

# 5:10A-1 to 5:10A-85

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2015                    **CHAPTER:** 19

**NJSA:** 5:10A-1 to 5:10A-85 ("Hackensack Meadowlands Agency Consolidation Act"; "Hackensack Meadowlands Transportation Planning District Act of 2014"; "New Jersey Meadowlands Tax Relief Act.")

**BILL NO:** A3969                  (Substituted for S2647)

**SPONSOR(S)** Prieto and others

**DATE INTRODUCED:** December 11, 2014

**COMMITTEE:**                    **ASSEMBLY:** Budget

**SENATE:** ---

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**            **ASSEMBLY:** December 18, 2014

**SENATE:** December 22, 2014

**DATE OF APPROVAL:** February 5, 2015

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (Third reprint enacted)

**A3969**

**SPONSOR'S STATEMENT:** (Begins on page 55 of introduced bill) Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** Yes

**SENATE:** No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No 12-15-14

12-18-14

**LEGISLATIVE FISCAL ESTIMATE:** No

**S2647**

**SPONSOR'S STATEMENT:** (Begins on page 55 of introduced bill) Yes

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

**SENATE:** Yes

**FLOOR AMENDMENT STATEMENT:** Yes

**LEGISLATIVE FISCAL ESTIMATE:** No

(continued)

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

"LSP supporters on edge as bill deadline looms," The Jersey Journal, 2-5-15

"Liberty Park dispute stoked," The Star-Ledger, 2-6-15

"Proposed N.J. bill seeks to clarify oversight of the Meadowlands and Liberty State Park," northjersey.com, 2-10-15

"Worries persist despite new bill on Meadowlands," The Record, 2-11-15

"New Meadows bill doesn't ease worries," Herald News, 2-11-15

"Unconvinced LSP group: New bill doesn't go far enough," The Jersey Journal, 2-12-15

"Hudson's legislators mostly back new Liberty State Park bill," The Jersey Journal, 2-18-15

LAW/RWH

Title 5.  
Chapter  
10A.(New)  
Hackensack  
Meadowlands  
§§ 1-85 -  
C.5:10A-1 to  
5:10A-85  
§91 - Repealer

P.L.2015, CHAPTER 19, *approved February 5, 2015*  
Assembly, No. 3969 (*Third Reprint*)

1 AN ACT consolidating the New Jersey Meadowlands Commission  
2 and the New Jersey Sports and Exposition Authority,  
3 reestablishing the Hackensack Meadowlands Transportation  
4 Planning District, <sup>3</sup>[and]<sup>3</sup> adjusting <sup>3</sup>the<sup>3</sup> funding method for the  
5 intermunicipal tax sharing program in the New Jersey  
6 Meadowlands, and supplementing Title 13 of the Revised  
7 Statutes <sup>3</sup>and revising various parts of the statutory law<sup>3</sup>.

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

11  
12 1. Sections 1 through 68 of P.L. , c. (C. ) (pending before  
13 the Legislature as this bill) shall be known and may be cited as the  
14 “Hackensack Meadowlands Agency Consolidation Act.”

15  
16 2. The Legislature finds and declares that:

17 a. The New Jersey Meadowlands Commission is currently the  
18 zoning and planning agency for a 30.4 square-mile area covering  
19 parts of 14 municipalities in Bergen and Hudson Counties in New  
20 Jersey. The New Jersey Meadowlands Commission, created in  
21 1969, was charged with the development and redevelopment of the  
22 Hackensack Meadowlands in an orderly and comprehensive  
23 fashion, with special consideration to the ecological and  
24 environment challenges facing the Hackensack Meadowlands.

25 b. During the past 45 years, the New Jersey Meadowlands  
26 Commission has successfully provided for orderly comprehensive  
27 development, solid waste management, and environmental  
28 protection within the Hackensack Meadowlands, as well as guiding  
29 the investment of tens of millions of dollars in development,  
30 municipal services, and significant infrastructure projects, among  
31 other things.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ABU committee amendments adopted December 15, 2014.

<sup>2</sup>Assembly floor amendments adopted December 15, 2014.

<sup>3</sup>Assembly floor amendments adopted December 18, 2014.

1 c. There are several vital components necessary for the  
2 continuation and expansion of the comprehensive plan for the  
3 economic development growth of the Hackensack Meadowlands.  
4 Among them are infrastructure improvements, transportation,  
5 tourism, the completion of the development of the sport complex  
6 site, the delivery of municipal services, flood control, and the  
7 continuance of the Intermunicipal Tax Sharing Program, which is  
8 the fiscal underpinning of the district's master plan.

9 d. The New Jersey Sports and Exposition Authority has  
10 promoted the holding of athletic contests, horse racing, and other  
11 spectator sporting events, trade shows, and other expositions in the  
12 State.

13 e. The 750 acres of the New Jersey Sports and Exposition  
14 Authority complex in the Hackensack Meadowlands is a significant  
15 economic stimulant to the development of the meadowlands. The  
16 New Jersey Sports and Exposition Authority's ability to plan,  
17 construct, and maintain its holdings in the sports complex has been  
18 an extraordinary feat, making it a premier sporting facility.

19 f. It is also appropriate and necessary to recognize the  
20 consistent impact of the Hackensack Meadowlands on tourist  
21 related activities and development, including retail, sports, and  
22 entertainment venues constructed at New Jersey Sports and  
23 Exposition Authority properties with support from private  
24 investment.

25 g. The authority and powers of the New Jersey Sports and  
26 Exposition Authority and the New Jersey Meadowlands  
27 Commission should be reviewed and amended to reflect the issues  
28 of the day so as to adequately address the evolving economic and  
29 environmental issues in the Hackensack Meadowlands.

30 h. In order to more effectively address the modern needs of the  
31 Hackensack Meadowlands, the Legislature finds that the two  
32 agencies with the common interest of promoting the economic  
33 growth of the meadowlands and northern New Jersey, the New  
34 Jersey Sports and Exposition Authority and the New Jersey  
35 Meadowlands Commission, should be consolidated to promote  
36 efficiency of operation, cost effectiveness, and the elimination of  
37 unnecessary government bureaucracy.

38 <sup>3</sup>i. Nothing in P.L. , c. (C. ) (pending before the  
39 Legislature as this bill) is intended to revise, limit, or nullify the  
40 rights of the New Jersey Sports and Exposition Authority under the  
41 provisions of P.L.1971, c.137 (C.5:10-1 et seq.). In the case of any  
42 conflict between P.L.1971, c.137 (C.5:10-1 et seq.) and the  
43 provisions of P.L. , c. (C. ) (pending before the Legislature as  
44 this bill), the provisions of P.L.1971, c.137 (C.5:10-1 et seq.) shall  
45 control.

46 j. Except as expressly provided in P.L. , c. (C. )  
47 (pending before the Legislature as this bill) nothing is intended to  
48 revise, limit, or nullify the rights of the New Jersey Meadowlands

1 Commission under P.L.1968, c.404 (C.13:17-1 et seq.). In the case  
2 of any conflict between P.L.1968, c.404 (C.13:17-1 et seq.) and the  
3 provisions of P.L. , c. (C. ) (pending before the Legislature as  
4 this bill), the provisions of P.L. , c. (C. ) (pending before the  
5 Legislature as this bill) shall control.

6 k. Notwithstanding anything in P.L. , c. (C. ) (pending  
7 before the Legislature as this bill) to the contrary, sections 8  
8 through 16, 18, 23, 24, 25, 30 through 48, and 74 of P.L. ,  
9 c. (C. ) (pending before the Legislature as this bill) shall not  
10 apply to the sports complex, and with respect to the sports complex,  
11 the rights and powers of the commission shall only be those set  
12 forth in P.L.1971, c.137 (C.5:10-1 et seq.).<sup>3</sup>

13

14 3. As used in sections 1 through 68 of P.L. , c. (C. )  
15 (pending before the Legislature as this bill):

16 “Adjustment year” means the year in which the respective  
17 obligations of the intermunicipal account and the constituent  
18 municipalities of the district are due and payable.

19 “Apportionment rate” means a rate determined as follows:

20 (1) The total property taxes levied by a constituent municipality,  
21 as certified pursuant to R.S.54:4-52, in the comparison year after  
22 the meadowlands adjustment payment made in that comparison year  
23 has been subtracted or added, as the case may be, divided by

24 (2) The aggregate true value of all taxable real property,  
25 exclusive of Class II railroad property, located in the municipality,  
26 both within and without the district, in the comparison year, as  
27 determined by the Director of the Division of Taxation in the  
28 Department of the Treasury on October 1 of the comparison year,  
29 pursuant to section 2 of P.L.1954, c.86 (C.54:1-35.2), or as  
30 modified by the tax court. If a tax appeal is resolved after  
31 calculations are finalized for an adjustment year, the next year’s  
32 calculations must show a retroactive correction for the applicable  
33 preceding two years.

34 “Area in need” means an area whose redevelopment is necessary  
35 to effectuate the public purposes described herein, as determined by  
36 the commission. An area designated as “in need” may contain lands,  
37 buildings, or improvements which, of themselves, are not  
38 detrimental to the public health, safety, or welfare, but nevertheless  
39 must be included in the area designated as “in need,” with or  
40 without change in condition, for the effective redevelopment of the  
41 area of which they are a part.

42 “Base year” refers to the term as defined by section 59.1 of  
43 P.L.1968, c.404 (C.13:17-61).

44 “Bonds” means any bonds, notes, interim certificates,  
45 debentures, or other obligations, issued by the commission pursuant  
46 to sections 1 through 68 of P.L. , c. (C. ) (pending before the  
47 Legislature as this bill).

1 “Commission” means the <sup>3</sup>new agency created through the  
2 consolidation of the New Jersey Meadowlands Commission and  
3 the <sup>3</sup>New Jersey Sports and Exposition Authority, <sup>3</sup>to be known  
4 as the Meadowlands Regional Commission, <sup>3</sup>which may be referred  
5 to as the “Meadowlands Regional Commission,”<sup>3</sup> as established by  
6 section 6 of P.L. , c. (C. ) (pending before the Legislature as  
7 this bill).

8 “Committee” means the Hackensack Meadowlands Municipal  
9 Committee established pursuant to the “Hackensack Meadowlands  
10 Redevelopment Act,” P.L.1968, c.404 (C.13:17-1 et seq.).

11 “Comparison year” means the second calendar year preceding  
12 the adjustment year.

13 “Constituent municipalities” means the municipalities of  
14 Carlstadt, East Rutherford, Little Ferry, Lyndhurst, Moonachie,  
15 North Arlington, Ridgefield, Rutherford, South Hackensack, and  
16 Teterboro in Bergen county; and Jersey City, Kearny, North  
17 Bergen, and Secaucus in Hudson county.

18 “District” means the Hackensack Meadowlands District, the area  
19 delineated within section 5 of P.L. , c. (C. ) (pending before  
20 the Legislature as this bill).

21 “Hackensack meadowlands” means the Hackensack  
22 Meadowlands District as established by section 5 of P.L. ,  
23 c. (C. ) (pending before the Legislature as this bill).

24 “Hotel” means a building or portion of it, which is regularly used  
25 for the lodging of guests and is subject to taxation pursuant to the  
26 “Hotel Occupancy Tax Act,” P.L.1981, c.77 (C.40:48E-1 et seq.).

27 “Improvement” means (1) the laying out, opening, construction,  
28 widening, straightening, enlargement, extension, alteration,  
29 changing of location, grading, paving, or otherwise improving, a  
30 street, alley, or public highway; (2) curbing or guttering of a  
31 sidewalk along a street, alley, or highway; (3) construction and  
32 improvement of bridges and viaducts; (4) construction,  
33 enlargement, or extension of a sewer or drain or of a sewerage or  
34 drainage system including, but not limited to, such systems under  
35 streets, alleys, or public highways, or works for the sanitary  
36 disposal of sewerage or drainage; (5) the installation of service  
37 connections to water and other utility works, including the laying,  
38 construction, or placing of mains, conduits, or cables under or along  
39 a street, alley, or highway; (6) the construction, enlargement, or  
40 extension of water mains or water distribution works; (7) extension  
41 of landfills or other facilities for the disposal of solid wastes; (8) the  
42 installation of lighting standards, appliances, and appurtenances  
43 required for the illumination of streets; (9) the widening, deepening,  
44 or improvement of, the removal of obstructions in, and the  
45 construction, enlargement, and extension of any waterway, or of  
46 enclosing walls, or of a pipe or conduit along a water course; (10)  
47 the development and improvement of parks, recreational facilities,  
48 and flood control structures; (11) environmental enhancements and

1 remediation; and (12) the construction of buildings and other  
2 structures.

3 “Intermunicipal account” means the device established and  
4 administered by the commission to record all of the transactions  
5 made for the purpose of calculating the meadowlands adjustment  
6 payment for each constituent municipality, and to act as the  
7 clearinghouse for the transfer of the meadowlands adjustment  
8 payments among the constituent municipalities as required by  
9 section 59 of P.L. , c. (C. ) (pending before the Legislature  
10 as this bill).

11 “Master plan” means the comprehensive plan for the district  
12 prepared and adopted by the commission.

13 “Meadowlands adjustment payment” means the amount that is  
14 payable by each constituent municipality to the intermunicipal  
15 account, or the amount that is payable by the intermunicipal account  
16 to each municipality, as the commission shall determine the case to  
17 be.

18 “Owner” means all persons having any title or interest in any  
19 property, rights, easements, and interests authorized to be acquired,  
20 assessed, or regulated by sections 1 through 68 of P.L. ,  
21 c. (C. ) (pending before the Legislature as this bill).

22 “Person” means all individuals, partnerships, associations,  
23 private or municipal corporations, and all political subdivisions of  
24 the State.

25 “Project” means any plan, work, or undertaking by the  
26 commission, constituent municipality, or redeveloper, pursuant to  
27 the master plan or a redevelopment plan.

28 “Project area” means all or a portion of a redevelopment area.

29 <sup>1</sup>“Public event” means any spectator sporting event, trade show,  
30 exposition, concert, amusement, or other event open to the public  
31 that takes place on a public venue.

32 “Public venue” means any place located within the district where  
33 any facilities, which have a capacity to host 500 or more people, for  
34 entertainment, amusement, or sports are provided.<sup>1</sup>

35 “Redeveloper” means any person, firm, corporation, or public or  
36 private agency that engages in development, redevelopment, or  
37 improvement of an area or any part thereof under the provisions of  
38 sections 1 through 68 of P.L. , c. (C. ) (pending before the  
39 Legislature as this bill), or in the construction of any project  
40 pursuant to the master plan or redevelopment plan.

41 “Redevelopment” means a plan for planning, development, and  
42 redevelopment; the rehabilitation of any improvements;  
43 conservation or rehabilitation work; the construction and provision  
44 for construction of projects; and the grant or dedication of spaces as  
45 may be appropriate or necessary in the interest of the general  
46 welfare for such projects or other public purposes incidental or  
47 appurtenant thereto, in accordance with the master plan or any part  
48 thereof, or a redevelopment plan.

1 “Redevelopment plan” means a plan adopted by the commission,  
2 applicable to an area in need, for a redevelopment project or  
3 projects, which shall conform to the master plan.

4 “Resident enrollment” means the number of full-time pupils who  
5 are residents of the school district and who are enrolled in day  
6 schools on the last day of September during the school year in  
7 which calculation of aid is made and are attending the public  
8 schools of the school district or a school district or State teachers’  
9 college demonstration school in which the school district of  
10 residence pays tuition; school district may count in its enrollment  
11 any pupil regularly attending, on a full-time basis, a county  
12 vocational school in the same county, for which the school district  
13 pays tuition.

14 “Site plan” means a plan for an existing lot or plot or a  
15 subdivided lot on which is shown topography, location of all  
16 existing or proposed buildings, structures, drainage facilities, roads,  
17 rights-of-way, easements, parking areas, together with any other  
18 information, and at such a scale as may be required by a  
19 commission site plan review and approval resolution.

20 “Solid waste” means any refuse matter, trash, or garbage.

21 “Solid waste and recycling facilities” means the plants,  
22 structures, and other real and personal property acquired,  
23 constructed, or operated, or to be acquired, constructed, or operated  
24 by the commission, as hereinafter provided, including landfills or  
25 other plants or facilities for the treatment of recycling materials and  
26 disposal of solid waste.

27 “Sports complex” means the 750 acre sports and exposition site  
28 located in the Borough of East Rutherford <sup>2</sup>and any other land  
29 owned by the New Jersey Sports and Exposition Authority in  
30 Hudson County or Bergen County<sup>2</sup> under the jurisdiction of the  
31 New Jersey Sports and Exposition Authority as of the effective date  
32 of P.L. , c. (C. ) (pending before the Legislature as this bill).

33 “Special assessment” means an assessment for benefits accruing  
34 from the construction of improvements by or at the direction of the  
35 commission.

36 “Subdivision” means the division of a lot, tract, or parcel of land  
37 into two or more lots, sites, or other divisions of land for the  
38 purpose, whether immediate or future, of sale or building  
39 development except that the following divisions shall not be  
40 considered subdivisions within the meaning of P.L. , c. (C. )  
41 (pending before the Legislature as this bill); provided, however, that  
42 no new streets or roads are involved; divisions of land for  
43 agricultural purposes where the resulting parcels are three acres or  
44 larger in size, divisions of property by testamentary or intestate  
45 provisions, or divisions of property pursuant to court order.

46

47 4. On and after the effective date of P.L. , c. (C. ) (pending  
48 before the Legislature as this bill), any reference in any law, rule,



1 regulation, order, contract, or document to the Hackensack  
2 Meadowlands Development Commission <sup>3</sup>[, ] or<sup>3</sup> the New Jersey  
3 Meadowlands Commission <sup>3</sup>[, or the New Jersey Sports and  
4 Exposition Authority]<sup>3</sup> shall mean and refer to the <sup>3</sup> [Meadowlands  
5 Regional Commission,] New Jersey Sports and Exposition  
6 Authority<sup>3</sup> as established by <sup>3</sup> [section 6 of] section 4 of P.L.1971,  
7 c.137 (C.5:10-4), as modified by<sup>3</sup> P.L. , c. (C. ) (pending before  
8 the Legislature as this bill).

9

10 5. a. Except as otherwise provided, the commission shall carry  
11 out the purposes of sections 1 through 68 of P.L. , c. (C. )  
12 (pending before the Legislature as this bill) within the following  
13 district:

14 Beginning at a point on Hendricks Causeway at its junction with  
15 the tracks of the Erie-Lackawanna Railroad--Northern Railroad of  
16 New Jersey Branch in Ridgefield;

17 Thence southerly along the tracks of the Erie-Lackawanna  
18 Railroad--Northern Railroad of New Jersey Branch to its junction  
19 with the Fairview-Ridgefield Municipal boundary;

20 Thence westerly along the Fairview-Ridgefield Municipal  
21 boundary to its junction with the Fairview-North Bergen Municipal  
22 boundary;

23 Thence easterly along the Fairview-North Bergen Municipal  
24 boundary to its junction with the tracks of the Erie-Lackawanna  
25 Railroad--Northern Railroad of New Jersey Branch;

26 Thence southerly along the tracks of the Erie-Lackawanna  
27 Railroad--Northern Railroad of New Jersey Branch to its junction  
28 with Tonnelle Avenue (U. S. Route 1 and 9) in Jersey City;

29 Thence southerly along Tonnelle Avenue (U.S. Route 1 and 9) to  
30 its intersection with the Pulaski Skyway;

31 Thence westerly along a line formed by the Pulaski Skyway to a  
32 point where the Port Authority Trans-Hudson tracks pass under the  
33 Pulaski Skyway;

34 Thence westerly along the Port Authority Trans-Hudson tracks to  
35 their intersection with the Harrison-Kearny Municipal Boundary;

36 Thence northwesterly along the Harrison-Kearny Municipal  
37 Boundary, as its jogs and curves, to its intersection with the Erie-  
38 Lackawanna Railroad, Harrison-Kingsland connecting branch of the  
39 Morris and Essex Division;

40 Thence northerly along the tracks of the Erie-Lackawanna  
41 Railroad, Harrison-Kingsland connecting branch of the Morris and  
42 Essex Division to its junction with Orient Way in Lyndhurst;

43 Thence northerly along Orient Way to its junction with Valley  
44 Brook Avenue-Smith Street;

45 Thence easterly along Smith Street to its junction with Madison  
46 Street;

1 Thence northerly along Madison Street to its junction with  
2 Evergreen Place;

3 Thence westerly along Evergreen Place to its junction with  
4 Meadow Road;

5 Thence northerly along Meadow Road to its junction with  
6 Rutherford Avenue;

7 Thence northerly along a straight line drawn between the  
8 intersection of Rutherford Avenue and Meadow Road and the  
9 junction of Union Avenue and Erie-Lackawanna-New Jersey and  
10 New York Railroad;

11 Thence northerly along the tracks of the Erie-Lackawanna-New  
12 Jersey and New York Railroad to its intersection with the Wood-  
13 Ridge-Carlstadt municipal boundary;

14 Thence easterly along the Wood-Ridge-Carlstadt municipal  
15 boundary to its intersection with Moonachie-Wood-Ridge  
16 municipal boundary;

17 Thence northerly and westerly along the Moonachie-Wood-  
18 Ridge municipal boundary to its intersection with the Hasbrouck  
19 Heights-Moonachie municipal boundary;

20 Thence easterly and northerly along Hasbrouck Heights-  
21 Moonachie municipal boundary to its intersection with the  
22 Moonachie-Teterboro municipal boundary;

23 Thence westerly and northerly along the Hasbrouck Heights-  
24 Teterboro municipal boundary to its intersection with U. S. Route  
25 46;

26 Thence easterly along U. S. Route 46 to its intersection with the  
27 Teterboro-Little Ferry municipal boundary;

28 Thence southerly along the Teterboro-Little Ferry municipal  
29 boundary to its intersection with the Moonachie-Little Ferry  
30 boundary;

31 Thence southerly along the Moonachie-Little Ferry municipal  
32 boundary to its intersection with Red Neck Road;

33 Thence southerly along Red Neck Road to its junction with  
34 Moonachie Avenue in Moonachie;

35 Thence easterly along Moonachie Avenue to its junction with  
36 Moonachie Road;

37 Thence northerly along Moonachie Road to its junction with  
38 Maple Street;

39 Thence easterly along Maple Street approximately 930 feet to its  
40 intersection with the Transcontinental gas pipeline;

41 Thence northeasterly along a straight line drawn between the  
42 intersection of Maple Street and the Transcontinental gas pipeline  
43 and the intersection of Bertolotto Avenue and the Moonachie-Little  
44 Ferry Municipal boundary (Losen Slofe Creek);

45 Thence easterly along Bertolotto Avenue to its junction with  
46 Eckel Road;

47 Thence southerly along 5th Street to its junction with Mansfield  
48 Avenue;

1       Thence easterly along Columbus Avenue to its junction with  
2 Mehrhof Road;

3       Thence northerly along Mehrhof Road to its junction with  
4 Washington Avenue;

5       Thence easterly and northerly along Washington Avenue to its  
6 junction with Main Street;

7       Thence easterly along Main Street extended to the Little Ferry-  
8 Ridgefield Park Municipal boundary; (The middle of the  
9 Hackensack River);

10       Thence southerly along the Little Ferry-Ridgefield Park  
11 Municipal boundary (in the middle of the Hackensack River) to its  
12 intersection with the Ridgefield Park-Ridgefield Municipal  
13 boundary;

14       Thence easterly along the Ridgefield Park-Ridgefield Municipal  
15 boundary (in the middle of Overpeck Creek) to its intersection with  
16 Bergen Turnpike;

17       Thence southerly along Bergen Turnpike to its junction with  
18 Hendricks Causeway;

19       Thence southeasterly along Hendricks Causeway to its junction  
20 with the tracks of the Lackawanna Railroad--Northern Branch, the  
21 point of beginning.

22       b. The commission shall not carry out the purposes of sections  
23 1 through 68 of P.L. , c. (C. ) (pending before the Legislature  
24 as this bill), take any action, or have any jurisdiction within the  
25 following district:

26       Beginning at a point on Old New Jersey Route 3 (New Jersey  
27 Route 153) (Paterson Plank Road) at its junction with County  
28 Avenue in Secaucus;

29       Thence southerly along County Avenue to its junction with  
30 Secaucus Road;

31       Thence westerly along Secaucus Road a distance of 1,321 feet,  
32 more or less, to its junction with Private Road;

33       Thence northerly along a straight line drawn between the  
34 intersection of Secaucus Road and the aforementioned Private Road  
35 and the intersection of Pandolfi Avenue-Golden Avenue in  
36 Secaucus;

37       Thence westerly along Pandolfi Avenue to its junction with 5th  
38 Street;

39       Thence southerly along 5th Street to its junction with Mansfield  
40 Avenue;

41       Thence westerly along Mansfield Avenue to its junction with  
42 Walter Place;

43       Thence northerly along Walter Place to its junction with  
44 Mansfield Avenue;

45       Thence westerly along Mansfield Avenue to its junction with 9th  
46 Street;

47       Thence northerly along 9th Street to its junction with Grace  
48 Street;

1 Thence easterly along Grace Street to its junction with Eighth  
2 Street;

3 Thence northerly along Eighth Street to its junction with Old  
4 New Jersey Route 3 (Route 153);

5 Thence easterly along Old New Jersey Route 3 (Route 153) to its  
6 junction with Paterson Plank Road;

7 Thence easterly continuing along Old New Jersey Route 3  
8 (Route 153) (Paterson Plank Road) to its junction with County  
9 Avenue, the point of beginning.

10 c. The commission shall not carry out the purposes of sections  
11 1 through 68 of P.L. , c. (C. ) (pending before the Legislature  
12 as this bill), take any action, or have any jurisdiction within the  
13 following district:

14 Beginning at a point on Maple Avenue at its junction with 7th  
15 Street in Secaucus;

16 Thence northerly and easterly along 7th Street to its junction  
17 with Paterson Plank Road;

18 Thence northerly along Paterson Plank Road to its junction with  
19 Farm Road;

20 Thence northerly along Farm Road to its junction with Meadow  
21 Lane;

22 Thence easterly along Meadow Lane to its junction with  
23 Stonewall Lane and Mill Ridge Road;

24 Thence easterly along Mill Ridge Road to its junction with  
25 Koelle Boulevard;

26 Thence southerly along Koelle Boulevard to its junction with  
27 Huber Street;

28 Thence westerly along Huber Street to its junction with Radio  
29 Avenue;

30 Thence southerly on Radio Avenue to its junction with Pikeview  
31 Terrace;

32 Thence westerly and northerly along Pikeview Terrace to its  
33 intersection with Lausecker Lane;

34 Thence westerly along Lausecker Lane to its junction with  
35 Paterson Plank Road;

36 Thence southerly along Paterson Plank Road to its junction with  
37 Maple Street;

38 Thence westerly along Maple Street to its junction with 7th  
39 Street, the point of beginning.

40

41 6. <sup>3</sup>**[On]** On the first day of the thirteenth month next  
42 following<sup>2</sup> the effective date of P.L. , c. (C. ) (pending  
43 before the Legislature as this bill), the The<sup>3</sup> <sup>1</sup>[New Jersey Sports  
44 and Exposition Authority and the<sup>1</sup> New Jersey Meadowlands  
45 Commission <sup>1</sup>[are] is<sup>1</sup> dissolved. All property, funds, and assets of  
46 <sup>1</sup>[these agencies] the New Jersey Meadowlands Commission <sup>3</sup>[and  
47 the New Jersey Sports and Exposition Authority<sup>1</sup>]<sup>3</sup> are vested in

1 and belong to the <sup>3</sup>["Meadowlands Regional Commission]  
2 commission as defined by section 4 of P.L. , c. (C. ) (pending  
3 before the Legislature as this bill).<sup>3</sup> <sup>2</sup>[""] <sup>3</sup>["," provided, however,  
4 that the New Jersey Sports and Exposition Authority may retain  
5 those funds and assets necessary for servicing its debt obligations.

6 On and after the effective date of P.L. , c. (C. ) (pending  
7 before the Legislature as this bill), all approvals, permits, contracts,  
8 agreements, bonds, notes or other obligations of the New Jersey  
9 Sports and Exposition Authority and all findings, determinations,  
10 and actions taken by the New Jersey Sports and Exposition  
11 Authority with respect to such approvals, permits, contracts,  
12 agreements, bonds, notes, or other obligations, are deemed to be  
13 assumed, ratified, and confirmed by the commission and deemed to  
14 have been authorized and executed by the commission and shall  
15 remain in full force and effect.<sup>2</sup>

16 <sup>1</sup>Notwithstanding any law, rule, or regulation to the contrary, the  
17 New Jersey Sports and Exposition Authority shall continue in  
18 existence for the exclusive purposes of servicing its debt obligations  
19 incurred prior to the effective date of P.L. , c. (C. ) (pending  
20 before the Legislature as this bill) and maintaining its tax exempt  
21 status, but shall have no other powers.<sup>1</sup>

22 a. There is hereby established in, but not of, the Department of  
23 State, a public body corporate and politic, with corporate  
24 succession, to be known as the "Meadowlands Regional  
25 Commission." The commission shall constitute a political  
26 subdivision of the State established as an instrumentality exercising  
27 public and essential governmental functions, and the exercise by the  
28 commission of the powers conferred by sections 1 through 68 of  
29 P.L. , c. (C. ) (pending before the Legislature as this bill),  
30 shall be deemed and held to be an essential governmental function  
31 of the State.

32 b. The commission shall consist of <sup>2</sup>[11] <sup>13</sup><sup>2</sup> members  
33 appointed and qualified as follows: Six citizens of the State,  
34 appointed by the Governor, no more than three of whom shall be of  
35 the same political party; two of whom shall be residents of the  
36 constituent municipalities of Bergen county and two of whom shall  
37 be residents of the constituent municipalities of Hudson county;  
38 provided, however, that no more than one citizen shall be appointed  
39 from any one constituent municipality; and two mayors, ex officio,  
40 one from Bergen County and one from Hudson County. The  
41 mayors shall be from a constituent municipality that does not have  
42 representation on the commission. The Commissioner of  
43 Environmental Protection, the Commissioner of Community  
44 Affairs, and the Lieutenant Governor, or their designees, shall be  
45 ex-officio members of the commission. <sup>2</sup>The Speaker of the  
46 General Assembly and President of the Senate shall each appoint  
47 one member.<sup>2</sup>

- 1 c. Each ex officio member of the commission may designate an  
2 officer or employee of the member's department or agency to  
3 represent the member at meetings of the commission, and each such  
4 designee may lawfully vote and otherwise act on behalf of the  
5 member for whom the designee is constituted. Any such  
6 designation shall be in writing delivered to the commission and  
7 shall continue in effect until revoked or amended by writing  
8 delivered to the commission.
- 9 d. Each member appointed by the Governor shall serve for a  
10 term of five years with the advice and consent of the Senate;  
11 provided, however, that the first members appointed by the  
12 Governor shall not require the advice and consent of the Senate, and  
13 <sup>2</sup>[one]<sup>2</sup> shall serve for a term of <sup>2</sup>[one year, one for a term of]<sup>2</sup>  
14 two years <sup>2</sup>[, one for a term of three years, one for a term of four  
15 years, and two for a term of five years]<sup>2</sup>. Each member shall serve  
16 for the term of his appointment and until his successor shall have  
17 been appointed and qualified. Any vacancy or reappointment of a  
18 member by the Governor shall be made with the advice and consent  
19 of the Senate. Any vacancy shall be filled for the unexpired term  
20 only.
- 21 e. Any member of the commission may be removed by the  
22 Governor for cause after a public hearing.
- 23 f. The members of the commission shall serve without  
24 compensation, but the commission may reimburse its members for  
25 necessary expenses incurred in the discharge of their duties.
- 26 g. The Governor shall designate one of the public members of  
27 the commission as chairman. The commission shall select from its  
28 members a vice-chairman and a treasurer, and shall employ an  
29 executive director, who shall be secretary, and a chief fiscal officer.  
30 The commission may also appoint, retain, and employ,  
31 notwithstanding any other law to the contrary, such officers, agents,  
32 employees, and experts as it may require, and it shall determine  
33 their qualifications, terms of office, duties, services, and  
34 compensation.
- 35 h. The powers of the commission shall be vested in the  
36 members thereof in office. A majority of the total authorized  
37 membership of the commission shall constitute a quorum at any  
38 meeting thereof. Action may be taken and motions and resolutions  
39 adopted by the commission at any meeting thereof by the  
40 affirmative vote of a majority of the appointed members, unless the  
41 by-laws of the commission, or any of the provisions of sections 1  
42 through 68 of P.L. , c. (C. ) (pending before the Legislature  
43 as this bill), shall require a larger number. The commission may  
44 designate one or more of its agents or employees to exercise  
45 administrative functions, powers, and duties as the commission  
46 deems proper. No vacancy in the membership of the commission  
47 shall impair the right of a quorum to exercise all the rights and  
48 perform all the duties of the commission, except as otherwise

1 provided in sections 1 through 68 of P.L. , c. (C. ) (pending  
2 before the Legislature as this bill).

3 i. A true copy of the minutes of every meeting of the  
4 commission shall be forthwith delivered by and under the  
5 certification of the secretary thereof to the Governor. No action  
6 taken at such meeting by the commission shall have force or effect  
7 until 15 days after such copy of the minutes shall have been so  
8 delivered unless during such 15-day period the Governor shall  
9 approve the same, in which case such action shall become effective  
10 upon such approval. If, in each 15-day period, the Governor returns  
11 such copy of the minutes with; veto of any action taken by the  
12 commission or any member thereof at such meeting, such action  
13 shall be null and void and of no effect. The powers conferred in this  
14 subsection upon the Governor shall be exercised with due regard for  
15 the rights of the holders of bonds and notes of the commission at  
16 any time outstanding, and nothing in, or done pursuant to, this  
17 subsection shall in any way limit, restrict, or alter the obligation or  
18 powers of the commission or any representative or officer of the  
19 authority to carry out and perform in every detail each and every  
20 covenant, agreement, or contract at any time made or entered into  
21 by, or on behalf of, the commission with respect to its bonds or  
22 notes, or for the benefit, protection, or security of the holders  
23 thereof.

24 j. Before the issuance of any bonds under the provisions of  
25 sections 1 through 68 of P.L. , c. (C. ) (pending before the  
26 Legislature as this bill), the members and the treasurer of the  
27 commission shall be covered by a surety bond or bonds in such sum  
28 as provided by the rules and regulations of the commission  
29 conditioned upon the faithful performance of the duties of their  
30 respective offices, and executed by a surety company authorized to  
31 transact business in the State of New Jersey as a surety. The  
32 commission shall submit each such surety bond to the Attorney  
33 General for approval and, if approved, shall file the surety bond  
34 with the office of the Secretary of State prior to the issuance of any  
35 bonds. The treasurer of the commission and each member shall  
36 maintain all issued surety bonds in full force and effect. All costs of  
37 such surety bonds shall be borne by the commission.

38 k. On or before April 30 in each year, the commission shall  
39 make an annual report pursuant to section 2 of P.L.1991, c.164  
40 (C.52:14-19.1) of its activities for the preceding calendar year to the  
41 Governor and to the Legislature. Each such report shall set forth a  
42 complete operating and financial statement explaining its operations  
43 during the year.

44 <sup>1</sup>l. The State Treasurer, in consultation with the State Auditor  
45 and the commission, shall enter into a contract with a person  
46 qualified to conduct an independent operations and financial audit  
47 of the commission and may prescribe any supporting documentation  
48 to be provided under the terms of the contract. The contract shall

1 require that the person conducting the audit provide  
 2 recommendations regarding a reasonable operations and  
 3 maintenance budget. Copies of the audit shall be submitted to the  
 4 commission, the State Treasurer, and the Joint Budget Oversight  
 5 Committee of the Legislature.<sup>1</sup>】<sup>3</sup>  
 6

7 7. <sup>3</sup>【**The** In addition to any powers established pursuant to  
 8 section 5 of P.L.1971, c.137 (C.5:10-5), the<sup>3</sup> commission <sup>3</sup>, as  
 9 defined by section 4 of P.L. , c. (C. ) (pending before the  
 10 Legislature as this bill),<sup>3</sup> shall have the following powers:

11 a. <sup>3</sup>【**To** adopt, amend, and repeal suitable by-laws for the  
 12 management of its affairs;

13 b. To adopt and use an official seal and alter the same at its  
 14 pleasure;

15 c. To maintain an office at such place or places within the State  
 16 as it may designate;

17 d. To sue and be sued in its own name;

18 e. To acquire, hold, use, and dispose of its income, revenues,  
 19 funds, and moneys;

20 f. To acquire, lease, as lessee or lessor, rent, lease, hold, use,  
 21 and dispose of real or personal property for its purposes;

22 g. To borrow money, issue its negotiable bonds or notes, and  
 23 secure the same by a mortgage on its property, or any part thereof,  
 24 and enter into any credit agreement, and otherwise to provide for  
 25 and secure the payment of its bonds and notes and to provide for the  
 26 rights of the holders thereof;

27 h. <sup>2</sup>【<sup>1</sup>(1)<sup>1</sup>】<sup>2</sup> To make and enter into all contracts, leases, and  
 28 agreements for the use or occupancy of its projects, or any part  
 29 thereof, or which are necessary or incidental to the performance of  
 30 its duties and the exercise of its powers under sections 1 through 68  
 31 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
 32 <sup>2</sup>subject to the provisions of section 6 of P.L.1984, c.128 (C.13:17-  
 33 6.1)

34 <sup>1</sup>【<sup>2</sup>(2) (a) All purchases, contracts, or agreements where the cost  
 35 or contract price exceeds the amount determined by the Governor  
 36 pursuant to subsection b. of section 6 of P.L.1984, c.128 (C.13:17-  
 37 6.1) as of the effective date of P.L. , c. (C. ) (pending before  
 38 the Legislature as this bill) shall be made, negotiated, or awarded  
 39 only after public advertisement for bids therefor and shall be  
 40 awarded to that responsible bidder whose bid, conforming to the  
 41 invitation for bids, is most advantageous to the commission, in its  
 42 judgment, upon consideration of price and other factors; provided,  
 43 however, that such advertising shall not be required when the  
 44 contract to be entered into is one for the furnishing or performing of  
 45 services of a professional nature, or when the purchase is to be  
 46 made through or by the Director of the Division of Purchase and  
 47 Property pursuant to section 1 of P.L.1959, c.40 (C.52:27B-56.1),



1 or through a contract made by any of the following: the New Jersey  
2 Turnpike Authority established under section 3 of P.L.1948, c.454  
3 (C.27:23-3); the New Jersey Water Supply Authority established  
4 under section 4 of P.L.1981, c.293 (C.58:1B-4); the South Jersey  
5 Transportation Authority established under section 4 of P.L.1991,  
6 c.252 (C.27:25A-4); the Port Authority of New York and New  
7 Jersey established under R.S.32:1-4; the Delaware River Port  
8 Authority established under R.S.32:3-2; the Higher Education  
9 Student Assistance Authority established under N.J.S.18A:71A-3.  
10 Any bid may be rejected when the commission determines that it is  
11 in the public interest to do so.

