal
15 and interest thereof; providing for the submission of this act to the
16 people at a general election; and making an appropriation.

17
18 **BE IT ENACTED** by the Senate and General Assembly of the State
19 of New Jersey:

20
21 1. This act shall be known and may be cited as the "Port of New
22 Jersey Revitalization, Dredging, Environmental Cleanup,¹ Lake
23 Restoration, and Delaware Bay Area Economic Development Bond
24 Act of 1996."

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 floor amendments adopted June 27, 1996.

1 2. The Legislature finds and declares that the sand, silt and mud,
2 which naturally accumulate in the navigation channels and ship berths
3 in the port area of northern New Jersey and New York City must be
4 dredged on a regular basis to ensure the continued economic viability
5 of the shipping and trade industry, which creates more than 200,000
6 direct and indirect jobs, provides more than \$20 billion in regional
7 economic benefits and generates salaries and wages in excess of \$5
8 billion; that while the economic importance of dredging is significant,
9 it must be recognized that dredged material is often contaminated with
10 harmful and dangerous substances; that in order to enjoy the economic
11 benefits provided by an accessible port, an economically viable and
12 long-term solution to the problem of dredged material disposal must
13 be found; and that it is therefore in the public interest to provide a
14 funding mechanism to finance, in whole or in part, the construction of
15 subaqueous pits and a containment facility or facilities to provide for
16 the safe disposal of dredged materials, projects related to the
17 decontamination of dredged material, and the dredging of the Kill Van
18 Kull, the Arthur Kill and other navigational channels located in the
19 port region.

20 ¹The Legislature further finds and declares that the improper,
21 irresponsible, and sometimes illegal discharge of hazardous substances
22 presents a grave threat to the public health and safety and the
23 environment; that the dangers posed by these discharges can be
24 minimized only by prompt identification, cleanup and removal of these
25 hazardous discharges; that existing funding sources are not adequate
26 to finance these remediation operations; and that it is therefore in the
27 best interests of all citizens of this State to provide a funding
28 mechanism to finance the prompt and efficient remediation of
29 hazardous discharge sites.¹

30 The Legislature further finds and declares that navigational
31 channels not located in the port region require dredging to
32 accommodate the commercial fishing industry and recreational boating
33 activities; that the viability of the fishing and tourism industries
34 depends in large part upon the existence of navigable waterways; and
35 that it is in the public interest to provide funding to finance the
36 dredging operations necessary to ensure the continued viability of
37 these important industries.

38 The Legislature further finds and declares that the lakes of the
39 State are a precious natural resource threatened by nonpoint source
40 pollution, soil erosion, eutrophication, flood damage, illegal solid
41 waste disposal and littering, and uncontrolled vegetative growth; that
42 lakes provide recreation, conservation, water supply, flood control,
43 and other benefits important to the health, safety, and welfare of the
44 citizens of New Jersey; and that in order to protect and preserve these
45 water bodies, it is in the public interest for the State, local

1 government, and private lake associations or similar organizations or
2 persons in conjunction with local government to undertake lake
3 restoration projects.

4 The Legislature further finds and declares that there are many
5 potential economic development sites in need of financing that would
6 provide jobs and prosperity to the Delaware River and Bay Region of
7 the State; and that it is in the public interest to provide funding to
8 finance the ¹estimated¹ costs of land purchase, building construction,
9 equipment purchase and miscellaneous site improvements of these
10 economic development sites.

11

12 3. As used in this act, unless the context indicates a different
13 meaning or intent:

14 "Bonds" mean the bonds authorized to be issued, or issued, under
15 this act;

16 "Commission" means the New Jersey Commission on Capital
17 Budgeting and Planning;

18 "Commissioner" means the Commissioner of Environmental
19 Protection;

20 "Construction" means, in addition to the usual meaning thereof,
21 acts of construction, reconstruction, improvement, rehabilitation,
22 relocation, demolition, renewal, repair, replacement, extension,
23 betterment, improvement, protection, or consolidation or any
24 combination thereof, of a ¹[containment facility or facilities and
25 subaqueous pits for the disposal of dredged materials, and economic
26 development sites]project¹ ;

27 "Containment facility" means an upland or in-water confined
28 disposal facility which shall consist of an artificially constructed island,
29 a diked extension of an existing island, or a diked extension attached
30 to land, and which is used solely for the disposal of dredged materials;

31 "Cost" means the expenses incurred in connection with: the
32 construction of a containment facility or facilities, and subaqueous
33 pits¹[,]¹ for the disposal of dredged materials from the port region
34 ¹[authorized by this act]¹; ¹[the costs of projects related to]¹ the
35 decontamination of dredged material; the dredging of the Kill Van
36 Kull, the Arthur Kill and other navigation channels located in the port
37 region; ¹the initiation, continuation, or completion of the remediation
38 of a hazardous discharge site; the acquisition by purchase, lease, or
39 otherwise, and the construction of a water supply facility;¹ the
40 dredging of navigation channels not located in the port region; the
41 restoration of lakes; the purchase of real property, equipment, and any
42 building, construction and miscellaneous site improvements associated
43 with an economic development site; the acquisition by purchase, lease,
44 or otherwise, and the development of any real or personal property for
45 use in connection with a project authorized by this act, including any

