

Bill S2944

Session 2022 - 2023





Approp.



P.L. 2022, CHAPTER 18, *approved June 30, 2022*
Senate, No. 2944



AN ACT concerning the “New Jersey Debt Defeasance and Prevention Fund” appropriations.

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

1. There shall be credited \$5,150,000,000 from the General Fund to the "New Jersey Debt Defeasance and Prevention Fund," established pursuant to section 1 of P.L.2021, c.12 (2022, 2.2).

2. a. There is appropriated from the "New Jersey Debt Defeasance and Prevention Fund" \$1,900,000,000 to the New Jersey Schools Development Authority for the purpose of financing school facilities projects, emergent needs, and capital maintenance in school districts for which State debt is already authorized by law, or for which funding would have been provided by future State bond issuances, thereby constituting debt avoidance, subject to the approval of the Director of the Division of Budget and Accounting. Of the amount appropriated pursuant to this section, \$1,550,000,000 is appropriated for school facilities projects, emergent needs, and capital maintenance in SDA districts and \$350,000,000 is appropriated for school facilities projects, emergent needs, and capital maintenance in all other districts.

b. The State Treasurer shall enter into a grant agreement with the New Jersey Schools Development Authority which shall set forth the terms and conditions for the provision of the grant, including the schedule for disbursement of the grant. Notwithstanding any other law or to the contrary, the monies appropriated pursuant to this section shall be invested by the State Treasurer pending the disbursement of such monies in such obligations, securities and other investments as shall be determined by the State Treasurer.

3. There is appropriated from the "New Jersey Debt Defeasance and Prevention Fund" \$230,000,000 to the Department of Transportation, which shall be allocated, expended, and administered by the Department of Transportation in the following amounts for the following projects, subject to the approval of the Director of the Division of Budget and Accounting:

a. \$135,000,000 for the design and construction of the multiple projects supporting the Lincoln Tunnel Access Program;

b. \$50,000,000 for the reconstruction of I-295 Direct Connect Wall 22; and

c. \$45,000,000 for the engineering design of capital projects identified by the Department of Transportation that are the subject of the multi-project solicitation pilot initiated by the Department of Transportation and the Federal Highway Administration.

4. There is appropriated from the "New Jersey Debt Defeasance and Prevention Fund" \$814,000,000 to the New Jersey Transit Corporation, which shall be allocated, expended, and administered by the New Jersey Transit Corporation in the following amounts for the following projects, subject to the approval of the Director of the Division of Budget and Accounting:

a. \$191,000,000 for improvements to platforms, roof replacement, lighting upgrades, and interior and exterior improvements at Newark Penn Station;

b. \$176,000,000 for infrastructure and access improvements at the Hoboken Ferry Building and Hoboken Bus Terminal;

c. \$250,000,000 for the redevelopment of the Walter Rand Transportation Center;

d. \$48,000,000 for improvements at the Bloomfield Station;

e. \$33,000,000 for improvements at the Brick Church Station;

f. \$49,000,000 for extending and replacing existing platforms, rehabilitating and replacing elevators and escalators, installing new lighting and windows, upgrading HVAC systems, and interior and external improvements at the New Brunswick Station;

- g. \$27,000,000 for platform replacement, repairs to access stairs, and other internal improvements at the Roselle Park Station; and
- h. \$40,000,000 for construction of a Maintenance-of-Way facility in Clifton, New Jersey.

5. a. Notwithstanding the provisions of section 3 of P.L.2021, c.125, there is appropriated to the "New Jersey Debt Defeasance and Prevention Fund" such amounts remaining therefrom as are necessary to fund the appropriations required pursuant to sections 2 through 4 of this act, as determined by the State Treasurer, including any amounts previously deposited therein, for the purpose of funding the retirement and defeasance of State debt, and the costs thereof, in such manner and at such times as the State Treasurer shall direct. If money is used for debt retirement or defeasance, the State Treasurer shall submit to the Joint Budget Oversight Committee a report describing the debt which debt retirement and defeasance has been accomplished, including a description of the amount to be saved and an attestation that describes the manner in which the retired debt benefits the State.

b. Notwithstanding the provisions of section 4 of P.L.2021, c.125, there is appropriated to the "New Jersey Debt Defeasance and Prevention Fund" such amounts remaining therefrom as are necessary to fund the appropriations required pursuant to sections 2 through 4 of this act, as determined by the State Treasurer, including any amounts previously deposited therein, for the purpose of funding construction projects for which State debt is already authorized by law, or for which funds have been derived from future State bond issuances, thereby constituting debt avoidance, without the approval of the Director of the Division of Budget and Accounting. The State Treasurer shall submit a list of proposed capital projects to the Joint Budget Oversight Committee for approval. The Joint Budget Oversight Committee shall meet not less frequently than quarterly, with the first meeting of the fiscal year beginning on July 1 and ending on September 30, to consider lists of proposed capital projects submitted by the State Treasurer. The Joint Budget Oversight Committee shall report to the Governor during the third month of the first quarter of the fiscal year. In the event that the Joint Budget Oversight Committee fails to meet during a given quarter, any recommendation submitted to the Joint Budget Oversight Committee more than 45 days prior to the last day of the quarter shall be deemed approved.

- 6. This act shall take effect immediately.

STATEMENT

This bill adds \$5.150 billion from the General Fund to the "New Jersey Debt Defeasance and Prevention Fund," and appropriates a total of \$2.9 billion from the fund to the New Jersey Economic Development Authority (SDA), \$814 million to the New Jersey Transit Corporation (NJ Transit), \$1.286 billion to the Department of Transportation (DOT). The fund was established in 2021 for the purpose of: retiring and defeasing State debt, including general obligation bonds and asset-backed bonds, and the costs thereof; and funding capital projects on a pay-as-you-go basis, rather than issuing additional State debt.

Specific Debt Defeasance and Prevention Fund Appropriations

The specific appropriations in the bill are intended to support various school and transit capital projects. Of the \$1.9 billion appropriated to the SDA, \$1.550 billion is appropriated for facilities projects, emergent needs, and capital maintenance in SDA districts and \$350 million allocated for such projects in non-SDA school districts. The \$814 million appropriated to NJT is allocated for capital improvements and maintenance at various NJT facilities. The \$1.1 billion appropriated to the DOT allocated to support the design and construction of multiple projects supported by the Lincoln Tunnel Access Program, the reconstruction of the I-295 Drive Wall, and the engineering design of capital projects identified by the DOT Commission, subject to the multi-project solicitation initiated by the DOT and the Federal Transit Administration.

Future Debt Defeasance and Prevention Fund Appropriations

The bill authorizes balances remaining in the fund, including amounts previously credited to the fund by P.L.2021, c.125, to be appropriated for the purpose of retiring and defeasing State debt used to fund capital projects on a pay-as-you-go basis rather than issuing additional State debt.

The bill also establishes a process by which the Executive and Legislative branches of the government will determine future appropriations from the fund for capital projects. The bill requires the Joint Budget Oversight Committee (JBOC) to meet at least once each calendar quarter to review and approve appropriations for capital projects on lists provided by the State Treasurer. JBOC may approve funding for all, some, or none of the projects recommended by the State Treasurer. If JBOC does not meet during a given calendar quarter, any recommendation submitted to JBOC more than 30 days prior to the last day of the calendar quarter is deemed approved.

Credits \$5.2 billion to “New Jersey Debt Defeasance and Prevention Fund”; appropriates \$1.9 billion to NJ Schools Development Authority, NJ DOT, and NJT; and establishes a process for authorizing future appropriations for debt defeasance and capital projects.