12 Any purchase, contract, or agreement where the cost or contract  
13 price is less than or equal to \$25,000 or, after the effective date of  
14 P.L.1999, c.440, the amount determined pursuant to subsection b. of  
15 section 6 of P.L.1984, c.128 (C.13:17-6.1) may be made,  
16 negotiated, or awarded by the commission without advertising and  
17 in any manner which the commission, in its judgment, deems  
18 necessary to serve its unique interests and purposes and which  
19 promotes, whenever practicable, full and free competition by the  
20 acceptance of quotations or proposals or by the use of other suitable  
21 methods.

22 (b) Commencing in the fifth year after the year in which the  
23 effective date of P.L. , c. (C. ) (pending before the  
24 Legislature as this bill) takes effect, and every five years thereafter,  
25 the Governor, in consultation with the Department of the Treasury,  
26 shall adjust the threshold amount set forth in subsection a. of this  
27 section, or after the effective date of P.L. , c. (C. ) (pending  
28 before the Legislature as this bill), the threshold amount resulting  
29 from any adjustment under this subsection, in direct proportion to  
30 the rise or fall of the index rate as that term is defined in section 2  
31 of P.L.1971, c.198 (C.40A:11-2), and shall round the adjustment to  
32 the nearest \$1,000. The Governor shall, no later than June 1 of  
33 every fifth year, notify the commission of the adjustment. The  
34 adjustment shall become effective on July 1 of the year in which it  
35 is made.<sup>1</sup> **J**<sup>2</sup>;

36 i. **J**<sup>3</sup> To enter upon any building or property in order to  
37 conduct investigations, examinations, and surveys necessary to  
38 carry out the purposes of sections 1 through 68 of P.L. , c. (C. )  
39 (pending before the Legislature as this bill);

40 **J**<sup>3</sup> j. To acquire in the name of the commission by purchase, or  
41 lease as lessee or otherwise, on such terms and conditions and in  
42 such manner as it may deem proper, or by the exercise of the power  
43 of eminent domain, any land or interest therein, and other property,  
44 including land under water and riparian lands, land, or highways  
45 held by any municipality or other governmental subdivision of the  
46 State, or any fee simple absolute in, easements upon, or the benefit  
47 of restrictions upon abutting property, that it may determine is  
48 reasonably necessary for the performance of any of its duties;

1 provided, however, that the power of eminent domain shall not be  
2 exercised by the commission to acquire any property owned or used  
3 by a public utility, as defined in R.S.48:2-13;

4 k. **1** b.<sup>3</sup> To prepare, adopt, and implement a master plan for the  
5 physical development of all lands, <sup>2</sup>which shall take into  
6 consideration any lease agreements entered into by the New Jersey  
7 Sports and Exposition Authority as of the effective date of P.L. ,  
8 c. (C. ) (pending before the Legislature as this bill),<sup>2</sup> or a  
9 portion thereof, lying within the district, and to adopt and enforce  
10 regulations, codes, and standards for the effectuation of such plan;

11 <sup>3</sup>**1.** c.<sup>3</sup> To undertake any development or other project or  
12 improvement as it finds necessary to redevelop and improve the  
13 land within the district;

14 <sup>3</sup>**m.** d.<sup>3</sup> To recover by special assessments the cost of  
15 improvements from the increase of property values attributable to  
16 such improvements;

17 <sup>3</sup>**n.** e.<sup>3</sup> Generally to establish, charge, and collect rates, fees,  
18 and other charges for the use of any facilities operated and  
19 maintained by the commission, and to collect fees as otherwise  
20 established by law, rule, or regulation;

21 <sup>3</sup>**o.** f.<sup>3</sup> To enter into any and all agreements or contracts,  
22 execute any and all instruments, and do and perform any and all  
23 acts or things necessary, convenient, or desirable for the  
24 commission to carry out its responsibilities <sup>2</sup>subject to the  
25 provisions of section 6 of P.L.1984, c.128 (C.13:17-6.1)<sup>2</sup>;

26 <sup>3</sup>**p.** g.<sup>3</sup> To plan, establish, and implement programs  
27 promoting and facilitating economic development opportunities in  
28 the district;

29 <sup>3</sup>**q.** h.<sup>3</sup> To review and regulate plans for any subdivision or  
30 development within the district;

31 <sup>3</sup>**r.** i.<sup>3</sup> To cause to be prepared plans, specifications,  
32 designs, and estimates of costs for the construction of projects and  
33 improvements under the provisions of sections 1 through 68 of  
34 P.L. , c. (C. ) (pending before the Legislature as this bill), and  
35 to modify such plans, specifications, designs, or estimates;

36 <sup>3</sup>**s.** j.<sup>3</sup> To determine the existence of areas in need of  
37 redevelopment or rehabilitation and to approve or undertake  
38 redevelopment projects therein;

39 <sup>3</sup>**t.** k.<sup>3</sup> To provide solid waste disposal and recycling  
40 facilities for the treatment of solid waste;

41 <sup>3</sup>**u.** l.<sup>3</sup> To assist and coordinate shared services among the  
42 constituent municipalities of the district and to enter into, from time  
43 to time, contracts with one or more municipalities, counties, or  
44 other public agencies for the operation of public improvements,  
45 works, facilities, services, or undertakings of such municipalities,  
46 counties, or agencies, or of the commission;

- 1       <sup>3</sup>[v.] m.<sup>3</sup> To undertake all the necessary steps to develop plans  
2 and undertake flood control projects and to maintain and construct  
3 necessary flood control structures and ditches;
- 4       <sup>3</sup>[w.] n.<sup>3</sup> To take any action necessary for the purpose of  
5 promoting and marketing tourism, entertainment, sports, and all  
6 related activities within the district or at any other location owned  
7 or operated by the commission. The commission may create a not-  
8 for-profit entity that will implement this function;
- 9       <sup>3</sup>[x.] o.<sup>3</sup> To preserve and protect the environment of the  
10 district and to provide programs for environmental education that  
11 benefit schools and the general public;
- 12       <sup>3</sup>[y.] p.<sup>3</sup> To create a transportation planning district and  
13 develop strategies to improve regional comprehensive planning;
- 14       <sup>3</sup>[z.] q.<sup>3</sup> To receive and accept, from any federal or other  
15 public agency or governmental entity, grants or loans for, or in aid  
16 of, the planning or construction of any project or improvement, or  
17 the acquisition of any property, and to receive and accept aid or  
18 contributions from any other source, of either money, property,  
19 labor, or other things of value, to be held, used, and applied only for  
20 the purposes for which such grants, loans, and contributions may be  
21 made, and to enter into co-operative agreements with the federal  
22 government, or any other public or governmental agency, for the  
23 performance of such acts as may be necessary and proper for the  
24 reclamation of the Hackensack meadowlands and to comply with  
25 established requirements for such participation;
- 26       <sup>3</sup>[aa.] r.<sup>3</sup> To establish engineering standards and a building  
27 code specifying the maximum weight, size, and density of all  
28 buildings and structures to be placed on any land within its  
29 jurisdiction;
- 30       <sup>3</sup>[bb.] s.<sup>3</sup> To conduct examinations and investigations, hear  
31 testimony, and take proof, under oath at public and private hearings,  
32 of any material matter, require attendance of witnesses and the  
33 production of books and papers, and issue commissions for the  
34 examination of witnesses who are out of State, unable to attend, or  
35 excused from attendance;
- 36       <sup>3</sup>[cc.] t.<sup>3</sup> To subordinate, waive, sell, assign, or release any  
37 right, title, claim, lien, or demand, however acquired, including any  
38 equity or right of redemption; to foreclose, sell, or assign any  
39 mortgage held by it, or any interest in real or personal property; and  
40 to purchase at any sale upon such terms and at such prices as it  
41 determines to be reasonable and to take title to property, real,  
42 personal, or mixed, so acquired, and to sell, exchange, assign,  
43 convey, lease, mortgage, or otherwise dispose of any such property,  
44 subject to such conditions and restrictions as it deems necessary to  
45 carry out the purposes of sections 1 through 68 of P.L. , c. (C. )  
46 (pending before the Legislature as this bill); <sup>2</sup>[and]<sup>2</sup> <sup>3</sup>and<sup>3</sup>

1 <sup>3</sup>**[dd.] u.**<sup>3</sup> To collect, and disburse, the assessments authorized  
2 in section 85 of P.L. , c. (C. ) (pending before the  
3 Legislature as this bill), for the purposes set forth in that section

4 <sup>3</sup>**[1.]**

5 ee. To establish and enforce rules and regulations for the use or  
6 operation of its projects or the conduct of its activities, and to enter  
7 into agreements with the State Police for the policing and the  
8 security of its projects;

9 ff. To hold and conduct horse race meetings for stake, purse, or  
10 reward and to provide and operate a pari-mutuel system of wagering  
11 at such meetings, and to engage in any activity authorized by  
12 section 7 of PL.1971, c.137 (C.5:10-7) and section 12 of P.L.2004,  
13 c.116 (C.5:10-7.1); and

14 gg. To procure insurance against any losses in connection with  
15 its property, operations, or assets, in such amounts and from such  
16 insurers as it deems desirable<sup>1</sup><sup>3</sup>.

17  
18 8. Whenever the commission prepares plans for the  
19 development, redevelopment, or rezoning of, or for the construction  
20 or reconstruction of buildings or structures on land within the  
21 district, the commission shall notify, within seven days, the  
22 governing body of the constituent municipality or municipalities in  
23 which the land is located. During the preparation of the plans, the  
24 commission shall meet and consult with the notified governing  
25 body or bodies. If the final plans of the commission are  
26 inconsistent with any recommendations of the governing body or  
27 bodies of the municipality or municipalities in which the land is  
28 located, the commission shall inform the governing body or bodies,  
29 in writing, of the reasons for the inconsistencies prior to the  
30 submission of the plans to the committee, and shall include a copy  
31 of that writing when submitting the plans to the committee.

32  
33 9. a. The commission shall submit to the committee for  
34 review, prior to final action thereon, codes and standards  
35 formulated by the commission, the district master plan and  
36 amendments thereto, development and redevelopment plans, and  
37 improvement plans. The commission may also submit to the  
38 committee any other matter which the commission deems advisable.  
39 The committee may also coordinate shared services and cooperative  
40 agreements among the constituent municipalities and conduct  
41 studies and provide reports to the commission regarding issues  
42 which impact the constituent municipalities.

43 b. The committee shall review matters submitted to it by the  
44 commission pursuant to this section and shall indicate its position,  
45 in writing, to the commission. Failure of the committee to convey  
46 to the commission its position within 30 days of the receipt of any  
47 matter referred to the committee shall constitute approval of the  
48 proposed action of the commission; provided, however, that the

1 committee shall have 120 days after receipt of a major revision of  
2 the master plan to convey its position, in writing, to the  
3 commission.

4 c. The commission shall not take action on any matter required  
5 to be submitted to the committee, which matter has been formally  
6 rejected by the committee, except by an affirmative vote of  
7 <sup>3</sup>[seven] the majority of authorized<sup>3</sup> members of the commission.

8  
9 10. a. After a public hearing and pursuant to the procedures  
10 hereinafter provided, the commission shall prepare, or cause to be  
11 prepared, and adopt a master plan, or portion thereof, for the  
12 physical development of all lands lying within the district. The  
13 master plan may include proposals for various stages for the future  
14 development of the district. The commission may amend the master  
15 plan in accordance with the procedures established herein. The  
16 master plan shall include a report presenting the objectives,  
17 assumptions, standards, and principles, as set forth in the master  
18 plan. The master plan shall be a composite of the one or more  
19 written proposals recommending the physical development of the  
20 lands within the district, in its entirety or a portion thereof, which  
21 the commission shall prepare after meetings with the governing  
22 bodies of the constituent municipalities and affected counties, and  
23 any agencies and instrumentalities thereof.

24 b. In preparing the master plan or any portion thereof or  
25 amendment thereto the commission shall consider the existing  
26 patterns of the development in constituent municipalities, and any  
27 master plan or other plan of development adopted by any  
28 constituent municipality prior to the effective date of P.L. ,

29 c. (C. ) (pending before the Legislature as this bill), or prior  
30 to the preparation of the master plan by the commission.

31 c. In preparing the master plan or any portion thereof or  
32 amendment thereto, the commission shall consult with any federal  
33 or State agency having an interest in the district. At least 60 days  
34 prior to taking any action relating to the district, any interested  
35 agency shall file with the commission any proposed plans for the  
36 commission's review and recommendation.

37 d. A master plan examination and revision shall be conducted  
38 by the commission every 10 years, the first of which shall be  
39 conducted 10 years from the date on which the first master plan was  
40 adopted by the commission pursuant to this section. <sup>1</sup>The master  
41 plan in effect on the effective date of P.L. , c. (C. ) (pending  
42 before the Legislature as this bill) shall remain in effect until the  
43 commission's next examination and revision, which shall be within  
44 five years of the effective date of P.L. , c. (C. ) (pending  
45 before the Legislature as this bill).<sup>1</sup>

46 e. The master plan shall include provisions or criteria for the  
47 location and use of buildings, structures, facilities, and land for  
48 solid waste disposal and recycling, and may include provisions for:

- 1 (1) the use of land and buildings, residential, commercial,  
2 industrial, park, and other like purposes;
  - 3 (2) service-water supply, utilities, sewerage, and other like  
4 matters;
  - 5 (3) transportation, streets, parking, public transit lines and  
6 stations, both above and below ground level, freight facilities,  
7 airports, harbors, channels, docks, and wharves, and other like  
8 matters;
  - 9 (4) housing, including affordable housing, residential standards,  
10 clearance, redevelopment, rehabilitation, conservation, and other  
11 like matters;
  - 12 (5) water, soil conservation, flood control, and other like  
13 matters;
  - 14 (6) public and semipublic facilities including but not limited to  
15 civic centers, schools, libraries, parks, playgrounds, fire houses,  
16 police buildings, hospitals, and other like matters;
  - 17 (7) the distribution and density of population;
  - 18 (8) planned unit development;
  - 19 (9) community appearance;
  - 20 (10) financing and programming capital improvements;
  - 21 (11) plan and develop facilities for tourism, sports, and  
22 entertainment; and
  - 23 (12) other related elements of growth and development,  
24 including the social implications of any proposed development, and  
25 advances in technology related to any subject included in the plan.
- 26 f. In accordance with sections 1 through 68 of P.L. ,  
27 c. (C. ) (pending before the Legislature as this bill), and in  
28 addition to any other law, rule, or regulation concerning affordable  
29 housing, the master plan may also include codes and standards  
30 covering land use, comprehensive zoning, subdivisions, building  
31 construction and design, housing, and the control of air and water  
32 pollution, and other subjects necessary to carry out the plan or to  
33 undertake a workable program of community improvement. No  
34 codes or standards concerning building construction and design  
35 shall be promulgated without the certificate of the chief engineer or  
36 equivalent official of the commission that the proposed codes and  
37 standards meet the engineering standards adopted by the  
38 commission. No municipality shall adopt, and no municipal official  
39 shall enforce, any code which is inconsistent with the code  
40 contained in the master plan insofar as such code applies to  
41 property within the district; provided, however, that the governing  
42 body or other appropriate body of each constituent municipality  
43 may adopt zoning ordinances and any other codes or standards,  
44 which it is authorized by the laws of this State to adopt, for lands  
45 within the boundaries of said municipality which are subject to the  
46 jurisdiction of the commission and which will effectuate the  
47 purposes of the commission's master plan.

1 11. a. A constituent municipality that adopts the commission's  
2 master plan, zoning regulations, codes, and standards shall have the  
3 authority to approve or reject land use or zoning applications. The  
4 municipality shall provide the commission all documentation, plans,  
5 and information regarding all applications. All fees generated by  
6 these applications and approvals shall be retained by the  
7 municipality.

8 b. For those municipalities that do not adopt the commission's  
9 master plan, zoning regulations, codes, and standards, the  
10 commission shall have the authority to issue the permit.

11 c. Any municipality which undertakes projects for public  
12 recreation, public safety, and the general welfare of its citizens will  
13 not be required to file an application with the commission. The  
14 codes and standards of that municipality shall apply. All  
15 documentation plans and necessary information regarding the  
16 project shall be submitted to the commission upon completion of  
17 the project.

18 d. Any project which requires a <sup>1</sup>use<sup>1</sup> variance <sup>1</sup>pursuant to  
19 subsection d. of section 57 of P.L.1975, c.291 (C.40:55D-70)<sup>1</sup> or  
20 special exception from any provision of the commission's master  
21 plan must be submitted directly to the commission for review and  
22 approval or rejection. <sup>1</sup>Any project which requires a bulk variance  
23 pursuant to subsection c. of section 57 of P.L.1975, c.291  
24 (C.40:55D-70) or approval for a minor subdivision, as defined by  
25 section 3.2 of P.L.1975, c.291 (C.40:55D-5), may be approved by  
26 the appropriate board of a constituent municipality.<sup>1</sup>  
27

28 12. <sup>1</sup>**[The]** For those municipalities that do not adopt the  
29 commission's master plan, zoning regulations, codes, and standards,  
30 the<sup>1</sup> commission shall review and regulate subdivisions and land  
31 development within the district, in accordance with procedures and  
32 engineering and planning standards adopted by the commission,  
33 which shall require that:

34 a. All subdivisions, site plans, buildings, and other  
35 development shall be in accordance with the master plan and any  
36 applicable redevelopment plan;

37 b. Adequate drainage facilities and easements be provided;

38 c. Road improvements be provided for subdivisions or sites  
39 when necessary to protect the safety and convenience of the  
40 traveling public, such improvements to include, but not be limited  
41 to, additional rights-of-way or pavement widths, marginal access  
42 streets, reverse frontage and highway and traffic design features  
43 necessitated by increased traffic, and potential safety hazards or  
44 traffic flow impediments caused by the subdivision or development;

45 d. Public water and sewer systems be provided when necessary  
46 to protect public health and to ensure an adequate supply of water;  
47 and

1 e. Performance guarantees, maintenance bonds, and  
2 agreements be provided specifying minimum standards of  
3 construction for required improvements by the commission, not to  
4 exceed the full cost of the facility and installation thereof, or the  
5 developer's proportionate share thereof. Any bonds, moneys, or  
6 guarantees received by the commission under this paragraph shall  
7 not duplicate bonds, moneys, or guarantees required by  
8 municipalities for municipal purposes.

9  
10 13. a. <sup>1</sup>**[Each]** Pursuant to the commission's jurisdiction  
11 established in section 12 of P.L. , c. (C. ) (pending before the  
12 Legislature as this bill), each<sup>1</sup> application for a subdivision, site  
13 plan, or building permit shall be submitted to the commission for  
14 review and, when appropriate, approval, prior to any determination  
15 by the applicable local constituent municipal approving authority.  
16 Commission approval of any subdivision application shall be  
17 limited by, and based upon, the rules, regulations, and standards in  
18 a resolution adopted by the commission. The constituent municipal  
19 approval authority shall defer taking final action on a subdivision  
20 application until receipt of the commission report thereon. The  
21 commission shall report to the municipal authority within 45 days  
22 from the date of receipt of the application. If the commission fails  
23 to report to the municipal approving authority within the 45-day  
24 period, the subdivision application shall be deemed to have been  
25 approved by the commission unless, by mutual agreement between  
26 the commission and municipal approving authority, with approval  
27 of the applicant, the 45-day period shall be extended for an  
28 additional 45-day period, and any such extension shall so extend the  
29 time within which a municipal approving authority shall be required  
30 by law to act thereon.

31 b. The commission shall review each subdivision plan and  
32 building permit application and withhold approval if an application  
33 does not meet the requirements adopted by the commission. In the  
34 event of the withholding of approval or the disapproval of any such  
35 application, the reasons for such action shall be set forth in writing,  
36 and a copy thereof shall be forwarded to the applicant and the  
37 municipality.

38  
39 14. Whenever the commission receives an application for the  
40 development, improvement, or redevelopment of, or for the  
41 construction or reconstruction of buildings or structures on, land in  
42 the district, and the municipality did not adopt the commission's  
43 master plan and zoning regulations, the commission shall notify,  
44 within seven days, in writing, the governing body of the constituent  
45 municipalities in which the land is located. Before approving an  
46 application, the commission shall consult with the notified  
47 governing body or bodies. If the commission approves an  
48 application which the governing body or bodies oppose in any



1 manner, the commission shall inform the governing body or bodies,  
2 in writing, by certified mail, of the reasons for approval within  
3 seven days of that approval.

4  
5 15. The county clerk or register of deeds and mortgages shall  
6 not accept for filing any subdivision plat for lands in the district  
7 unless it bears the certification of approval of the commission in  
8 addition to all other requirements for filing a subdivision plat. If the  
9 commission has not taken action on an application within the period  
10 required by section 13 of P.L. , c. (C. ) (pending before the  
11 Legislature as this bill), at the request of the developer, the  
12 commission shall certify such fact upon the plat. This certification  
13 shall be sufficient authorization for further action by the municipal  
14 approving authority and filing with the appropriate county  
15 recording officer.

16  
17 16. a. Whenever notice and a hearing is required in any  
18 constituent municipality or affected county with respect to the  
19 adoption or amendment of a master plan, official map, zoning or  
20 subdivision regulations, or the granting of variances or special  
21 exceptions, involving property within the district or within 200 feet  
22 of its borders, the person required to give such notice shall also, at  
23 least 30 days prior to the hearing, provide written notice of the  
24 hearing to the commission by registered or certified mail. This  
25 notice of hearing shall contain a brief description of the property  
26 involved, its location, a concise statement of the matters to be  
27 heard, and a copy of any plan, code, regulations, or standards to be  
28 considered at the hearing.

29 b. The commission shall be considered a party in interest at the  
30 local hearing. No public body of a constituent municipality or  
31 affected county shall take any action involving a municipal master  
32 plan, zoning ordinance, subdivision, building, or site plan approval,  
33 the official map, or the grant of a variance, or other special  
34 exception which is inconsistent with the master plan.

35 c. If portions of the master plan contain proposals for drainage  
36 rights-of-way, roads or streets, schools, colleges, parks,  
37 playgrounds, or for any project before approving any subdivision or  
38 site plan, the commission may require that such project sites be  
39 shown in locations and of sizes suitable to their intended uses. The  
40 commission shall be permitted to reserve the location and extent of  
41 such project sites shown on the master plan, or any part thereof, for  
42 a period of one-year after the approval of the subdivision or site  
43 plan, or within such further time as agreed to by the applying party.  
44 Unless during each one-year period or extension thereof the  
45 commission shall have entered into a contract to purchase or  
46 institute condemnation proceedings according to law for the project  
47 site, the developer shall not be bound by the proposals for such  
48 areas shown on the plan. This subsection shall not apply to streets,

1 roads, and drainage rights-of-way required for approval of any  
2 subdivision or site plan and deemed essential to the public welfare.

3  
4 17. The commission may establish provisions for the waiver,  
5 according to definite criteria, of strict compliance with the  
6 standards promulgated, when necessary to alleviate hardship. A  
7 developer can request that the chief engineer grant a waiver based  
8 on the defined criteria. The chief engineer shall make a  
9 recommendation to the commission concerning whether the  
10 hardship criteria has been met.

11  
12 18. a. If any person <sup>3</sup>transfers, sells, or rents, or agrees to  
13 transfer, sell, or rent any land, building, or other structure, or<sup>3</sup>  
14 constructs or alters any building or structure within the district, <sup>3</sup>or  
15 directly causes the transfer, sale, or rental, or arranges for an  
16 agreement to transfer, sell, or rent any land, building, or other  
17 structure,<sup>3</sup> or directly causes the construction or alteration of any  
18 building or structure within the district, without first obtaining the  
19 approval of the commission or municipality of any application for a  
20 subdivision, site plan or building permit as may be required by  
21 sections 1 through 68 of P.L. , c. (C. ) (pending before the  
22 Legislature as this bill), the person shall be subject to a fine of not  
23 more than \$5,000, and each parcel, lot, plot, building, or rental unit  
24 so disposed of or agreed or caused to be disposed of shall be  
25 deemed a separate violation.

26 b. The commission and or municipality may cancel and revoke  
27 any permit, approval, or certificate required or permitted to be  
28 granted or issued to any person pursuant to P.L. , c. (C. )  
29 (pending before the Legislature as this bill), if the commission finds  
30 that the person has violated this section. When any violation of this  
31 section is of a continuing nature, each day during which the  
32 continuing violation remains unabated, after the date fixed by the  
33 commission or municipality in any order or notice for the correction  
34 or termination of the violation, constitutes an additional, separate,  
35 and distinct violation. The commission, in the exercise of its  
36 administrative authority pursuant to this act, may levy and collect  
37 the fines in the amounts set forth in this section. If an  
38 administrative penalty order has not been satisfied, the penalty may  
39 recovered by the commission in a civil action brought in a summary  
40 proceeding pursuant to the "Penalty Enforcement Law of 1999,"  
41 P.L.1999, c.274 (C.2A:58-10 et seq.).

42 c. In addition to the foregoing, the commission or municipality  
43 may in the case of any violation of subsection a. of this section,  
44 institute a civil action:

45 (1) for injunctive relief;

46 (2) <sup>3</sup>to set aside and invalidate any conveyance or lease made  
47 pursuant to contract for sale or otherwise in violation of subsection  
48 a. of this section;

1 (3) ]<sup>3</sup> to prevent such unlawful sale, rental, erection,  
2 construction, reconstruction, alteration, repair, conversion,  
3 maintenance, or use;

4 <sup>3</sup>[(4)] (3)<sup>3</sup> to restrain, correct, or abate such violation;

5 <sup>3</sup>[(5)] (4)<sup>3</sup> to prevent the occupancy of said dwelling, structure,  
6 or land; and

7 <sup>3</sup>[(6)] (5)<sup>3</sup> to prevent any illegal act, conduct, business, or use  
8 in, or about, such premises.

9

10 19. The commission shall safeguard the environmental resources  
11 of the district and provide quality public recreation and educational  
12 opportunities. The commission shall:

13 a. Target and prioritize potential preservation sites for  
14 acquisition, deed restriction, and conservation easements, including  
15 large tracts of wetlands sites;

16 b. Preserve wetlands to protect wildlife, water quality, and  
17 flood storage value;

18 c. Review preservation sites for potential wetland enhancement  
19 and mitigation;

20 d. Improve connections among the district's trails and habitats,  
21 reducing fragmentation;

22 e. Identify missing links in the existing trail system, as well as  
23 key locations for connecting to wildlife viewing stations,  
24 environmental venues, boat launches, docks, and other active and  
25 passive recreational attractions;

26 f. Increase both active and passive recreational uses;

27 g. Eliminate or control the presence of other invasive plant and  
28 animal species;

29 h. Maintain and improve targeted habitats relative to breeding,  
30 wintering, feeding, and other wildlife activities;

31 i. Maintain the value of the Hackensack meadowlands as an  
32 urban sanctuary for birds using the Atlantic Flyway;

33 j. Seek available funding for land acquisition, protection, and  
34 management of wildlife preserves;

35 k. Maintain and restore the ecology of the waterways,  
36 including the estuary, shorelines, and nursery habitat for fish;

37 l. Continue monitoring water quality by collecting and  
38 analyzing data to determine trends, document improvements, and  
39 assess the need for additional, or more stringent, measures.  
40 Monitoring should include the analysis of historic data to form a  
41 baseline to measure the degree of change over time; <sup>3</sup>[and]<sup>3</sup>

42 m. <sup>3</sup>Evaluate, approve, and implement any plan or plans for the  
43 further preservation, development, enhancement, or improvement of  
44 Liberty State Park and the buildings, structures, properties, and  
45 appurtenances related thereto, or incidental to, necessary for, or  
46 complimentary to the park. The commission may avail itself of any  
47 plans under review by the Department of Environmental Protection

1 from any source that may promote expanded and diverse  
2 recreational, cultural, and educational opportunities for visitors to  
3 Liberty State Park and provide greater access to park facilities. Any  
4 approved plans shall constitute a project of the commission, and  
5 shall be adopted as part of the master plan; and

6 n.<sup>3</sup> The commission shall operate a not-for-profit organization  
7 which shall continue research opportunities of the Meadowlands  
8 Environmental Research Institute.

9  
10 20. The commission shall develop strategies and seek funding  
11 for flood control infrastructure based on flood modeling for the  
12 district and surrounding areas.

13 a. The commission shall:

14 (1) identify all drainage basins in the district and any drainage  
15 areas that directly impact the district; and

16 (2) develop strategies to address the major causes of flooding.

17 b. The commission may:

18 (1) use special assessment powers to fund flood control projects  
19 in, or near, the drainage areas that impacts the Hackensack  
20 meadowlands; and

21 (2) maintain flood control infrastructure that it constructed.

22  
23 21. In providing the solid waste and recycling disposal facilities,  
24 the commission shall, prior to preparing any plans or specifications  
25 for such facilities, consult with those persons utilizing the district  
26 for the treatment and disposal of solid waste, and contract with any  
27 such persons who desire to utilize solid waste disposal facilities  
28 provided by the commission. In providing such facilities, the  
29 commission may:

30 a. Acquire or construct any such facilities as an improvement,  
31 and may recover the cost of such acquisition or construction in the  
32 same manner, and pursuant to the same procedure, provided for any  
33 other improvement undertaken by the commission;

34 b. Operate and maintain any such facilities, as owner, lessor, or  
35 lessee, and generally fix and collect rates, fees, or other charges for  
36 any such facilities in the same manner, and pursuant to the same  
37 procedure, provided for any other facilities operated and maintained  
38 by the commission;

39 c. Join and participate with any agency, municipality, county,  
40 or authority created by the State, or by any political subdivision or  
41 subdivisions thereof, through an intergovernmental agreement  
42 without need for that agency, municipality, county, or authority to  
43 go to public bid for the purpose of treating or disposing of solid  
44 waste and recycling;

45 d. Permit, by contract or agreement, any agency,  
46 instrumentality, or authority created by the State, or by any political  
47 subdivision thereof, for the purpose of treating or disposing of solid  
48 waste, to acquire, construct, or operate and maintain any solid waste

1 disposal facilities which such agency, instrumentality, or authority  
2 is authorized by law to acquire, construct, or operate and maintain.  
3 Any such facilities acquired, constructed, or operated and  
4 maintained by any such agency, instrumentality, or authority may  
5 be located either within the district or without the district, but shall  
6 be within the jurisdiction of such agency, instrumentality, or  
7 authority.

8 e. For the purposes of acquiring or constructing any solid waste  
9 disposal facility, the commission is authorized to issue bonds and  
10 notes and to pay or redeem said bonds and notes from revenue  
11 derived from the fees and other charges collected for such facilities.  
12 Any cost incurred by the commission in providing any solid waste  
13 disposal facilities shall be charged to the persons utilizing such  
14 facilities, and nothing herein contained shall be interpreted as  
15 requiring the commission to bear the cost of any solid waste  
16 disposal facility provided by the commission.

17

18 22. a. In the event that surplus moneys become available from  
19 the operation of solid waste disposal facilities by the commission,  
20 which are not required by any contract with the holders of any  
21 bonds, notes, or other obligations of the commission to be retained  
22 in any fund or account for the security of the commission's bonds,  
23 notes, or other obligations, then 75 percent of that surplus shall be  
24 used by the commission for any lawful purpose and 25 percent of  
25 that surplus shall be placed in a special Municipal Assistance  
26 Program fund established by the commission for the purpose of  
27 infrastructure improvements.

28 b. The commission may establish a surcharge on solid waste  
29 which enters into its facilities. Revenue collected pursuant to this  
30 subsection shall be dedicated, exclusively, to the Municipal  
31 Assistance Program fund created by the commission pursuant to  
32 subsection a. of this section.

33

34 23. a. Pursuant to the procedure hereinafter provided, the  
35 commission shall have the exclusive power to declare the district,  
36 or any portion thereof, to be an area in need.

37 b. Prior to declaring any portion of the district as an area in  
38 need, the commission, by resolution, shall provide for a preliminary  
39 investigation. Upon the adoption of such a resolution, the  
40 commission shall prepare a map showing the boundaries of the  
41 proposed area and the location of the various parcels of property  
42 located therein, and shall append thereto a statement setting forth  
43 the reasons for the investigation.

44 c. The commission shall thereupon cause a hearing to be held  
45 at an appointed time and place for the purpose of hearing persons  
46 interested in, or who would be affected by, a determination that the  
47 area is an area in need, as defined in section 3 of P.L. , c. (C. )

1 (pending before the Legislature as this bill), and who are in favor  
2 of, or are opposed to, such determination.

3 d. A notice of such hearing shall be given setting forth the  
4 general boundaries of the area to be investigated and stating that a  
5 map has been prepared and can be inspected at the office of the  
6 commission. The commission shall cause the publication of the  
7 notice in a newspaper of general circulation in the district once each  
8 week for two consecutive weeks, and the last publication shall be  
9 not less than 10 days prior to the date set for the hearing. A copy of  
10 the notice shall be mailed at least 10 days prior to the date set for  
11 the hearing to the last known owner, if any, of each parcel of  
12 property within the area according to the assessment records of the  
13 municipality where the parcel is located. Such notice shall be sent  
14 to the last known postal address of such owners. The commission  
15 shall also send notice to any persons at their last known address, if  
16 any, whose names appear on said assessment records as claimants  
17 of an interest in any such parcel. The assessor of a constituent  
18 municipality shall make such a notation upon the said records when  
19 requested so to do by any person claiming to have an interest in any  
20 parcel of property in such municipality. Failure to mail notice as  
21 required by this section shall not invalidate the investigation or  
22 determination thereon.

23 e. At the hearing, the commission shall hear all persons  
24 interested in the investigation and shall consider any written  
25 objections that may be filed, and any evidence which may be  
26 introduced, in support of the objections, or any opposition to a  
27 determination that the area is in need. After the hearing, the  
28 commission shall, by resolution, determine that the area or any part  
29 thereof is, or is not, in need. A determination that an area is in  
30 need, if supported by substantial evidence, shall be binding and  
31 conclusive upon all persons affected by the determination. If the  
32 determination is that an area is in need, the commission, within 10  
33 days after such determination, shall mail a copy of the resolution to  
34 each person who filed a written objection at, or prior to, the hearing,  
35 so long as the address of the objector was stated in, or to, the  
36 written objection.

37 f. Any person who shall have filed such a written objection  
38 with the commission may have a determination that an area is in  
39 need reviewed by the Superior Court by procedure in lieu of  
40 prerogative writs. An action for any such review shall be  
41 commenced within 30 days after the determination by the  
42 commission. In any such action, the court may make any incidental  
43 order that shall be deemed by the court to be proper.

44 g. If the determination is that an area is in need, the  
45 commission may acquire the real property within the area by  
46 purchase, or by eminent domain proceedings in accordance with the  
47 "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.),  
48 and may proceed with the clearance, planning, development, or

1 redevelopment of the area as a public purpose and for public use, or  
2 the commission may, by resolution, agree that a redeveloper may  
3 undertake such clearance, planning, development, or  
4 redevelopment.

5

6 24. a. The commission shall prepare and adopt a redevelopment  
7 plan for each area in the district determined by the commission to  
8 be an area in need.

9 b. A municipality which has land subject to the jurisdiction of  
10 the commission and adopts the commission's redevelopment plan  
11 shall have the authority to approve or reject an application for a  
12 permit. The municipality shall provide the commission all  
13 documentation, plans, and information regarding all applications.  
14 All fees generated by these applications and approvals shall be  
15 retained by the municipality. Any approval of any plan review or  
16 subdivision application by a municipality pursuant to this  
17 subsection shall be limited by, and based upon, the rules,  
18 regulations, and standards in a resolution adopted by the  
19 commission and the municipality. All fees generated by these  
20 applications and approvals shall be retained by the municipality.

21 c. For those municipalities that do not adopt the commission's  
22 redevelopment plan, the commission may issue the permit for the  
23 proposed construction or alteration as being in conformity with the  
24 redevelopment plan. Any variations and modifications of the  
25 redevelopment plan shall be the responsibility of the commission. A  
26 permit shall not be issued without a certificate from the chief  
27 engineer or equivalent official of the commission that the proposal  
28 is in conformity with the commission's redevelopment plan.

29 d. In undertaking projects pursuant to any redevelopment plan,  
30 the commission may:

31 (1) Acquire, by condemnation or otherwise, real or personal  
32 property, or any interest therein, including such property as it may  
33 deem necessary or proper, although temporarily not required for  
34 such purposes, in an area in need and in any area within the district  
35 designated by the commission as necessary for relocation of  
36 residents, industry, or commerce displaced from a redevelopment  
37 area;

38 (2) clear or reclaim any area so acquired and install, construct,  
39 or reconstruct projects therein necessary to prepare such area for  
40 development;

41 (3) relocate or arrange or contract with public or private  
42 agencies for the relocation of residents, industry, or commerce  
43 displaced from the area in need;

44 (4) dispose of real property so acquired by sale, lease, or  
45 exchange for the uses and purposes specified in the redevelopment  
46 plan, to any person or public agency;

47 (5) study the recommendations of the constituent municipality's  
48 planning board impacted by the redevelopment plan for

1 redevelopment of any area within that municipality and make its  
2 own investigations as to current trends in the area in need, as  
3 established by the commission;

4 (6) by contract or contracts with public agencies or redevelopers  
5 or by its own employees' or consultants' plan, plan, construct,  
6 reconstruct, operate, maintain, and repair any redevelopment or  
7 other project or any part thereof; and

8 (7) make and adopt plans for carrying out a program of  
9 voluntary repair and rehabilitation of buildings and improvements,  
10 and for the enforcement of codes and laws relating to the use of  
11 land, the use and occupancy of buildings and improvements, and the  
12 control over the pollution of water and air and the disposal of solid  
13 waste.