1 rights or interests therein, the execution of any agreements and
2 franchises deemed by the department to be necessary or useful and
3 convenient in connection with any project authorized by this act; the
4 procurement of engineering, inspection, planning, legal, financial, or
5 other professional services, including the services of a bond registrar
6 or an authenticating agent; the issuance of bonds, or any interest or
7 discount thereon; the administrative, organizational, operating or other
8 expenses incident to the financing, initiating, continuing, completing,
9 and placing into service of any project authorized by this act, including
10 the expense of salaries, supplies, equipment and materials; the
11 establishment of a reserve fund or funds for working capital,
12 operating, maintenance, or replacement expenses and for the payment
13 or security of principal or interest on bonds, as the Director of the
14 Division of Budget and Accounting in the Department of the Treasury
15 may determine; and reimbursement to any fund of the State of moneys
16 which may have been transferred or advanced therefrom to any fund
17 created by this act, or any moneys which may have been expended
18 therefrom for, or in connection with, any project authorized by this
19 act;

20 "Decontamination" means a process by which contaminants are
21 removed or reduced from dredged materials, or by which dredged
22 materials are otherwise made acceptable for use;

23 "Delaware River and Bay Region" means all the State territory
24 located within the "port district," as defined pursuant to section 1(6)
25 of P.L.1951, c.288 (C.32:3-13.23);

26 "Department" means the Department of Environmental Protection;

27 "Discharge" means an intentional or unintentional action or
28 omission resulting in the releasing, spilling, leaking, pumping, pouring,
29 emitting, emptying, or dumping of a hazardous substance onto the land
30 or into the waters of the State.¹

31 "Dredge" or "dredging" means the removal of sand, silt, mud, and
32 other materials from the bottom of a waterway in order to deepen
33 navigation channels and ship berths;

34 "Dredged material" means material removed by dredging that is, in
35 the determination of the federal Environmental Protection Agency,
36 either unsuitable for ocean disposal or suitable for ocean disposal only
37 with capping;

38 "Economic development site" means land, equipment, buildings,
39 appurtenant infrastructure and miscellaneous site improvements
40 designed to promote economic activity and new jobs in the Delaware
41 River and Bay Region;

42 "Government securities" means any bonds or other obligations
43 which as to principal and interest constitute direct obligations of, or
44 are unconditionally guaranteed by, the United States of America,
45 including obligations of any federal agency, to the extent those

1 obligations are unconditionally guaranteed by the United States of
2 America, and any certificates or any other evidences of an ownership
3 interest in those obligations of, or unconditionally guaranteed by, the
4 United States of America or in specified portions which may consist
5 of the principal of, or the interest on, those obligations;

6 ¹"Hazardous discharge site" means any location at which hazardous
7 substances have been, are suspected to have been, or potentially could
8 be discharged, and shall include any area to which the hazardous
9 substance contamination has migrated or may migrate;

10 "Hazardous substance" means any hazardous substance as defined
11 pursuant to section 3 of P.L. 1976, c.141 (C.58:10-23.11b), hazardous
12 waste as defined pursuant to section 1 of P.L. 1976, c.99 (C.13:1E-
13 38), or pollutant as defined pursuant to section 3 of P.L. 1977, c.74
14 (C.58:10A-3);¹

15 "Lake restoration" or "restoration of lakes" means the removal of
16 sand, silt, mud, sediment, rocks, stumps, vegetation, algae blooms, or
17 other materials from lakes, or the abatement and control of pollution
18 of lakes caused by stormwater runoff, soil erosion, or other types of
19 nonpoint source or point source pollution, to improve, for the
20 purposes of recreation, conservation, water supply, or flood control,
21 the use and overall quality of lake waters or the use or function of any
22 park, natural area, fishing, boating, or swimming area or facility, dam,
23 or flood control facility or structure associated with a lake;

24 "Local government unit" means a county or a municipality, or any
25 agency, authority, board, commission, or other instrumentality thereof,
26 any two or more counties or municipalities operating jointly through
27 a joint meeting or interlocal services agreement permitted by law, or
28 any agency, authority, board, commission, or other instrumentality
29 thereof, or any other local or regional entity created by the Legislature
30 as a political subdivision of the State, or any agency, authority, board,
31 commission, or other instrumentality thereof;

32 "Port region" means the geographic area created by Article II of
33 the Compact of April 30, 1921, creating the bi-state agency, now
34 known as the Port Authority of New York and New Jersey, and which
35 is commonly referred to as the Port of New York District;

36 "Project" means any work relating to the construction of a
37 containment facility or facilities and subaqueous pits for the disposal
38 of dredged material from the port region; the decontamination of
39 dredged material; the dredging of the Kill Van Kull, the Arthur Kill
40 and other navigation channels located in the port region; ¹the
41 remediation of a hazardous discharge site; the construction of water
42 supply facilities to replace potable water supplies contaminated by a
43 discharge;¹ the dredging of navigation channels not located in the port
44 region; the restoration of lakes; or the purchase of real property,
45 equipment, and any building, construction, and miscellaneous site

1 improvements associated with an economic development site; ¹[and]

2 "Remedial action" means those actions taken at a hazardous
3 discharge site, as may be required by the department, including the
4 removal, treatment, containment, transportation, securing, or other
5 engineering or treatment measures, including related operation and
6 maintenance activities, whether of a permanent nature or otherwise,
7 designed to ensure that any discharge at the hazardous discharge site
8 is remediated in compliance with the applicable remediation standards,
9 and the sealing or closure of wells and groundwater supplies
10 contaminated by a discharge;