14

15 25. All agreements, leases, deeds, and other instruments between  
16 the commission and a redeveloper shall contain, at least, the  
17 following provisions:

18 a. A covenant running with the land to the effect that the land,  
19 and any buildings or improvements thereon, shall be used only for  
20 the purposes designated in the redevelopment plan;

21 b. A provision that the redeveloper shall be without power to  
22 sell, lease, or otherwise transfer the redevelopment area or project,  
23 or any part thereof, without the prior written consent of the  
24 commission; <sup>3</sup>and<sup>3</sup>

25 c. <sup>3</sup>[In the case of a lease to a developer, a requirement that all  
26 improvements shall become the property of the commission;

27 d. <sup>3</sup>Any other covenants, provisions, and continuing controls  
28 as may be deemed necessary to effectuate the purposes of sections 1  
29 through 68 of P.L. , c. (C. ) (pending before the Legislature as  
30 this bill), including, but not limited to, deed restrictions or  
31 easements to promote environmental and ecological sustainability.

32

33 26. The commission may issue negotiable bonds and notes for  
34 any corporate purpose <sup>3</sup>[, and may renew any bonds and notes by  
35 the issuance of new bonds and notes, whether the bonds and notes  
36 to be renewed have, or have not, matured. The commission may  
37 issue bonds and notes partly to renew bonds and notes, or to  
38 discharge other obligations then outstanding, and partly for any  
39 other purpose. The notes may be authorized, sold, executed, and  
40 delivered in the same manner as bonds. The commission may issue  
41 bonds and notes on which the principal and interest are payable (1)  
42 exclusively from the income and revenues of the improvements or  
43 projects financed with the proceeds of such bonds or notes; (2)  
44 exclusively from the income and revenue of certain designated  
45 improvements or projects whether or not they are financed in whole  
46 or in part with the proceeds of such bonds or notes; or (3) from  
47 other available funds. Any such bonds or notes may be additionally  
48 secured by a pledge of any grant or contribution from any



1 department or agency of the United States or the State, person, or a  
2 pledge of any money, income, or revenues of the commission from  
3 any source whatsoever] in accordance with the power provided to  
4 the commission in subsection g. of section 5 of P.L.1971, c.137  
5 (C.5:10-5)<sup>3</sup>.  
6

7 27. Except as otherwise provided by or pursuant to Section II of  
8 Article VIII of the State Constitution and approved by a majority of  
9 the legally constituted voters of the State voting thereon, or except  
10 when any county or municipality shall have guaranteed principal or  
11 interest thereon, bonds and notes issued by the commission shall not  
12 be deemed to constitute a debt or liability of the State, or of any  
13 political subdivision thereof, or a pledge of the faith and credit of  
14 the State, or of any political subdivision except the commission, and  
15 all such bonds or notes shall contain on the face thereof a statement  
16 to that effect.  
17

18 28. a. <sup>3</sup>[The commission, by resolution, shall designate the 750  
19 acre sports complex site as a sports <sup>2</sup>[and],<sup>2</sup> entertainment <sup>2</sup>,  
20 amusement, retail, hotel, office, convention, and tourist<sup>1</sup> area <sup>1</sup>, or  
21 for such other uses as it may determine from time to time in its  
22 master plan,<sup>2</sup> and recognize it as such in its regulations, master  
23 plan, and zoning maps. The commission shall aid in promoting the  
24 sports <sup>2</sup>[and entertainment] complex<sup>2</sup> area for tourism,  
25 entertainment, sports, <sup>2</sup>amusement, retail, hotel, office, convention,<sup>2</sup>  
26 and all related activities, and to support efforts to attract events to  
27 the sports and entertainment area.

28 b. ]<sup>3</sup> The commission shall collaborate with the Division of  
29 Travel and Tourism in the Department of State and the  
30 Meadowlands Convention and Visitors Bureau. The tourism  
31 structure should work closely, or integrate with, the work of  
32 agencies within the Department of State dedicated to advancing an  
33 economic development plan developed pursuant to subsection <sup>3</sup>[p.]  
34 g.<sup>3</sup> of section 7 of P.L. , c. (C. ) (pending before the  
35 Legislature as this bill).

36 <sup>3</sup>[c. The commission shall be responsible to carry out the  
37 provisions of the leases with the entities that have, or will have,  
38 leases in the sports <sup>2</sup>[and entertainment area] complex, and any  
39 lease concerning horse racing operations on property owned by the  
40 New Jersey Sports and Exposition Authority on the effective date of  
41 P.L. , c. (C. ) (pending before the Legislature as this bill)<sup>2</sup>.  
42 The commission shall divest itself of any facility still owned by the  
43 State of New Jersey. The commission shall manage, maintain, and  
44 repair, indirectly, the sports complex site through its lessees,  
45 licensees, or agents. The commission shall enter into agreements  
46 with its lessees to provide services to assist its lessees in their  
47 operations.

1       d. **】** b.<sup>3</sup> The commission shall make a vigorous effort to  
2 establish collaboration among private tourist marketing operations,  
3 and between those operations and the commission, through  
4 conversations with leaders of such operations, as well as  
5 stakeholders associated with such operations.

6       <sup>3</sup>**【e.】** c.<sup>3</sup> The commission shall promote the image of “one-  
7 stop shopping” for those seeking tourist information and assistance  
8 or wishing to host an event.

9       <sup>3</sup>**【f.】** d.<sup>3</sup> The commission <sup>3</sup>**【shall】** may<sup>3</sup> establish a not-for-  
10 profit organization that will be responsible for the operation of the  
11 sports and entertainment area, and <sup>3</sup>**【shall】** may<sup>3</sup> collaborate with  
12 the Division of Travel and Tourism and the Meadowlands  
13 Convention and Visitors Bureau to attract major events to the area.  
14 The not-for-profit organization established pursuant to this section  
15 <sup>3</sup>**【shall】** may<sup>3</sup> be a public-private partnership and may raise funds  
16 to support these activities. The goal of the not-for-profit  
17 organization is to consolidate event planning and establish sources  
18 of revenue as part of an overall strategy to create positive economic  
19 development opportunities that will impact the Hackensack  
20 meadowlands.

21

22       29. <sup>3</sup>**【If】** Subject to the limitations established in subsection m.  
23 of section 5 of P.L.1971, c.137 (C.5:10-5), if<sup>3</sup> for any of its  
24 authorized purposes, including temporary purposes, the commission  
25 shall find it necessary or convenient to acquire any real property  
26 within its jurisdiction, or if for any of its authorized purposes,  
27 including temporary construction purposes, the commission shall  
28 find it necessary to acquire any real property contiguous to property  
29 within its jurisdiction, whether for immediate or future use, the  
30 commission may take such action in accordance with the “Eminent  
31 Domain Act of 1971,” P.L.1971, c.361 (C.20:3-1 et seq.).

32

33       30. <sup>3</sup>**【a.】**<sup>3</sup> All projects, lands, and other property of the  
34 commission are hereby declared to be public property devoted to an  
35 essential public and governmental function and purpose <sup>3</sup>**【and shall**  
36 **be exempt from all taxes and special assessments of the State or any**  
37 **political subdivision thereof; provided, however, that whenever any**  
38 **part of a project area not occupied or to be occupied by facilities of**  
39 **the project is leased by the commission to another whose property is**  
40 **not exempt and the leasing of which does not make the real estate**  
41 **taxable, the estate created by the lease and the appurtenances**  
42 **thereto shall be listed as the property of the lessee thereof, or an**  
43 **assignee, and be assessed and taxed as real estate. All bonds or**  
44 **notes issued pursuant to sections 1 through 68 of P.L. , c. (C. )**  
45 **(pending before the Legislature as this bill) are hereby declared to**  
46 **be issued by a body corporate and public of the State and for an**  
47 **essential public and governmental purpose, and such bonds and**

1 notes, together with the interest thereon and the income therefrom,  
2 and all funds, revenues, income, and other moneys received, or to  
3 be received by the commission, and pledged or available to pay or  
4 secure the payment of such bonds or notes, or interest thereon, shall  
5 at all times be exempt from taxation except for transfer, inheritance,  
6 and estate taxes.

7 b. To the end that municipalities and counties may not suffer  
8 undue loss of tax revenue by reason of the acquisition and  
9 ownership of property therein by the commission, the commission  
10 is hereby authorized, empowered, and directed to enter into an  
11 agreement with any constituent municipality or affected county,  
12 whereby the commission will undertake to pay a fair and reasonable  
13 sum or sums to compensate the municipality or county for a loss of  
14 property tax revenue in connection with any property acquired and  
15 owned by the commission in carrying out the provisions of sections  
16 1 through 68 of P.L. , c. (C. ) (pending before the Legislature  
17 as this bill). Any such payment or payments which the commission  
18 is hereby authorized, empowered, and directed to make may be  
19 made on an annual basis. Every constituent municipality and  
20 county wherein the commission owns the property may enter into  
21 such agreements with the commission to accept these payments<sup>3</sup>.

22 <sup>3</sup>The provisions of section 9 of P.L.1978, c.1 (C.5:10-35) and  
23 section 18 of P.L.1971, c.137 (C.5:10-18) shall be applicable to all  
24 projects, lands, and other property of the commission.<sup>3</sup>

25

26 31. The commission may form, within the district, flood  
27 improvement zones for any authorized purpose in order to levy  
28 special assessments against real estate located within such zones for  
29 benefits rendered.

30

31 32. a. All land within the district shall be divided by the  
32 commission into three classes as follows:

33 (1) Class one--Land owned by the State of New Jersey, any of  
34 its political subdivisions, or any other public agency or  
35 instrumentality which enjoys the privilege of general property tax  
36 exemption under the laws of the State, and which land is designated  
37 by the owner as presently or ultimately intended for a public use.

38 (2) Class two--Land owned by the State of New Jersey, any of  
39 its political subdivisions, or any other public agency or  
40 instrumentality which enjoys the privilege of general property tax  
41 exemption under the laws of the State, and which land is designated  
42 by the owner as ultimately disposable to private ownership, or  
43 usable by private parties.

44 (3) Class three--All other land.

45 b. The State, its political subdivisions, or any other public  
46 agency or instrumentality owning land in the district shall be  
47 required to certify to the commission, by a date established by the  
48 commission, whether said lands are in class one or class two; and in

1 the case of land being in class one, the State, its political  
2 subdivisions, or any other public agency or instrumentality, as  
3 appropriate, shall indicate the nature of the present or ultimate use.  
4 The commission shall approve or modify the certifications by  
5 resolution. The commission may also reclassify lands by a majority  
6 vote, upon the request of the State, its political subdivisions, or any  
7 other public agency or instrumentality owning land in the district  
8 for such reclassification.

9 c. In the case that the title of lands designated to be in class  
10 three passes to the State of New Jersey, its political subdivisions, or  
11 any other public agency or instrumentality, the commission shall  
12 change the designation of the class of that land to reflect the future  
13 use of that land.

14

15 33. If, in its judgment, public necessity or interest demands the  
16 construction of improvements which would benefit lands within an  
17 area in need, the commission shall pass a resolution of its intention  
18 to undertake any such improvement and shall give notice of the  
19 proposal by advertising in one or more newspapers circulating in  
20 the district. The advertisement shall fix a time and place, not earlier  
21 than two weeks after notice, for a hearing on said proposed action  
22 and, prior to said hearing, the commission shall prepare a tentative  
23 assessment which shall be presented at the hearing and open to  
24 inspection. Any person desiring to testify concerning the proposal  
25 shall have the right to do so. After such hearing, if the commission  
26 decides to carry out the proposals, the commission shall pass a  
27 resolution setting forth this determination, acquire the necessary  
28 funding for the project, and proceed to make such improvements.

29

30 34. The appropriate officer of the commission shall prepare a  
31 statement showing, in detail, the cost of the improvement proposed  
32 pursuant to section 33 of P.L. , c. (C. ) (pending before the  
33 Legislature as this bill). Such statement shall also show the  
34 proportion of the amount to the whole cost of improvement, if any,  
35 paid or contributed by any public body or by any individual or  
36 entity. The total amount of assessment levied upon the land  
37 benefited by the improvement shall not exceed the cost thereof.

38

39 35. The appropriate officer of the commission shall examine the  
40 estimated cost of the work of any improvement and view all lands  
41 benefited thereby and shall thereupon fix the time and place for  
42 hearing all persons interested. Notice of the time and place of the  
43 hearing shall be mailed to owners of land affected, directed to their  
44 last known post-office addresses, and shall be published at least 10  
45 days before the hearing. Failure to mail the notice shall not  
46 invalidate any proceeding or assessment. Such officer of the  
47 commission shall attend the hearing, scheduled at the time and  
48 place designated by the commission, and shall give all parties

1 interested or affected by an improvement the opportunity to be  
2 heard upon the subject of assessment. Thereafter, such officer shall  
3 make a just and equitable assessment of the benefits conferred upon  
4 any land by reason of such improvement, having due regard to the  
5 rights and interests of all persons concerned, and the increment in  
6 the value of the land benefited thereby and levy the same.

7  
8 36. All assessments levied under section 35 of P.L. , c. (C. )  
9 (pending before the Legislature as this bill) for any improvement  
10 shall, in each case, be as nearly as may be in proportion to, and not  
11 in excess of, the benefit, advantage, or increase in value which  
12 respective lots and parcels of land shall be deemed to receive by  
13 reason of such improvement.

14  
15 37. In addition to the making of assessments for benefits, the  
16 appropriate officer of the commission shall fix and determine the  
17 amount, if any, the property is damaged incidentally to the making  
18 of the improvement and deduct such amount from the amount of  
19 benefits assessed thereon. If the amount of any such damages, as  
20 confirmed by the commission, shall exceed the benefits assessed on  
21 the same property, if in case no benefits shall accrue thereto, or if  
22 such property is damaged subsequent to the levying and collection  
23 of an assessment which shall be confirmed by the commission to be  
24 a direct result of the making of the improvement, the balance or  
25 amount of such damages so fixed, may be raised from the general  
26 revenues of the commission and shall be paid by the commission to  
27 the owner of the property so damaged. Any person aggrieved by  
28 such assessment or award of damages may after the same has been  
29 confirmed by the commission, appeal therefrom as provided in  
30 section 48 of this P.L. , c. (C. ) (pending before the Legislature  
31 as this bill).

32  
33 38. When owners of any property have been or shall have been  
34 awarded damages as incidental to any improvement undertaken  
35 pursuant to sections 1 through 68 of P.L. , c. (C. ) (pending  
36 before the Legislature as this bill), and such award has been or shall  
37 have been duly confirmed, the amount thereof shall be tendered to  
38 the person or persons entitled thereto. If there is uncertainty as to  
39 the person entitled to receive the award or if the party entitled to  
40 receive the amount awarded shall refuse upon tender thereof to  
41 receive the same, or shall be out of the State or under any legal  
42 disability, or if several parties interested in the fund shall not agree  
43 as to the distribution thereof, or the lands damaged are encumbered  
44 by any mortgage, judgment, or other lien, or if for any other reason  
45 the commission cannot safely pay the amount awarded to any  
46 person, in all such cases the amount awarded may, with leave of the  
47 Superior Court, be paid into said court and thereupon distributed

1 according to law, on the application of any person interested  
2 therein.

3  
4 39. Assessments for benefits for any improvement together with  
5 any accompanying awards for incidental damages and all awards of  
6 damages for land or interests therein taken from any improvement  
7 shall be certified by the officer making the assessment to the  
8 commission by a report, in writing, signed by the officer. The  
9 report shall be accompanied by a map showing the land taken,  
10 damaged, or benefited by the improvement and for which damages  
11 or benefits have been assessed.

12  
13 40. The report submitted pursuant to section 39 of P.L. ,  
14 c. (C. ) (pending before the Legislature as this bill) may be  
15 considered by the commission at any meeting, notice whereof shall  
16 be published in a newspaper circulating in the district, once each  
17 week for two weeks prior to the meeting, and also by mailing a  
18 copy of the notice to the owners named in the report, directed to  
19 their last known post-office addresses, and the affidavit of the  
20 appropriate officer of the commission shall be conclusive as to such  
21 mailing. The notice shall briefly state the object of the meeting  
22 with reference to the assessment. At that, or any subsequent  
23 meeting, the commission, after considering the report and map, may  
24 adopt and confirm the report and map, with or without alterations,  
25 and may refer such matter to any committee of the commission, or  
26 to the officer making the assessment, for revision or correction  
27 before taking final action thereon. When the commission adopts the  
28 report, with or without alterations, it shall be final and conclusive,  
29 and may be appealed directly to the Appellate Division of the  
30 Superior Court by an appropriate party as a matter of right in  
31 accordance with other laws, rules, or regulations. Failure to mail  
32 the notice required by this section shall not invalidate the  
33 proceedings.

34  
35 41. Immediately after the confirmation of any assessment, a  
36 duplicate thereof, duly certified by the commission, shall be  
37 delivered to the appropriate officer of the commission, who shall  
38 immediately thereafter send out by mail, or deliver, to owners of  
39 such land, bills for such assessment. Such officer shall mail or  
40 deliver a bill for an assessment in the manner required in  
41 connection with local improvements and shall keep a record and  
42 books of assessments in the same manner required for local  
43 improvements under R.S.40:56-31. The commission may make  
44 additional requirements for recording, accounting for, and  
45 collecting assessments.

46  
47 42. a. Special assessments levied against land in class one shall  
48 be considered to be of general benefit to the entire district and areas

1 outside of the district, as it relates to flood control projects, and  
2 shall be included as a charge against general revenues of the  
3 commission, or paid out of any funds of the commission which shall  
4 be available for such purpose.

5 b. When any assessment shall not be paid within two months  
6 after the date of confirmation thereof, interest thereon from the date  
7 of confirmation shall be imposed at the rate of six percent.

8  
9 43. Every assessment for any improvement, together with  
10 interest thereon and all costs and charges connected therewith, shall  
11 be, upon authorization of the assessment by resolution of the  
12 commission, a first lien on the land described in the assessment,  
13 paramount to all prior or subsequent alienations and descents of  
14 such land or encumbrances thereon, and shall constitute a lien in the  
15 same manner as taxes and assessments for State purposes,  
16 notwithstanding any mistake in the name or names of any owner or  
17 owners, or any omission to name any owner or owners who are  
18 unknown, and notwithstanding any lack of form therein, or in any  
19 proceeding which does not impair the substantial rights of the  
20 owner or owners or person or persons having a lien upon or interest  
21 in any such land. Confirmation of the amount of the assessment by  
22 the commission, or by the court, shall be considered as determining  
23 the amount of the existing lien and not as establishing the lien. All  
24 assessments for improvements shall be presumed to have been  
25 regularly assessed and confirmed, and every assessment or  
26 proceeding preliminary thereto shall be presumed to have been  
27 regularly made or conducted until the contrary be demonstrated.

28  
29 44. In all cases in which any assessment incident to any  
30 improvement has been set aside by a court of competent  
31 jurisdiction, and the improvement shall have been actually made in  
32 the manner provided by law, the officer charged with the duty of  
33 making assessments for benefits for improvements shall make a  
34 new assessment of benefits upon the property benefited by the  
35 improvement, in the manner and by the proceeding herein provided.  
36 All such new assessments shall become a lien upon the land so  
37 assessed in the same manner and with like effect and be enforceable  
38 in the same way as an original assessment for like improvements.

39  
40 45. When any court of competent jurisdiction shall decide that  
41 any assessment has been illegally made, the commission shall  
42 refund the amount thereof, if the same has been paid, and if a new  
43 assessment of less amount is to be made, then the difference  
44 between the new assessment and the amount paid shall be refunded.

45  
46 46. The commission may, by resolution, provide that the owner  
47 of any land, upon which any assessments for any improvement shall  
48 have been made, pay such assessments in equal yearly installments,

1 for a number of years as may be provided by the rules and  
2 regulations of the commission, with legal interest thereon, provided  
3 that any person assessed may pay the whole of any assessment, or  
4 any balance of installments, with accrued interest thereon, at one  
5 time. If any such installment becomes due and is not paid, the  
6 whole assessment, or balance due thereon, shall become  
7 immediately due, draw interest at the rate of six percent, and be  
8 collected in the same manner as is provided in sections 1 through 68  
9 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
10 for other past due assessments.

11

12 47. When any unpaid assessment, interest thereon, or other  
13 charges for collection thereof, remains in arrears on July 1 of the  
14 calendar year following the calendar year when the same became in  
15 arrears, the appropriate officer of the commission shall enforce the  
16 lien by selling the property in the manner set forth in R.S.54:5-19  
17 through R.S.54:5-129.

18

19 48. The owner of any property assessed for benefits, or awarded  
20 damages incident to any improvement under sections 1 through 68  
21 of P.L. , c. (C. ) (pending before the Legislature as this bill),  
22 may, within 30 days after confirmation of such assessment or  
23 award, appeal the determination to the Appellate Division of the  
24 Superior Court by serving written notice of such appeal upon the  
25 tax collector, and a duplicate upon the appropriate officer of the  
26 commission. The court shall determine whether the record contains  
27 substantial evidence that the assessment or award appealed from is  
28 just and fair, and, if not, shall make an order correcting the same,  
29 or, if the court upholds the assessment or award, shall so order. The  
30 determination shall be by order or judgment for the amount  
31 determined and shall be enforceable pursuant to procedures set forth  
32 in R.S.40:56-57. The commission may proceed with the  
33 prosecution and completion of the improvement and the issuing of  
34 bonds and other indebtedness in connection with said improvements  
35 notwithstanding any such appeal.

36

37 49. The commission shall, in 2017, and every year thereafter,  
38 submit a report to the Governor and the Legislature pursuant to  
39 section 2 of P.L.1991, c.164 (C.52:14-19.1) relating to the operation  
40 of the intermunicipal account in the prior year, and shall  
41 recommend, when it deems necessary, amendments to sections 1  
42 through 68 of P.L. , c. (C. ) (pending before the Legislature as  
43 this bill) as it deems necessary to carry out the legislative intent  
44 herein stated.

45

46 50. Except as provided in sections 1 through 68 of P.L. ,  
47 c. (C. ) (pending before the Legislature as this bill), the laws



1 relating to the assessment and taxation of real and personal property  
2 shall apply to all constituent municipalities.

3

4 51. a. In preparing the list of owners of taxable property  
5 pursuant to R.S.54:4-24, the assessor of each constituent  
6 municipality shall indicate in the list for each parcel of property  
7 whether it is located within the district boundaries, in accordance  
8 with regulations prescribed by the Director of the Division of  
9 Taxation in the Department of the Treasury.

10 b. If the boundary of the district divides a lot of land, the entire  
11 lot shall be included within the district.

12

13 52. On or before November 15, 2017, and on or before  
14 November 15 of each year thereafter, the secretary, superintendent,  
15 or a person designated by the school board of each school district of  
16 each constituent municipality shall certify to the commission the  
17 resident enrollment as of September 30 of that year. The  
18 certification shall show the number, address, and grade enrolled of  
19 pupils who reside within the district, and the number who reside  
20 outside, in a manner to be prescribed by the Commissioner of  
21 Education.

22

23 53. a. In the adjustment year 2017, and in each adjustment year  
24 thereafter, the commission shall establish an intermunicipal account  
25 and shall compute the amount payable to each constituent  
26 municipality from said account for that year pursuant to section 55  
27 of P.L. , c. (C. ) (pending before the Legislature as this bill).

28 b. As used in this section, except as otherwise specifically  
29 provided, the increase or decrease in aggregate true value of taxable  
30 real property for any adjustment year shall be the difference  
31 between:

32 (1) The aggregate true value of that portion of taxable real  
33 property, exclusive of Class II railroad property, in the constituent  
34 municipality located within the district in the comparison year, and

35 (2) The aggregate true value of that property in the base year.

36 c. Aggregate true value of all taxable real property shall be  
37 determined by aggregating the assessed value of all real property  
38 within the district boundaries in each constituent municipality, and  
39 dividing the total by the average assessment ratio, as promulgated  
40 by the Director of the Division of Taxation in the Department of the  
41 Treasury for State school aid purposes, on October 1 of the  
42 respective years for which aggregate true value is to be determined,  
43 pursuant to P.L.1954, c.86 (C.54:1-35.1 et seq.), or as modified by  
44 the tax court.

45 d. For the purpose of calculating aggregate true value, the  
46 assessed value of taxable real property for any given year shall  
47 comprise the sum of the following:

1 (1) The assessed value shown on the assessment duplicate for a  
2 given year, as certified by the county board of taxation and reflected  
3 in the county table of aggregates prepared pursuant to R.S.54:4-52,  
4 or as modified by the county board of taxation.

5 (2) The prorated assessed values pertaining to such year, as  
6 certified by the county board of taxation on or before October 10,  
7 with respect to the assessor's added assessment list for such year, as  
8 the same may be modified by the county board of taxation upon  
9 appeal; and

10 (3) The assessed values pertaining to a given year, as certified  
11 by the county board of taxation, with respect to the assessor's  
12 omitted property assessment list for that year, as the same may be  
13 modified by the county board of taxation upon appeal.

14 e. If, during any comparison year, a constituent municipality  
15 has received a payment in lieu of real estate taxes on property  
16 located within the district, then, for the purpose of calculating the  
17 increase or decrease in the municipality's aggregate true value  
18 under subsection b. of this section, there shall be added to the  
19 aggregate true value for such comparison year an amount  
20 determined by dividing the amount of the in lieu payment by the  
21 municipal tax rate for the comparison year and dividing the result  
22 by the average assessment ratio for school aid purposes as  
23 promulgated by the Director of the Division of Taxation in the  
24 Department of the Treasury.

25

26 54. Notwithstanding the provision of any law, rule, or regulation  
27 to the contrary, no constituent municipality shall pay out, or receive  
28 an adjustment payment for any adjustment year in which its  
29 municipal equalized valuation per capita, as defined in section 1 of  
30 P.L.1978, c.14 (C.52:27D-178) and as certified by the Director of  
31 the Division of Local Government Services in the Department of  
32 Community Affairs exceeds \$1,000,000.

33

34 55. a. The guarantee payment payable by the intermunicipal  
35 account to each constituent municipality in any adjustment year  
36 shall be computed as follows:

37 If there is a decrease in the aggregate true value of taxable real  
38 property of any constituent municipality, as determined pursuant to  
39 subsection b. of section 53 of P.L. , c. (C. ) (pending before  
40 the Legislature as this bill), the commission shall, subject to the  
41 provision of subsection b. of this section, calculate the amount of  
42 decreased aggregate true value, occurring in the comparison year,  
43 by reason of the acquisition, through purchase, eminent domain, or  
44 gift, during the year preceding the comparison year, of taxable real  
45 property by a governmental body or agency to be used for a public  
46 purpose, whereby said taxable real property parcels or portions  
47 thereof became exempt from local real property taxes. Such  
48 decreased aggregate true value shall be calculated in the same

1 manner as aggregate true value is determined pursuant to subsection  
2 b. of section 53 of P.L. , c. (C. ) (pending before the  
3 Legislature as this bill) and shall be based on the assessed value in  
4 the year of acquisition, of the parcels or portions thereof affected.

5 b. There shall be payable as a guarantee payment from the  
6 intermunicipal account to each constituent municipality, an amount  
7 to be calculated by multiplying the lesser of the following by the  
8 apportionment rate determined for the comparison year:

9 (1) the amount of the decrease in aggregate true value  
10 determined pursuant to subsection b. of section 53 of P.L. ,  
11 c. (C. ) (pending before the Legislature as this bill) and

12 (2) the amount of the decrease, if any, in aggregate true value  
13 calculated to be attributable to conversion of taxable property to  
14 exempt status, specified in paragraph (1) of this subsection.

15 c. If, in any comparison year and with respect to any  
16 constituent municipality, no amount of decrease in aggregate true  
17 value is found to be attributable to the conversion from taxable to  
18 exempt status specified in subsection a. of this section, no guarantee  
19 payment shall be payable to any such municipality in the applicable  
20 adjustment year.

21 d. The commission shall not be required to make the  
22 calculation prescribed in subsection a. of this section, unless the  
23 governing body of any constituent municipality claiming a decrease  
24 in aggregate true value attributable to the conversion of real  
25 property from a taxable to an exempt status specified subsection a.  
26 of this section, no later than December 1 in the comparison year,  
27 files with the commission a statement to such effect, setting forth a  
28 description of the parcels, or portions thereof, involved, together  
29 with such other information as may be pertinent, in such form as the  
30 commission shall prescribe.

31

32 56. For school district services, the service payment payable by  
33 the intermunicipal account to a constituent municipality in any  
34 adjustment year shall be found by dividing the total local school tax  
35 levy, as shown on the Table of Aggregates pursuant to R.S.54:4-52  
36 for the comparison year, by the school resident enrollment on  
37 September 30 of such comparison year, as certified pursuant to  
38 section 52 of P.L. , c. (C. ) (pending before the Legislature as  
39 this bill), and multiplying the result by the increase, if any, in  
40 resident enrollment within the district boundaries of that constituent  
41 municipality between September 30 of the year of enactment of  
42 P.L. , c. (C. ) (pending before the Legislature as this bill) and  
43 September 30 of the comparison year.

44

45 57. a. If, in any adjustment year, the amount payable to the  
46 constituent municipalities by the intermunicipal account for  
47 guarantee payments and school district service payments is less than  
48 the amount payable to the intermunicipal account pursuant to

1 section 55 of P.L. , c. (C. ) (pending before the Legislature as  
2 this bill), the balance, if any, shall be apportioned among the  
3 constituent municipalities in the same ratio as the number of acres  
4 within the district of each constituent municipality bears to the total  
5 number of acres in the district, and shall be known as an  
6 apportionment payment.

7 b. The commission shall not be able to receive any funds from  
8 the intermunicipal account for any purpose.

9  
10 58. If, in any adjustment year, the amount payable to the  
11 constituent municipalities by the intermunicipal account for  
12 guarantee payments and service payments exceeds the amount  
13 payable to said account pursuant to section 55 of P.L. , c. (C. )  
14 (pending before the Legislature as this bill), the total service  
15 payments payable to all constituent municipalities shall be reduced  
16 by the amount of the deficit and the service payment payable to  
17 each constituent municipality shall be reduced by the same ratio as  
18 the total service payment to all constituent municipalities was  
19 reduced.

20  
21 59. a. On or before February 1, 2017 and on or before February  
22 1 of each year thereafter, the commission shall certify to the chief  
23 financial officer of each constituent municipality an amount,  
24 identified as the meadowlands adjustment payment. The  
25 meadowlands adjustment payment for each constituent municipality  
26 shall be determined by adding all the payments payable to that  
27 municipality from the intermunicipal account for school district  
28 service payments, guarantee payments, and apportionment  
29 payments, if any. The amount so derived shall be referred to as the  
30 meadowlands pre-adjustment payment. For calendar year 2015, the  
31 meadowlands adjustment payment shall be the average of the  
32 meadowlands pre-adjustment payments for calendar years 2014 and  
33 2015. For calendar year 2016, the meadowlands adjustment  
34 payment shall be the average of the meadowlands pre-adjustment  
35 payments for calendar years 2013, 2014, and 2015. For calendar  
36 year 2017 and subsequent years, the meadowlands adjustment  
37 payment shall be the average of the meadowlands pre-adjustment  
38 payments for the prior three calendar years.

39 b. If the meadowlands adjustment payment for any constituent  
40 municipality in any adjustment year is payable to the constituent  
41 municipality, the amount of this payment shall be identified in the  
42 municipal budget of that municipality for that year as  
43 “meadowlands adjustment” within the category “miscellaneous  
44 revenues anticipated,” and shall be due and payable in three equal  
45 installments by the intermunicipal account on May 15, August 15,  
46 and November 15 of that year.

1       60. There is established the Hackensack Meadowlands Tax  
2 Sharing Stabilization Fund in the commission. The fund shall be  
3 comprised of revenues made available from the State of New Jersey  
4 and from interest payments on sanitary landfill closure accounts  
5 maintained by the commission or such other revenues which are  
6 made available for these purposes. Moneys in the fund shall be  
7 used to fully compensate municipalities from excessive fluctuations  
8 in payments from the intermunicipal account in 2014 and  
9 subsequent years. In the event that there are insufficient monies in  
10 the fund to fully compensate all municipalities in any year, the  
11 amount paid to each municipality shall constitute the same  
12 proportion of the total amount of money available to all  
13 municipalities as each municipality would receive if the amount of  
14 money in the fund were sufficient to fully compensate all  
15 municipalities in that year.

16       For the purposes of this section, any decrease in a payment  
17 required to be made from the intermunicipal account to a  
18 constituent municipality which is in excess of five percent below  
19 the previous year's payment shall be considered an "excessive  
20 fluctuation."  
21

22       61. On or before January 1 of each year, the commission shall  
23 adopt an annual budget for the year, which shall include the  
24 following items of expenditure:

25       a. An operating budget covering administrative, operating, and  
26 maintenance expenses of each office, activity, or project of the  
27 commission, plus contingent expenses of up to 5 percent of the  
28 amount stated;

29       b. A capital budget, including deposits in any capital  
30 improvement fund or capital reserve fund, down payments, or  
31 expenditures for capital projects, and interest payments, sinking  
32 fund deposits, principal maturities, and redemption premiums  
33 payable in such year on bond and notes of the commission;

34       c. Deferred charges; and

35       d. Estimates of the following revenues:

36       (1) Cash balances and surplus;

37       (2) Federal, State, and other grants-in-aid;

38       (3) Revenues from charges and fees for the use of the  
39 commission's facilities;

40       (4) Receipts from special assessments, but not in excess of the  
41 amount budgeted in such year for interest, principal maturities,  
42 sinking fund deposits, and redemption premiums on bonds secured  
43 by such assessments, until all bonds so secured are paid in full;

44       (5) Payments by municipalities or other governmental bodies  
45 pursuant to contracts for services performed by the commission;  
46 and

47       (6) Miscellaneous other revenues and receipts.

1       62. For the purpose of aiding and cooperating with the  
2 commission, including the planning, undertaking, construction, or  
3 operation of its activities, any public body may, with or without  
4 consideration, as it may determine:

5       a. Dedicate, sell, convey, or lease any of its property to the  
6 commission or the federal government;

7       b. Cause parks, playgrounds, recreational, community,  
8 educational, water, sewer, or any other works which it is otherwise  
9 empowered to undertake, to be furnished adjacent to, or in  
10 connection with, projects of the commission;

11       c. Furnish, dedicate, close, pave, install, grade, regrade, or plan  
12 streets, roads, roadways, alleys, sidewalks, or other places which it  
13 is otherwise empowered to undertake;

14       d. Plan, zone, or rezone any part of such public body;

15       e. Make exceptions from building regulations and ordinances  
16 and change its map;

17       f. Enter into agreements, which, notwithstanding any law, rule,  
18 or regulation to the contrary, may extend over any period, with the  
19 commission or the federal government respecting action to be taken  
20 by such public body;

21       g. Do any and all things necessary or convenient to aid and co-  
22 operate in planning, undertakings, construction, or operations of the  
23 commission;

24       h. Cause services to be furnished to the commission of the  
25 character which the public body is otherwise empowered to furnish;

26       i. Purchase, or legally invest in, any of the bonds of the  
27 commission, and exercise all of the rights of any holder of such  
28 bonds;

29       j. In connection with any public improvements made by a  
30 public body in exercising the powers herein granted, the public  
31 body may incur the entire expense thereof. Notwithstanding any  
32 law, rule, or regulation to the contrary, any grant, sale, conveyance,  
33 lease, or agreement provided for in this section may be made by a  
34 public body without appraisal, public notice, advertisement, or  
35 public bidding; or

36       k. Upon such terms as it may deem advisable, with or without  
37 consideration, grant, sell, convey, or lease any of its property,  
38 including real property already devoted to a public use, whether  
39 held in a proprietary or governmental capacity to the commission,  
40 provided, that the public body making the grant or lease determines  
41 that the premises are no longer required for the public purposes to  
42 which the property is devoted, and that it is in the public interest so  
43 to grant, sell, convey, or lease said property.

44  
45       63. a. The commission may enter into contracts with one or  
46 more municipalities, counties, or other public agencies for the  
47 operation of public improvements, works, facilities, services, or

1 undertakings of the municipalities, counties, or agencies, or of the  
2 commission.

3 b. Contracts entered into pursuant to this section shall  
4 specifically provide for the services or improvements to be  
5 undertaken, the fee or fees to be charged for such services or  
6 facilities, the method of apportionment of such fees among the  
7 contracting parties, persons, officers, or agencies responsible for the  
8 performance of the contract, and other appropriate terms and  
9 conditions of participation.

10 c. Contracts entered into pursuant to this section shall be  
11 subject to approval, by resolution, of the commission and of the  
12 governing body of each participating municipality, county, or other  
13 participating agency.

14 d. The apportionment of costs and expenses may be based upon  
15 property valuations, population, area, and of any other factors as  
16 may be provided in the contract.

17

18 64. The State Auditor and his legally authorized representatives  
19 may, at any time, examine the accounts and books of the  
20 commission, including its receipts, disbursements, contracts,  
21 sinking funds, investments, and any other matters relating to its  
22 financial standing.

23

24 65. The commission may call to its assistance and avail itself of  
25 the services of such employees of any State department or agency,  
26 as it may require, and as may be available to it for said purpose. The  
27 commission may enter into an agreement with any political  
28 subdivision of the State by which the commission may be of  
29 assistance in the permitting of projects that take place within the  
30 district.

31

32 66. Sections 1 through 68 of P.L. , c. (C. ) (pending before  
33 the Legislature as this bill) shall be deemed to provide an additional  
34 and alternative method for effectuating the purposes authorized  
35 thereby, and shall be regarded as supplemental and additional to  
36 powers conferred by other laws, and shall not be regarded as in  
37 derogation of any powers now existing.

38

39 67. If the provisions of any section or clause of sections 1  
40 through 68 of P.L. , c. (C. ) (pending before the Legislature as  
41 this bill) or the application thereof to any person shall be judged  
42 invalid by a court of competent jurisdiction, such order or judgment  
43 shall be confined in its operation to the controversy in which it was  
44 rendered, and shall not affect or invalidate the remainder of any  
45 provision of any section or clause of sections 1 through 68 of  
46 P.L. , c. (C. ) (pending before the Legislature as this bill), or  
47 the application of any part thereof to any other person or  
48 circumstance and, to this end, the provisions of each section of

1 sections 1 through 68 of P.L. , c. (C. ) (pending before the  
2 Legislature as this bill) are declared to be severable.

3

4 68. All expenses incurred in carrying out the provisions of  
5 sections 1 through 68 of P.L. , c. (C. ) (pending before the  
6 Legislature as this bill) shall be payable from funds provided the  
7 commission therefor, and no liability or obligation shall be incurred  
8 by the commission hereunder beyond the extent to which moneys  
9 shall have been provided therefor.

10

11 69. Sections 69 through 81 of P.L. , c. (C. ) (pending before  
12 the Legislature as this bill) shall be known and may be cited as the  
13 “Hackensack Meadowlands Transportation Planning District Act of  
14 2014.”

15

16 70. The Legislature finds and declares that:

17 a. Every day, residents of New Jersey confront congestion in  
18 some part of their day as they commute to work, recreate, or travel  
19 for family business. As our State continues to grow and prosper,  
20 we can only expect more cars, trucks, and buses on our roads.  
21 Meanwhile, the number of riders on our trains and buses is also  
22 increasing along with the number of pedestrians and bicyclists.

23 b. Our ability to deal with these demands at all levels of  
24 government is limited without a sound framework for developing  
25 responses to congestion and aging infrastructure problems and  
26 providing adequate funding to implement strategic solutions.

27 c. Sections 69 through 81 of P.L. , c. (C. ) (pending  
28 before the Legislature as this bill) develops the concept of a  
29 transportation planning district, which permits the assessment of  
30 fees on future development to ensure that adequate transportation  
31 infrastructure is put into place to accommodate the vehicular and  
32 pedestrian traffic caused by future development.

33 d. Existing financial resources and existing mechanisms for  
34 securing financial commitments for transportation improvements  
35 are inadequate to meet transportation improvement needs which are  
36 the result of new development in growth areas and, therefore, it is  
37 appropriate for the State to make special provisions for the  
38 financing of needed transportation improvements in the  
39 Meadowlands District, including the assessment of fees on new  
40 developments which are responsible for the travel demand burdens  
41 on the transportation system. Creation of a transportation planning  
42 district provides a mechanism through which the State, counties,  
43 and municipalities, and the Meadowlands Regional Commission, as  
44 well as the private sector, will have the means to work together to  
45 respond to transportation needs on a regional basis as determined by  
46 travel conditions or transportation needs in developed areas rather  
47 than upon preexisting boundaries. The Meadowlands Regional  
48 Commission and the Meadowlands Transportation Planning Board



1 shall oversee the development of a district-wide transportation plan  
2 through a consultative planning process which relies upon the  
3 participation of public and private sector interests.

4 e. In assessing development fees under sections 69 through 81  
5 of P.L. , c. (C. ) (pending before the Legislature as this bill),  
6 the commission recognizes that: (1) those fees supplement, but do  
7 not replace, the public investment needed in the transportation  
8 system; (2) the costs of remedying pre-existing problems shall not  
9 be charged to a new development; (3) the fee charged to any  
10 particular development shall be reasonably related to the impact of  
11 that development on the transportation system of the district and  
12 shall not exceed the development's fair share of the cost of the  
13 improvements and related allowable administrative costs; and (4) no  
14 development shall be subject to any assessment or fees for  
15 transportation improvements by the State, a county, or a  
16 municipality, except as provided pursuant to sections 69 through 81  
17 of P.L. , c. (C. ) (pending before the Legislature as this bill).  
18 In determining the basis for assessing development fees, the  
19 commission shall develop reasonable formulas that rely on  
20 established planning models.

21 f. The creation of a transportation planning district shall be  
22 accompanied by the development of strategies to improve regional  
23 comprehensive planning, to encourage transportation-efficient land  
24 uses, to reduce automobile dependency, to improve pedestrian and  
25 bicyclist safety, and to encourage alternatives to peak-hour  
26 automobile trips.

27  
28 71. As used in sections 69 through 81 of P.L. , c. (C. )  
29 (pending before the Legislature as this bill):

30 "Allowable administrative costs" means expenses incurred by the  
31 commission or the board in developing a district transportation  
32 plan, including a financial element, and in managing a  
33 transportation planning district.

34 "Board" means the Meadowlands Transportation Planning Board  
35 established by section 72 of P.L. , c. (C. ) (pending before  
36 the Legislature as this bill).

37 "Chief fiscal officer" means the chief fiscal officer of the  
38 <sup>3</sup>**[Meadowlands Regional Commission] commission<sup>3</sup>.**

39 "Commission" means the <sup>3</sup>New Jersey Sports and Exposition  
40 Authority, which may be referred to as the "Meadowlands Regional  
41 Commission,"<sup>3</sup> as established by section 6 of P.L. , c. (C. )  
42 (pending before the Legislature as this bill) <sup>3</sup>**[Meadowlands**  
43 **Regional Commission established by section 6 of P.L. , c. (C. )**  
44 **(pending before the Legislature as this bill)]<sup>3</sup>.**

45 "Commissioner" means the Commissioner of Transportation.

46 "Department" means the Department of Transportation.

47 "Developer" means the legal or beneficial owner or owners of a  
48 lot or of any land proposed to be included in a proposed

1 development, including the holder of an option or contract to  
2 purchase, or other person having an enforceable proprietary interest  
3 in that land.

4 “Development” means any project for which zoning approval is  
5 required pursuant to sections 1 through 68 of P.L. , c. (C. )  
6 (pending before the Legislature as this bill), or rules or regulations  
7 promulgated pursuant thereto.

8 “Development fee” means a fee assessed on a development  
9 pursuant to a resolution of the commission adopted under section 74  
10 of P.L. , c. (C. ) (pending before the Legislature as this bill).

11 “District transportation plan” or “plan” means the plan adopted  
12 pursuant to section 73 of P.L. , c. (C. ) (pending before the  
13 Legislature as this bill).

14 “Hackensack Meadowlands District” or “Meadowlands District”  
15 means the area within the jurisdiction of the commission set forth in  
16 section 5 of P.L. , c. (C. ) (pending before the Legislature as  
17 this bill).

18 “Project costs” means expenses incurred in the planning, design,  
19 engineering, and construction of any transportation project, and  
20 shall include debt service.

21 “Public highways” means public roads, streets, expressways,  
22 freeways, parkways, motorways, and boulevards including bridges,  
23 tunnels, overpasses, underpasses, interchanges, rest areas, express  
24 bus roadways, bus pullouts and turnarounds, park-ride facilities,  
25 traffic circles, grade separations, traffic control devices, the  
26 elimination or improvement of crossings of railroads and highways,  
27 whether at grade or not at grade, bicycle and pedestrian pathways,  
28 and pedestrian and bicycle bridges traversing public highways and  
29 any facilities, equipment, property, rights-of-way, easements, and  
30 interests therein needed for the construction, improvement, and  
31 maintenance of highways.

32 “Public transportation project” means, in connection with public  
33 transportation service or regional ridesharing programs, passenger  
34 stations, shelters and terminals, automobile parking facilities,  
35 ferries and ferry facilities including capital projects for ferry  
36 terminals, approach roadways, pedestrian accommodations, parking,  
37 docks, and other necessary land-side improvements, ramps, track  
38 connections, signal systems, power systems, information and  
39 communication systems, roadbeds, transit lands or rights-of-way  
40 equipment storage and servicing facilities, bridges, grade crossings,  
41 rail cars, locomotives, motorbus and other motor vehicles,  
42 maintenance and garage facilities, revenue handling equipment, and  
43 any other equipment, facility, or property useful for, or related to,  
44 the provision of public transportation service or regional ridesharing  
45 programs.

46 “Transportation planning district” or “district” means the  
47 Meadowlands District.

1 “Transportation project” or “transportation improvement” means,  
2 in addition to public highways and public transportation projects,  
3 any equipment, facility, or property useful or related to the  
4 provision of any ground, waterborne, or air transportation for the  
5 movement of people and goods within or through the district,  
6 including rail freight infrastructure.

7  
8 72. a. There is hereby established a transportation planning  
9 district which shall consist of those lands which comprise the  
10 Meadowlands District. The Meadowlands Transportation Planning  
11 Board, created pursuant to subsection b. of this section, shall be the  
12 managing authority to administer and manage the transportation  
13 planning district and to carry out such additional functions as  
14 provided in sections 69 through 81 of P.L. , c. (C. ) (pending  
15 before the Legislature as this bill).

16 b. There is established in, but not of, the Department of  
17 Community Affairs, the Meadowlands Transportation Planning  
18 Board. The board shall consist of: the Commissioner of  
19 Community Affairs or the commissioner’s designee; the  
20 Commissioner of Transportation or the commissioner’s designee; a  
21 representative from the ridesharing organization EZ Ride or its  
22 successor organization; a representative of the Hackensack  
23 Meadowlands Municipal Committee; a representative of the  
24 Meadowlands Regional Chamber of Commerce; and four public  
25 members appointed by the Governor, with the advice and consent of  
26 the Senate. The executive director of the commission shall serve as  
27 the secretary of the board. The board shall be staffed by the  
28 employees of the commission.

29 c. In furtherance of the development of a coherent and  
30 sustainable transportation system for the district, the board shall  
31 initiate a joint planning process with participation by: State  
32 departments and agencies, corporations, commissions, boards, and  
33 authorities; those bi-state authorities, metropolitan planning  
34 organizations, and counties and municipalities with jurisdiction in  
35 the district; and private representatives. The board shall oversee the  
36 development and updating of a comprehensive, future-oriented  
37 district transportation plan in accordance with the provisions of  
38 section 73 of P.L. , c. (C. ) (pending before the Legislature  
39 as this bill).

40 <sup>3</sup>The provisions of sections 69 through 81 of P.L. , c. (C. )  
41 (pending before the Legislature as this bill) shall be retroactive to  
42 January 1, 2014.<sup>3</sup>

43  
44 73. a. The district transportation plan shall establish goals,  
45 policies, needs, and improvement priorities for all modes of  
46 transportation, including walking and bicycling, within the district  
47 for the ensuing 20 years following the effective date of sections 69  
48 through 81 of P.L. , c. (C. ) (pending before the

1 Legislature as this bill) and shall be consistent with the master plan  
2 adopted by the commission pursuant to section 10 of P.L. ,  
3 c. (C. ) (pending before the Legislature as this bill). The  
4 district transportation plan shall be based on a reasonable  
5 assessment of likely future growth reflected in that master plan.

6 b. The plan shall quantify transportation needs arising from  
7 anticipated future traffic passing within or through the district based  
8 upon future development anticipated to occur within or through the  
9 district, and reflected in the master plan. The plan shall set forth  
10 proposed transportation projects designed to address that future  
11 development, prioritized over increments of five years, the  
12 allocation of public and private shares of project costs and  
13 allowable administrative costs, and the amount, schedule, and  
14 collection of development fees. If new developments are proposed  
15 in the district which are not considered in the plan which is  
16 currently in effect, the plan shall be reevaluated, notwithstanding  
17 the five-year increment provision.

18 c. The plan shall be consistent with the State transportation  
19 master plan adopted under section 5 of P.L.1966, c.301 (C.27:1A-  
20 5), the applicable county master plans adopted under R.S.40:27-2,  
21 and the applicable regional transportation plan or plans adopted by  
22 a metropolitan planning organization pursuant to 23 C.F.R.  
23 s.450.322. To the extent appropriate given the district-wide  
24 objectives of the plan, the plan shall be coordinated with local  
25 zoning ordinances and master plans.

26 d. The plan shall include a financial element setting forth a  
27 statement of projected revenue and expenses, including all project  
28 costs. The financial element of the plan shall identify public and  
29 private financial resources which may be available to fund, in whole  
30 or in part, those transportation projects set forth in the plan. The  
31 financial element shall make recommendations for the types and  
32 rates of development fees to be assessed under section 74 of  
33 P.L. , c. (C. ) (pending before the Legislature as this bill),  
34 formulas to govern the assessment of those fees, and the projected  
35 annual revenue to be derived therefrom.

36 e. The board shall make copies of the plan available to the  
37 public for inspection no less than 14 days prior to taking any formal  
38 action to recommend the plan to the commission for adoption  
39 thereof. In addition, the board shall take steps to notify members of  
40 the business community and other interested parties of the plan and  
41 shall hold a public hearing thereon after having given public notice  
42 of the hearing.

43 f. The commission may, by resolution, adopt the plan as  
44 recommended by the board or with modifications.

45

46 74. a. After the adoption of the plan by the commission pursuant  
47 to subsection f. of section 73 of P.L. , c. (C. ) (pending  
48 before the Legislature as this bill), the commission may, by

1 resolution, provide for the assessment and collection of  
2 development fees on developments within the district as provided  
3 hereunder.

4 b. Development fees assessed by the commission shall be  
5 based upon the growth and development forecasts contained in the  
6 plan and shall be levied in order to raise only those amounts needed  
7 to accomplish the transportation projects set forth in the plan and  
8 allowable administrative costs. Those fees shall be assessed based  
9 upon the formula or formulas contained in the resolution and shall  
10 be uniformly applied, with such exceptions as are authorized or  
11 required by sections 69 through 81 of P.L. , c. (C. ) (pending  
12 before the Legislature as this bill).

13 c. A formula or formulas adopted by the commission by  
14 resolution shall reflect a methodology which relates the use of land  
15 to the impact of the proposed development on the transportation  
16 system, including, but not limited to: vehicle trips generated by the  
17 development; the square footage of an occupied structure; the  
18 number of employees regularly employed at the development; the  
19 number of parking spaces located at the development; or any  
20 combination thereof.

21 d. The resolution may provide for credits against assessed  
22 development fees for payments made, or expenses incurred, which  
23 have been determined by the commission to be in furtherance of the  
24 district transportation plan, including, but not limited to,  
25 contributions to transportation improvements, other than those  
26 required for safe and efficient highway access to a development,  
27 and costs attributable to the promotion of public transit, walking,  
28 bicycling, or ridesharing.

29 e. The resolution may either exempt or reduce the development  
30 fee for specified land uses which have been determined by the  
31 commission to have a beneficial, neutral, or comparatively minor  
32 adverse impact on the transportation needs of the district.

33 f. The resolution may provide for a reduced rate of  
34 development fees for developers submitting a peak-hour automobile  
35 trip reduction plan approved by the commission under standards  
36 adopted by the commission. Standards for the approval of peak-  
37 hour automobile trip reduction plans may include, but need not be  
38 limited to: physical design for improved transit, ridesharing, and  
39 pedestrian access; design of developments which include a mix of  
40 residential and nonresidential uses; and proximity to potential labor  
41 pools.

42 g. The assessment of a development fee shall be reasonably  
43 related to the impact of the proposed development on the  
44 transportation system of the district and shall not exceed the  
45 development's fair share of the cost of the transportation  
46 improvement necessary to accommodate the additional burden on  
47 the district's transportation system that is attributable to the  
48 proposed development and related allowable administrative costs.

1 h. A resolution shall be sufficiently certain and definitive to  
2 enable every person who may be required to pay a fee to know or  
3 calculate the limit and extent of the fee which is to be assessed  
4 against a specific development.

5 i. Upon the adoption by the commission of a resolution  
6 pursuant to subsection a. of this section, a separate assessment for  
7 off-site transportation improvements within the district shall not be  
8 made by the State, a county, or a municipality except as permitted  
9 pursuant to sections 69 through 81 of P.L. , c. (C. ) (pending  
10 before the Legislature as this bill).

11 j. A development fee shall not be assessed for any low and  
12 moderate income housing units which are constructed pursuant to  
13 the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.) or  
14 under court order or settlement.

15 k. At least <sup>1</sup>~~25%~~ 30%<sup>1</sup> of any development fees collected in  
16 accordance with this section shall be used for transportation related  
17 projects within the municipality where the development, for which a  
18 particular fee was collected, is located.

19

20 75. a. A development fee shall be assessed on a development at  
21 the time the applicable zoning approval is issued. Any development  
22 for which a zoning approval has been issued prior to the adoption of  
23 the resolution pursuant to section 74 of P.L. , c. (C. )  
24 (pending before the Legislature as this bill), or pursuant to any  
25 other law authorizing such a resolution, or that has an approved  
26 development agreement with the governing State agency or  
27 municipality within the district having primary jurisdiction over the  
28 development, or for which construction of a material portion of the  
29 development has commenced after the date on which a development  
30 agreement was executed, shall be exempt from the assessment of a  
31 development fee. The assessment shall be adjusted upon the  
32 issuance of a revised zoning approval and any development which  
33 requires a revised zoning approval after the adoption of the  
34 resolution shall be subject to the development fee.

35 b. The resolution shall specify whether the fee is to be paid at  
36 the time a zoning certificate is issued or in a series of payments as  
37 set forth in a schedule of payments contained in the resolution. The  
38 resolution may provide for payment of the fee in kind or in a series  
39 of periodic payments over a period of no more than 20 years.

40

41 76. a. The payments due to the commission, whether as a lump  
42 sum or as balances due when a series of payments is to be made,  
43 shall be enforceable by the commission as a lien on the land and  
44 any improvements thereon. The lien shall be recorded by the  
45 county clerk or register of deeds and mortgages in the record book  
46 of the county office.

47 b. When the fee is paid in full on the development or portion  
48 thereof, the lien on the development or portion thereof, as

1 appropriate, shall be removed. When a series of payments is to be  
2 made, failure to make any one payment within 30 days after receipt  
3 of a notice of late payment shall constitute a default and shall  
4 obligate the person owing the unpaid balance to pay that balance in  
5 its entirety.

6 c. All amounts assessed as a lien pursuant to this section shall  
7 be a lien upon the land against which they are assessed in the same  
8 manner that taxes are made a lien against land pursuant to Title 54  
9 of the Revised Statutes, and the payment thereof shall be enforced  
10 within the same time, in the same manner, and by the same  
11 proceedings as the payment of taxes is otherwise enforced under  
12 Title 54 of the Revised Statutes.

13

14 77. a. A resolution adopted by the commission pursuant to  
15 section 74 of P.L. , c. (C. ) (pending before the Legislature  
16 as this bill) shall provide for the establishment of a transportation  
17 planning district fund under the control of the chief fiscal officer.  
18 All monies collected from development fees shall be deposited into  
19 the fund, which shall be invested in an interest-bearing account.  
20 Monies deposited in the fund shall be used to defray project costs  
21 and allowable administrative costs.

22 b. Every transportation project funded, in whole or in part, by  
23 funds from a transportation planning district fund shall be subject to  
24 a project agreement to which the relevant entities are parties. The  
25 expenditure of funds for this purpose shall not be made from a  
26 transportation planning district fund, except by appropriation of the  
27 commission and upon certification of the chief fiscal officer that the  
28 expenditure is in accordance with a project agreement entered into  
29 pursuant to this subsection or is otherwise a project cost and has the  
30 approval of the commission.

31

32 78. a. Any fees collected, plus earned interest, not committed to  
33 a transportation project under a project agreement entered into  
34 under section 77 of P.L. , c. (C. ) (pending before the  
35 Legislature as this bill) within 10 years of the date of collection, or  
36 not used for other allowable administrative costs within 10 years of  
37 the date of collection, shall be refunded to the fee-payer under a  
38 procedure prescribed by the commission; provided, however, that if  
39 the fee-payer transfers the development or any portion thereof, the  
40 fee-payer shall enter into an agreement with the grantee in a form as  
41 shall be provided by the commission which shall indicate who shall  
42 be entitled to receive any refund, and that agreement shall be filed  
43 with the chief fiscal officer.

44 b. Any person who has been assessed a development fee may  
45 request in writing a reconsideration of the fee and a hearing by an  
46 employee so delegated by the commission within 90 days of the  
47 receipt of notification of the amount of the fee on the grounds that  
48 the commission or its officers or employees, in issuing the fee, did

1 not abide by the provisions of sections 74 and 75 of P.L. ,  
2 c. (C. ) (pending before the Legislature as this bill) or the  
3 provisions of the resolution adopted by the commission pursuant to  
4 subsection a. of section 74 of P.L. , c. (C. ) (pending before  
5 the Legislature as this bill).  
6

7 79. A person may appeal to the commission any decision made  
8 in connection with the reconsideration of a fee as authorized  
9 pursuant to subsection b. of section 78 of P.L. , c. (C. )  
10 (pending before the Legislature as this bill). The commission shall  
11 review the record of the hearing and render its decision, which shall  
12 constitute an administrative action subject to review by the  
13 Appellate Division of the Superior Court. Nothing contained herein  
14 shall be construed as limiting the ability of any person so assessed  
15 from filing an appeal based upon an agreement to pay or actual  
16 payment of the fee.  
17

18 80. A transportation planning district may accept loans from any  
19 public or private source, including, but not limited to, the State  
20 Transportation Infrastructure Bank established under section 2 of  
21 P.L.1997, c.142 (C.27:1B-21.11), pursuant to a project agreement  
22 for the purpose of undertaking and completing a transportation  
23 project as permitted by the commission. In this event, the project  
24 agreement shall include the obligation of the commission to make  
25 payments to the public or private source for repayment of the loan  
26 from a transportation planning fund or other available sources  
27 according to an agreed upon schedule of payments.  
28

29 81. a. Notwithstanding the provisions of the "Administrative  
30 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the  
31 contrary, the commission may, immediately upon filing proper  
32 notice with the Office of Administrative Law, adopt rules and  
33 regulations to implement sections 69 through 80 of P.L. , c. (C. )  
34 (pending before the Legislature as this bill).

35 b. The rules and regulations adopted pursuant to subsection a.  
36 of this section shall be in effect for a period not to exceed one year  
37 after the date of the filing. These rules and regulations shall  
38 thereafter be adopted, amended, or readopted by the commission in  
39 accordance with the requirements of the "Administrative Procedure  
40 Act," P.L.1968, c.410 (C.52:14B-1 et seq.).  
41

42 82. Sections 82 through 85 of P.L. , c. (C. ) (pending  
43 before the Legislature as this bill) shall be known and may be cited  
44 as the "New Jersey Meadowlands Tax Relief Act."  
45

46 83. The Legislature finds and declares that:

47 a. The New Jersey Meadowlands Commission is the zoning  
48 and planning agency for a 30.4-square-mile area along the



1 Hackensack River known as the Hackensack Meadowlands,  
2 covering parts of 14 municipalities in Bergen and Hudson Counties  
3 in New Jersey. The Meadowlands Regional Commission will  
4 oversee the development, and redevelopment, of the Hackensack  
5 Meadowlands in an orderly and comprehensive fashion, with  
6 special consideration to the ecological factors constituting the  
7 environment of the Hackensack Meadowlands.

8 b. A vital component of the comprehensive plan for the  
9 development of the Hackensack Meadowlands was an  
10 intermunicipal tax-sharing program. The intermunicipal tax sharing  
11 program was established to create a fair and equitable method of  
12 distributing the benefits and costs of economic development and  
13 land use decisions made by the New Jersey Meadowlands  
14 Commission among the 14 municipalities located in the  
15 Meadowlands District. Under this program, as originally  
16 conceived, the municipalities with fewer development restrictions  
17 are required to deposit a share of their tax ratables into a special  
18 intermunicipal account administered by the commission. Money in  
19 this account is annually distributed to the municipalities with  
20 greater development restrictions to make up for their loss of tax  
21 ratable growth opportunity. Currently, seven municipalities pay  
22 into the intermunicipal account while the remaining seven  
23 municipalities receive distributions from the account.

24 c. The New Jersey Meadowlands Commission, the predecessor  
25 to the Meadowlands Regional Commission, has been successful in  
26 providing orderly and comprehensive development, solid waste  
27 management, and environmental protection in the Hackensack  
28 Meadowlands District, as well as providing for the investment of  
29 many millions of dollars in development, municipal services, and  
30 significant infrastructure projects, among other things.

31 d. It is fitting and proper to establish new sources of funding  
32 to replace the intermunicipal tax sharing program in order to  
33 facilitate the future of the Hackensack Meadowlands District as a  
34 vibrant area of economic growth in the State of New Jersey, as well  
35 as a tourism destination and an area of continued environmental  
36 significance and improvement. The new sources of funding should  
37 recognize the concerns of the district's seven municipalities that  
38 must contribute significant amounts of property tax dollars to the  
39 intermunicipal tax sharing program. These municipalities have  
40 been especially challenged to provide services to municipal  
41 residents and contribute to the intermunicipal tax sharing program,  
42 while operating under the significant restrictions of the 2% property  
43 tax levy cap. In effect, the cost of the State policy to preserve the  
44 Hackensack Meadowlands has been borne by the property taxpayers  
45 of the seven municipalities required to deposit tax revenue into the  
46 intermunicipal account.

47 e. It is also appropriate and necessary to recognize the  
48 consistent impact on the Hackensack Meadowlands District of

1 tourist-related activities and attractions, including sports and  
2 entertainment activities and construction at the properties located in  
3 the heart of the district, and to require that patrons of those tourist-  
4 related activities and attractions shall contribute to the financial  
5 needs of the municipalities that comprise the Meadowlands district  
6 in order to reduce the property tax burden on their residents.

7  
8 84. As used in sections 82 through 85 of P.L. , c. (C. )  
9 (pending before the Legislature as this bill):

10 “Commission” means the <sup>3</sup>new agency created through the  
11 consolidation of the New Jersey Meadowlands Commission and  
12 the<sup>3</sup> New Jersey Sports and Exposition Authority, <sup>3</sup>to be known  
13 as the Meadowlands Regional Commission,<sup>3</sup> which may be referred  
14 to as the “Meadowlands Regional Commission,”<sup>3</sup> as established by  
15 section 6 of P.L. , c. (C. ) (pending before the Legislature as  
16 this bill).

17 “Meadowlands district” means the Hackensack Meadowlands  
18 District, the area delineated within section 5 of P.L. , c. (C. )  
19 (pending before the Legislature as this bill).

20 “Hotel” means a building, or portion of it, which is regularly  
21 used and kept open as such for the lodging of guests and is subject  
22 to taxation pursuant to subsection d. of section 3 of P.L.1966, c.30  
23 (C.54:32B-3).

24 “Public venue” means any place located within the Meadowlands  
25 district, whether publicly or privately owned, where any facilities  
26 for entertainment, amusement, or sports are provided, but shall not  
27 include a movie theater.

28 “Public event” means any spectator sporting event, trade show,  
29 exposition, concert, amusement, or other event open to the public  
30 that takes place at a public venue, but shall not include a major  
31 league football game.

32  
33 85. a. <sup>1</sup>There Beginning on the first day of the first month  
34 next following the enactment of P.L. , c. (C. ) (pending before  
35 the Legislature as this bill), there<sup>1</sup> is imposed a Meadowlands  
36 regional hotel use assessment on <sup>1</sup>the rent for the occupancy of<sup>1</sup>  
37 every room in every hotel located in the Meadowlands district<sup>1</sup>,  
38 including any hotels located on land owned by the State<sup>1</sup>. The  
39 assessment imposed under this subsection shall be 3% of  
40 <sup>1</sup>revenues received from the rent charged for<sup>1</sup> every occupancy of  
41 a room or rooms in a hotel <sup>1</sup>subject to taxation pursuant to  
42 subsection (d) of section 3 of P.L.1966, c.30 (C.54:32B-3)<sup>1</sup>, and  
43 shall be paid to the <sup>1</sup>commission<sup>1</sup> Director of the Division of  
44 Taxation<sup>1</sup> by each <sup>1</sup>hotel<sup>1</sup> person required to collect the tax<sup>1</sup> not  
45 later than the 10th day of each month based on the occupancy of  
46 rooms in that hotel during the previous calendar month.

1       b. <sup>1</sup>【Every person required to collect an assessment imposed by  
2 this section shall be personally liable for the assessment imposed,  
3 collected, or required to be collected hereunder. Any such person  
4 shall have the same right in respect to collecting the assessment  
5 from his customer or in respect to nonpayment of the assessment by  
6 the customer as if the assessment were a part of the service charge  
7 and payable at the same time; provided, however, that the chief  
8 fiscal officer of the commission shall be joined as a party in any  
9 action or proceeding brought to collect the assessment.】 In  
10 carrying out the provisions of subsection a. this section, the director  
11 shall have all of the powers and authority granted in P.L.1966, c.30  
12 (C.54:32B-1 et seq.). The tax shall be filed and paid in a manner  
13 prescribed by the Director of the Division of Taxation. The director  
14 shall promulgate such rules and regulations as the director  
15 determines are necessary to effectuate the provisions of this section.

16       Each person required to collect the assessment shall be  
17 personally liable for the assessment imposed, collected, or required  
18 to be paid, collected, or remitted under this section. Any such  
19 person shall have the same right in respect to collecting the fee from  
20 that person's customer or in respect to non-payment of the fee by  
21 the customer as if the fee were a part of the purchase price of the  
22 occupancy or rent, as the case may be, and payable at the same  
23 time; provided, however, that the director shall be joined as a party  
24 in any action or proceeding brought to collect the fee.

25       For purposes of this subsection, "person" includes: an  
26 individual, partnership, corporation, or an officer, director,  
27 stockholder, or employee of a corporation, or a member or  
28 employee of a partnership, who as such officer, director,  
29 stockholder, employee, or member is under the duty to perform the  
30 act in respect of which the violation occurs.<sup>1</sup>

31       An assessment imposed under this section shall be in addition to  
32 any other tax or fee imposed pursuant to statute or local ordinance  
33 or resolution by any governmental entity.

34       <sup>1</sup>【A person required to collect any assessment imposed under  
35 this section shall not advertise or hold out to any person or to the  
36 public in general, in any manner, directly or indirectly, that the  
37 assessment is not considered as an element in the charge payable by  
38 the customer, that the person will pay the assessment, that the  
39 assessment will not be separately charged and stated to the  
40 customer, or that the assessment will be refunded to the customer.】<sup>1</sup>

41       c. Assessment revenue <sup>1</sup>shall be<sup>1</sup> collected <sup>1</sup>【under this  
42 section】 by the Director of the Division of Taxation and<sup>1</sup> shall be  
43 deposited by the <sup>1</sup>【commission】 Director of the Division of  
44 Taxation<sup>1</sup> into the intermunicipal account established pursuant to  
45 section 53 of P.L. , c. (C. ) (pending before the Legislature  
46 as this bill), and shall be used to pay meadowlands adjustment  
47 payments to municipalities in the Meadowlands district pursuant to

1 the provisions of sections 1 through 68 of P.L. , c. (C. )  
2 (pending before the Legislature as this bill). If in any year,  
3 assessment revenue in the intermunicipal account exceeds the  
4 amount necessary to pay meadowlands adjustment payments to  
5 municipalities in the Meadowlands district, that remaining  
6 assessment revenue may be used for the purposes set forth in  
7 subsection e. of this section.

8 d. In the event sufficient assessment revenue is unavailable in  
9 any year to pay all of the required meadowlands adjustment  
10 payments to municipalities in the Meadowlands district, the State  
11 Treasurer shall provide the commission with such funds as may be  
12 necessary to make all of the required payments to those  
13 municipalities.

14 e. In the event that in any year, after the required meadowlands  
15 adjustment payments have been made to municipalities in the  
16 Meadowlands district, assessment revenue remains in the  
17 intermunicipal account, that remaining assessment revenue may be  
18 used in that year for the following purposes:

19 (1) the commission may perform projects in the areas of flood  
20 control, traffic, renewable energy, or other infrastructure  
21 improvement projects and utilize monies from the project fund for  
22 property acquisition, demolition, clearance, removal, relocation,  
23 renovation, alteration, construction, reconstruction, installation, or  
24 repair of a structure or improvement, and the costs associated  
25 therewith including the costs of appraisal, economic and  
26 environmental analyses or engineering, planning, design,  
27 architectural, surveying, or other professional services;

28 (2) the commission may expend funds towards the promotion of  
29 the Meadowlands district as a tourism destination;

30 (3) the commission may fund the acquisition of property for the  
31 purpose of open space preservation and the costs associated  
32 therewith including the costs of appraisal, economic and  
33 environmental analyses or engineering, surveying, or other  
34 professional services; or

35 (4) the commission may fund the creation of parks and other  
36 recreational facilities and the costs associated therewith, including  
37 the costs of appraisal, economic and environmental analyses or  
38 engineering planning, design, architectural, surveying, or other  
39 professional services.

40 Not later than the first day of the third month next following the  
41 enactment of P.L. , c. (C. ) (pending before the  
42 Legislature as this bill) and pursuant to the "Administrative  
43 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the  
44 commission shall **1**adopt any rules and regulations necessary to  
45 effectuate the collection of the assessments imposed under this  
46 section, and shall also**1** adopt, by resolution, standards for the  
47 disbursement in any year of any remaining assessment revenue for  
48 projects and uses set forth in subsection e. of this section.

1 <sup>1</sup>f. Terms used in this section shall have the meaning given  
2 those terms pursuant to section 2 of P.L.1966, c.30 (C.54:32B-2).<sup>1</sup>

3  
4 <sup>3</sup>[<sup>1</sup>86. Nothing in P.L. , c. (C. ) (pending before the  
5 Legislature as this bill) shall impact the existence, operations, or  
6 management of the New Jersey Hall of Fame, established pursuant  
7 to section 1 of P.L.1985, c. 323 (C.5:10-6.1) or the Hackensack  
8 Meadowlands Municipal Committee established pursuant to the  
9 “Hackensack Meadowlands Redevelopment Act,” P.L.1968, c.404  
10 (C.13:17-1 et seq.).<sup>1</sup><sup>3</sup>

11  
12 <sup>3</sup>[<sup>2</sup>87. a. There is established the “Meadowlands Regional  
13 Commission Transition Committee” to oversee the transition of  
14 administrative function from the New Jersey Sports and Exposition  
15 Authority and the New Jersey Meadowlands Commission to the  
16 Meadowlands Regional Commission.

17 b. The committee shall consist of seven members appointed  
18 and qualified as follows: two members of the New Jersey Sports  
19 and Exposition Authority; two members of the New Jersey  
20 Meadowlands Commission; one citizen of the State appointed by  
21 the Speaker of the General Assembly; one citizen of the State  
22 appointed by the President of the Senate; and one citizen of the  
23 State, appointed by the Governor, who shall serve as the chair of the  
24 committee. Except for the committee's chair, all committee  
25 members shall be residents of the constituent municipalities of  
26 Bergen and Hudson counties.

27 c. The New Jersey Sports and Exposition Authority and the  
28 New Jersey Meadowlands Commission shall continue to operate  
29 pursuant to the responsibilities and powers provided to them by law  
30 for a period of one year following enactment of P.L. ,  
31 c. (C. ) (pending before the Legislature as this bill) so far as  
32 such powers are consistent with the express provisions of P.L. ,  
33 c. (C. ) (pending before the Legislature as this bill), in order  
34 to transition their lawful duties to the Meadowlands Regional  
35 Commission.

36 d. The executive directors of the New Jersey Sports and  
37 Exposition Authority and the New Jersey Meadowlands  
38 Commission shall, upon request, make every reasonable effort to  
39 assist the Meadowlands Regional Commission Transition  
40 Committee in effectuating the purpose of P.L. , c. (C. )  
41 (pending before the Legislature as this bill).

42 e. The Meadowlands Regional Commission Transition  
43 Committee shall dissolve itself 15 months next following enactment  
44 of P.L. , c. (C. ) (pending before the Legislature as this  
45 bill).<sup>2</sup><sup>3</sup>

1       <sup>3</sup>86. Section 4 of P.L.1971, c.137 (C.5:10-4) is amended to read  
2 as follows:

3       4. a. There is hereby established in the Department of State a  
4 public body corporate and politic, with corporate succession, to be  
5 known as the "New Jersey Sports and Exposition Authority." The  
6 authority is hereby constituted as an instrumentality of the State  
7 exercising public and essential governmental functions, and the  
8 exercise by the authority of the powers conferred by P.L.1971,  
9 c.137 (C.5:10-1 et seq.) shall be deemed and held to be an essential  
10 governmental function of the State and the application of the  
11 revenue derived from the projects to the purposes provided in  
12 P.L.1971, c.137 (C.5:10-1 et seq.) shall be deemed and held to be  
13 applied in support of government.

14       b. The authority shall consist of the State Treasurer, the  
15 President of the New Jersey Sports and Exposition Authority, and a  
16 member of the **【New Jersey Meadowlands Commission】**  
17 Hackensack Meadowlands Municipal Committee established by the  
18 “Hackensack Meadowlands Redevelopment Act,” P.L.1968, c.404  
19 (C.13:17-1 et seq.), to be appointed by the Governor, who shall be  
20 members ex officio, 11 members appointed by the Governor with  
21 the advice and consent of the Senate, one member appointed by the  
22 President of the Senate and one member appointed by the Speaker  
23 of the General Assembly, for terms of four years. Each member  
24 shall hold office for the term of the member's appointment and  
25 until the member's successor shall have been appointed and  
26 qualified. A member shall be eligible for reappointment. Any  
27 vacancy in the membership occurring other than by expiration of  
28 term shall be filled in the same manner as the original appointment  
29 but for the unexpired term only.

30       c. Each appointed member may be removed from office by the  
31 Governor, for cause, after a public hearing, and may be suspended  
32 by the Governor pending the completion of such hearing. Each  
33 member before entering upon the member's duties shall take and  
34 subscribe an oath to perform the duties of the member's office  
35 faithfully, impartially and justly to the best of the member's ability.  
36 A record of such oaths shall be filed in the office of the Secretary of  
37 State.