11 "Remediation" or "remediate" means all necessary actions to
12 investigate and clean up any known, suspected, or threatened
13 discharge of hazardous substances, including, as necessary, identifying
14 areas of concern and determining the presence of hazardous
15 substances, the collection and evaluation of data adequate to
16 determine whether or not discharged hazardous substances exist,
17 determining the nature and extent of any discharged hazardous
18 substance and any problems presented by a discharge, and the
19 performance of a remedial action;¹

20 "Subaqueous pit" means an excavated area within a water body
21 used for the disposal of dredged material¹[.]; and

22 "Water supply facilities" means the plants, structures, public or
23 private wells, interconnections between existing water supply systems,
24 machinery, equipment and other property, real, personal, and mixed,
25 constructed or operated, or to be constructed or operated, for the
26 purposes of augmenting the natural water resources of the State and
27 making available a supply of water for all uses, and any and all
28 appurtenances necessary, useful or convenient for making available,
29 collecting, impounding, storing, improving, treating and filtering, or
30 transmitting water.¹

31

32 4. The commissioner shall adopt, pursuant to the "Administrative
33 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
34 regulations necessary to implement the provisions of this act. The
35 commissioner shall review and consider the findings and
36 recommendations of the commission in the administration of the
37 provisions of this act.

38

39 5. Bonds of the State of New Jersey are authorized to be issued
40 in the aggregate principal amount of \$185,000,000 for the purposes of
41 financing, in whole or in part, the cost of the construction of
42 subaqueous pits and a containment facility or facilities for the disposal
43 of dredged material from the port region, the cost of projects related
44 to the decontamination of dredged material, and the cost of dredging
45 the Kill Van Kull, the Arthur Kill and other navigation channels

1 located in the port region, in accordance with all applicable State and
2 federal laws, rules or regulations.

3
4 ¹6. Bonds of the State of New Jersey are authorized to be issued
5 in the aggregate principal amount of \$70,000,000 for the purposes of
6 paying or financing costs incurred by the State for the remediation of
7 hazardous discharge sites and for the construction of water supply
8 facilities to replace potable water supplies determined by the
9 department to be contaminated or threatened by a discharge. No
10 moneys authorized pursuant to this section may be expended on any
11 administrative costs of the State or any of its departments, agencies,
12 or authorities.¹

13
14 ¹[6.] 7.¹ Bonds of the State of New Jersey are authorized to be
15 issued in the aggregate principal amount of \$20,000,000 for the
16 purposes of financing the cost of dredging of navigation channels not
17 located in the port region.

18
19 ¹[7.] 8.¹ Bonds of the State of New Jersey are authorized to be
20 issued in the aggregate principal amount of \$20,000,000 for the
21 purposes of financing the cost of the purchase of real property,
22 equipment, and any building, construction, and miscellaneous site
23 improvements associated with an economic development site.

24
25 ¹[8.] 9.¹ Bonds of the State of New Jersey are authorized to be
26 issued in the aggregate principal amount of \$5,000,000 for the
27 purposes of financing the cost of lake restoration projects.

28 a. The sum authorized pursuant to this section shall be used to:
29 (1) provide grants to local government units to meet the cost, in whole
30 or in part, of lake restoration projects for lakes owned, leased, or
31 managed by local government units; (2) provide loans to private lake
32 associations or similar organizations or owners of private lakes, as co-
33 applicants with local government units, to meet the cost, in whole or
34 in part, of lake restoration projects undertaken by private lake
35 associations or similar organizations or owners of private lakes, in
36 conjunction with local government units; or (3) meet the cost, in
37 whole or in part, of lake restoration projects undertaken by the State
38 for lakes owned, leased, or managed by the State.

39 b. Loans made to private lake associations or similar organizations
40 or owners of private lakes as co-applicants with local government
41 units from the "1996 Lake Restoration Fund" established pursuant to
42 section ¹[19] 21¹ of this act shall bear interest of not more than 2% per
43 year, and shall be for a term of not more than 20 years.

44 c. Any loan authorized under this section shall be provided under
45 terms and conditions set forth in a written agreement between the

1 Department of Environmental Protection and the entity or person
2 receiving the loan.

3 d. The local government unit that is a co-applicant for a loan made
4 to a private lake association or similar organization or owner of a
5 private lake shall assess the cost of payment of principal and interest
6 for any loan made pursuant to this section upon the real estate
7 benefited thereby in proportion to and not in excess of the benefits
8 conferred¹[, and upon]. Upon¹ failure to pay ¹[the] an¹ assessment
9 ¹imposed pursuant to this section¹, the property owner shall pay
10 interest and penalties from the same time and at the same rate as for
11 failure to pay assessments for local improvements in the municipality
12 where ¹[they are]¹ imposed, and from the date of confirmation the
13 ¹unpaid¹ assessment shall be a first and paramount lien upon the real
14 estate assessed to the same extent, and be enforced and collected in
15 the same manner, as assessments for local improvements.

16 e. The Department of Environmental Protection shall administer
17 the grant and loan program authorized pursuant to this section. The
18 department shall make available to every local government unit¹[,
19 and¹ private lake association or similar organization¹[, and owner of
20 a private lake]¹ information concerning the availability of, and the
21 criteria for qualifying and obtaining, grants and loans under the
22 program.