38       d. The chair shall be appointed by the Governor from the  
39 members of the authority other than ex officio members, and the  
40 members of the authority shall elect one of their number as vice  
41 chair thereof. The authority shall elect a secretary and a treasurer,  
42 who need not be members, and the same person may be elected to  
43 serve both as secretary and treasurer. The powers of the authority  
44 shall be vested in the members thereof in office from time to time  
45 and nine members of the authority shall constitute a quorum at any  
46 meeting thereof. Action may be taken and motions and resolutions  
47 adopted by the authority at any meeting thereof by the affirmative  
48 vote of at least eight members of the authority. No vacancy in the

1 membership of the authority shall impair the right of a quorum of  
2 the members to exercise all the powers and perform all the duties of  
3 the authority.

4 e. Each member and the treasurer of the authority shall execute  
5 a bond to be conditioned upon the faithful performance of the duties  
6 of such member or treasurer, as the case may be, in such form and  
7 amount as may be prescribed by the Director of the Division of  
8 Budget and Accounting in the Department of the Treasury. Such  
9 bonds shall be filed in the office of the Secretary of State. At all  
10 times thereafter the members and treasurer of the authority shall  
11 maintain such bonds in full force and effect. All costs of such  
12 bonds shall be borne by the authority.

13 f. The members of the authority shall serve without  
14 compensation, but the authority shall reimburse its members for  
15 actual expenses necessarily incurred in the discharge of their duties.  
16 Notwithstanding the provisions of any other law, no officer or  
17 employee of the State shall be deemed to have forfeited or shall  
18 forfeit the officer's or employee's office or employment or any  
19 benefits or emoluments thereof by reason of the officer's or  
20 employee's acceptance of the office of ex officio member of the  
21 authority or the officer's or employee's services therein.

22 g. Each ex officio member of the authority may designate an  
23 officer or employee of the member's department or agency to  
24 represent the member at meetings of the authority, and each such  
25 designee may lawfully vote and otherwise act on behalf of the  
26 member for whom the designee is constituted. Any such  
27 designation shall be in writing delivered to the authority and shall  
28 continue in effect until revoked or amended by writing delivered to  
29 the authority.

30 h. The authority may be dissolved by act of the Legislature on  
31 condition that the authority has no debts or obligations outstanding  
32 or that provision has been made for the payment or retirement of  
33 such debts or obligations. Upon any such dissolution of the  
34 authority all property, funds and assets thereof shall be vested in the  
35 State.

36 i. A true copy of the minutes of every meeting of the authority  
37 shall be forthwith delivered by and under the certification of the  
38 secretary thereof to the Governor. No action taken at such meeting  
39 by the authority shall have force or effect until 15 days after such  
40 copy of the minutes shall have been so delivered unless during such  
41 15-day period the Governor shall approve the same, in which case  
42 such action shall become effective upon such approval. If, in said  
43 15-day period, the Governor returns such copy of the minutes with  
44 veto of any action taken by the authority or any member thereof at  
45 such meeting, such action shall be null and void and of no effect.  
46 The powers conferred in this subsection i. upon the Governor shall  
47 be exercised with due regard for the rights of the holders of bonds  
48 and notes of the authority at any time outstanding, and nothing in,

1 or done pursuant to, this subsection i. shall in any way limit, restrict  
2 or alter the obligation or powers of the authority or any  
3 representative or officer of the authority to carry out and perform in  
4 every detail each and every covenant, agreement or contract at  
5 anytime made or entered into by or on behalf of the authority with  
6 respect to its bonds or notes or for the benefit, protection or security  
7 of the holders thereof.<sup>3</sup>

8 (cf: P.L.2012, c.15, s.2)

9  
10 <sup>3</sup>87. Section 5 of P.L.1971, c.137 (C.5:10-5) is amended to read  
11 as follows:

12 5. Except as otherwise limited by the act, the authority shall  
13 have power:

14 a. To sue and be sued;

15 b. To have an official seal and alter the same at pleasure;

16 c. To make and alter bylaws for its organization and internal  
17 management and for the conduct of its affairs and business;

18 d. To maintain an office at such place or places within the State  
19 as it may determine;

20 e. To acquire, hold, use and dispose of its income, revenues,  
21 funds and moneys;

22 f. To acquire, lease as lessee or lessor, rent, lease, hold, use  
23 and dispose of real or personal property for its purposes;

24 g. To borrow money and to issue its negotiable bonds or notes  
25 and to secure the same by a mortgage on its property or any part  
26 thereof, and to enter into any credit agreement, and otherwise to  
27 provide for and secure the payment of its bonds and notes and to  
28 provide for the rights of the holders thereof;

29 h. To make and enter into all contracts, leases, and agreements  
30 for the use or occupancy of its projects or any part thereof or which  
31 are necessary or incidental to the performance of its duties and the  
32 exercise of its powers under the act;

33 i. To make surveys, maps, plans for, and estimates of the cost  
34 of its projects;

35 j. To establish, acquire, construct, lease the right to construct,  
36 rehabilitate, repair, improve, own, operate, and maintain its  
37 projects, and let, award and enter into construction contracts,  
38 purchase orders and other contracts with respect thereto in such  
39 manner as the authority shall determine, subject only to the  
40 provisions of sections 1 through 3 of P.L.1981, c.447 (C.5:10-21.1  
41 through 5:10-21.3) and section 3 of P.L.1987, c.318 (C.5:10-21.1a);

42 k. To fix and revise from time to time and charge and collect  
43 rents, tolls, fees and charges for the use, occupancy or services of  
44 its projects or any part thereof or for admission thereto, and for the  
45 grant of concessions therein and for things furnished or services  
46 rendered by the authority;



- 1       l. To establish and enforce rules and regulations for the use or  
2 operation of its projects or the conduct of its activities, and provide  
3 for the policing and the security of its projects;
- 4       m. To acquire in the name of the authority by purchase or  
5 otherwise, on such terms and conditions and in such manner as it  
6 may deem proper, or, except with respect to the State, by the  
7 exercise of the power of eminent domain, any land and other  
8 property, including land under water, meadowlands, and riparian  
9 rights, which it may determine is reasonably necessary for any of its  
10 projects or for the relocation or reconstruction of any highway by  
11 the authority and any and all rights, title and interest in such land  
12 and other property, including public lands, reservations, highways  
13 or parkways, owned by or in which the State or any county, city,  
14 borough, town, township, village, public corporation, or other  
15 political subdivision of the State has any right, title or interest, or  
16 parts thereof or rights therein and any fee simple absolute or any  
17 lesser interest in private property, and any fee simple absolute in,  
18 easements upon or the benefit of restrictions upon abutting  
19 property, to preserve and protect any project, except that the  
20 authority shall not have the right to exercise the power of eminent  
21 domain in connection with projects authorized under paragraphs  
22 (5), (6), and (7) of subsection a. of section 6 of P.L.1971, c.137  
23 (C.5:10-6);
- 24       n. To provide through its employees, or by the grant of one or  
25 more concessions, or in part through its employees and in part by  
26 grant of one or more concessions, for the furnishing of services and  
27 things for the accommodation of persons admitted to or using its  
28 projects or any part thereof;
- 29       o. To hold and conduct horse race meetings for stake, purse or  
30 reward and to provide and operate a parimutuel system of wagering  
31 at such meetings, but subject only to the provisions of section 7 of  
32 the act;
- 33       p. To acquire, construct, operate, maintain, improve, and make  
34 capital contributions to others for transportation and other facilities,  
35 services and accommodations for the public's use of its projects and  
36 to lease or otherwise contract for the operation thereof;
- 37       q. Subject to any agreement with bondholders or noteholders,  
38 to invest moneys of the authority not required for immediate use,  
39 including proceeds from the sale of any bonds or notes, in such  
40 obligations, securities and other investments as the authority shall  
41 deem prudent;
- 42       r. To contract for and to accept any gifts or grants or loans of  
43 funds or property or financial or other aid in any form from the  
44 United States of America or any agency or instrumentality thereof,  
45 or from the State or any agency, instrumentality or political  
46 subdivision thereof, or from any other source and to comply,  
47 subject to the provisions of the act, with the terms and conditions  
48 thereof;

- 1       s. Subject to any agreements with bondholders or noteholders,  
2 to purchase bonds or notes of the authority out of any funds or  
3 money of the authority available therefor, and to hold, cancel or  
4 resell such bonds or notes;
- 5       t. To appoint and employ a president, who shall be the chief  
6 executive officer, and such additional officers, who need not be  
7 members of the authority, and accountants, attorneys, financial  
8 advisors or experts and all such other or different officers, agents  
9 and employees as it may require and to determine their  
10 qualifications, terms of office, duties and compensation, all without  
11 regard to the provisions of Title 11A of the New Jersey Statutes];  
12 provided that it is the express intent of the Legislature that the  
13 authority within its sole discretion shall utilize, to the fullest extent  
14 feasible, the services of the officers, personnel and consultants of  
15 the Meadowlands Commission, in connection with its project in the  
16 Meadowlands complex];
- 17       u. To do and perform any acts and things authorized by the act,  
18 under, through, or by means of its officers, agents or employees or  
19 by contract with any person, firm or corporation;
- 20       v. To procure insurance against any losses in connection with  
21 its property, operations or assets, in such amounts and from such  
22 insurers as it deems desirable;
- 23       w. To do any and all things, including, but not limited to, the  
24 creation or formation of profit or not-for-profit corporations,  
25 necessary or convenient to carry out its purposes and exercise the  
26 powers given and granted in the act;
- 27       x. To determine the location, type and character of a project or  
28 any part thereof and all other matters in connection with all or any  
29 part of a project, notwithstanding any land use plan, zoning  
30 regulation, building code or similar regulation heretofore or  
31 hereafter adopted by the State, any municipality, county, public  
32 body politic and corporate], including but not limited to the  
33 Meadowlands Commission], or any other political subdivision of  
34 the State, except that all projects constructed after the effective date  
35 of this 1987 amendatory and supplementary act shall conform to the  
36 Barrier-Free Sub-Code promulgated as part of the State Uniform  
37 Construction Code pursuant to P.L.1975, c.217 (C.52:27D-119 et  
38 seq.) and further excepted that the authority shall consult with the  
39 Meadowlands Commission before making any determination as to  
40 the location, type and character of any project under the jurisdiction  
41 of the Meadowlands Commission;
- 42       y. To provide, with or without charge as it deems appropriate,  
43 through or by means of its officers, agents or employees, advisory,  
44 consulting, management or operating services to any political  
45 subdivision of the State, or any agency or instrumentality of the  
46 State or of any political subdivision of the State, with regard to a  
47 stadium, arena, concert hall or other sports or entertainment facility

1 in operation as of January 1, 2004 and owned or operated by such  
2 entity as of January 1, 2004; and  
3 z. To consult, collaborate, and work in partnership with the  
4 Division of Travel and Tourism and the Motion Picture and  
5 Television Development Commission to coordinate economic  
6 development and promotional and marketing efforts related to  
7 tourism, entertainment, sports, and related activities and to assist  
8 the division and the Commission in fulfilling their respective duties  
9 and responsibilities as prescribed by law.<sup>3</sup>  
10 (cf: P.L.2012, c.15, s.3)

11  
12 <sup>3</sup>88. Section 6 of P.L.1971, c.137 (C.5:10-6) is amended to read  
13 as follows:

14 6. a. The authority, pursuant to the provisions of P.L.1971,  
15 c.137 (C.5:10-1 et seq.), is hereby authorized and empowered,  
16 either alone or in conjunction with others, and provided that, in the  
17 case of an arrangement with respect to any of the projects set forth  
18 in this section which shall be in conjunction with others, the  
19 authority shall have sufficient right and power to carry out the  
20 public purposes set forth in P.L.1971, c.137 (C.5:10-1 et seq.):

21 (1) To establish, develop, construct, operate, acquire, own,  
22 manage, promote, maintain, repair, reconstruct, restore, improve  
23 and otherwise effectuate, either directly or indirectly through  
24 lessees, licensees or agents, a project to be located in the  
25 Hackensack meadowlands upon a site not to exceed 750 acres and  
26 upon a site or sites outside of that acreage, but either immediately  
27 contiguous thereto or immediately across any public road which  
28 borders that acreage, consisting of one or more stadiums, coliseums,  
29 arenas, pavilions, stands, field houses, playing fields, recreation  
30 centers, courts, gymnasiums, clubhouses, a racetrack for the holding  
31 of horse race meetings, and other buildings, structures, facilities,  
32 properties and appurtenances related to, incidental to, necessary for,  
33 or complementary to a complex suitable for the holding of athletic  
34 contests or other sporting events, or trade shows, exhibitions,  
35 spectacles, public meetings, entertainment events or other  
36 expositions, including, but not limited to, driveways, roads,  
37 approaches, parking areas, parks, recreation areas, lodging  
38 facilities, vending facilities, restaurants, transportation structures,  
39 systems and facilities, and equipment, furnishings, and all other  
40 structures and appurtenant facilities, related to, incidental to,  
41 necessary for, or complementary to the purposes of that project or  
42 any facility thereof.

43 (2) To establish, develop, construct, acquire, lease or own,  
44 operate, manage, promote, maintain, repair, reconstruct, restore,  
45 improve and otherwise effectuate, either directly or indirectly  
46 through lessees, licensees or agents, a project, at a site within the  
47 State of New Jersey, consisting of a baseball stadium and other  
48 buildings, structures, facilities, properties and appurtenances related

1 thereto, or incidental to, necessary for, or complementary to a  
2 complex suitable for the holding of professional baseball games and  
3 other athletic contests or sporting events, or trade shows,  
4 exhibitions, spectacles, public meetings, entertainment events or  
5 other expositions, such project to include driveways, roads,  
6 approaches, parking areas, parks, recreation areas, vending  
7 facilities, restaurants, transportation structures, systems and  
8 facilities, and equipment, furnishings and all other structures and  
9 appurtenant facilities related to, incidental to, necessary for, or  
10 complementary to the purposes of that project or any facility  
11 thereof.

12 (3) To establish, develop, construct, acquire, lease or own,  
13 operate, manage, promote, maintain, repair, reconstruct, restore,  
14 improve and otherwise effectuate, either directly or indirectly  
15 through lessees, licensees or agents, projects located within the  
16 State of New Jersey, consisting of aquariums and the buildings,  
17 structures, facilities, properties and appurtenances related thereto,  
18 or incidental to, necessary for, or complementary to those  
19 aquariums, such project to include driveways, roads, approaches,  
20 parking areas, parks, recreation areas, vending facilities,  
21 restaurants, transportation structures, systems and facilities, and  
22 equipment, furnishings and all other structures and appurtenant  
23 facilities related to, incidental to, necessary for, or complementary  
24 to the purposes of that project or any facility thereof. To provide  
25 for a project authorized under this paragraph:

26 (a) (Deleted by amendment, P.L.1988, c.172.)

27 (b) With regard to an aquarium project located outside of the  
28 meadowlands complex, the authority is authorized to enter into  
29 agreements with the State Treasurer providing for the acquisition  
30 and construction of an aquarium by the authority, including the land  
31 necessary for the aquarium, and the costs thereof, ownership of the  
32 aquarium and its land which shall be conveyed to the State upon  
33 completion, and the operation by the authority of the aquarium  
34 pursuant to a lease or other agreement with the State containing  
35 such terms and conditions as the State Treasurer may establish prior  
36 to the acquisition and construction by the authority of the aquarium  
37 and the disbursements of funds therefor. The State Treasurer is  
38 authorized to enter into a lease or other agreement to effectuate the  
39 provisions of this subparagraph.

40 (c) With regard to an aquarium project located within the  
41 meadowlands complex, the authority is authorized to enter into such  
42 agreements as it determines are necessary for the construction of the  
43 aquarium, including agreements providing for the acquisition of any  
44 land that may be necessary, for the ownership and for payment of  
45 costs of the aquarium, and for the operation thereof.

46 (4) To establish, develop, construct, acquire, own, operate,  
47 manage, promote, maintain, repair, reconstruct, restore, improve  
48 and otherwise effectuate, either directly or indirectly through

1 lessees, licensees or agents, a project consisting of an exposition or  
2 entertainment center or hotel or office complex, including any  
3 buildings, structures, properties and appurtenances related thereto,  
4 incidental thereto, necessary therefor, or complementary thereto,  
5 such project to include driveways, roads, approaches, parking areas,  
6 parks, recreation areas, vending facilities, restaurants, transportation  
7 structures, systems, and equipment, furnishings and all other  
8 structures and appurtenances related to, incidental to, necessary for,  
9 or complementary to, the purposes of that project. A project  
10 authorized under this paragraph may be located within, immediately  
11 contiguous to, or immediately across any public road which borders  
12 the site of any other project of the authority, except the site of a  
13 racetrack authorized by paragraph (5) of this subsection and  
14 acquired by the authority prior to 1986.

15 (5) To establish, develop, construct, acquire, own, operate,  
16 manage, promote, maintain, repair, reconstruct, restore, improve  
17 and otherwise effectuate, either directly or indirectly through  
18 lessees, licensees or agents, projects consisting of (a) racetrack  
19 facilities located within the State of New Jersey, but outside of the  
20 meadowlands complex, (b) their contiguous properties, and (c) their  
21 auxiliary facilities, including, without limitation, pavilions, stands,  
22 field houses, clubhouses, training tracks for horses, racetracks for  
23 the holding of horse race meetings, fairgrounds, other exposition  
24 facilities, and other buildings, structures, facilities, properties and  
25 appurtenances related to, incidental to, necessary for, or  
26 complementary to a complex suitable for the holding of horse race  
27 meetings, other sporting events, or trade shows, exhibitions,  
28 spectacles, public meetings, entertainment events or other  
29 expositions, including, but not limited to, driveways, roads,  
30 approaches, parking areas, parks, recreation areas, lodging  
31 facilities, vending facilities, restaurants, transportation structures,  
32 systems and facilities, equipment, furnishings, and all other  
33 structures and appurtenant facilities related to, incidental to,  
34 necessary for, or complementary to the purposes of any of those  
35 projects or any facility thereof.

36 Notwithstanding any law to the contrary, the acquisition of any  
37 existing racetrack facility in and licensed by the State of New  
38 Jersey shall be permitted on the condition that payments equivalent  
39 to all municipal, school board and county taxes due to each entity  
40 shall be paid by the authority to the extent and in accordance with  
41 the same payment schedule as taxes would have been paid each  
42 year, as though the racetrack facility remained in private ownership.  
43 In the event the authority conveys lands or other parts of the  
44 racetrack facility to others, the authority shall receive a reduction of  
45 such payments commensurate with the amount required to be paid  
46 by the subsequent owner of the lands and improvements disposed of  
47 by the authority. In addition, the authority shall be responsible for

1 paying all existing local franchise fees, license and parking tax fees  
2 in effect at the time of the acquisition.

3 (6) To establish, develop, acquire, own, operate, manage,  
4 promote and otherwise effectuate, in whole or in part, either directly  
5 or indirectly through lessees, licensees or agents, projects consisting  
6 of events, expositions, teams, team franchises or membership in  
7 professional sports leagues.

8 (7) To establish, develop, construct, acquire, own, operate,  
9 manage, promote, maintain, repair, reconstruct, restore, improve  
10 and otherwise effectuate, either directly or indirectly through  
11 lessees, licensees or agents, projects consisting of facilities, at a site  
12 or sites within the State of New Jersey and either within or without  
13 the meadowlands complex, that are related to, incidental to,  
14 necessary for, or complementary to the accomplishment or purpose  
15 of any project of the authority authorized by this section, including  
16 any buildings, structures, properties and appurtenances related  
17 thereto, incidental thereto, necessary therefor, or complementary  
18 thereto, such projects to include driveways, roads, approaches,  
19 parking areas, parks, recreation areas, off-track and account  
20 wagering systems and facilities or any interest therein, vending  
21 facilities, restaurants, transportation structures, systems, and  
22 equipment, furnishings and all other structures and appurtenances  
23 related to, incidental to, necessary for, or complementary to the  
24 purposes of those projects.

25 (8) To establish, develop, acquire, construct, reconstruct,  
26 improve and otherwise effectuate for transfer to, and for use and  
27 operation by, Rutgers, the State University, either directly or  
28 indirectly through lessees, licensees or agents, facilities located or  
29 to be located on property owned, leased, or otherwise used by  
30 Rutgers, the State University, consisting of an upgraded and  
31 expanded football stadium and a new track and field, soccer and  
32 lacrosse facility and the buildings, structures, properties and  
33 appurtenances related thereto, or incidental to, necessary for, or  
34 complementary to the football stadium and track and field, soccer  
35 and lacrosse facility, such facilities to include driveways, access  
36 roads, approaches, parking areas, parks, recreation areas, vending  
37 facilities, restaurants, transportation structures, systems and  
38 equipment, furnishings and all other structures and appurtenances  
39 related or incidental to, necessary for, or complementary to the  
40 purposes of those facilities; provided however that construction  
41 shall not begin on the expansion of the seating capacity of Rutgers  
42 Stadium until the Commissioner of Transportation certifies that all  
43 funding necessary to complete the Route 18 project in Piscataway  
44 Township has been appropriated and construction has begun on the  
45 Route 18 project in Piscataway Township under the Department of  
46 Transportation's capital program.

47 (9) To acquire by purchase, lease or otherwise, and to develop,  
48 construct, operate, own, lease, manage, repair, reconstruct, restore,

1 improve, enlarge or otherwise effectuate, either directly or through  
2 lessees, licensees or agents, a project which may hereinafter be  
3 referred to as either the Atlantic City convention center project or a  
4 convention center project in the city of Atlantic City, Atlantic  
5 County, consisting of the existing convention hall and a new  
6 convention hall or center, and associated parking areas and railroad  
7 terminal facilities and including the leasing of adjacent land for  
8 hotel facilities. In connection therewith, the authority is authorized  
9 to:

10 (a) Assume existing leasehold or other contractual obligations  
11 pertaining to any such facilities or properties or to make provision  
12 for the payment or retirement of any debts and obligations of the  
13 governmental entity operating any such convention hall or center or  
14 of any bonds or other obligations payable from and secured by a  
15 lien on or pledge of the luxury tax revenues;

16 (b) Make loans or payments in aid of construction with respect  
17 to infrastructure and site development for properties located in the  
18 area between the sites of the existing convention hall and a new  
19 convention center or located contiguous to or across any public road  
20 which borders the area;

21 (c) Convert the existing convention hall or any facilities,  
22 structures or properties thereof, or any part thereof, not disposed of  
23 by the authority, to any sports, exposition, exhibition, or  
24 entertainment use or to use as a forum for public events or  
25 meetings, or to any other use which the authority shall determine to  
26 be consistent with its operation of the Atlantic City convention  
27 center project;

28 (d) Transfer, as soon as practicable, its ownership interest or  
29 other rights and obligations, other than any bonds, notes, or other  
30 obligations, including any credit agreement, of the authority issued  
31 and outstanding, or then in effect, on the date of such transfer under  
32 the Luxury Tax Bond Resolution, in the Atlantic City convention  
33 center project to the Atlantic City Convention and Visitors  
34 Authority created under section 3 of P.L.1981, c.459 (C.52:27H-  
35 31), and cease any supervision of the Atlantic City Convention and  
36 Visitors Authority, to the extent permitted by the terms of the  
37 bonds, notes, leases or other financing documents, assignments,  
38 agreements or arrangements issued or entered into to finance or  
39 refinance, in whole or in part, or incurred in connection with the  
40 Atlantic City convention center project, as reasonably determined  
41 by the authority but subject to the diligence and reasonable  
42 determination provisions of paragraph (6) of subsection f. of this  
43 section.

44 (10) To provide a feasibility study for the use and development of  
45 the existing convention center in the city of Asbury Park, county of  
46 Monmouth and to provide a feasibility study for the construction,  
47 use and development of a convention center or recreational facility  
48 in any other municipality.

1 (11)To provide funding to public or private institutions of higher  
2 education in the State to establish, develop, acquire, construct,  
3 reconstruct or improve facilities located or to be located on property  
4 owned, leased, or otherwise used by an institution, consisting of  
5 sports facilities and the buildings, structures, properties and  
6 appurtenances related thereto, or incidental to, necessary for, or  
7 complementary to those sports facilities, such facilities to include  
8 driveways, access roads, approaches, parking areas, parks,  
9 recreation areas, vending facilities, restaurants, transportation  
10 structures, systems and equipment, furnishings and all other  
11 structures and appurtenances related or incidental to, necessary for,  
12 or complementary to the purposes of those facilities.

13 (12)To acquire by purchase, lease, or otherwise, including all  
14 right, title and interest of the Greater Wildwood Tourism  
15 Improvement Development Authority in any property, and to  
16 develop, construct, operate, own, lease, manage, repair, reconstruct,  
17 restore, improve, enlarge or otherwise effectuate, either directly or  
18 through lessees, licensees or agents, a convention center facility in  
19 the City of Wildwood, Cape May County, consisting of and  
20 including any existing and acquired buildings, structures, properties  
21 and appurtenances and including restaurants, retail businesses,  
22 access roads, approaches, parking areas, transportation structures  
23 and systems, recreation areas, equipment, furnishings, vending  
24 facilities, and all other structures and appurtenances incidental to,  
25 necessary for, or complementary to the purpose of such Wildwood  
26 convention center facility. In connection therewith, the authority is  
27 expressly authorized to:

28 (a) assume any existing mortgages, leaseholds or other  
29 contractual obligations or encumbrances with respect to the site of  
30 the Wildwood convention center facility and any other existing and  
31 acquired buildings, structures, properties, and appurtenances;

32 (b) enter into agreements with a local public body or bodies  
33 providing for any necessary financial support or other assistance for  
34 the operation and maintenance of such Wildwood convention center  
35 facility from taxes or other sources of the local public body or  
36 bodies as shall be made available for such purposes;

37 (c) to the extent permitted by law and by the terms of the bonds  
38 or notes issued to finance the Wildwood convention center facility,  
39 transfer its ownership interest or other rights with respect to the  
40 convention center facility to another State authority or agency;

41 (d) upon payment of all outstanding bonds and notes issued  
42 therefor, transfer its ownership interest and other rights with respect  
43 thereto to such other public body as shall be authorized to own and  
44 operate such a facility; and

45 (e) convert any existing convention hall or any facilities,  
46 structures or properties thereof, or any part thereof, not disposed of  
47 by the authority, to any use which the authority shall determine to



1 be consistent with the operation of the Wildwood convention center  
2 facility.

3 (13) To acquire by purchase, lease or otherwise, and to develop,  
4 construct, own, lease, manage, repair, reconstruct, restore, improve,  
5 enlarge or otherwise effectuate, either directly or through lessees,  
6 licensees, or agents, all right, title, or interest in the Garden State  
7 Arts Center in Holmdel, Monmouth County, and any related or  
8 auxiliary facilities and to transfer its interest in the Garden State  
9 Arts Center and any related or auxiliary facilities to such other  
10 public body that is authorized to own and operate such a facility, or  
11 other entity, according to such terms and process as the authority  
12 may establish in its discretion.

13 (14) (a) To establish, develop, construct, acquire, lease or own,  
14 operate, manage, promote, maintain, repair, reconstruct, restore,  
15 improve and otherwise effectuate, either directly or indirectly  
16 through lessees, licensees or agents, projects located within the  
17 State of New Jersey, but outside the meadowlands complex,  
18 provided that the authority first obtains the consent of the  
19 municipality or municipalities in which the projects are to be  
20 located, consisting of football training facilities that are comparable  
21 in quality to National Football League professional football training  
22 facilities and the buildings, structures, facilities, uses, properties  
23 and appurtenances related thereto, or identical to, necessary for, or  
24 complementary to those National Football League-quality  
25 professional football league training facilities, such projects to  
26 include driveways, roads, approaches, parking areas, parks,  
27 recreation areas, restaurants, transportation structures, systems and  
28 facilities, and equipment, furnishings and all other structures and  
29 appurtenant facilities related to, incidental to, necessary for, or  
30 complementary to the purposes of such projects or any facility  
31 thereof.

32 (b) For projects developed pursuant to subparagraph (a) of  
33 paragraph (14) of this subsection, the authority shall make in-lieu-  
34 of-tax payments in each municipality affected in amounts  
35 negotiated by the authority and each municipality.

36 b. The authority, pursuant to the provisions of P.L.1971, c.137  
37 (C.5:10-1 et seq.), is authorized (1) to make, as part of any of the  
38 projects, capital contributions to others for transportation and other  
39 facilities, and accommodations for the public's use of any of those  
40 projects, (2) to lease any part of any of those project sites not  
41 occupied or to be occupied by the facilities of any of those projects,  
42 for purposes determined by the authority to be consistent with or  
43 related to the purposes of those projects, including, but not limited  
44 to, hotels and other accommodations for transients and other  
45 facilities related to or incidental to any of those projects, and (3) to  
46 sell or dispose of any real or personal property, including, but not  
47 limited to, such portion of the site of any of those projects not  
48 occupied or to be occupied by the facilities of any of those projects,

1 at not less than the fair market value of the property, except in the  
2 case of sale or disposition to the State, any political subdivision of  
3 the State or any agency or instrumentality of the State or any  
4 political subdivision of the State.

5 c. Revenues, moneys or other funds, if any, derived from the  
6 operation or ownership of the meadowlands complex, including the  
7 conduct of horse race meetings, shall be applied, in accordance with  
8 the resolution or resolutions authorizing or relating to the issuance  
9 of bonds or notes of the authority, to the following purposes and in  
10 the following order:

11 (1) The costs of operation and maintenance of the meadowlands  
12 complex and reserves therefor;

13 (2) Principal, sinking fund installments and redemption  
14 premiums of and interest on any bonds or notes of the authority  
15 payable from such revenues, moneys or other funds and issued for  
16 the purposes of the meadowlands complex or for the purposes of  
17 refunding the same, including reserves and payments with respect to  
18 credit agreements therefor;

19 (3) The costs of any major or extraordinary repairs, renewals or  
20 replacements with respect to the meadowlands complex or  
21 incidental improvements thereto, not paid pursuant to paragraph (1)  
22 above, including reserves therefor;

23 (4) Payments required to be made pursuant to section 18b.;

24 (5) Payments authorized to be made pursuant to section 18c.;

25 (6) Except to the extent payments with respect to bonds or notes  
26 are provided with priority in accordance with paragraph (2) of this  
27 subsection, payments required to be made in accordance with the  
28 resolution authorizing or relating to the issuance of bonds or notes  
29 of the authority, for the purposes of any project authorized by this  
30 act, including payments and reserves with respect to any bonds or  
31 notes of the authority with respect to the meadowlands complex  
32 which are not provided with priority in accordance with paragraph  
33 (2) of this subsection;

34 (7) Payments required to be made to repay any obligation  
35 incurred by the authority to the State;

36 (8) The balance remaining after application in accordance with  
37 the above shall be deposited in the General State Fund, provided  
38 that (a) there shall be appropriated for authorized State purposes  
39 from the amount so deposited that amount which shall be calculated  
40 by the State Treasurer to be the debt service savings realized with  
41 respect to the refinancing of the initial project as defined in section  
42 1 of P.L.1973, c.286 (C.5:10-14.1) at the meadowlands complex, by  
43 the issuance of bonds of the authority guaranteed by the State], and  
44 (b) after such appropriation, 40% of any balance remaining from the  
45 amounts so deposited shall be appropriated to the Meadowlands  
46 Commission for any of its purposes authorized by P.L.1968, c.404,  
47 and any amendments or supplements thereto].

1 d. Revenues, moneys or other funds, if any, derived from the  
2 operation or ownership of any project other than the meadowlands  
3 complex, the Atlantic City convention center project, or the  
4 Wildwood convention center facility and other than a baseball  
5 stadium project or an office complex project located on the site of a  
6 baseball stadium shall be applied for such purposes, in such manner  
7 and subject to such conditions as shall be provided in the resolution  
8 authorizing or relating to the issuance of bonds or notes of the  
9 authority for the purposes of such project, and the balance, if any,  
10 remaining after such application may be applied, to the extent not  
11 contrary to or inconsistent with the resolution, in the following  
12 order: (1) to the purposes of the meadowlands complex, unless  
13 otherwise agreed upon by the State Treasurer and the authority, (2)  
14 to the purposes of any other project of the authority; and, the  
15 balance remaining, if any, shall be deposited in the General Fund.

16 e. Revenues, moneys or other funds, if any, derived from the  
17 operation, ownership, or leasing of a baseball stadium project or an  
18 office complex project located on the site of a baseball stadium  
19 shall be applied for the purposes, in the manner and subject to the  
20 conditions as shall be provided in the resolution authorizing or  
21 relating to the issuance of bonds or notes of the authority for the  
22 purposes of a baseball stadium project or an office complex project  
23 located on the site of a baseball stadium, if any, and the balance, if  
24 any, remaining after such application shall be applied, to the extent  
25 not contrary to or inconsistent with the resolution, to the following  
26 purposes and in the following order:

27 (1) The costs of operation and maintenance of a baseball  
28 stadium project and an office complex project located on the site of  
29 a baseball stadium and reserves therefor;

30 (2) Payments made to repay the bonded indebtedness incurred  
31 by the authority for the purposes of a baseball stadium project or an  
32 office complex project located on the site of a baseball stadium;

33 (3) Payments equivalent to an amount required to be made by  
34 the State for payments in lieu of taxes pursuant to P.L.1977, c.272  
35 (C.54:4-2.2a et seq.);

36 (4) The balance remaining after application in accordance with  
37 the above shall be deposited in the General Fund.

38 f. Revenues, moneys or other funds, if any, including earned  
39 interest, derived from the operation, ownership or leasing of the  
40 Atlantic City convention center project shall be applied to the costs  
41 of operating, maintaining and promoting the Atlantic City  
42 convention center project and to the other purposes set forth in  
43 paragraphs (1) through (5) of this subsection, except as provided in  
44 paragraph (6) of this subsection.

45 Subject to paragraph (6) of this subsection, luxury tax revenues  
46 paid to the authority by the State Treasurer pursuant to section 14 of  
47 P.L.1991, c.375 (C.5:10-14.4), including earned interest, shall be

1 deposited by the authority in a separate fund or account and applied  
2 to the following purposes and in the following order:

3 (1) To pay the principal, sinking fund installments and  
4 redemption premiums of and interest on any bonds or notes of the  
5 authority, including bonds or notes of the authority issued for the  
6 purpose of refunding bonds or notes, issued for purposes of (i) the  
7 initial acquisition of the existing properties which will constitute  
8 part of the Atlantic City convention center project, if the bonds or  
9 notes shall be payable under the terms of the resolution of the  
10 authority relating thereto from luxury tax revenues, or (ii) providing  
11 improvements, additions or replacements to the Atlantic City  
12 convention center project, if the bonds or notes shall be payable  
13 under the terms of the resolution of the authority relating thereto  
14 from luxury tax revenues; and to pay any amounts due from the  
15 authority under any credit agreement entered into by the authority  
16 in connection with the bonds or notes.

17 (2) To pay the costs of operation, maintenance and promotion of  
18 the Atlantic City convention center project, including amounts  
19 payable as operating expenses under the Luxury Tax Bond  
20 Resolution or the terms of the bonds, notes, leases or other  
21 financing documents, assignments, agreements or arrangements  
22 issued or entered into to finance or refinance, in whole or in part, or  
23 incurred in connection with, the Atlantic City convention center  
24 project.

25 (3) To establish and maintain a working capital and maintenance  
26 reserve fund for the Atlantic City convention center project in an  
27 amount as shall be determined by the authority to be necessary.

28 (4) To repay to the State those amounts paid by the State with  
29 respect to bonds or notes of the authority issued for the purposes of  
30 the Atlantic City convention center project.

31 (5) The balance of any luxury tax revenues not required for any  
32 of the foregoing purposes and remaining at the end of any calendar  
33 year shall be paid to the State Treasurer for application to purposes  
34 in the city of Atlantic City pursuant to section 5 of P.L.1981, c.461  
35 (C.40:48-8.30a).

36 The authority may pledge the luxury tax revenues paid to it as  
37 provided for in section 14 of P.L.1991, c.375 (C.5:10-14.4) as  
38 security for the payment of the principal of and interest or premium  
39 on the bonds or notes issued for the purposes set forth above in  
40 paragraph (1) of this subsection f. in the same manner, to the same  
41 extent and with the same effect as the pledge of any of its other  
42 revenues, receipts and funds authorized by P.L.1971, c.137 (C.5:10-  
43 1 et seq.).

44 (6) (a) The authority shall promptly and diligently pursue all  
45 consents, approvals, waivers or non-objections under the bonds,  
46 notes, leases, or other financing documents, assignments,  
47 agreements or arrangements issued or entered into to finance or  
48 refinance, in whole or in part, or incurred in connection with, the

1 Atlantic City convention center project, that are required for the  
2 following actions, which actions may be implemented at the same  
3 or at different times:

4 (i) to permit the State Treasurer to remit to the authority, for  
5 deposit to the Luxury Tax Revenue Fund established under the  
6 Luxury Tax Bond Resolution, luxury tax revenues held by the State  
7 Treasurer in the fund established pursuant to section 5 of P.L.1979,  
8 c.273 (C.40:48-8.30) in an amount sufficient to (A) pay the  
9 principal, sinking fund installments and redemption premiums, if  
10 any, of and interest on any bonds, notes, or other obligations,  
11 including any credit agreement, of the authority issued and  
12 outstanding or entered into pursuant to the Luxury Tax Bond  
13 Resolution, and (B) maintain any reserves required to be held by the  
14 trustee pursuant to the Luxury Tax Bond Resolution, and to remit  
15 the balance of the luxury tax revenues held by the State Treasurer in  
16 such fund, including interest thereon, to the Atlantic City  
17 Convention and Visitors Authority to be applied as provided in  
18 section 25 of P.L.2008, c.47 (C.52:27H-41.13) subject, however, to  
19 the lien of the Luxury Tax Bond Resolution, until all bonds, notes,  
20 and other obligations, including any credit agreement, of the  
21 authority issued and outstanding or entered into pursuant to the  
22 Luxury Tax Bond Resolution have been paid or defeased in full.