23

24 ¹[9.] 10.¹ The bonds authorized under this act shall be serial
25 bonds, term bonds, or a combination thereof, and shall be known as
26 "Port of New Jersey Revitalization, Dredging, 1Environmental
27 Cleanup.¹ Lake Restoration, and Delaware Bay Area Economic
28 Development Bonds." These bonds shall be issued from time to time
29 as the issuing officials herein named shall determine and may be issued
30 in coupon form, fully-registered form or book-entry form. The bonds
31 may be subject to redemption prior to maturity and shall mature and
32 be paid not later than 35 years from the respective dates of their
33 issuance.

34

35 ¹[10.] 11.¹ The Governor, the State Treasurer and the Director of
36 the Division of Budget and Accounting in the Department of the
37 Treasury, or any two of these officials, herein referred to as "the
38 issuing officials," are authorized to carry out the provisions of this act
39 relating to the issuance of bonds, and shall determine all matters in
40 connection therewith, subject to the provisions of this act. If an
41 issuing official is absent from the State or incapable of acting for any
42 reason, the powers and duties of that issuing official shall be exercised
43 and performed by the person authorized by law to act in an official
44 capacity in the place of that issuing official.

1 ¹[11.] 12.¹ Bonds issued in accordance with the provisions of this
2 act shall be direct obligations of the State of New Jersey, and the faith
3 and credit of the State are pledged for the payment of the interest and
4 redemption premium thereon, if any, when due, and for the payment
5 of the principal thereof at maturity or earlier redemption date. The
6 principal of and interest on the bonds shall be exempt from taxation by
7 the State or by any county, municipality or other taxing district of the
8 State.

9
10 ¹[12.] 13.¹ The bonds shall be signed in the name of the State by
11 means of the manual or facsimile signature of the Governor under the
12 Great Seal of the State, which seal may be by facsimile or by way of
13 any other form of reproduction on the bonds, and attested by the
14 manual or facsimile signature of the Secretary of State, or an Assistant
15 Secretary of State, and shall be countersigned by the facsimile
16 signature of the Director of the Division of Budget and Accounting in
17 the Department of the Treasury and may be manually authenticated by
18 an authenticating agent or bond registrar, as the issuing officials shall
19 determine. Interest coupons, if any, attached to the bonds shall be
20 signed by the facsimile signature of the Director of the Division of
21 Budget and Accounting in the Department of the Treasury. The bonds
22 may be issued notwithstanding that an official signing them or whose
23 manual or facsimile signature appears on the bonds or coupons has
24 ceased to hold office at the time of issuance, or at the time of the
25 delivery of the bonds to the purchaser thereof.

26
27 ¹[13.] 14.¹ a. The bonds shall recite that they are issued for the
28 purposes set forth in sections 5, 6, 7 ¹[and],¹ 8¹and 9¹ of this act, that
29 they are issued pursuant to this act, that this act was submitted to the
30 people of the State at the general election held in the month of
31 November, 1996, and that this act was approved by a majority of the
32 legally qualified voters of the State voting thereon at the election.
33 This recital shall be conclusive evidence of the authority of the State
34 to issue the bonds and their validity. Any bonds containing this recital
35 shall, in any suit, action or proceeding involving their validity, be
36 conclusively deemed to be fully authorized by this act and to have been
37 issued, sold, executed and delivered in conformity herewith and with
38 all other provisions of law applicable hereto, and shall be incontestable
39 for any cause.

40 b. The bonds shall be issued in those denominations and in the
41 form or forms, whether coupon, fully-registered or book-entry, and
42 with or without provisions for the interchangeability thereof, as may
43 be determined by the issuing officials.

44
45 ¹[14.] 15.¹ When the bonds are issued from time to time, the

1 bonds of each issue shall constitute a separate series to be designated
2 by the issuing officials. Each series of bonds shall bear such rate or
3 rates of interest as may be determined by the issuing officials, which
4 interest shall be payable semiannually; except that the first and last
5 interest periods may be longer or shorter, in order that the intervening
6 semiannual payments may be at convenient dates.

7
8 ¹[15.] 16.¹ The bonds shall be issued and sold at the price or
9 prices and under the terms, conditions and regulations as the issuing
10 officials may prescribe, after notice of the sale, published at least once
11 in at least three newspapers published in this State, and at least once
12 in a publication carrying municipal bond notices and devoted primarily
13 to financial news, published in this State or in the city of New York,
14 the first notice to appear at least five days prior to the day of bidding.
15 The notice of sale may contain a provision to the effect that any bid in
16 pursuance thereof may be rejected. In the event of rejection or failure
17 to receive any acceptable bid, the issuing officials, at any time within
18 60 days from the date of the advertised sale, may sell the bonds at a
19 private sale at such price or prices and under the terms and conditions
20 as the issuing officials may prescribe. The issuing officials may sell all
21 or part of the bonds of any series as issued to any State fund or to the
22 federal government or any agency thereof, at a private sale, without
23 advertisement.

24
25 ¹[16.] 17.¹ Until permanent bonds are prepared, the issuing
26 officials may issue temporary bonds in a form and with those privileges
27 as to their registration and exchange for permanent bonds as may be
28 determined by the issuing officials.