23 (ii) to permit the authority to transfer its ownership interest or  
24 other rights and obligations, other than any bonds, notes, or other  
25 obligations, including any credit agreement, of the authority issued  
26 and outstanding, or then in effect, on the date of such transfer under  
27 the Luxury Tax Bond Resolution, in the Atlantic City convention  
28 center project to the Atlantic City Convention and Visitors  
29 Authority, and cease any supervision of the Atlantic City  
30 Convention and Visitors Authority.

31 (iii) to implement any other provisions of P.L.2008, c.47  
32 (C.52:27H-31.1 et al.).

33 (b) Upon obtaining such consents, approvals, waivers or non-  
34 objections or upon the reasonable determination by the authority or  
35 the State Treasurer that such consents, approvals or non-objections  
36 have been obtained, are unnecessary or that the absence of such  
37 consents, approvals or non-objections shall not result in a material  
38 default, the State Treasurer shall thereafter remit to the authority  
39 from the fund only those monies required to satisfy the obligations  
40 of subparagraphs (a)(i)(A) and (a)(i)(B) of this paragraph; the  
41 balance of the luxury tax revenues held by the State Treasurer in  
42 such fund, including interest thereon, shall be paid promptly to the  
43 Atlantic City Convention and Visitors Authority to be applied as  
44 provided in section 25 of P.L.2008, c.47 (C.52:27H-41.13), subject,  
45 however, to the lien of the Luxury Tax Bond Resolution until all  
46 bonds, notes, and other obligations, including any credit agreement,  
47 of the authority issued and outstanding or entered into pursuant to  
48 the Luxury Tax Bond Resolution have been paid or defeased in full.

1 (c) When all bonds, notes, or other obligations, including any  
2 credit agreement, of the authority issued and outstanding or entered  
3 into pursuant to the Luxury Tax Bond Resolution have been paid or  
4 defeased in full, any amounts received by the authority from the  
5 funds and accounts held under the Luxury Tax Bond Resolution  
6 shall forthwith be transferred to the Atlantic City Convention and  
7 Visitors Authority to be applied as provided in section 25 of  
8 P.L.2008, c.47 (C.52:27H-41.13).

9 g. Revenues, moneys or other funds, if any, derived from the  
10 ownership or operation of the Wildwood convention center facility  
11 shall be applied to the costs of operating and maintaining the  
12 Wildwood convention center facility and to the other purposes set  
13 forth in this subsection as shall be provided by resolution of the  
14 authority.

15 The tourism related tax revenues paid to the authority pursuant to  
16 subsection f. of section 14 of P.L.1992, c.165 (C.40:54D-14) shall  
17 be deposited by the authority in a separate fund or account and  
18 applied to any or all of the following purposes pursuant to an  
19 allocation of funds approved by the State Treasurer in writing and  
20 in advance of any application of such funds:

21 (1) to pay amounts due with respect to any obligations  
22 transferred to the authority pursuant to section 17 of P.L.1997,  
23 c.273 (C.40:54D-25.1) pertaining to the Wildwood convention  
24 center facility;

25 (2) to repay to the State those amounts paid with respect to  
26 bonds or notes of the authority issued for the purposes of the  
27 Wildwood convention center facility;

28 (3) to pay the cost of operation and maintenance reserve for the  
29 Wildwood convention center facility;

30 (4) to establish and maintain a working capital and maintenance  
31 reserve for the Wildwood convention center facility.

32 The balance, if any, of any tourism related tax revenues not  
33 allocated to any of the purposes set forth in the previous paragraphs  
34 and remaining at the end of the calendar year shall be paid to the  
35 State Treasurer for deposit in the General Fund.<sup>3</sup>

36 (P.L.2008, c.109, s.1.)

37  
38 <sup>3</sup>89. Section 8 of P.L.1971, c.137 (C.5:10-8) is amended to read  
39 as follows:

40 8. a. If the authority shall find it necessary in connection with  
41 the undertaking of any of its projects to change the location of any  
42 portion of any public highway or road, it may contract with any  
43 government agency or public or private corporation, which may  
44 have jurisdiction over said public highway or road, to cause said  
45 public highway or road to be constructed at such location as the  
46 authority shall deem most favorable **【and, as to its project in the  
47 meadowlands complex, in consultation with the Meadowlands  
48 Commission】**. The cost of such reconstruction and any damage

1 incurred in changing the location of any such highway shall be  
2 ascertained and paid by the authority as a part of the cost of any  
3 project. Any public highway affected by the construction of a  
4 project may be vacated or relocated by the authority in the manner  
5 now provided by law for the vacation or relocation of public roads,  
6 and any damages awarded on account thereof shall be paid by the  
7 authority as part of the cost of the project. In all undertakings  
8 authorized by this subsection the authority shall consult and obtain  
9 the approval of the New Jersey Department of Transportation.

10 b. In addition to the foregoing powers, the authority and its  
11 authorized agents and employees may enter upon any lands, waters  
12 and premises for the purpose of making surveys, soundings,  
13 drillings and examinations as it may deem necessary or convenient  
14 for the purposes of the act, all in accordance with due process of  
15 law, and such entry shall not be deemed a trespass nor shall an  
16 entry for such purpose be deemed an entry under any condemnation  
17 proceedings which may be then pending. The authority shall make  
18 reimbursement for any actual damages resulting to such lands,  
19 waters and premises as a result of such activities.

20 c. The authority shall also have power to make reasonable  
21 regulations for the installation, construction, maintenance, repair,  
22 renewal, relocation and removal of tracks, pipes, mains, conduits,  
23 cables, wires, towers, poles and other equipment and appliances  
24 (herein called "public utility facilities" ) of any public utility as  
25 defined in R.S.48:2-13, in, on, along, over or under a project.  
26 Whenever the authority shall determine that it is necessary that any  
27 such public utility facilities which now are, or hereafter may be,  
28 located in, on, along, over or under a project shall be relocated in  
29 the project, or should be removed therefrom, the public utility  
30 owning or operating such facilities shall relocate or remove the  
31 same in accordance with the order of the authority; provided,  
32 however, that the cost and expenses of such relocation or removal,  
33 including the cost of installing such facilities in a new location, or  
34 new locations, and the cost of any lands, or any rights or interests in  
35 lands, and any other rights, acquired to accomplish such relocation  
36 or removal, shall be ascertained and paid by the authority as a part  
37 of the cost of any project. In case of any such relocation or removal  
38 of facilities, as aforesaid, the public utility owning or operating the  
39 same, its successors or assigns, may maintain and operate such  
40 facilities, with the necessary appurtenances, in the new location or  
41 new locations, for as long a period, and upon the same terms and  
42 conditions, as it had the right to maintain and operate such facilities  
43 in their former location or locations. In all undertakings authorized  
44 by this subsection the authority shall consult and obtain the  
45 approval of the Board of Public Utilities.<sup>3</sup>  
46 (cf: P.L.1984, c.215, s.6)

1       <sup>3</sup>90. Section 18 of P.L.1971, c.137 (C.5:10-18) is amended to  
2 read as follows:

3       18. a. All projects and other property of the authority, except an  
4 off-track wagering facility or account wagering system facility  
5 established pursuant to P.L.2001, c.199, is hereby declared to be  
6 public property devoted to an essential public and governmental  
7 function and purpose and shall be exempt from all taxes and special  
8 assessments of the State or any political subdivision thereof;  
9 provided, however, that when any part of the project site not  
10 occupied or to be occupied by facilities of the project is leased by  
11 the authority to another whose property is not exempt and the  
12 leasing of which does not make the real estate taxable, the estate  
13 created by the lease and the appurtenances thereto shall be listed as  
14 the property of the lessee thereof, or his assignee, and be assessed  
15 and taxed as real estate. All bonds or notes issued pursuant to the  
16 act are hereby declared to be issued by a body corporate and public  
17 of the State and for an essential public and governmental purpose  
18 and such bonds and notes, and the interest thereon and the income  
19 therefrom, and all funds, revenues, income and other moneys  
20 received or to be received by the authority and pledged or available  
21 to pay or secure the payment of such bonds or notes, or interest  
22 thereon, shall at all times be exempt from taxation except for  
23 transfer, inheritance and estate taxes.

24       b. To the end that there does not occur an undue loss of future  
25 tax revenues by reason of the acquisition of real property by the  
26 authority for the meadowlands complex the authority annually shall  
27 make payments in-lieu-of-taxes to the municipality in which such  
28 property is located in an amount computed in each year with respect  
29 to each such municipality by multiplying the total amount to be  
30 raised by real property taxation in each such year by a fraction, the  
31 numerator of which is the amount of real property taxes assessed  
32 against the property acquired by the authority in the tax year in  
33 which this act becomes effective and the denominator of which is  
34 the total amount to be raised by real property taxation in such  
35 municipality in the tax year in which this act becomes effective.  
36 Such payments shall be made in each year commencing with the  
37 first year subsequent to the year in which such real property shall  
38 have been converted from a taxable to an exempt status by reason of  
39 acquisition thereof by the authority.

40       c. The authority is further authorized and empowered to enter  
41 into any agreement or agreements with **【the Meadowlands**  
42 **Commission or with】** any county or municipality located in whole  
43 or part within the Hackensack meadowlands whereby the authority  
44 will undertake to pay any additional amounts to compensate for any  
45 loss of tax revenues by reason of the acquisition of any real  
46 property by the authority for the meadowlands complex or to pay  
47 amounts to be used by such **【commission,】** county or municipality  
48 in furtherance of the development of the Hackensack meadowlands,



1 including the meadowlands complex. **【The commission and every】**  
2 Every such county and municipality is authorized and empowered  
3 to enter into such agreements with the authority and to accept  
4 payments which the authority makes thereunder.

5 d. All payments to municipalities pursuant to subsections b.  
6 and c. shall be treated as payments in-lieu-of-property taxes for all  
7 purposes of article 9 of P.L.1968, c.404 (C.13:17-60 to 13:17-76).<sup>3</sup>  
8 (cf: P.L.2001, c.199, s.39)

9  
10 <sup>3</sup>91. Section 22 of P.L.1971, c.137 (C.5:10-22) is repealed.<sup>3</sup>

11  
12 <sup>3</sup>92. Section 23 of P.L.1971, c.137 (C.5:10-23) is amended to  
13 read as follows:

14 It is the express intent of the Legislature that the authority in  
15 undertaking the meadowlands complex shall consult with **【the**  
16 **Meadowlands Commission and】** the Department of Environmental  
17 Protection with respect to the ecological factors constituting the  
18 environment of the Hackensack meadowlands to the end that the  
19 delicate environmental balance of the Hackensack meadowlands  
20 may be maintained and preserved.<sup>3</sup>  
21 (cf: P.L.1971, c.137, s.23)

22  
23 <sup>1</sup>**【86.】** <sup>2</sup>**【87.1】** <sup>3</sup>**【88.2】** 93.<sup>3</sup> This act shall take effect  
24 immediately.

25

26

27

28

29 “Hackensack Meadowlands Agency Consolidation Act”;  
30 “Hackensack Meadowlands Transportation Planning District Act of  
31 2014”; “New Jersey Meadowlands Tax Relief Act.”

# ASSEMBLY, No. 3969

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED DECEMBER 11, 2014

**Sponsored by:**

**Assemblyman VINCENT PRIETO**

**District 32 (Bergen and Hudson)**

**Assemblyman GARY S. SCHAER**

**District 36 (Bergen and Passaic)**

**Assemblywoman MARLENE CARIDE**

**District 36 (Bergen and Passaic)**

**Assemblyman TIMOTHY J. EUSTACE**

**District 38 (Bergen and Passaic)**

**SYNOPSIS**

“Hackensack Meadowlands Agency Consolidation Act”; “Hackensack Meadowlands Transportation Planning District Act of 2014”; “New Jersey Meadowlands Tax Relief Act.”

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/16/2014)**

1 AN ACT consolidating the New Jersey Meadowlands Commission  
2 and the New Jersey Sports and Exposition Authority,  
3 reestablishing the Hackensack Meadowlands Transportation  
4 Planning District, and adjusting funding method for the  
5 intermunicipal tax sharing program in the New Jersey  
6 Meadowlands, and supplementing Title 13 of the Revised  
7 Statutes.

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

11  
12 1. Sections 1 through 68 of P.L. , c. (C. ) (pending before  
13 the Legislature as this bill) shall be known and may be cited as the  
14 “Hackensack Meadowlands Agency Consolidation Act.”

15  
16 2. The Legislature finds and declares that:

17 a. The New Jersey Meadowlands Commission is currently the  
18 zoning and planning agency for a 30.4 square-mile area covering  
19 parts of 14 municipalities in Bergen and Hudson Counties in New  
20 Jersey. The New Jersey Meadowlands Commission, created in  
21 1969, was charged with the development and redevelopment of the  
22 Hackensack Meadowlands in an orderly and comprehensive  
23 fashion, with special consideration to the ecological and  
24 environment challenges facing the Hackensack Meadowlands.

25 b. During the past 45 years, the New Jersey Meadowlands  
26 Commission has successfully provided for orderly comprehensive  
27 development, solid waste management, and environmental  
28 protection within the Hackensack Meadowlands, as well as guiding  
29 the investment of tens of millions of dollars in development,  
30 municipal services, and significant infrastructure projects, among  
31 other things.

32 c. There are several vital components necessary for the  
33 continuation and expansion of the comprehensive plan for the  
34 economic development growth of the Hackensack Meadowlands.  
35 Among them are infrastructure improvements, transportation,  
36 tourism, the completion of the development of the sport complex  
37 site, the delivery of municipal services, flood control, and the  
38 continuance of the Intermunicipal Tax Sharing Program, which is  
39 the fiscal underpinning of the district’s master plan.

40 d. The New Jersey Sports and Exposition Authority has  
41 promoted the holding of athletic contests, horse racing, and other  
42 spectator sporting events, trade shows, and other expositions in the  
43 State.

44 e. The 750 acres of the New Jersey Sports and Exposition  
45 Authority complex in the Hackensack Meadowlands is a significant  
46 economic stimulant to the development of the meadowlands. The  
47 New Jersey Sports and Exposition Authority's ability to plan,

1 construct, and maintain its holdings in the sports complex has been  
2 an extraordinary feat, making it a premier sporting facility.

3 f. It is also appropriate and necessary to recognize the  
4 consistent impact of the Hackensack Meadowlands on tourist  
5 related activities and development, including retail, sports, and  
6 entertainment venues constructed at New Jersey Sports and  
7 Exposition Authority properties with support from private  
8 investment.

9 g. The authority and powers of the New Jersey Sports and  
10 Exposition Authority and the New Jersey Meadowlands  
11 Commission should be reviewed and amended to reflect the issues  
12 of the day so as to adequately address the evolving economic and  
13 environmental issues in the Hackensack Meadowlands.

14 h. In order to more effectively address the modern needs of the  
15 Hackensack Meadowlands, the Legislature finds that the two  
16 agencies with the common interest of promoting the economic  
17 growth of the meadowlands and northern New Jersey, the New  
18 Jersey Sports and Exposition Authority and the New Jersey  
19 Meadowlands Commission, should be consolidated to promote  
20 efficiency of operation, cost effectiveness, and the elimination of  
21 unnecessary government bureaucracy.

22  
23 3. As used in sections 1 through 68 of P.L. , c. (C. )  
24 (pending before the Legislature as this bill):

25 “Adjustment year” means the year in which the respective  
26 obligations of the intermunicipal account and the constituent  
27 municipalities of the district are due and payable.

28 “Apportionment rate” means a rate determined as follows:

29 (1) The total property taxes levied by a constituent municipality,  
30 as certified pursuant to R.S.54:4-52, in the comparison year after  
31 the meadowlands adjustment payment made in that comparison year  
32 has been subtracted or added, as the case may be, divided by

33 (2) The aggregate true value of all taxable real property,  
34 exclusive of Class II railroad property, located in the municipality,  
35 both within and without the district, in the comparison year, as  
36 determined by the Director of the Division of Taxation in the  
37 Department of the Treasury on October 1 of the comparison year,  
38 pursuant to section 2 of P.L.1954, c.86 (C.54:1-35.2), or as  
39 modified by the tax court. If a tax appeal is resolved after  
40 calculations are finalized for an adjustment year, the next year’s  
41 calculations must show a retroactive correction for the applicable  
42 preceding two years.

43 “Area in need” means an area whose redevelopment is necessary  
44 to effectuate the public purposes described herein, as determined by  
45 the commission. An area designated as “in need” may contain lands,  
46 buildings, or improvements which, of themselves, are not  
47 detrimental to the public health, safety, or welfare, but nevertheless  
48 must be included in the area designated as “in need,” with or

1 without change in condition, for the effective redevelopment of the  
2 area of which they are a part.

3 “Base year” refers to the term as defined by section 59.1 of  
4 P.L.1968, c.404 (C.13:17-61).

5 “Bonds” means any bonds, notes, interim certificates,  
6 debentures, or other obligations, issued by the commission pursuant  
7 to sections 1 through 68 of P.L. , c. (C. ) (pending before the  
8 Legislature as this bill).

9 “Commission” means the new agency created through the  
10 consolidation of the New Jersey Meadowlands Commission and the  
11 New Jersey Sports and Exposition Authority, to be known as the  
12 Meadowlands Regional Commission, as established by section 6 of  
13 P.L. , c. (C. ) (pending before the Legislature as this bill).

14 “Committee” means the Hackensack Meadowlands Municipal  
15 Committee established pursuant to the “Hackensack Meadowlands  
16 Redevelopment Act,” P.L.1968, c.404 (C.13:17-1 et seq.).

17 “Comparison year” means the second calendar year preceding  
18 the adjustment year.

19 “Constituent municipalities” means the municipalities of  
20 Carlstadt, East Rutherford, Little Ferry, Lyndhurst, Moonachie,  
21 North Arlington, Ridgefield, Rutherford, South Hackensack, and  
22 Teterboro in Bergen county; and Jersey City, Kearny, North  
23 Bergen, and Secaucus in Hudson county.

24 “District” means the Hackensack Meadowlands District, the area  
25 delineated within section 5 of P.L. , c. (C. ) (pending before the  
26 Legislature as this bill).

27 “Hackensack meadowlands” means the Hackensack  
28 Meadowlands District as established by section 5 of P.L. ,  
29 c. (C. ) (pending before the Legislature as this bill).

30 “Hotel” means a building or portion of it, which is regularly used  
31 for the lodging of guests and is subject to taxation pursuant to the  
32 “Hotel Occupancy Tax Act,” P.L.1981, c.77 (C.40:48E-1 et seq.).

33 “Improvement” means (1) the laying out, opening, construction,  
34 widening, straightening, enlargement, extension, alteration,  
35 changing of location, grading, paving, or otherwise improving, a  
36 street, alley, or public highway; (2) curbing or guttering of a  
37 sidewalk along a street, alley, or highway; (3) construction and  
38 improvement of bridges and viaducts; (4) construction,  
39 enlargement, or extension of a sewer or drain or of a sewerage or  
40 drainage system including, but not limited to, such systems under  
41 streets, alleys, or public highways, or works for the sanitary  
42 disposal of sewerage or drainage; (5) the installation of service  
43 connections to water and other utility works, including the laying,  
44 construction, or placing of mains, conduits, or cables under or along  
45 a street, alley, or highway; (6) the construction, enlargement, or  
46 extension of water mains or water distribution works; (7) extension  
47 of landfills or other facilities for the disposal of solid wastes; (8) the  
48 installation of lighting standards, appliances, and appurtenances

1 required for the illumination of streets; (9) the widening, deepening,  
2 or improvement of, the removal of obstructions in, and the  
3 construction, enlargement, and extension of any waterway, or of  
4 enclosing walls, or of a pipe or conduit along a water course; (10)  
5 the development and improvement of parks, recreational facilities,  
6 and flood control structures; (11) environmental enhancements and  
7 remediation; and (12) the construction of buildings and other  
8 structures.

9 “Intermunicipal account” means the device established and  
10 administered by the commission to record all of the transactions  
11 made for the purpose of calculating the meadowlands adjustment  
12 payment for each constituent municipality, and to act as the  
13 clearinghouse for the transfer of the meadowlands adjustment  
14 payments among the constituent municipalities as required by  
15 section 59 of P.L. , c. (C. ) (pending before the Legislature as  
16 this bill).

17 “Master plan” means the comprehensive plan for the district  
18 prepared and adopted by the commission.

19 “Meadowlands adjustment payment” means the amount that is  
20 payable by each constituent municipality to the intermunicipal  
21 account, or the amount that is payable by the intermunicipal account  
22 to each municipality, as the commission shall determine the case to  
23 be.

24 “Owner” means all persons having any title or interest in any  
25 property, rights, easements, and interests authorized to be acquired,  
26 assessed, or regulated by sections 1 through 68 of P.L. , c. (C. )  
27 (pending before the Legislature as this bill).

28 “Person” means all individuals, partnerships, associations,  
29 private or municipal corporations, and all political subdivisions of  
30 the State.

31 “Project” means any plan, work, or undertaking by the  
32 commission, constituent municipality, or redeveloper, pursuant to  
33 the master plan or a redevelopment plan.

34 “Project area” means all or a portion of a redevelopment area.

35 “Public event” means any spectator sporting event, trade show,  
36 exposition, concert, amusement, or other event open to the public  
37 that takes place on a public venue.

38 “Public venue” means any place located within the district where  
39 any facilities, which have a capacity to host 500 or more people, for  
40 entertainment, amusement, or sports are provided.

41 “Redeveloper” means any person, firm, corporation, or public or  
42 private agency that engages in development, redevelopment, or  
43 improvement of an area or any part thereof under the provisions of  
44 sections 1 through 68 of P.L. , c. (C. ) (pending before the  
45 Legislature as this bill), or in the construction of any project  
46 pursuant to the master plan or redevelopment plan.

47 “Redevelopment” means a plan for planning, development, and  
48 redevelopment; the rehabilitation of any improvements;

1 conservation or rehabilitation work; the construction and provision  
2 for construction of projects; and the grant or dedication of spaces as  
3 may be appropriate or necessary in the interest of the general  
4 welfare for such projects or other public purposes incidental or  
5 appurtenant thereto, in accordance with the master plan or any part  
6 thereof, or a redevelopment plan.

7 “Redevelopment plan” means a plan adopted by the commission,  
8 applicable to an area in need, for a redevelopment project or  
9 projects, which shall conform to the master plan.

10 “Resident enrollment” means the number of full-time pupils who  
11 are residents of the school district and who are enrolled in day  
12 schools on the last day of September during the school year in  
13 which calculation of aid is made and are attending the public  
14 schools of the school district or a school district or State teachers’  
15 college demonstration school in which the school district of  
16 residence pays tuition; school district may count in its enrollment  
17 any pupil regularly attending, on a full-time basis, a county  
18 vocational school in the same county, for which the school district  
19 pays tuition.

20 “Site plan” means a plan for an existing lot or plot or a  
21 subdivided lot on which is shown topography, location of all  
22 existing or proposed buildings, structures, drainage facilities, roads,  
23 rights-of-way, easements, parking areas, together with any other  
24 information, and at such a scale as may be required by a  
25 commission site plan review and approval resolution.

26 “Solid waste” means any refuse matter, trash, or garbage.

27 “Solid waste and recycling facilities” means the plants,  
28 structures, and other real and personal property acquired,  
29 constructed, or operated, or to be acquired, constructed, or operated  
30 by the commission, as hereinafter provided, including landfills or  
31 other plants or facilities for the treatment of recycling materials and  
32 disposal of solid waste.

33 “Sports complex” means the 750 acre sports and exposition site  
34 located in the Borough of East Rutherford under the jurisdiction of  
35 the New Jersey Sports and Exposition Authority as of the effective  
36 date of P.L. , c. (C. ) (pending before the Legislature as this  
37 bill).

38 “Special assessment” means an assessment for benefits accruing  
39 from the construction of improvements by or at the direction of the  
40 commission.

41 “Subdivision” means the division of a lot, tract, or parcel of land  
42 into two or more lots, sites, or other divisions of land for the  
43 purpose, whether immediate or future, of sale or building  
44 development except that the following divisions shall not be  
45 considered subdivisions within the meaning of P.L. , c. (C. )  
46 (pending before the Legislature as this bill); provided, however, that  
47 no new streets or roads are involved; divisions of land for  
48 agricultural purposes where the resulting parcels are three acres or

1 larger in size, divisions of property by testamentary or intestate  
2 provisions, or divisions of property pursuant to court order.

3  
4 4. On and after the effective date of P.L. , c. (C. ) (pending  
5 before the Legislature as this bill), any reference in any law, rule,  
6 regulation, order, contract, or document to the Hackensack  
7 Meadowlands Development Commission, the New Jersey  
8 Meadowlands Commission, or the New Jersey Sports and  
9 Exposition Authority shall mean and refer to the Meadowlands  
10 Regional Commission, as established by section 6 of P.L. ,  
11 c. (C. ) (pending before the Legislature as this bill).

12  
13 5. a. Except as otherwise provided, the commission shall carry  
14 out the purposes of sections 1 through 68 of P.L. , c. (C. )  
15 (pending before the Legislature as this bill) within the following  
16 district:

17 Beginning at a point on Hendricks Causeway at its junction with  
18 the tracks of the Erie-Lackawanna Railroad--Northern Railroad of  
19 New Jersey Branch in Ridgfield;

20 Thence southerly along the tracks of the Erie-Lackawanna  
21 Railroad--Northern Railroad of New Jersey Branch to its junction  
22 with the Fairview-Ridgfield Municipal boundary;

23 Thence westerly along the Fairview-Ridgfield Municipal  
24 boundary to its junction with the Fairview-North Bergen Municipal  
25 boundary;

26 Thence easterly along the Fairview-North Bergen Municipal  
27 boundary to its junction with the tracks of the Erie-Lackawanna  
28 Railroad--Northern Railroad of New Jersey Branch;

29 Thence southerly along the tracks of the Erie-Lackawanna  
30 Railroad--Northern Railroad of New Jersey Branch to its junction  
31 with Tonnelle Avenue (U. S. Route 1 and 9) in Jersey City;

32 Thence southerly along Tonnelle Avenue (U.S. Route 1 and 9) to  
33 its intersection with the Pulaski Skyway;

34 Thence westerly along a line formed by the Pulaski Skyway to a  
35 point where the Port Authority Trans-Hudson tracks pass under the  
36 Pulaski Skyway;

37 Thence westerly along the Port Authority Trans-Hudson tracks to  
38 their intersection with the Harrison-Kearny Municipal Boundary;

39 Thence northwesterly along the Harrison-Kearny Municipal  
40 Boundary, as its jogs and curves, to its intersection with the Erie-  
41 Lackawanna Railroad, Harrison-Kingsland connecting branch of the  
42 Morris and Essex Division;

43 Thence northerly along the tracks of the Erie-Lackawanna  
44 Railroad, Harrison-Kingsland connecting branch of the Morris and  
45 Essex Division to its junction with Orient Way in Lyndhurst;

46 Thence northerly along Orient Way to its junction with Valley  
47 Brook Avenue-Smith Street;



1       Thence easterly along Smith Street to its junction with Madison  
2 Street;  
3       Thence northerly along Madison Street to its junction with  
4 Evergreen Place;  
5       Thence westerly along Evergreen Place to its junction with  
6 Meadow Road;  
7       Thence northerly along Meadow Road to its junction with  
8 Rutherford Avenue;  
9       Thence northerly along a straight line drawn between the  
10 intersection of Rutherford Avenue and Meadow Road and the  
11 junction of Union Avenue and Erie-Lackawanna-New Jersey and  
12 New York Railroad;  
13       Thence northerly along the tracks of the Erie-Lackawanna-New  
14 Jersey and New York Railroad to its intersection with the Wood-  
15 Ridge-Carlstadt municipal boundary;  
16       Thence easterly along the Wood-Ridge-Carlstadt municipal  
17 boundary to its intersection with Moonachie-Wood-Ridge  
18 municipal boundary;  
19       Thence northerly and westerly along the Moonachie-Wood-  
20 Ridge municipal boundary to its intersection with the Hasbrouck  
21 Heights-Moonachie municipal boundary;  
22       Thence easterly and northerly along Hasbrouck Heights-  
23 Moonachie municipal boundary to its intersection with the  
24 Moonachie-Teterboro municipal boundary;  
25       Thence westerly and northerly along the Hasbrouck Heights-  
26 Teterboro municipal boundary to its intersection with U. S. Route  
27 46;  
28       Thence easterly along U. S. Route 46 to its intersection with the  
29 Teterboro-Little Ferry municipal boundary;  
30       Thence southerly along the Teterboro-Little Ferry municipal  
31 boundary to its intersection with the Moonachie-Little Ferry  
32 boundary;  
33       Thence southerly along the Moonachie-Little Ferry municipal  
34 boundary to its intersection with Red Neck Road;  
35       Thence southerly along Red Neck Road to its junction with  
36 Moonachie Avenue in Moonachie;  
37       Thence easterly along Moonachie Avenue to its junction with  
38 Moonachie Road;  
39       Thence northerly along Moonachie Road to its junction with  
40 Maple Street;  
41       Thence easterly along Maple Street approximately 930 feet to its  
42 intersection with the Transcontinental gas pipeline;  
43       Thence northeasterly along a straight line drawn between the  
44 intersection of Maple Street and the Transcontinental gas pipeline  
45 and the intersection of Bertolotto Avenue and the Moonachie-Little  
46 Ferry Municipal boundary (Losen Slofe Creek);  
47       Thence easterly along Bertolotto Avenue to its junction with  
48 Eckel Road;

1       Thence southerly along 5th Street to its junction with Mansfield  
2 Avenue;

3       Thence easterly along Columbus Avenue to its junction with  
4 Mehrhof Road;

5       Thence northerly along Mehrhof Road to its junction with  
6 Washington Avenue;

7       Thence easterly and northerly along Washington Avenue to its  
8 junction with Main Street;

9       Thence easterly along Main Street extended to the Little Ferry-  
10 Ridgefield Park Municipal boundary; (The middle of the  
11 Hackensack River);

12       Thence southerly along the Little Ferry-Ridgefield Park  
13 Municipal boundary (in the middle of the Hackensack River) to its  
14 intersection with the Ridgefield Park-Ridgefield Municipal  
15 boundary;

16       Thence easterly along the Ridgefield Park-Ridgefield Municipal  
17 boundary (in the middle of Overpeck Creek) to its intersection with  
18 Bergen Turnpike;

19       Thence southerly along Bergen Turnpike to its junction with  
20 Hendricks Causeway;

21       Thence southeasterly along Hendricks Causeway to its junction  
22 with the tracks of the Lackawanna Railroad--Northern Branch, the  
23 point of beginning.

24       b. The commission shall not carry out the purposes of sections 1  
25 through 68 of P.L. , c. (C. ) (pending before the Legislature as  
26 this bill), take any action, or have any jurisdiction within the  
27 following district:

28       Beginning at a point on Old New Jersey Route 3 (New Jersey  
29 Route 153) (Paterson Plank Road) at its junction with County  
30 Avenue in Secaucus;

31       Thence southerly along County Avenue to its junction with  
32 Secaucus Road;

33       Thence westerly along Secaucus Road a distance of 1,321 feet,  
34 more or less, to its junction with Private Road;

35       Thence northerly along a straight line drawn between the  
36 intersection of Secaucus Road and the aforementioned Private Road  
37 and the intersection of Pandolfi Avenue-Golden Avenue in  
38 Secaucus;

39       Thence westerly along Pandolfi Avenue to its junction with 5th  
40 Street;

41       Thence southerly along 5th Street to its junction with Mansfield  
42 Avenue;

43       Thence westerly along Mansfield Avenue to its junction with  
44 Walter Place;

45       Thence northerly along Walter Place to its junction with  
46 Mansfield Avenue;

47       Thence westerly along Mansfield Avenue to its junction with 9th  
48 Street;

1 Thence northerly along 9th Street to its junction with Grace  
2 Street;

3 Thence easterly along Grace Street to its junction with Eighth  
4 Street;

5 Thence northerly along Eighth Street to its junction with Old  
6 New Jersey Route 3 (Route 153);

7 Thence easterly along Old New Jersey Route 3 (Route 153) to its  
8 junction with Paterson Plank Road;

9 Thence easterly continuing along Old New Jersey Route 3  
10 (Route 153) (Paterson Plank Road) to its junction with County  
11 Avenue, the point of beginning.

12 c. The commission shall not carry out the purposes of sections 1  
13 through 68 of P.L. , c. (C. ) (pending before the Legislature as  
14 this bill), take any action, or have any jurisdiction within the  
15 following district:

16 Beginning at a point on Maple Avenue at its junction with 7th  
17 Street in Secaucus;

18 Thence northerly and easterly along 7th Street to its junction  
19 with Paterson Plank Road;

20 Thence northerly along Paterson Plank Road to its junction with  
21 Farm Road;

22 Thence northerly along Farm Road to its junction with Meadow  
23 Lane;

24 Thence easterly along Meadow Lane to its junction with  
25 Stonewall Lane and Mill Ridge Road;

26 Thence easterly along Mill Ridge Road to its junction with  
27 Koelle Boulevard;

28 Thence southerly along Koelle Boulevard to its junction with  
29 Huber Street;

30 Thence westerly along Huber Street to its junction with Radio  
31 Avenue;

32 Thence southerly on Radio Avenue to its junction with Pikeview  
33 Terrace;

34 Thence westerly and northerly along Pikeview Terrace to its  
35 intersection with Lausecker Lane;

36 Thence westerly along Lausecker Lane to its junction with  
37 Paterson Plank Road;

38 Thence southerly along Paterson Plank Road to its junction with  
39 Maple Street;

40 Thence westerly along Maple Street to its junction with 7th  
41 Street, the point of beginning.

42

43 6. On the effective date of P.L. , c. (C. ) (pending  
44 before the Legislature as this bill), the New Jersey Sports and  
45 Exposition Authority and the New Jersey Meadowlands  
46 Commission are dissolved. All property, funds, and assets of these  
47 agencies are vested in and belong to the "Meadowlands Regional  
48 Commission."

1 a. There is hereby established in, but not of, the Department of  
2 State, a public body corporate and politic, with corporate  
3 succession, to be known as the “Meadowlands Regional  
4 Commission.” The commission shall constitute a political  
5 subdivision of the State established as an instrumentality exercising  
6 public and essential governmental functions, and the exercise by the  
7 commission of the powers conferred by sections 1 through 68 of  
8 P.L. , c. (C. ) (pending before the Legislature as this bill), shall  
9 be deemed and held to be an essential governmental function of the  
10 State.

11 b. The commission shall consist of 11 members appointed and  
12 qualified as follows: Six citizens of the State, appointed by the  
13 Governor, no more than three of whom shall be of the same  
14 political party; two of whom shall be residents of the constituent  
15 municipalities of Bergen county and two of whom shall be residents  
16 of the constituent municipalities of Hudson county; provided,  
17 however, that no more than one citizen shall be appointed from any  
18 one constituent municipality; and two mayors, ex officio, one from  
19 Bergen County and one from Hudson County. The mayors shall be  
20 from a constituent municipality that does not have representation on  
21 the commission. The Commissioner of Environmental Protection,  
22 the Commissioner of Community Affairs, and the Lieutenant  
23 Governor, or their designees, shall be ex-officio members of the  
24 commission.

25 c. Each ex officio member of the commission may designate an  
26 officer or employee of the member’s department or agency to  
27 represent the member at meetings of the commission, and each such  
28 designee may lawfully vote and otherwise act on behalf of the  
29 member for whom the designee is constituted. Any such  
30 designation shall be in writing delivered to the commission and  
31 shall continue in effect until revoked or amended by writing  
32 delivered to the commission.

33 d. Each member appointed by the Governor shall serve for a  
34 term of five years with the advice and consent of the Senate;  
35 provided, however, that the first members appointed by the  
36 Governor shall not require the advice and consent of the Senate, and  
37 one shall serve for a term of one year, one for a term of two years,  
38 one for a term of three years, one for a term of four years, and two  
39 for a term of five years. Each member shall serve for the term of his  
40 appointment and until his successor shall have been appointed and  
41 qualified. Any vacancy or reappointment of a member by the  
42 Governor shall be made with the advice and consent of the Senate.  
43 Any vacancy shall be filled for the unexpired term only.

44 e. Any member of the commission may be removed by the  
45 Governor for cause after a public hearing.

46 f. The members of the commission shall serve without  
47 compensation, but the commission may reimburse its members for  
48 necessary expenses incurred in the discharge of their duties.

1 g. The Governor shall designate one of the public members of  
2 the commission as chairman. The commission shall select from its  
3 members a vice-chairman and a treasurer, and shall employ an  
4 executive director, who shall be secretary, and a chief fiscal officer.  
5 The commission may also appoint, retain, and employ,  
6 notwithstanding any other law to the contrary, such officers, agents,  
7 employees, and experts as it may require, and it shall determine  
8 their qualifications, terms of office, duties, services, and  
9 compensation.

10 h. The powers of the commission shall be vested in the  
11 members thereof in office. A majority of the total authorized  
12 membership of the commission shall constitute a quorum at any  
13 meeting thereof. Action may be taken and motions and resolutions  
14 adopted by the commission at any meeting thereof by the  
15 affirmative vote of a majority of the appointed members, unless the  
16 by-laws of the commission, or any of the provisions of sections 1  
17 through 68 of P.L. , c. (C. ) (pending before the Legislature as  
18 this bill), shall require a larger number. The commission may  
19 designate one or more of its agents or employees to exercise  
20 administrative functions, powers, and duties as the commission  
21 deems proper. No vacancy in the membership of the commission  
22 shall impair the right of a quorum to exercise all the rights and  
23 perform all the duties of the commission, except as otherwise  
24 provided in sections 1 through 68 of P.L. , c. (C. ) (pending  
25 before the Legislature as this bill).

26 i. A true copy of the minutes of every meeting of the  
27 commission shall be forthwith delivered by and under the  
28 certification of the secretary thereof to the Governor. No action  
29 taken at such meeting by the commission shall have force or effect  
30 until 15 days after such copy of the minutes shall have been so  
31 delivered unless during such 15-day period the Governor shall  
32 approve the same, in which case such action shall become effective  
33 upon such approval. If, in each 15-day period, the Governor returns  
34 such copy of the minutes with; veto of any action taken by the  
35 commission or any member thereof at such meeting, such action  
36 shall be null and void and of no effect. The powers conferred in this  
37 subsection upon the Governor shall be exercised with due regard for  
38 the rights of the holders of bonds and notes of the commission at  
39 any time outstanding, and nothing in, or done pursuant to, this  
40 subsection shall in any way limit, restrict, or alter the obligation or  
41 powers of the commission or any representative or officer of the  
42 authority to carry out and perform in every detail each and every  
43 covenant, agreement, or contract at any time made or entered into  
44 by, or on behalf of, the commission with respect to its bonds or  
45 notes, or for the benefit, protection, or security of the holders  
46 thereof.

47 j. Before the issuance of any bonds under the provisions of  
48 sections 1 through 68 of P.L. , c. (C. ) (pending before the

1 Legislature as this bill), the members and the treasurer of the  
2 commission shall be covered by a surety bond or bonds in such sum  
3 as provided by the rules and regulations of the commission  
4 conditioned upon the faithful performance of the duties of their  
5 respective offices, and executed by a surety company authorized to  
6 transact business in the State of New Jersey as a surety. The  
7 commission shall submit each such surety bond to the Attorney  
8 General for approval and, if approved, shall file the surety bond  
9 with the office of the Secretary of State prior to the issuance of any  
10 bonds. The treasurer of the commission and each member shall  
11 maintain all issued surety bonds in full force and effect. All costs of  
12 such surety bonds shall be borne by the commission.

13 k. On or before April 30 in each year, the commission shall  
14 make an annual report pursuant to section 2 of P.L.1991, c.164  
15 (C.52:14-19.1) of its activities for the preceding calendar year to the  
16 Governor and to the Legislature. Each such report shall set forth a  
17 complete operating and financial statement explaining its operations  
18 during the year.

19

20 7. The commission shall have the following powers:

21 a. To adopt, amend, and repeal suitable by-laws for the  
22 management of its affairs;

23 b. To adopt and use an official seal and alter the same at its  
24 pleasure;

25 c. To maintain an office at such place or places within the State  
26 as it may designate;

27 d. To sue and be sued in its own name;

28 e. To acquire, hold, use, and dispose of its income, revenues,  
29 funds, and moneys;

30 f. To acquire, lease, as lessee or lessor, rent, lease, hold, use,  
31 and dispose of real or personal property for its purposes;

32 g. To borrow money, issue its negotiable bonds or notes, and  
33 secure the same by a mortgage on its property, or any part thereof,  
34 and enter into any credit agreement, and otherwise to provide for  
35 and secure the payment of its bonds and notes and to provide for the  
36 rights of the holders thereof;

37 h. To make and enter into all contracts, leases, and agreements  
38 for the use or occupancy of its projects, or any part thereof, or  
39 which are necessary or incidental to the performance of its duties  
40 and the exercise of its powers under sections 1 through 68 of P.L. ,

41 c. (C. ) (pending before the Legislature as this bill);

42 i. To enter upon any building or property in order to conduct  
43 investigations, examinations, and surveys necessary to carry out the  
44 purposes of sections 1 through 68 of P.L. , c. (C. ) (pending  
45 before the Legislature as this bill);

46 j. To acquire in the name of the commission by purchase, or  
47 lease as lessee or otherwise, on such terms and conditions and in  
48 such manner as it may deem proper, or by the exercise of the power

- 1 of eminent domain, any land or interest therein, and other property,  
2 including land under water and riparian lands, land, or highways  
3 held by any municipality or other governmental subdivision of the  
4 State, or any fee simple absolute in, easements upon, or the benefit  
5 of restrictions upon abutting property, that it may determine is  
6 reasonably necessary for the performance of any of its duties;  
7 provided, however, that the power of eminent domain shall not be  
8 exercised by the commission to acquire any property owned or used  
9 by a public utility, as defined in R.S.48:2-13;
- 10 k. To prepare, adopt, and implement a master plan for the  
11 physical development of all lands, or a portion thereof, lying within  
12 the district, and to adopt and enforce regulations, codes, and  
13 standards for the effectuation of such plan;
- 14 l. To undertake any development or other project or  
15 improvement as it finds necessary to redevelop and improve the  
16 land within the district;
- 17 m. To recover by special assessments the cost of improvements  
18 from the increase of property values attributable to such  
19 improvements;
- 20 n. Generally to establish, charge, and collect rates, fees, and  
21 other charges for the use of any facilities operated and maintained  
22 by the commission, and to collect fees as otherwise established by  
23 law, rule, or regulation;
- 24 o. To enter into any and all agreements or contracts, execute  
25 any and all instruments, and do and perform any and all acts or  
26 things necessary, convenient, or desirable for the commission to  
27 carry out its responsibilities;
- 28 p. To plan, establish, and implement programs promoting and  
29 facilitating economic development opportunities in the district;
- 30 q. To review and regulate plans for any subdivision or  
31 development within the district;
- 32 r. To cause to be prepared plans, specifications, designs, and  
33 estimates of costs for the construction of projects and improvements  
34 under the provisions of sections 1 through 68 of P.L. , c. (C. )  
35 (pending before the Legislature as this bill), and to modify such  
36 plans, specifications, designs, or estimates;
- 37 s. To determine the existence of areas in need of  
38 redevelopment or rehabilitation and to approve or undertake  
39 redevelopment projects therein;
- 40 t. To provide solid waste disposal and recycling facilities for  
41 the treatment of solid waste;
- 42 u. To assist and coordinate shared services among the  
43 constituent municipalities of the district and to enter into, from time  
44 to time, contracts with one or more municipalities, counties, or  
45 other public agencies for the operation of public improvements,  
46 works, facilities, services, or undertakings of such municipalities,  
47 counties, or agencies, or of the commission;

- 1 v. To undertake all the necessary steps to develop plans and  
2 undertake flood control projects and to maintain and construct  
3 necessary flood control structures and ditches;
- 4 w. To take any action necessary for the purpose of promoting  
5 and marketing tourism, entertainment, sports, and all related  
6 activities within the district or at any other location owned or  
7 operated by the commission. The commission may create a not-for-  
8 profit entity that will implement this function;
- 9 x. To preserve and protect the environment of the district and  
10 to provide programs for environmental education that benefit  
11 schools and the general public;
- 12 y. To create a transportation planning district and develop  
13 strategies to improve regional comprehensive planning;
- 14 z. To receive and accept, from any federal or other public  
15 agency or governmental entity, grants or loans for, or in aid of, the  
16 planning or construction of any project or improvement, or the  
17 acquisition of any property, and to receive and accept aid or  
18 contributions from any other source, of either money, property,  
19 labor, or other things of value, to be held, used, and applied only for  
20 the purposes for which such grants, loans, and contributions may be  
21 made, and to enter into co-operative agreements with the federal  
22 government, or any other public or governmental agency, for the  
23 performance of such acts as may be necessary and proper for the  
24 reclamation of the Hackensack meadowlands and to comply with  
25 established requirements for such participation;
- 26 aa. To establish engineering standards and a building code  
27 specifying the maximum weight, size, and density of all buildings  
28 and structures to be placed on any land within its jurisdiction;
- 29 bb. To conduct examinations and investigations, hear testimony,  
30 and take proof, under oath at public and private hearings, of any  
31 material matter, require attendance of witnesses and the production  
32 of books and papers, and issue commissions for the examination of  
33 witnesses who are out of State, unable to attend, or excused from  
34 attendance;
- 35 cc. To subordinate, waive, sell, assign, or release any right, title,  
36 claim, lien, or demand, however acquired, including any equity or  
37 right of redemption; to foreclose, sell, or assign any mortgage held  
38 by it, or any interest in real or personal property; and to purchase at  
39 any sale upon such terms and at such prices as it determines to be  
40 reasonable and to take title to property, real, personal, or mixed, so  
41 acquired, and to sell, exchange, assign, convey, lease, mortgage, or  
42 otherwise dispose of any such property, subject to such conditions  
43 and restrictions as it deems necessary to carry out the purposes of  
44 sections 1 through 68 of P.L. , c. (C. ) (pending before the  
45 Legislature as this bill); and
- 46 dd. To collect, and disburse, the assessments authorized in  
47 section 85 of P.L. , c. (C. ) (pending before the  
48 Legislature as this bill), for the purposes set forth in that section.



1 8. Whenever the commission prepares plans for the  
2 development, redevelopment, or rezoning of, or for the construction  
3 or reconstruction of buildings or structures on land within the  
4 district, the commission shall notify, within seven days, the  
5 governing body of the constituent municipality or municipalities in  
6 which the land is located. During the preparation of the plans, the  
7 commission shall meet and consult with the notified governing  
8 body or bodies. If the final plans of the commission are  
9 inconsistent with any recommendations of the governing body or  
10 bodies of the municipality or municipalities in which the land is  
11 located, the commission shall inform the governing body or bodies,  
12 in writing, of the reasons for the inconsistencies prior to the  
13 submission of the plans to the committee, and shall include a copy  
14 of that writing when submitting the plans to the committee.

15

16 9. a. The commission shall submit to the committee for  
17 review, prior to final action thereon, codes and standards  
18 formulated by the commission, the district master plan and  
19 amendments thereto, development and redevelopment plans, and  
20 improvement plans. The commission may also submit to the  
21 committee any other matter which the commission deems advisable.  
22 The committee may also coordinate shared services and cooperative  
23 agreements among the constituent municipalities and conduct  
24 studies and provide reports to the commission regarding issues  
25 which impact the constituent municipalities.

26 b. The committee shall review matters submitted to it by the  
27 commission pursuant to this section and shall indicate its position,  
28 in writing, to the commission. Failure of the committee to convey  
29 to the commission its position within 30 days of the receipt of any  
30 matter referred to the committee shall constitute approval of the  
31 proposed action of the commission; provided, however, that the  
32 committee shall have 120 days after receipt of a major revision of  
33 the master plan to convey its position, in writing, to the  
34 commission.

35 c. The commission shall not take action on any matter required  
36 to be submitted to the committee, which matter has been formally  
37 rejected by the committee, except by an affirmative vote of seven  
38 members of the commission.

39

40 10. a. After a public hearing and pursuant to the procedures  
41 hereinafter provided, the commission shall prepare, or cause to be  
42 prepared, and adopt a master plan, or portion thereof, for the  
43 physical development of all lands lying within the district. The  
44 master plan may include proposals for various stages for the future  
45 development of the district. The commission may amend the master  
46 plan in accordance with the procedures established herein. The  
47 master plan shall include a report presenting the objectives,  
48 assumptions, standards, and principles, as set forth in the master

1 plan. The master plan shall be a composite of the one or more  
2 written proposals recommending the physical development of the  
3 lands within the district, in its entirety or a portion thereof, which  
4 the commission shall prepare after meetings with the governing  
5 bodies of the constituent municipalities and affected counties, and  
6 any agencies and instrumentalities thereof.

7 b. In preparing the master plan or any portion thereof or  
8 amendment thereto the commission shall consider the existing  
9 patterns of the development in constituent municipalities, and any  
10 master plan or other plan of development adopted by any  
11 constituent municipality prior to the effective date of P.L. ,

12 c. (C. ) (pending before the Legislature as this bill), or prior to  
13 the preparation of the master plan by the commission.

14 c. In preparing the master plan or any portion thereof or  
15 amendment thereto, the commission shall consult with any federal  
16 or State agency having an interest in the district. At least 60 days  
17 prior to taking any action relating to the district, any interested  
18 agency shall file with the commission any proposed plans for the  
19 commission's review and recommendation.

20 d. A master plan examination and revision shall be conducted  
21 by the commission every 10 years, the first of which shall be  
22 conducted 10 years from the date on which the first master plan was  
23 adopted by the commission pursuant to this section.

24 e. The master plan shall include provisions or criteria for the  
25 location and use of buildings, structures, facilities, and land for  
26 solid waste disposal and recycling, and may include provisions for:

27 (1) the use of land and buildings, residential, commercial,  
28 industrial, park, and other like purposes;

29 (2) service-water supply, utilities, sewerage, and other like  
30 matters;

31 (3) transportation, streets, parking, public transit lines and  
32 stations, both above and below ground level, freight facilities,  
33 airports, harbors, channels, docks, and wharves, and other like  
34 matters;

35 (4) housing, including affordable housing, residential standards,  
36 clearance, redevelopment, rehabilitation, conservation, and other  
37 like matters;

38 (5) water, soil conservation, flood control, and other like  
39 matters;

40 (6) public and semipublic facilities including but not limited to  
41 civic centers, schools, libraries, parks, playgrounds, fire houses,  
42 police buildings, hospitals, and other like matters;

43 (7) the distribution and density of population;

44 (8) planned unit development;

45 (9) community appearance;

46 (10) financing and programming capital improvements;

47 (11) plan and develop facilities for tourism, sports, and  
48 entertainment; and

1 (12) other related elements of growth and development,  
2 including the social implications of any proposed development, and  
3 advances in technology related to any subject included in the plan.

4 f. In accordance with sections 1 through 68 of P.L. ,  
5 c. (C. ) (pending before the Legislature as this bill), and in  
6 addition to any other law, rule, or regulation concerning affordable  
7 housing, the master plan may also include codes and standards  
8 covering land use, comprehensive zoning, subdivisions, building  
9 construction and design, housing, and the control of air and water  
10 pollution, and other subjects necessary to carry out the plan or to  
11 undertake a workable program of community improvement. No  
12 codes or standards concerning building construction and design  
13 shall be promulgated without the certificate of the chief engineer or  
14 equivalent official of the commission that the proposed codes and  
15 standards meet the engineering standards adopted by the  
16 commission. No municipality shall adopt, and no municipal official  
17 shall enforce, any code which is inconsistent with the code  
18 contained in the master plan insofar as such code applies to  
19 property within the district; provided, however, that the governing  
20 body or other appropriate body of each constituent municipality  
21 may adopt zoning ordinances and any other codes or standards,  
22 which it is authorized by the laws of this State to adopt, for lands  
23 within the boundaries of said municipality which are subject to the  
24 jurisdiction of the commission and which will effectuate the  
25 purposes of the commission's master plan.

26  
27 11. a. A constituent municipality that adopts the commission's  
28 master plan, zoning regulations, codes, and standards shall have the  
29 authority to approve or reject land use or zoning applications. The  
30 municipality shall provide the commission all documentation, plans,  
31 and information regarding all applications. All fees generated by  
32 these applications and approvals shall be retained by the  
33 municipality.

34 b. For those municipalities that do not adopt the commission's  
35 master plan, zoning regulations, codes, and standards, the  
36 commission shall have the authority to issue the permit.

37 c. Any municipality which undertakes projects for public  
38 recreation, public safety, and the general welfare of its citizens will  
39 not be required to file an application with the commission. The  
40 codes and standards of that municipality shall apply. All  
41 documentation plans and necessary information regarding the  
42 project shall be submitted to the commission upon completion of  
43 the project.

44 d. Any project which requires a variance or special exception  
45 from any provision of the commission's master plan must be  
46 submitted directly to the commission for review and approval or  
47 rejection.

1       12. The commission shall review and regulate subdivisions and  
2 land development within the district, in accordance with procedures  
3 and engineering and planning standards adopted by the commission,  
4 which shall require that:

5       a. All subdivisions, site plans, buildings, and other  
6 development shall be in accordance with the master plan and any  
7 applicable redevelopment plan;

8       b. Adequate drainage facilities and easements be provided;

9       c. Road improvements be provided for subdivisions or sites  
10 when necessary to protect the safety and convenience of the  
11 traveling public, such improvements to include, but not be limited  
12 to, additional rights-of-way or pavement widths, marginal access  
13 streets, reverse frontage and highway and traffic design features  
14 necessitated by increased traffic, and potential safety hazards or  
15 traffic flow impediments caused by the subdivision or development;

16       d. Public water and sewer systems be provided when necessary  
17 to protect public health and to ensure an adequate supply of water;  
18 and

19       e. Performance guarantees, maintenance bonds, and  
20 agreements be provided specifying minimum standards of  
21 construction for required improvements by the commission, not to  
22 exceed the full cost of the facility and installation thereof, or the  
23 developer's proportionate share thereof. Any bonds, moneys, or  
24 guarantees received by the commission under this paragraph shall  
25 not duplicate bonds, moneys, or guarantees required by  
26 municipalities for municipal purposes.

27  
28       13. a. Each application for a subdivision, site plan, or building  
29 permit shall be submitted to the commission for review and, when  
30 appropriate, approval, prior to any determination by the applicable  
31 local constituent municipal approving authority. Commission  
32 approval of any subdivision application shall be limited by, and  
33 based upon, the rules, regulations, and standards in a resolution  
34 adopted by the commission. The constituent municipal approval  
35 authority shall defer taking final action on a subdivision application  
36 until receipt of the commission report thereon. The commission  
37 shall report to the municipal authority within 45 days from the date  
38 of receipt of the application. If the commission fails to report to the  
39 municipal approving authority within the 45-day period, the  
40 subdivision application shall be deemed to have been approved by  
41 the commission unless, by mutual agreement between the  
42 commission and municipal approving authority, with approval of  
43 the applicant, the 45-day period shall be extended for an additional  
44 45-day period, and any such extension shall so extend the time  
45 within which a municipal approving authority shall be required by  
46 law to act thereon.

47       b. The commission shall review each subdivision plan and  
48 building permit application and withhold approval if an application

1 does not meet the requirements adopted by the commission. In the  
2 event of the withholding of approval or the disapproval of any such  
3 application, the reasons for such action shall be set forth in writing,  
4 and a copy thereof shall be forwarded to the applicant and the  
5 municipality.

6  
7 14. Whenever the commission receives an application for the  
8 development, improvement, or redevelopment of, or for the  
9 construction or reconstruction of buildings or structures on, land in  
10 the district, and the municipality did not adopt the commission's  
11 master plan and zoning regulations, the commission shall notify,  
12 within seven days, in writing, the governing body of the constituent  
13 municipalities in which the land is located. Before approving an  
14 application, the commission shall consult with the notified  
15 governing body or bodies. If the commission approves an  
16 application which the governing body or bodies oppose in any  
17 manner, the commission shall inform the governing body or bodies,  
18 in writing, by certified mail, of the reasons for approval within  
19 seven days of that approval.

20  
21 15. The county clerk or register of deeds and mortgages shall  
22 not accept for filing any subdivision plat for lands in the district  
23 unless it bears the certification of approval of the commission in  
24 addition to all other requirements for filing a subdivision plat. If the  
25 commission has not taken action on an application within the period  
26 required by section 13 of P.L. , c. (C. ) (pending before the  
27 Legislature as this bill), at the request of the developer, the  
28 commission shall certify such fact upon the plat. This certification  
29 shall be sufficient authorization for further action by the municipal  
30 approving authority and filing with the appropriate county  
31 recording officer.

32  
33 16. a. Whenever notice and a hearing is required in any  
34 constituent municipality or affected county with respect to the  
35 adoption or amendment of a master plan, official map, zoning or  
36 subdivision regulations, or the granting of variances or special  
37 exceptions, involving property within the district or within 200 feet  
38 of its borders, the person required to give such notice shall also, at  
39 least 30 days prior to the hearing, provide written notice of the  
40 hearing to the commission by registered or certified mail. This  
41 notice of hearing shall contain a brief description of the property  
42 involved, its location, a concise statement of the matters to be  
43 heard, and a copy of any plan, code, regulations, or standards to be  
44 considered at the hearing.

45 b. The commission shall be considered a party in interest at the  
46 local hearing. No public body of a constituent municipality or  
47 affected county shall take any action involving a municipal master  
48 plan, zoning ordinance, subdivision, building, or site plan approval,

1 the official map, or the grant of a variance, or other special  
2 exception which is inconsistent with the master plan.

3 c. If portions of the master plan contain proposals for drainage  
4 rights-of-way, roads or streets, schools, colleges, parks,  
5 playgrounds, or for any project before approving any subdivision or  
6 site plan, the commission may require that such project sites be  
7 shown in locations and of sizes suitable to their intended uses. The  
8 commission shall be permitted to reserve the location and extent of  
9 such project sites shown on the master plan, or any part thereof, for  
10 a period of one-year after the approval of the subdivision or site  
11 plan, or within such further time as agreed to by the applying party.  
12 Unless during each one-year period or extension thereof the  
13 commission shall have entered into a contract to purchase or  
14 institute condemnation proceedings according to law for the project  
15 site, the developer shall not be bound by the proposals for such  
16 areas shown on the plan. This subsection shall not apply to streets,  
17 roads, and drainage rights-of-way required for approval of any  
18 subdivision or site plan and deemed essential to the public welfare.

19

20 17. The commission may establish provisions for the waiver,  
21 according to definite criteria, of strict compliance with the  
22 standards promulgated, when necessary to alleviate hardship. A  
23 developer can request that the chief engineer grant a waiver based  
24 on the defined criteria. The chief engineer shall make a  
25 recommendation to the commission concerning whether the  
26 hardship criteria has been met.

27

28 18. a. If any person transfers, sells, or rents, or agrees to  
29 transfer, sell, or rent any land, building, or other structure, or  
30 constructs or alters any building or structure within the district, or  
31 directly causes the transfer, sale, or rental, or arranges for an  
32 agreement to transfer, sell, or rent any land, building, or other  
33 structure, or directly causes the construction or alteration of any  
34 building or structure within the district, without first obtaining the  
35 approval of the commission or municipality of any application for a  
36 subdivision, site plan or building permit as may be required by  
37 sections 1 through 68 of P.L. , c. (C. ) (pending before the  
38 Legislature as this bill), the person shall be subject to a fine of not  
39 more than \$5,000, and each parcel, lot, plot, building, or rental unit  
40 so disposed of or agreed or caused to be disposed of shall be  
41 deemed a separate violation.

42 b. The commission and or municipality may cancel and revoke  
43 any permit, approval, or certificate required or permitted to be  
44 granted or issued to any person pursuant to P.L. , c. (C. )  
45 (pending before the Legislature as this bill), if the commission finds  
46 that the person has violated this section. When any violation of this  
47 section is of a continuing nature, each day during which the  
48 continuing violation remains unabated, after the date fixed by the

1 commission or municipality in any order or notice for the correction  
2 or termination of the violation, constitutes an additional, separate,  
3 and distinct violation. The commission, in the exercise of its  
4 administrative authority pursuant to this act, may levy and collect  
5 the fines in the amounts set forth in this section. If an administrative  
6 penalty order has not been satisfied, the penalty may recovered by  
7 the commission in a civil action brought in a summary proceeding  
8 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,  
9 c.274 (C.2A:58-10 et seq.).

10 c. In addition to the foregoing, the commission or municipality  
11 may in the case of any violation of subsection a. of this section,  
12 institute a civil action:

13 (1) for injunctive relief;

14 (2) to set aside and invalidate any conveyance or lease made  
15 pursuant to contract for sale or otherwise in violation of subsection  
16 a. of this section;

17 (3) to prevent such unlawful sale, rental, erection, construction,  
18 reconstruction, alteration, repair, conversion, maintenance, or use;

19 (4) to restrain, correct, or abate such violation;

20 (5) to prevent the occupancy of said dwelling, structure, or land;  
21 and

22 (6) to prevent any illegal act, conduct, business, or use in, or  
23 about, such premises.

24  
25 19. The commission shall safeguard the environmental resources  
26 of the district and provide quality public recreation and educational  
27 opportunities. The commission shall:

28 a. Target and prioritize potential preservation sites for  
29 acquisition, deed restriction, and conservation easements, including  
30 large tracts of wetlands sites;

31 b. Preserve wetlands to protect wildlife, water quality, and  
32 flood storage value;

33 c. Review preservation sites for potential wetland enhancement  
34 and mitigation;

35 d. Improve connections among the district's trails and habitats,  
36 reducing fragmentation;

37 e. Identify missing links in the existing trail system, as well as  
38 key locations for connecting to wildlife viewing stations,  
39 environmental venues, boat launches, docks, and other active and  
40 passive recreational attractions;

41 f. Increase both active and passive recreational uses;

42 g. Eliminate or control the presence of other invasive plant and  
43 animal species;

44 h. Maintain and improve targeted habitats relative to breeding,  
45 wintering, feeding, and other wildlife activities;

46 i. Maintain the value of the Hackensack meadowlands as an  
47 urban sanctuary for birds using the Atlantic Flyway;

- 1       j. Seek available funding for land acquisition, protection, and  
2 management of wildlife preserves;
- 3       k. Maintain and restore the ecology of the waterways,  
4 including the estuary, shorelines, and nursery habitat for fish;
- 5       l. Continue monitoring water quality by collecting and  
6 analyzing data to determine trends, document improvements, and  
7 assess the need for additional, or more stringent, measures.  
8 Monitoring should include the analysis of historic data to form a  
9 baseline to measure the degree of change over time; and
- 10       m. The commission shall operate a not-for-profit organization  
11 which shall continue research opportunities of the Meadowlands  
12 Environmental Research Institute.
- 13
- 14       20. The commission shall develop strategies and seek funding  
15 for flood control infrastructure based on flood modeling for the  
16 district and surrounding areas.
- 17       a. The commission shall:
- 18       (1) identify all drainage basins in the district and any drainage  
19 areas that directly impact the district; and
- 20       (2) develop strategies to address the major causes of flooding.
- 21       b. The commission may:
- 22       (1) use special assessment powers to fund flood control projects  
23 in, or near, the drainage areas that impacts the Hackensack  
24 meadowlands; and
- 25       (2) maintain flood control infrastructure that it constructed.
- 26
- 27       21. In providing the solid waste and recycling disposal facilities,  
28 the commission shall, prior to preparing any plans or specifications  
29 for such facilities, consult with those persons utilizing the district  
30 for the treatment and disposal of solid waste, and contract with any  
31 such persons who desire to utilize solid waste disposal facilities  
32 provided by the commission. In providing such facilities, the  
33 commission may:
- 34       a. Acquire or construct any such facilities as an improvement,  
35 and may recover the cost of such acquisition or construction in the  
36 same manner, and pursuant to the same procedure, provided for any  
37 other improvement undertaken by the commission;
- 38       b. Operate and maintain any such facilities, as owner, lessor, or  
39 lessee, and generally fix and collect rates, fees, or other charges for  
40 any such facilities in the same manner, and pursuant to the same  
41 procedure, provided for any other facilities operated and maintained  
42 by the commission;
- 43       c. Join and participate with any agency, municipality, county,  
44 or authority created by the State, or by any political subdivision or  
45 subdivisions thereof, through an intergovernmental agreement  
46 without need for that agency, municipality, county, or authority to  
47 go to public bid for the purpose of treating or disposing of solid  
48 waste and recycling;



1 d. Permit, by contract or agreement, any agency,  
2 instrumentality, or authority created by the State, or by any political  
3 subdivision thereof, for the purpose of treating or disposing of solid  
4 waste, to acquire, construct, or operate and maintain any solid waste  
5 disposal facilities which such agency, instrumentality, or authority  
6 is authorized by law to acquire, construct, or operate and maintain.  
7 Any such facilities acquired, constructed, or operated and  
8 maintained by any such agency, instrumentality, or authority may  
9 be located either within the district or without the district, but shall  
10 be within the jurisdiction of such agency, instrumentality, or  
11 authority.

12 e. For the purposes of acquiring or constructing any solid waste  
13 disposal facility, the commission is authorized to issue bonds and  
14 notes and to pay or redeem said bonds and notes from revenue  
15 derived from the fees and other charges collected for such facilities.  
16 Any cost incurred by the commission in providing any solid waste  
17 disposal facilities shall be charged to the persons utilizing such  
18 facilities, and nothing herein contained shall be interpreted as  
19 requiring the commission to bear the cost of any solid waste  
20 disposal facility provided by the commission.

21  
22 22. a. In the event that surplus moneys become available from  
23 the operation of solid waste disposal facilities by the commission,  
24 which are not required by any contract with the holders of any  
25 bonds, notes, or other obligations of the commission to be retained  
26 in any fund or account for the security of the commission's bonds,  
27 notes, or other obligations, then 75 percent of that surplus shall be  
28 used by the commission for any lawful purpose and 25 percent of  
29 that surplus shall be placed in a special Municipal Assistance  
30 Program fund established by the commission for the purpose of  
31 infrastructure improvements.

32 b. The commission may establish a surcharge on solid waste  
33 which enters into its facilities. Revenue collected pursuant to this  
34 subsection shall be dedicated, exclusively, to the Municipal  
35 Assistance Program fund created by the commission pursuant to  
36 subsection a. of this section.

37  
38 23. a. Pursuant to the procedure hereinafter provided, the  
39 commission shall have the exclusive power to declare the district,  
40 or any portion thereof, to be an area in need.

41 b. Prior to declaring any portion of the district as an area in  
42 need, the commission, by resolution, shall provide for a preliminary  
43 investigation. Upon the adoption of such a resolution, the  
44 commission shall prepare a map showing the boundaries of the  
45 proposed area and the location of the various parcels of property  
46 located therein, and shall append thereto a statement setting forth  
47 the reasons for the investigation.

1 c. The commission shall thereupon cause a hearing to be held  
2 at an appointed time and place for the purpose of hearing persons  
3 interested in, or who would be affected by, a determination that the  
4 area is an area in need, as defined in section 3 of P.L. , c. (C. )  
5 (pending before the Legislature as this bill), and who are in favor  
6 of, or are opposed to, such determination.

7 d. A notice of such hearing shall be given setting forth the  
8 general boundaries of the area to be investigated and stating that a  
9 map has been prepared and can be inspected at the office of the  
10 commission. The commission shall cause the publication of the  
11 notice in a newspaper of general circulation in the district once each  
12 week for two consecutive weeks, and the last publication shall be  
13 not less than 10 days prior to the date set for the hearing. A copy of  
14 the notice shall be mailed at least 10 days prior to the date set for  
15 the hearing to the last known owner, if any, of each parcel of  
16 property within the area according to the assessment records of the  
17 municipality where the parcel is located. Such notice shall be sent  
18 to the last known postal address of such owners. The commission  
19 shall also send notice to any persons at their last known address, if  
20 any, whose names appear on said assessment records as claimants  
21 of an interest in any such parcel. The assessor of a constituent  
22 municipality shall make such a notation upon the said records when  
23 requested so to do by any person claiming to have an interest in any  
24 parcel of property in such municipality. Failure to mail notice as  
25 required by this section shall not invalidate the investigation or  
26 determination thereon.

27 e. At the hearing, the commission shall hear all persons  
28 interested in the investigation and shall consider any written  
29 objections that may be filed, and any evidence which may be  
30 introduced, in support of the objections, or any opposition to a  
31 determination that the area is in need. After the hearing, the  
32 commission shall, by resolution, determine that the area or any part  
33 thereof is, or is not, in need. A determination that an area is in  
34 need, if supported by substantial evidence, shall be binding and  
35 conclusive upon all persons affected by the determination. If the  
36 determination is that an area is in need, the commission, within 10  
37 days after such determination, shall mail a copy of the resolution to  
38 each person who filed a written objection at, or prior to, the hearing,  
39 so long as the address of the objector was stated in, or to, the  
40 written objection.

41 f. Any person who shall have filed such a written objection  
42 with the commission may have a determination that an area is in  
43 need reviewed by the Superior Court by procedure in lieu of  
44 prerogative writs. An action for any such review shall be  
45 commenced within 30 days after the determination by the  
46 commission. In any such action, the court may make any incidental  
47 order that shall be deemed by the court to be proper.

1 g. If the determination is that an area is in need, the  
2 commission may acquire the real property within the area by  
3 purchase, or by eminent domain proceedings in accordance with the  
4 “Eminent Domain Act of 1971,” P.L.1971, c.361 (C.20:3-1 et seq.),  
5 and may proceed with the clearance, planning, development, or  
6 redevelopment of the area as a public purpose and for public use, or  
7 the commission may, by resolution, agree that a redeveloper may  
8 undertake such clearance, planning, development, or  
9 redevelopment.

10  
11 24. a. The commission shall prepare and adopt a redevelopment  
12 plan for each area in the district determined by the commission to  
13 be an area in need.

14 b. A municipality which has land subject to the jurisdiction of  
15 the commission and adopts the commission’s redevelopment plan  
16 shall have the authority to approve or reject an application for a  
17 permit. The municipality shall provide the commission all  
18 documentation, plans, and information regarding all applications.  
19 All fees generated by these applications and approvals shall be  
20 retained by the municipality. Any approval of any plan review or  
21 subdivision application by a municipality pursuant to this  
22 subsection shall be limited by, and based upon, the rules,  
23 regulations, and standards in a resolution adopted by the  
24 commission and the municipality. All fees generated by these  
25 applications and approvals shall be retained by the municipality.

26 c. For those municipalities that do not adopt the commission’s  
27 redevelopment plan, the commission may issue the permit for the  
28 proposed construction or alteration as being in conformity with the  
29 redevelopment plan. Any variations and modifications of the  
30 redevelopment plan shall be the responsibility of the commission. A  
31 permit shall not be issued without a certificate from the chief  
32 engineer or equivalent official of the commission that the proposal  
33 is in conformity with the commission’s redevelopment plan.

34 d. In undertaking projects pursuant to any redevelopment plan,  
35 the commission may:

36 (1) Acquire, by condemnation or otherwise, real or personal  
37 property, or any interest therein, including such property as it may  
38 deem necessary or proper, although temporarily not required for  
39 such purposes, in an area in need and in any area within the district  
40 designated by the commission as necessary for relocation of  
41 residents, industry, or commerce displaced from a redevelopment  
42 area;

43 (2) clear or reclaim any area so acquired and install, construct,  
44 or reconstruct projects therein necessary to prepare such area for  
45 development;

46 (3) relocate or arrange or contract with public or private  
47 agencies for the relocation of residents, industry, or commerce  
48 displaced from the area in need;

1 (4) dispose of real property so acquired by sale, lease, or  
2 exchange for the uses and purposes specified in the redevelopment  
3 plan, to any person or public agency;

4 (5) study the recommendations of the constituent municipality's  
5 planning board impacted by the redevelopment plan for  
6 redevelopment of any area within that municipality and make its  
7 own investigations as to current trends in the area in need, as  
8 established by the commission;

9 (6) by contract or contracts with public agencies or redevelopers  
10 or by its own employees' or consultants' plan, plan, construct,  
11 reconstruct, operate, maintain, and repair any redevelopment or  
12 other project or any part thereof; and

13 (7) make and adopt plans for carrying out a program of  
14 voluntary repair and rehabilitation of buildings and improvements,  
15 and for the enforcement of codes and laws relating to the use of  
16 land, the use and occupancy of buildings and improvements, and the  
17 control over the pollution of water and air and the disposal of solid  
18 waste.

19

20 25. All agreements, leases, deeds, and other instruments between  
21 the commission and a redeveloper shall contain, at least, the  
22 following provisions:

23 a. A covenant running with the land to the effect that the land,  
24 and any buildings or improvements thereon, shall be used only for  
25 the purposes designated in the redevelopment plan;

26 b. A provision that the redeveloper shall be without power to  
27 sell, lease, or otherwise transfer the redevelopment area or project,  
28 or any part thereof, without the prior written consent of the  
29 commission;

30 c. In the case of a lease to a developer, a requirement that all  
31 improvements shall become the property of the commission;

32 d. Any other covenants, provisions, and continuing controls as  
33 may be deemed necessary to effectuate the purposes of sections 1  
34 through 68 of P.L. , c. (C. ) (pending before the Legislature as  
35 this bill), including, but not limited to, deed restrictions or  
36 easements to promote environmental and ecological sustainability.

37

38 26. The commission may issue negotiable bonds and notes for  
39 any corporate purpose, and may renew any bonds and notes by the  
40 issuance of new bonds and notes, whether the bonds and notes to be  
41 renewed have, or have not, matured. The commission may issue  
42 bonds and notes partly to renew bonds and notes, or to discharge  
43 other obligations then outstanding, and partly for any other purpose.  
44 The notes may be authorized, sold, executed, and delivered in the  
45 same manner as bonds. The commission may issue bonds and notes  
46 on which the principal and interest are payable (1) exclusively from  
47 the income and revenues of the improvements or projects financed  
48 with the proceeds of such bonds or notes; (2) exclusively from the

1 income and revenue of certain designated improvements or projects  
2 whether or not they are financed in whole or in part with the  
3 proceeds of such bonds or notes; or (3) from other available funds.  
4 Any such bonds or notes may be additionally secured by a pledge of  
5 any grant or contribution from any department or agency of the  
6 United States or the State, person, or a pledge of any money,  
7 income, or revenues of the commission from any source  
8 whatsoever.

9  
10 27. Except as otherwise provided by or pursuant to Section II of  
11 Article VIII of the State Constitution and approved by a majority of  
12 the legally constituted voters of the State voting thereon, or except  
13 when any county or municipality shall have guaranteed principal or  
14 interest thereon, bonds and notes issued by the commission shall not  
15 be deemed to constitute a debt or liability of the State, or of any  
16 political subdivision thereof, or a pledge of the faith and credit of  
17 the State, or of any political subdivision except the commission, and  
18 all such bonds or notes shall contain on the face thereof a statement  
19 to that effect.

20  
21 28. a. The commission, by resolution, shall designate the 750  
22 acre sports complex site as a sports and entertainment area and  
23 recognize it as such in its regulations, master plan, and zoning  
24 maps. The commission shall aid in promoting the sports and  
25 entertainment area for tourism, entertainment, sports, and all related  
26 activities, and to support efforts to attract events to the sports and  
27 entertainment area.

28 b. The commission shall collaborate with the Division of  
29 Travel and Tourism in the Department of State and the  
30 Meadowlands Convention and Visitors Bureau. The tourism  
31 structure should work closely, or integrate with, the work of  
32 agencies within the Department of State dedicated to advancing an  
33 economic development plan developed pursuant to subsection p. of  
34 section 7 of P.L. , c. (C. ) (pending before the Legislature as  
35 this bill).