29
30 ¹[17.] 18.¹ The State Treasurer shall establish a fund to be known
31 as the "1996 Dredging and Containment Facility Fund," and the
32 moneys therein shall be held in those depositories as the State
33 Treasurer may select. The State Treasurer shall deposit into the fund
34 all proceeds from the sale of the bonds issued by the State under this
35 act for the construction of subaqueous pits, the construction of a
36 containment facility or facilities, projects related to the
37 decontamination of dredged material, and dredging projects authorized
38 pursuant to sections 5 and ¹[6] 7¹ of this act. The moneys in the fund
39 are specifically dedicated and shall be applied to the cost of the
40 purposes authorized pursuant to sections 5 and ¹[6] 7¹ of this act.
41 Moneys in the fund shall not be expended except in accordance with
42 appropriations from the fund made by law, but bonds may be issued as
43 herein provided, notwithstanding that the Legislature shall not have
44 then adopted an act making a specific appropriation of any of the
45 moneys. Any act appropriating moneys from the "1996 Dredging and

1 Containment Facility Fund" shall identify the projects to be funded by
2 the moneys.

3
4 ¹19. The State Treasurer shall establish a fund to be known as the
5 "1996 Environmental Cleanup Fund," and the moneys therein shall be
6 held in those depositories as the State Treasurer may select. The State
7 Treasurer shall deposit into the fund all proceeds from the sale of the
8 bonds issued by the State under this act for the remediation of
9 hazardous discharge sites and the construction of water supply
10 facilities as set forth in section 6 of this act. The moneys in the fund
11 are specifically dedicated and shall be applied to the cost of the
12 purposes set forth in section 6 of this act. Moneys in the fund shall
13 not be expended except in accordance with appropriations from the
14 fund made by law, but bonds may be issued as herein provided,
15 notwithstanding that the Legislature shall not have then adopted an act
16 making a specific appropriation of any of the moneys. Any act
17 appropriating moneys from the "1996 Environmental Cleanup Fund"
18 for the purposes of section 6 of this act need not identify the particular
19 project or projects to be funded by the money. No moneys
20 appropriated pursuant to this section may be expended on any
21 administrative costs of the State or any of its departments, agencies or
22 authorities.¹

23
24 ¹[18.] 20.¹ The State Treasurer shall establish a fund to be known
25 as the "1996 Economic Development Site Fund," and the moneys
26 therein shall be held in those depositories as the State Treasurer may
27 select. The State Treasurer shall deposit into the fund all proceeds
28 from the sale of the bonds issued by the State under this act for the
29 financing of the purchase of real property, equipment, and any
30 building, construction, and miscellaneous site improvements associated
31 with an economic development site authorized pursuant to section ¹[7]
32 8¹ of this act. The moneys in the fund are specifically dedicated and
33 shall be applied to the cost of the purposes set forth in section ¹[7] 8¹
34 of this act. Moneys in the fund shall not be expended except in
35 accordance with appropriations from the fund made by law, but bonds
36 may be issued as herein provided, notwithstanding that the Legislature
37 shall not have then adopted an act making a specific appropriation of
38 any of the moneys. Any act appropriating moneys from the "1996
39 Economic Development Site Fund" shall identify the projects to be
40 funded by the moneys.

41
42 ¹[19.] 21.¹ The State Treasurer shall establish a fund to be known
43 as the "1996 Lake Restoration Fund," and the moneys therein shall be
44 held in those depositories as the State Treasurer may select. The State
45 Treasurer shall deposit into the fund all proceeds from the sale of the

1 bonds issued by the State under this act for the financing lake
2 restoration projects authorized pursuant to section ¹[8] ² of this act.
3 The moneys in the fund are specifically dedicated and shall be applied
4 to the cost of the purposes set forth in section ¹[8] ² of this act.
5 Moneys in the fund shall not be expended except in accordance with
6 appropriations from the fund made by law, but bonds may be issued as
7 herein provided, notwithstanding that the Legislature shall not have
8 then adopted an act making a specific appropriation of any of the
9 moneys. Any act appropriating moneys from the "1996 Lake
10 Restoration Fund" shall identify the projects to be funded by the
11 moneys and the county and municipality within which each project is
12 located.

13

14 ¹[20.] 22.¹ a. At any time prior to the issuance and sale of bonds
15 under this act, the State Treasurer is authorized to transfer from any
16 available moneys in any fund of the treasury of the State to the credit
17 of the "1996 Dredging and Containment Facility Fund," ¹the "1996
18 Environmental Cleanup Fund."¹ the ¹["1996 Lake Restoration Fund,"
19 or the]¹ "1996 Economic Development Site Fund,"¹ or the "1996 Lake
20 Restoration Fund."¹ those sums as the State Treasurer may deem
21 necessary. The sums so transferred shall be returned to the same fund
22 of the treasury of the State by the State Treasurer from the proceeds
23 of the sale of the first issue of bonds.

24 b. Pending their application to the purposes provided in this act,
25 the moneys in the "1996 Dredging and Containment Facility Fund,"
26 ¹the "1996 Environmental Cleanup Fund."¹ the ¹["1996 Lake
27 Restoration Fund," and the]¹ "1996 Economic Development Site
28 ¹[Fund]" Fund," and the "1996 Lake Restoration Fund."¹ may be
29 invested and reinvested as are other trust funds in the custody of the
30 State Treasurer, in the manner provided by law. Net earnings received
31 from the investment or deposit of moneys in these funds shall be
32 redeposited therein and become part of the respective funds.

33

34 ¹[21.] 23.¹ If any coupon bond, coupon or registered bond is lost,
35 mutilated or destroyed, a new bond or coupon shall be executed and
36 delivered of like tenor, in substitution for the lost, mutilated or
37 destroyed bond or coupon, upon the owner furnishing to the issuing
38 officials evidence satisfactory to them of the loss, mutilation or
39 destruction of the bond or coupon, the ownership thereof, and
40 security, indemnity and reimbursement for expenses connected
41 therewith, as the issuing officials may require.

42

43 ¹[22.] 24.¹ The accrued interest, if any, received upon the sale of
44 the bonds shall be applied to the discharge of a like amount of interest
45 upon the bonds when due. Any expense incurred by the issuing

1 officials for advertising, engraving, printing, clerical, authenticating,
2 registering, legal or other services necessary to carry out the duties
3 imposed upon them by the provisions of this act shall be paid from the
4 proceeds of the sale of the bonds by the State Treasurer, upon the
5 warrant of the Director of the Division of Budget and Accounting in
6 the Department of the Treasury, in the same manner as other
7 obligations of the State are paid.

8
9 ¹[23.] 25.¹ Bonds of each series issued hereunder shall mature,
10 including any sinking fund redemptions, not later than the 35th year
11 from the date of issue of that series, and in amounts as shall be
12 determined by the issuing officials. The issuing officials may reserve
13 to the State by appropriate provision in the bonds of any series the
14 power to redeem any of the bonds prior to maturity at such price or
15 prices and upon such terms and conditions as may be provided in the
16 bonds.

17
18 ¹[24.] 26.¹ Any bond or bonds issued hereunder, which are subject
19 to refinancing pursuant to the "Refunding Bond Act of 1985,"
20 P.L.1985, c.74 as amended by P.L.1992, c.182 (C.49:2B-1 et seq.),
21 shall no longer be deemed to be outstanding, shall no longer constitute
22 a direct obligation of the State of New Jersey, and the faith and credit
23 of the State shall no longer be pledged to the payment of the principal
24 of, redemption premium, if any, and interest on the bonds, and the
25 bonds shall be secured solely by and payable solely from moneys and
26 government securities deposited in trust with one or more trustees or
27 escrow agents, which trustees and escrow agents shall be trust
28 companies or national or state banks having powers of a trust
29 company, located either within or without the State, as provided
30 herein, whenever there shall be deposited in trust with the trustees or
31 escrow agents, as provided herein, either moneys or government
32 securities, including government securities issued or held in book-entry
33 form on the books of the Department of Treasury of the United States,
34 the principal of and interest on which when due will provide money
35 which, together with the moneys, if any, deposited with the trustees or
36 escrow agents at the same time, shall be sufficient to pay when due the
37 principal of, redemption premium, if any, and interest due and to
38 become due on the bonds on or prior to the redemption date or
39 maturity date thereof, as the case may be; provided the government
40 securities shall not be subject to redemption prior to their maturity
41 other than at the option of the holder thereof. The State of New
42 Jersey hereby covenants with the holders of any bonds for which
43 government securities or moneys shall have been deposited in trust
44 with the trustees or escrow agents as provided in this section that,
45 except as otherwise provided in this section, neither the government

1 securities nor moneys so deposited with the trustees or escrow agents
2 shall be withdrawn or used by the State for any purpose other than,
3 and shall be held in trust for, the payment of the principal of,
4 redemption premium, if any, and interest to become due on the bonds;
5 provided that any cash received from the principal or interest payments
6 on the government securities deposited with the trustees or escrow
7 agents, to the extent the cash will not be required at any time for that
8 purpose, shall be paid over to the State, as received by the trustees or
9 escrow agents, free and clear of any trust, lien, pledge or assignment
10 securing the bonds; and to the extent the cash will be required for that
11 purpose at a later date, shall, to the extent practicable and legally
12 permissible, be reinvested in government securities maturing at times
13 and in amounts sufficient to pay when due the principal of, redemption
14 premium, if any, and interest to become due on the bonds on and prior
15 to the redemption date or maturity date thereof, as the case may be,
16 and interest earned from the reinvestments shall be paid over to the
17 State, as received by the trustees or escrow agents, free and clear of
18 any trust, lien or pledge securing the bonds. Notwithstanding anything
19 to the contrary contained herein: a. the trustees or escrow agents shall,
20 if so directed by the issuing officials, apply moneys on deposit with the
21 trustees or escrow agents pursuant to the provisions of this section,
22 and redeem or sell government securities so deposited with the
23 trustees or escrow agents, and apply the proceeds thereof to (1) the
24 purchase of the bonds which were refinanced by the deposit with the
25 trustees or escrow agents of the moneys and government securities
26 and immediately thereafter cancel all bonds so purchased, or (2) the
27 purchase of different government securities; provided however, that
28 the moneys and government securities on deposit with the trustees or
29 escrow agents after the purchase and cancellation of the bonds or the
30 purchase of different government securities shall be sufficient to pay
31 when due the principal of, redemption premium, if any, and interest on
32 all other bonds in respect of which the moneys and government
33 securities were deposited with the trustees or escrow agents on or
34 prior to the redemption date or maturity date thereof, as the case may
35 be; and b. in the event that on any date, as a result of any purchases
36 and cancellations of bonds or any purchases of different government
37 securities, as provided in this sentence, the total amount of moneys
38 and government securities remaining on deposit with the trustees or
39 escrow agents is in excess of the total amount which would have been
40 required to be deposited with the trustees or escrow agents on that
41 date in respect of the remaining bonds for which the deposit was made
42 in order to pay when due the principal of, redemption premium, if any,
43 and interest on the remaining bonds, the trustees or escrow agents
44 shall, if so directed by the issuing officials, pay the amount of the
45 excess to the State, free and clear of any trust, lien, pledge or

1 assignment securing the refunding bonds.

2

3 ¹[25.] 27.¹ Refunding bonds issued pursuant to P.L.1985, c.74 as
4 amended by P.L.1992, c.182 (C.49:2B-1 et seq.) may be consolidated
5 with bonds issued pursuant to sections 5, 6, 7 ¹[and],¹ 8 ¹and 9¹ of
6 this act or with bonds issued pursuant to any other act for purposes of
7 sale.

8

9 ¹[26.] 28.¹ To provide funds to meet the interest and principal
10 payment requirements for the bonds issued under this act and
11 outstanding, there is appropriated in the order following:

12 a. Revenue derived from the collection of taxes under the "Sales
13 and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.), or so much
14 thereof as may be required; and

15 b. If, at any time, funds necessary to meet the interest, redemption
16 premium, if any, and principal payments on outstanding bonds issued
17 under this act are insufficient or not available, there shall be assessed,
18 levied and collected annually in each of the municipalities of the
19 counties of this State, a tax on the real and personal property upon
20 which municipal taxes are or shall be assessed, levied and collected,
21 sufficient to meet the interest on all outstanding bonds issued
22 hereunder and on the bonds proposed to be issued under this act in the
23 calendar year in which the tax is to be raised and for the payment of
24 bonds falling due in the year following the year for which the tax is
25 levied. The tax shall be assessed, levied and collected in the same
26 manner and at the same time as other taxes upon real and personal
27 property. The governing body of each municipality shall cause to be
28 paid to the county treasurer of the county in which the municipality is
29 located, on or before December 15 in each year, the amount of tax
30 herein directed to be assessed and levied, and the county treasurer
31 shall pay the amount of the tax to the State Treasurer on or before
32 December 20 in each year.

33 If on or before December 31 in any year, the issuing officials, by
34 resolution, determine that there are moneys in the General Fund
35 beyond the needs of the State, sufficient to pay the principal of bonds
36 falling due and all interest and redemption premium, if any, payable in
37 the ensuing calendar year, the issuing officials shall file the resolution
38 in the office of the State Treasurer, whereupon the State Treasurer
39 shall transfer the moneys to a separate fund to be designated by the
40 State Treasurer, and shall pay the principal, redemption premium, if
41 any, and interest out of that fund as the same shall become due and
42 payable, and the other sources of payment of the principal, redemption
43 premium, if any, and interest provided for in this section shall not then
44 be available, and the receipts for the year from the tax specified in
45 subsection a. of this section shall be considered and treated as part of

1 the General Fund, available for general purposes.

2

3 ¹[27.] 29.¹ Should the State Treasurer, by December 31 of any
4 year, deem it necessary, because of the insufficiency of funds collected
5 from the sources of revenues as provided in this act, to meet the
6 interest and principal payments for the year after the ensuing year, then
7 the State Treasurer shall certify to the Director of the Division of
8 Budget and Accounting in the Department of the Treasury the amount
9 necessary to be raised by taxation for those purposes, the same to be
10 assessed, levied and collected for and in the ensuing calendar year.
11 The director shall, on or before March 1 following, calculate the
12 amount in dollars to be assessed, levied and collected in each county
13 as herein set forth. This calculation shall be based upon the corrected
14 assessed valuation of each county for the year preceding the year in
15 which the tax is to be assessed, but the tax shall be assessed, levied
16 and collected upon the assessed valuation of the year in which the tax
17 is assessed and levied. The director shall certify the amount to the
18 county board of taxation and the treasurer of each county. The county
19 board of taxation shall include the proper amount in the current tax
20 levy of the several taxing districts of the county in proportion to the
21 ratables as ascertained for the current year.

22

23 ¹[28.] 30.¹ For the purpose of complying with the provisions of
24 the State Constitution, this act shall be submitted to the people at the
25 general election to be held in the month of November, 1996. To
26 inform the people of the contents of this act, it shall be the duty of the
27 Secretary of State, after this section takes effect, and at least 60 days
28 prior to the election, to cause this act to be published at least once in
29 one or more newspapers of each county, if any newspapers be
30 published therein and to notify the clerk of each county of this State
31 of the passage of this act; and the clerks respectively, in accordance
32 with the instructions of the Secretary of State, shall have printed on
33 each of the ballots the following:

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

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

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

1		PORT OF NEW JERSEY REVITALIZATION,
2		DREDGING, ¹ <u>ENVIRONMENTAL</u>
3		<u>CLEANUP</u> , ¹ LAKE RESTORATION, AND
4		DELAWARE BAY AREA ECONOMIC
5		DEVELOPMENT BOND ACT OF 1996
6		Shall the "Port of New Jersey Revitalization,
7		Dredging, ¹ <u>Environmental Cleanup</u> , Lake
8		Restoration, and Delaware Bay Area Economic
9		Development Bond Act of 1996," which authorizes
10		the State to issue bonds in the amount of
11		¹ [\$230,000,000] <u>\$300,000,000</u> ¹ for the purposes of
12		financing, in whole or in part, the costs of:
13		constructing subaqueous pits and a containment
14		facility or facilities for the disposal of materials
15		dredged from the Kill Van Kull, Arthur Kill and
16		other navigation channels located in the New
17		Jersey/New York port region; projects related to
18	YES	the decontamination of dredged material; dredging
19		the Kill Van Kull, the Arthur Kill and other
20		navigation channels located in the New Jersey/New
21		York port region; dredging navigation channels not
22		located in the New Jersey/New York port region;
23		¹ [restoring] <u>remediating hazardous discharge sites;</u>
24		<u>and constructing water supply facilities to replace</u>
25		<u>contaminated water supplies; the restoration of</u> ¹
26		lakes ¹ [in New Jersey] ¹ ; and economic
27		development sites in the Delaware River and Bay
28		Region; and which provides the ways and means to
29		pay the interest on the debt and also to pay and
30		discharge the principal thereof, be approved?

1		INTERPRETIVE STATEMENT
2		<p>If approved, this bond act would authorize the State to issue ¹[\$230] <u>\$300</u> ¹ million in State general obligation bonds. The proceeds from these bonds would be used to fund the following projects: \$185 million would be used to construct underwater pits and a containment facility or facilities for the safe disposal of harmful dredged material from the New Jersey/New York port region, to finance projects related to the decontamination of these dredged materials, and to dredge the Kill Van Kull, the Arthur Kill and other navigation channels located in the New Jersey/New York port region; \$20 million would be used for the dredging of navigation channels not located in the New Jersey/New York port region; ¹<u>\$70 million would be used to clean up hazardous discharge sites and contaminated water supplies;</u>¹ \$5 million would be used for the restoration of lakes in New Jersey; and \$20 million would be used for financing economic development sites in the Delaware River and Bay Region.</p>
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23	NO	

24 The fact and date of the approval or passage of this act, as the case
 25 may be, may be inserted in the appropriate place after the title in the
 26 ballot. No other requirements of law of any kind or character as to
 27 notice or procedure, except as herein provided, need be adhered to.

28 The votes cast for and against the approval of this act, by ballot or
 29 voting machine, shall be counted and the result thereof returned by the
 30 election officer, and a canvass of the election had in the same manner
 31 as is provided for by law in the case of the election of a Governor, and
 32 the approval or disapproval of this act so determined shall be declared
 33 in the same manner as the result of an election for a Governor, and if
 34 there is a majority of all votes cast for and against it at the election in
 35 favor of the approval of this act, then all the provisions of this act not
 36 made effective theretofore shall take effect forthwith.

37
 38 ¹[29.] 31.¹ There is appropriated the sum of \$5,000 to the
 39 Department of State for expenses in connection with the publication
 40 of notice pursuant to section ¹[28] 30¹ of this act.

41
 42 ¹[30.] 32.¹ The commissioner shall submit to the State Treasurer
 43 and the commission with the department's annual budget request a plan
 44 for the expenditure of funds from the "1996 Dredging and
 45 Containment Facility Fund," ¹the "1996 Environmental Cleanup

1 Fund,"¹ the ¹["1996 Lake Restoration Fund," and the] "1996
2 Economic Development Site ¹[Fund"] Fund," and the "1996 Lake
3 Restoration Fund,"¹ for the upcoming fiscal year. The plan shall
4 include the following information: a performance evaluation of the
5 expenditures made from the fund to date; a description of programs
6 planned during the upcoming fiscal year; a copy of the regulations in
7 force governing the operation of programs that are financed, in part or
8 in whole, by funds from the "1996 Dredging and Containment Facility
9 Fund," ¹the "1996 Environmental Cleanup Fund,"¹ the ¹["1996 Lake
10 Restoration Fund," and the]¹ "1996 Economic Development Site
11 ¹[Fund"] Fund," and the "1996 Lake Restoration Fund" ; ¹and an
12 estimate of expenditures for the upcoming fiscal year.

13

14 ¹[31.] 33.¹ Immediately following the submission to the
15 Legislature of the Governor's annual budget message, the
16 commissioner shall submit to the relevant standing committees of the
17 Legislature, as designated by the President of the Senate and the
18 Speaker of the General Assembly, and to the Joint Budget Oversight
19 Committee, or its successor, a copy of the plan called for under
20 section ¹[30] 32¹ of this act, together with such changes therein as
21 may have been required by the Governor's budget message.

22

23 ¹[32.] 34.¹ Not less than 30 days prior to entering into any
24 contract, lease, obligation, or agreement to effectuate the purposes of
25 this act, the commissioner shall report to and consult with the Joint
26 Budget Oversight Committee, or its successor. Except as otherwise
27 provided by this act, all appropriations from the bond funds established
28 by this act shall be by specific allocation for each project, and any
29 transfer of any funds so appropriated shall require the approval by the
30 Joint Budget Oversight Committee or its successor.

31

32 ¹[33.] 35.¹ This section and sections ¹[28] 30¹ and ¹[29] 31¹ of
33 this act shall take effect immediately and the remainder of this act shall
34 take effect as and when provided in section ¹[28] 30¹.

35

36

37

38

39 Authorizes \$300 million in bonds for dredging disposal facilities,
40 decontamination and dredging projects, hazardous discharge site and
41 contaminated water supply cleanup, lake restoration, and economic
42 development sites in the Delaware River and Bay Region.