36 c. The commission shall be responsible to carry out the  
37 provisions of the leases with the entities that have, or will have,  
38 leases in the sports and entertainment area. The commission shall  
39 divest itself of any facility still owned by the State of New Jersey.  
40 The commission shall manage, maintain, and repair, indirectly, the  
41 sports complex site through its lessees, licensees, or agents. The  
42 commission shall enter into agreements with its lessees to provide  
43 services to assist its lessees in their operations.

44 d. The commission shall make a vigorous effort to establish  
45 collaboration among private tourist marketing operations, and  
46 between those operations and the commission, through  
47 conversations with leaders of such operations, as well as  
48 stakeholders associated with such operations.

1 e. The commission shall promote the image of “one-stop  
2 shopping” for those seeking tourist information and assistance or  
3 wishing to host an event.

4 f. The commission shall establish a not-for-profit organization  
5 that will be responsible for the operation of the sports and  
6 entertainment area, and shall collaborate with the Division of Travel  
7 and Tourism and the Meadowlands Convention and Visitors Bureau  
8 to attract major events to the area. The not-for-profit organization  
9 established pursuant to this section shall be a public-private  
10 partnership and may raise funds to support these activities. The  
11 goal of the not-for-profit organization is to consolidate event  
12 planning and establish sources of revenue as part of an overall  
13 strategy to create positive economic development opportunities that  
14 will impact the Hackensack meadowlands.

15

16 29. If for any of its authorized purposes, including temporary  
17 purposes, the commission shall find it necessary or convenient to  
18 acquire any real property within its jurisdiction, or if for any of its  
19 authorized purposes, including temporary construction purposes, the  
20 commission shall find it necessary to acquire any real property  
21 contiguous to property within its jurisdiction, whether for  
22 immediate or future use, the commission may take such action in  
23 accordance with the “Eminent Domain Act of 1971,” P.L.1971,  
24 c.361 (C.20:3-1 et seq.).

25

26 30. a. All projects, lands, and other property of the commission  
27 are hereby declared to be public property devoted to an essential  
28 public and governmental function and purpose and shall be exempt  
29 from all taxes and special assessments of the State or any political  
30 subdivision thereof; provided, however, that whenever any part of a  
31 project area not occupied or to be occupied by facilities of the  
32 project is leased by the commission to another whose property is  
33 not exempt and the leasing of which does not make the real estate  
34 taxable, the estate created by the lease and the appurtenances  
35 thereto shall be listed as the property of the lessee thereof, or an  
36 assignee, and be assessed and taxed as real estate. All bonds or  
37 notes issued pursuant to sections 1 through 68 of P.L. , c. (C. )  
38 (pending before the Legislature as this bill) are hereby declared to  
39 be issued by a body corporate and public of the State and for an  
40 essential public and governmental purpose, and such bonds and  
41 notes, together with the interest thereon and the income therefrom,  
42 and all funds, revenues, income, and other moneys received, or to  
43 be received by the commission, and pledged or available to pay or  
44 secure the payment of such bonds or notes, or interest thereon, shall  
45 at all times be exempt from taxation except for transfer, inheritance,  
46 and estate taxes.

47 b. To the end that municipalities and counties may not suffer  
48 undue loss of tax revenue by reason of the acquisition and

1 ownership of property therein by the commission, the commission  
2 is hereby authorized, empowered, and directed to enter into an  
3 agreement with any constituent municipality or affected county,  
4 whereby the commission will undertake to pay a fair and reasonable  
5 sum or sums to compensate the municipality or county for a loss of  
6 property tax revenue in connection with any property acquired and  
7 owned by the commission in carrying out the provisions of sections  
8 1 through 68 of P.L. , c. (C. ) (pending before the Legislature  
9 as this bill). Any such payment or payments which the commission  
10 is hereby authorized, empowered, and directed to make may be  
11 made on an annual basis. Every constituent municipality and  
12 county wherein the commission owns the property may enter into  
13 such agreements with the commission to accept these payments.  
14

15 31. The commission may form, within the district, flood  
16 improvement zones for any authorized purpose in order to levy  
17 special assessments against real estate located within such zones for  
18 benefits rendered.  
19

20 32. a. All land within the district shall be divided by the  
21 commission into three classes as follows:

22 (1) Class one--Land owned by the State of New Jersey, any of  
23 its political subdivisions, or any other public agency or  
24 instrumentality which enjoys the privilege of general property tax  
25 exemption under the laws of the State, and which land is designated  
26 by the owner as presently or ultimately intended for a public use.

27 (2) Class two--Land owned by the State of New Jersey, any of  
28 its political subdivisions, or any other public agency or  
29 instrumentality which enjoys the privilege of general property tax  
30 exemption under the laws of the State, and which land is designated  
31 by the owner as ultimately disposable to private ownership, or  
32 usable by private parties.

33 (3) Class three--All other land.

34 b. The State, its political subdivisions, or any other public  
35 agency or instrumentality owning land in the district shall be  
36 required to certify to the commission, by a date established by the  
37 commission, whether said lands are in class one or class two; and in  
38 the case of land being in class one, the State, its political  
39 subdivisions, or any other public agency or instrumentality, as  
40 appropriate, shall indicate the nature of the present or ultimate use.  
41 The commission shall approve or modify the certifications by  
42 resolution. The commission may also reclassify lands by a majority  
43 vote, upon the request of the State, its political subdivisions, or any  
44 other public agency or instrumentality owning land in the district  
45 for such reclassification.

46 c. In the case that the title of lands designated to be in class  
47 three passes to the State of New Jersey, its political subdivisions, or  
48 any other public agency or instrumentality, the commission shall

1 change the designation of the class of that land to reflect the future  
2 use of that land.

3  
4 33. If, in its judgment, public necessity or interest demands the  
5 construction of improvements which would benefit lands within an  
6 area in need, the commission shall pass a resolution of its intention  
7 to undertake any such improvement and shall give notice of the  
8 proposal by advertising in one or more newspapers circulating in  
9 the district. The advertisement shall fix a time and place, not earlier  
10 than two weeks after notice, for a hearing on said proposed action  
11 and, prior to said hearing, the commission shall prepare a tentative  
12 assessment which shall be presented at the hearing and open to  
13 inspection. Any person desiring to testify concerning the proposal  
14 shall have the right to do so. After such hearing, if the commission  
15 decides to carry out the proposals, the commission shall pass a  
16 resolution setting forth this determination, acquire the necessary  
17 funding for the project, and proceed to make such improvements.

18  
19 34. The appropriate officer of the commission shall prepare a  
20 statement showing, in detail, the cost of the improvement proposed  
21 pursuant to section 33 of P.L. , c. (C. ) (pending before the  
22 Legislature as this bill). Such statement shall also show the  
23 proportion of the amount to the whole cost of improvement, if any,  
24 paid or contributed by any public body or by any individual or  
25 entity. The total amount of assessment levied upon the land  
26 benefited by the improvement shall not exceed the cost thereof.

27  
28 35. The appropriate officer of the commission shall examine the  
29 estimated cost of the work of any improvement and view all lands  
30 benefited thereby and shall thereupon fix the time and place for  
31 hearing all persons interested. Notice of the time and place of the  
32 hearing shall be mailed to owners of land affected, directed to their  
33 last known post-office addresses, and shall be published at least 10  
34 days before the hearing. Failure to mail the notice shall not  
35 invalidate any proceeding or assessment. Such officer of the  
36 commission shall attend the hearing, scheduled at the time and  
37 place designated by the commission, and shall give all parties  
38 interested or affected by an improvement the opportunity to be  
39 heard upon the subject of assessment. Thereafter, such officer shall  
40 make a just and equitable assessment of the benefits conferred upon  
41 any land by reason of such improvement, having due regard to the  
42 rights and interests of all persons concerned, and the increment in  
43 the value of the land benefited thereby and levy the same.

44  
45 36. All assessments levied under section 35 of P.L. , c. (C. )  
46 (pending before the Legislature as this bill) for any improvement  
47 shall, in each case, be as nearly as may be in proportion to, and not  
48 in excess of, the benefit, advantage, or increase in value which



1 respective lots and parcels of land shall be deemed to receive by  
2 reason of such improvement.

3  
4 37. In addition to the making of assessments for benefits, the  
5 appropriate officer of the commission shall fix and determine the  
6 amount, if any, the property is damaged incidentally to the making  
7 of the improvement and deduct such amount from the amount of  
8 benefits assessed thereon. If the amount of any such damages, as  
9 confirmed by the commission, shall exceed the benefits assessed on  
10 the same property, if in case no benefits shall accrue thereto, or if  
11 such property is damaged subsequent to the levying and collection  
12 of an assessment which shall be confirmed by the commission to be  
13 a direct result of the making of the improvement, the balance or  
14 amount of such damages so fixed, may be raised from the general  
15 revenues of the commission and shall be paid by the commission to  
16 the owner of the property so damaged. Any person aggrieved by  
17 such assessment or award of damages may after the same has been  
18 confirmed by the commission, appeal therefrom as provided in  
19 section 48 of this P.L. , c. (C. ) (pending before the Legislature  
20 as this bill).

21  
22 38. When owners of any property have been or shall have been  
23 awarded damages as incidental to any improvement undertaken  
24 pursuant to sections 1 through 68 of P.L. , c. (C. ) (pending  
25 before the Legislature as this bill), and such award has been or shall  
26 have been duly confirmed, the amount thereof shall be tendered to  
27 the person or persons entitled thereto. If there is uncertainty as to  
28 the person entitled to receive the award or if the party entitled to  
29 receive the amount awarded shall refuse upon tender thereof to  
30 receive the same, or shall be out of the State or under any legal  
31 disability, or if several parties interested in the fund shall not agree  
32 as to the distribution thereof, or the lands damaged are encumbered  
33 by any mortgage, judgment, or other lien, or if for any other reason  
34 the commission cannot safely pay the amount awarded to any  
35 person, in all such cases the amount awarded may, with leave of the  
36 Superior Court, be paid into said court and thereupon distributed  
37 according to law, on the application of any person interested  
38 therein.

39  
40 39. Assessments for benefits for any improvement together with  
41 any accompanying awards for incidental damages and all awards of  
42 damages for land or interests therein taken from any improvement  
43 shall be certified by the officer making the assessment to the  
44 commission by a report, in writing, signed by the officer. The  
45 report shall be accompanied by a map showing the land taken,  
46 damaged, or benefited by the improvement and for which damages  
47 or benefits have been assessed.

1       40. The report submitted pursuant to section 39 of P.L.     ,  
2 c. (C.    ) (pending before the Legislature as this bill) may be  
3 considered by the commission at any meeting, notice whereof shall  
4 be published in a newspaper circulating in the district, once each  
5 week for two weeks prior to the meeting, and also by mailing a  
6 copy of the notice to the owners named in the report, directed to  
7 their last known post-office addresses, and the affidavit of the  
8 appropriate officer of the commission shall be conclusive as to such  
9 mailing. The notice shall briefly state the object of the meeting  
10 with reference to the assessment. At that, or any subsequent  
11 meeting, the commission, after considering the report and map, may  
12 adopt and confirm the report and map, with or without alterations,  
13 and may refer such matter to any committee of the commission, or  
14 to the officer making the assessment, for revision or correction  
15 before taking final action thereon. When the commission adopts the  
16 report, with or without alterations, it shall be final and conclusive,  
17 and may be appealed directly to the Appellate Division of the  
18 Superior Court by an appropriate party as a matter of right in  
19 accordance with other laws, rules, or regulations. Failure to mail  
20 the notice required by this section shall not invalidate the  
21 proceedings.

22  
23       41. Immediately after the confirmation of any assessment, a  
24 duplicate thereof, duly certified by the commission, shall be  
25 delivered to the appropriate officer of the commission, who shall  
26 immediately thereafter send out by mail, or deliver, to owners of  
27 such land, bills for such assessment. Such officer shall mail or  
28 deliver a bill for an assessment in the manner required in  
29 connection with local improvements and shall keep a record and  
30 books of assessments in the same manner required for local  
31 improvements under R.S.40:56-31. The commission may make  
32 additional requirements for recording, accounting for, and  
33 collecting assessments.

34  
35       42. a. Special assessments levied against land in class one shall  
36 be considered to be of general benefit to the entire district and areas  
37 outside of the district, as it relates to flood control projects, and  
38 shall be included as a charge against general revenues of the  
39 commission, or paid out of any funds of the commission which shall  
40 be available for such purpose.

41       b. When any assessment shall not be paid within two months  
42 after the date of confirmation thereof, interest thereon from the date  
43 of confirmation shall be imposed at the rate of six percent.

44  
45       43. Every assessment for any improvement, together with  
46 interest thereon and all costs and charges connected therewith, shall  
47 be, upon authorization of the assessment by resolution of the  
48 commission, a first lien on the land described in the assessment,

1 paramount to all prior or subsequent alienations and descents of  
2 such land or encumbrances thereon, and shall constitute a lien in the  
3 same manner as taxes and assessments for State purposes,  
4 notwithstanding any mistake in the name or names of any owner or  
5 owners, or any omission to name any owner or owners who are  
6 unknown, and notwithstanding any lack of form therein, or in any  
7 proceeding which does not impair the substantial rights of the  
8 owner or owners or person or persons having a lien upon or interest  
9 in any such land. Confirmation of the amount of the assessment by  
10 the commission, or by the court, shall be considered as determining  
11 the amount of the existing lien and not as establishing the lien. All  
12 assessments for improvements shall be presumed to have been  
13 regularly assessed and confirmed, and every assessment or  
14 proceeding preliminary thereto shall be presumed to have been  
15 regularly made or conducted until the contrary be demonstrated.

16

17 44. In all cases in which any assessment incident to any  
18 improvement has been set aside by a court of competent  
19 jurisdiction, and the improvement shall have been actually made in  
20 the manner provided by law, the officer charged with the duty of  
21 making assessments for benefits for improvements shall make a  
22 new assessment of benefits upon the property benefited by the  
23 improvement, in the manner and by the proceeding herein provided.  
24 All such new assessments shall become a lien upon the land so  
25 assessed in the same manner and with like effect and be enforceable  
26 in the same way as an original assessment for like improvements.

27

28 45. When any court of competent jurisdiction shall decide that  
29 any assessment has been illegally made, the commission shall  
30 refund the amount thereof, if the same has been paid, and if a new  
31 assessment of less amount is to be made, then the difference  
32 between the new assessment and the amount paid shall be refunded.

33

34 46. The commission may, by resolution, provide that the owner  
35 of any land, upon which any assessments for any improvement shall  
36 have been made, pay such assessments in equal yearly installments,  
37 for a number of years as may be provided by the rules and  
38 regulations of the commission, with legal interest thereon, provided  
39 that any person assessed may pay the whole of any assessment, or  
40 any balance of installments, with accrued interest thereon, at one  
41 time. If any such installment becomes due and is not paid, the  
42 whole assessment, or balance due thereon, shall become  
43 immediately due, draw interest at the rate of six percent, and be  
44 collected in the same manner as is provided in sections 1 through 68  
45 of P.L. , c. (C. ) (pending before the Legislature as this bill) for  
46 other past due assessments.

1       47. When any unpaid assessment, interest thereon, or other  
2 charges for collection thereof, remains in arrears on July 1 of the  
3 calendar year following the calendar year when the same became in  
4 arrears, the appropriate officer of the commission shall enforce the  
5 lien by selling the property in the manner set forth in R.S.54:5-19  
6 through R.S.54:5-129.

7  
8       48. The owner of any property assessed for benefits, or awarded  
9 damages incident to any improvement under sections 1 through 68  
10 of P.L. , c. (C. ) (pending before the Legislature as this bill),  
11 may, within 30 days after confirmation of such assessment or  
12 award, appeal the determination to the Appellate Division of the  
13 Superior Court by serving written notice of such appeal upon the  
14 tax collector, and a duplicate upon the appropriate officer of the  
15 commission. The court shall determine whether the record contains  
16 substantial evidence that the assessment or award appealed from is  
17 just and fair, and, if not, shall make an order correcting the same,  
18 or, if the court upholds the assessment or award, shall so order. The  
19 determination shall be by order or judgment for the amount  
20 determined and shall be enforceable pursuant to procedures set forth  
21 in R.S.40:56-57. The commission may proceed with the  
22 prosecution and completion of the improvement and the issuing of  
23 bonds and other indebtedness in connection with said improvements  
24 notwithstanding any such appeal.

25  
26       49. The commission shall, in 2017, and every year thereafter,  
27 submit a report to the Governor and the Legislature pursuant to  
28 section 2 of P.L.1991, c.164 (C.52:14-19.1) relating to the operation  
29 of the intermunicipal account in the prior year, and shall  
30 recommend, when it deems necessary, amendments to sections 1  
31 through 68 of P.L. , c. (C. ) (pending before the Legislature as  
32 this bill) as it deems necessary to carry out the legislative intent  
33 herein stated.

34  
35       50. Except as provided in sections 1 through 68 of P.L. ,  
36 c. (C. ) (pending before the Legislature as this bill), the laws  
37 relating to the assessment and taxation of real and personal property  
38 shall apply to all constituent municipalities.

39  
40       51. a. In preparing the list of owners of taxable property  
41 pursuant to R.S.54:4-24, the assessor of each constituent  
42 municipality shall indicate in the list for each parcel of property  
43 whether it is located within the district boundaries, in accordance  
44 with regulations prescribed by the Director of the Division of  
45 Taxation in the Department of the Treasury.

46       b. If the boundary of the district divides a lot of land, the entire  
47 lot shall be included within the district.

1       52. On or before November 15, 2017, and on or before  
2 November 15 of each year thereafter, the secretary, superintendent,  
3 or a person designated by the school board of each school district of  
4 each constituent municipality shall certify to the commission the  
5 resident enrollment as of September 30 of that year. The  
6 certification shall show the number, address, and grade enrolled of  
7 pupils who reside within the district, and the number who reside  
8 outside, in a manner to be prescribed by the Commissioner of  
9 Education.

10  
11       53. a. In the adjustment year 2017, and in each adjustment year  
12 thereafter, the commission shall establish an intermunicipal account  
13 and shall compute the amount payable to each constituent  
14 municipality from said account for that year pursuant to section 55  
15 of P.L. , c. (C. ) (pending before the Legislature as this bill).

16       b. As used in this section, except as otherwise specifically  
17 provided, the increase or decrease in aggregate true value of taxable  
18 real property for any adjustment year shall be the difference  
19 between:

20       (1) The aggregate true value of that portion of taxable real  
21 property, exclusive of Class II railroad property, in the constituent  
22 municipality located within the district in the comparison year, and

23       (2) The aggregate true value of that property in the base year.

24       c. Aggregate true value of all taxable real property shall be  
25 determined by aggregating the assessed value of all real property  
26 within the district boundaries in each constituent municipality, and  
27 dividing the total by the average assessment ratio, as promulgated  
28 by the Director of the Division of Taxation in the Department of the  
29 Treasury for State school aid purposes, on October 1 of the  
30 respective years for which aggregate true value is to be determined,  
31 pursuant to P.L.1954, c.86 (C.54:1-35.1 et seq.), or as modified by  
32 the tax court.

33       d. For the purpose of calculating aggregate true value, the  
34 assessed value of taxable real property for any given year shall  
35 comprise the sum of the following:

36       (1) The assessed value shown on the assessment duplicate for a  
37 given year, as certified by the county board of taxation and reflected  
38 in the county table of aggregates prepared pursuant to R.S.54:4-52,  
39 or as modified by the county board of taxation.

40       (2) The prorated assessed values pertaining to such year, as  
41 certified by the county board of taxation on or before October 10,  
42 with respect to the assessor's added assessment list for such year, as  
43 the same may be modified by the county board of taxation upon  
44 appeal; and

45       (3) The assessed values pertaining to a given year, as certified  
46 by the county board of taxation, with respect to the assessor's  
47 omitted property assessment list for that year, as the same may be  
48 modified by the county board of taxation upon appeal.

1 e. If, during any comparison year, a constituent municipality  
2 has received a payment in lieu of real estate taxes on property  
3 located within the district, then, for the purpose of calculating the  
4 increase or decrease in the municipality's aggregate true value  
5 under subsection b. of this section, there shall be added to the  
6 aggregate true value for such comparison year an amount  
7 determined by dividing the amount of the in lieu payment by the  
8 municipal tax rate for the comparison year and dividing the result  
9 by the average assessment ratio for school aid purposes as  
10 promulgated by the Director of the Division of Taxation in the  
11 Department of the Treasury.

12

13 54. Notwithstanding the provision of any law, rule, or regulation  
14 to the contrary, no constituent municipality shall pay out, or receive  
15 an adjustment payment for any adjustment year in which its  
16 municipal equalized valuation per capita, as defined in section 1 of  
17 P.L.1978, c.14 (C.52:27D-178) and as certified by the Director of  
18 the Division of Local Government Services in the Department of  
19 Community Affairs exceeds \$1,000,000.

20

21 55. a. The guarantee payment payable by the intermunicipal  
22 account to each constituent municipality in any adjustment year  
23 shall be computed as follows:

24 If there is a decrease in the aggregate true value of taxable real  
25 property of any constituent municipality, as determined pursuant to  
26 subsection b. of section 53 of P.L. , c. (C. ) (pending before the  
27 Legislature as this bill), the commission shall, subject to the  
28 provision of subsection b. of this section, calculate the amount of  
29 decreased aggregate true value, occurring in the comparison year,  
30 by reason of the acquisition, through purchase, eminent domain, or  
31 gift, during the year preceding the comparison year, of taxable real  
32 property by a governmental body or agency to be used for a public  
33 purpose, whereby said taxable real property parcels or portions  
34 thereof became exempt from local real property taxes. Such  
35 decreased aggregate true value shall be calculated in the same  
36 manner as aggregate true value is determined pursuant to subsection  
37 b. of section 53 of P.L. , c. (C. ) (pending before the  
38 Legislature as this bill) and shall be based on the assessed value in  
39 the year of acquisition, of the parcels or portions thereof affected.

40 b. There shall be payable as a guarantee payment from the  
41 intermunicipal account to each constituent municipality, an amount  
42 to be calculated by multiplying the lesser of the following by the  
43 apportionment rate determined for the comparison year:

44 (1) the amount of the decrease in aggregate true value  
45 determined pursuant to subsection b. of section 53 of P.L. ,  
46 c. (C. ) (pending before the Legislature as this bill) and

1 (2) the amount of the decrease, if any, in aggregate true value  
2 calculated to be attributable to conversion of taxable property to  
3 exempt status, specified in paragraph (1) of this subsection.

4 c. If, in any comparison year and with respect to any  
5 constituent municipality, no amount of decrease in aggregate true  
6 value is found to be attributable to the conversion from taxable to  
7 exempt status specified in subsection a. of this section, no guarantee  
8 payment shall be payable to any such municipality in the applicable  
9 adjustment year.

10 d. The commission shall not be required to make the  
11 calculation prescribed in subsection a. of this section, unless the  
12 governing body of any constituent municipality claiming a decrease  
13 in aggregate true value attributable to the conversion of real  
14 property from a taxable to an exempt status specified subsection a.  
15 of this section, no later than December 1 in the comparison year,  
16 files with the commission a statement to such effect, setting forth a  
17 description of the parcels, or portions thereof, involved, together  
18 with such other information as may be pertinent, in such form as the  
19 commission shall prescribe.

20  
21 56. For school district services, the service payment payable by  
22 the intermunicipal account to a constituent municipality in any  
23 adjustment year shall be found by dividing the total local school tax  
24 levy, as shown on the Table of Aggregates pursuant to R.S.54:4-52  
25 for the comparison year, by the school resident enrollment on  
26 September 30 of such comparison year, as certified pursuant to  
27 section 52 of P.L. , c. (C. ) (pending before the Legislature as  
28 this bill), and multiplying the result by the increase, if any, in  
29 resident enrollment within the district boundaries of that constituent  
30 municipality between September 30 of the year of enactment of  
31 P.L. , c. (C. ) (pending before the Legislature as this bill) and  
32 September 30 of the comparison year.

33  
34 57. a. If, in any adjustment year, the amount payable to the  
35 constituent municipalities by the intermunicipal account for  
36 guarantee payments and school district service payments is less than  
37 the amount payable to the intermunicipal account pursuant to  
38 section 55 of P.L. , c. (C. ) (pending before the Legislature as  
39 this bill), the balance, if any, shall be apportioned among the  
40 constituent municipalities in the same ratio as the number of acres  
41 within the district of each constituent municipality bears to the total  
42 number of acres in the district, and shall be known as an  
43 apportionment payment.

44 b. The commission shall not be able to receive any funds from  
45 the intermunicipal account for any purpose.

46  
47 58. If, in any adjustment year, the amount payable to the  
48 constituent municipalities by the intermunicipal account for

1 guarantee payments and service payments exceeds the amount  
2 payable to said account pursuant to section 55 of P.L. , c. (C. )  
3 (pending before the Legislature as this bill), the total service  
4 payments payable to all constituent municipalities shall be reduced  
5 by the amount of the deficit and the service payment payable to  
6 each constituent municipality shall be reduced by the same ratio as  
7 the total service payment to all constituent municipalities was  
8 reduced.

9  
10 59. a. On or before February 1, 2017 and on or before February  
11 1 of each year thereafter, the commission shall certify to the chief  
12 financial officer of each constituent municipality an amount,  
13 identified as the meadowlands adjustment payment. The  
14 meadowlands adjustment payment for each constituent municipality  
15 shall be determined by adding all the payments payable to that  
16 municipality from the intermunicipal account for school district  
17 service payments, guarantee payments, and apportionment  
18 payments, if any. The amount so derived shall be referred to as the  
19 meadowlands pre-adjustment payment. For calendar year 2015, the  
20 meadowlands adjustment payment shall be the average of the  
21 meadowlands pre-adjustment payments for calendar years 2014 and  
22 2015. For calendar year 2016, the meadowlands adjustment  
23 payment shall be the average of the meadowlands pre-adjustment  
24 payments for calendar years 2013, 2014, and 2015. For calendar  
25 year 2017 and subsequent years, the meadowlands adjustment  
26 payment shall be the average of the meadowlands pre-adjustment  
27 payments for the prior three calendar years.

28 b. If the meadowlands adjustment payment for any constituent  
29 municipality in any adjustment year is payable to the constituent  
30 municipality, the amount of this payment shall be identified in the  
31 municipal budget of that municipality for that year as  
32 “meadowlands adjustment” within the category “miscellaneous  
33 revenues anticipated,” and shall be due and payable in three equal  
34 installments by the intermunicipal account on May 15, August 15,  
35 and November 15 of that year.

36  
37 60. There is established the Hackensack Meadowlands Tax  
38 Sharing Stabilization Fund in the commission. The fund shall be  
39 comprised of revenues made available from the State of New Jersey  
40 and from interest payments on sanitary landfill closure accounts  
41 maintained by the commission or such other revenues which are  
42 made available for these purposes. Moneys in the fund shall be  
43 used to fully compensate municipalities from excessive fluctuations  
44 in payments from the intermunicipal account in 2014 and  
45 subsequent years. In the event that there are insufficient monies in  
46 the fund to fully compensate all municipalities in any year, the  
47 amount paid to each municipality shall constitute the same  
48 proportion of the total amount of money available to all



1 municipalities as each municipality would receive if the amount of  
2 money in the fund were sufficient to fully compensate all  
3 municipalities in that year.

4 For the purposes of this section, any decrease in a payment  
5 required to be made from the intermunicipal account to a  
6 constituent municipality which is in excess of five percent below  
7 the previous year's payment shall be considered an "excessive  
8 fluctuation."  
9

10 61. On or before January 1 of each year, the commission shall  
11 adopt an annual budget for the year, which shall include the  
12 following items of expenditure:

13 a. An operating budget covering administrative, operating, and  
14 maintenance expenses of each office, activity, or project of the  
15 commission, plus contingent expenses of up to 5 percent of the  
16 amount stated;

17 b. A capital budget, including deposits in any capital  
18 improvement fund or capital reserve fund, down payments, or  
19 expenditures for capital projects, and interest payments, sinking  
20 fund deposits, principal maturities, and redemption premiums  
21 payable in such year on bond and notes of the commission;

22 c. Deferred charges; and

23 d. Estimates of the following revenues:

24 (1) Cash balances and surplus;

25 (2) Federal, State, and other grants-in-aid;

26 (3) Revenues from charges and fees for the use of the  
27 commission's facilities;

28 (4) Receipts from special assessments, but not in excess of the  
29 amount budgeted in such year for interest, principal maturities,  
30 sinking fund deposits, and redemption premiums on bonds secured  
31 by such assessments, until all bonds so secured are paid in full;

32 (5) Payments by municipalities or other governmental bodies  
33 pursuant to contracts for services performed by the commission;  
34 and

35 (6) Miscellaneous other revenues and receipts.  
36

37 62. For the purpose of aiding and cooperating with the  
38 commission, including the planning, undertaking, construction, or  
39 operation of its activities, any public body may, with or without  
40 consideration, as it may determine:

41 a. Dedicate, sell, convey, or lease any of its property to the  
42 commission or the federal government;

43 b. Cause parks, playgrounds, recreational, community,  
44 educational, water, sewer, or any other works which it is otherwise  
45 empowered to undertake, to be furnished adjacent to, or in  
46 connection with, projects of the commission;

- 1 c. Furnish, dedicate, close, pave, install, grade, regrade, or plan  
2 streets, roads, roadways, alleys, sidewalks, or other places which it  
3 is otherwise empowered to undertake;
- 4 d. Plan, zone, or rezone any part of such public body;
- 5 e. Make exceptions from building regulations and ordinances  
6 and change its map;
- 7 f. Enter into agreements, which, notwithstanding any law, rule,  
8 or regulation to the contrary, may extend over any period, with the  
9 commission or the federal government respecting action to be taken  
10 by such public body;
- 11 g. Do any and all things necessary or convenient to aid and co-  
12 operate in planning, undertakings, construction, or operations of the  
13 commission;
- 14 h. Cause services to be furnished to the commission of the  
15 character which the public body is otherwise empowered to furnish;
- 16 i. Purchase, or legally invest in, any of the bonds of the  
17 commission, and exercise all of the rights of any holder of such  
18 bonds;
- 19 j. In connection with any public improvements made by a  
20 public body in exercising the powers herein granted, the public  
21 body may incur the entire expense thereof. Notwithstanding any  
22 law, rule, or regulation to the contrary, any grant, sale, conveyance,  
23 lease, or agreement provided for in this section may be made by a  
24 public body without appraisal, public notice, advertisement, or  
25 public bidding; or
- 26 k. Upon such terms as it may deem advisable, with or without  
27 consideration, grant, sell, convey, or lease any of its property,  
28 including real property already devoted to a public use, whether  
29 held in a proprietary or governmental capacity to the commission,  
30 provided, that the public body making the grant or lease determines  
31 that the premises are no longer required for the public purposes to  
32 which the property is devoted, and that it is in the public interest so  
33 to grant, sell, convey, or lease said property.
- 34
- 35 63. a. The commission may enter into contracts with one or  
36 more municipalities, counties, or other public agencies for the  
37 operation of public improvements, works, facilities, services, or  
38 undertakings of the municipalities, counties, or agencies, or of the  
39 commission.
- 40 b. Contracts entered into pursuant to this section shall  
41 specifically provide for the services or improvements to be  
42 undertaken, the fee or fees to be charged for such services or  
43 facilities, the method of apportionment of such fees among the  
44 contracting parties, persons, officers, or agencies responsible for the  
45 performance of the contract, and other appropriate terms and  
46 conditions of participation.
- 47 c. Contracts entered into pursuant to this section shall be  
48 subject to approval, by resolution, of the commission and of the

1 governing body of each participating municipality, county, or other  
2 participating agency.

3 d. The apportionment of costs and expenses may be based upon  
4 property valuations, population, area, and of any other factors as  
5 may be provided in the contract.

6  
7 64. The State Auditor and his legally authorized representatives  
8 may, at any time, examine the accounts and books of the  
9 commission, including its receipts, disbursements, contracts,  
10 sinking funds, investments, and any other matters relating to its  
11 financial standing.

12  
13 65. The commission may call to its assistance and avail itself of  
14 the services of such employees of any State department or agency,  
15 as it may require, and as may be available to it for said purpose. The  
16 commission may enter into an agreement with any political  
17 subdivision of the State by which the commission may be of  
18 assistance in the permitting of projects that take place within the  
19 district.

20  
21 66. Sections 1 through 68 of P.L. , c. (C. ) (pending before  
22 the Legislature as this bill) shall be deemed to provide an additional  
23 and alternative method for effectuating the purposes authorized  
24 thereby, and shall be regarded as supplemental and additional to  
25 powers conferred by other laws, and shall not be regarded as in  
26 derogation of any powers now existing.

27  
28 67. If the provisions of any section or clause of sections 1  
29 through 68 of P.L. , c. (C. ) (pending before the Legislature as  
30 this bill) or the application thereof to any person shall be judged  
31 invalid by a court of competent jurisdiction, such order or judgment  
32 shall be confined in its operation to the controversy in which it was  
33 rendered, and shall not affect or invalidate the remainder of any  
34 provision of any section or clause of sections 1 through 68 of  
35 P.L. , c. (C. ) (pending before the Legislature as this bill), or  
36 the application of any part thereof to any other person or  
37 circumstance and, to this end, the provisions of each section of  
38 sections 1 through 68 of P.L. , c. (C. ) (pending before the  
39 Legislature as this bill) are declared to be severable.

40  
41 68. All expenses incurred in carrying out the provisions of  
42 sections 1 through 68 of P.L. , c. (C. ) (pending before the  
43 Legislature as this bill) shall be payable from funds provided the  
44 commission therefor, and no liability or obligation shall be incurred  
45 by the commission hereunder beyond the extent to which moneys  
46 shall have been provided therefor.

1       69. Sections 69 through 81 of P.L. , c. (C. ) (pending before  
2 the Legislature as this bill) shall be known and may be cited as the  
3 “Hackensack Meadowlands Transportation Planning District Act of  
4 2014.”

5  
6       70. The Legislature finds and declares that:

7       a. Every day, residents of New Jersey confront congestion in  
8 some part of their day as they commute to work, recreate, or travel  
9 for family business. As our State continues to grow and prosper,  
10 we can only expect more cars, trucks, and buses on our roads.  
11 Meanwhile, the number of riders on our trains and buses is also  
12 increasing along with the number of pedestrians and bicyclists.

13       b. Our ability to deal with these demands at all levels of  
14 government is limited without a sound framework for developing  
15 responses to congestion and aging infrastructure problems and  
16 providing adequate funding to implement strategic solutions.

17       c. Sections 69 through 81 of P.L. , c. (C. ) (pending  
18 before the Legislature as this bill) develops the concept of a  
19 transportation planning district, which permits the assessment of  
20 fees on future development to ensure that adequate transportation  
21 infrastructure is put into place to accommodate the vehicular and  
22 pedestrian traffic caused by future development.

23       d. Existing financial resources and existing mechanisms for  
24 securing financial commitments for transportation improvements  
25 are inadequate to meet transportation improvement needs which are  
26 the result of new development in growth areas and, therefore, it is  
27 appropriate for the State to make special provisions for the  
28 financing of needed transportation improvements in the  
29 Meadowlands District, including the assessment of fees on new  
30 developments which are responsible for the travel demand burdens  
31 on the transportation system. Creation of a transportation planning  
32 district provides a mechanism through which the State, counties,  
33 and municipalities, and the Meadowlands Regional Commission, as  
34 well as the private sector, will have the means to work together to  
35 respond to transportation needs on a regional basis as determined by  
36 travel conditions or transportation needs in developed areas rather  
37 than upon preexisting boundaries. The Meadowlands Regional  
38 Commission and the Meadowlands Transportation Planning Board  
39 shall oversee the development of a district-wide transportation plan  
40 through a consultative planning process which relies upon the  
41 participation of public and private sector interests.

42       e. In assessing development fees under sections 69 through 81  
43 of P.L. , c. (C. ) (pending before the Legislature as this bill),  
44 the commission recognizes that: (1) those fees supplement, but do  
45 not replace, the public investment needed in the transportation  
46 system; (2) the costs of remedying pre-existing problems shall not  
47 be charged to a new development; (3) the fee charged to any  
48 particular development shall be reasonably related to the impact of

1 that development on the transportation system of the district and  
2 shall not exceed the development's fair share of the cost of the  
3 improvements and related allowable administrative costs; and (4) no  
4 development shall be subject to any assessment or fees for  
5 transportation improvements by the State, a county, or a  
6 municipality, except as provided pursuant to sections 69 through 81  
7 of P.L. , c. (C. ) (pending before the Legislature as this bill).  
8 In determining the basis for assessing development fees, the  
9 commission shall develop reasonable formulas that rely on  
10 established planning models.

11 f. The creation of a transportation planning district shall be  
12 accompanied by the development of strategies to improve regional  
13 comprehensive planning, to encourage transportation-efficient land  
14 uses, to reduce automobile dependency, to improve pedestrian and  
15 bicyclist safety, and to encourage alternatives to peak-hour  
16 automobile trips.

17

18 71. As used in sections 69 through 81 of P.L. , c. (C. )  
19 (pending before the Legislature as this bill):

20 "Allowable administrative costs" means expenses incurred by the  
21 commission or the board in developing a district transportation  
22 plan, including a financial element, and in managing a  
23 transportation planning district.

24 "Board" means the Meadowlands Transportation Planning Board  
25 established by section 72 of P.L. , c. (C. ) (pending before  
26 the Legislature as this bill).

27 "Chief fiscal officer" means the chief fiscal officer of the  
28 Meadowlands Regional Commission.

29 "Commission" means the Meadowlands Regional Commission  
30 established by section 6 of P.L. , c. (C. ) (pending before the  
31 Legislature as this bill).

32 "Commissioner" means the Commissioner of Transportation.

33 "Department" means the Department of Transportation.

34 "Developer" means the legal or beneficial owner or owners of a  
35 lot or of any land proposed to be included in a proposed  
36 development, including the holder of an option or contract to  
37 purchase, or other person having an enforceable proprietary interest  
38 in that land.

39 "Development" means any project for which zoning approval is  
40 required pursuant to sections 1 through 68 of P.L. , c. (C. )  
41 (pending before the Legislature as this bill), or rules or regulations  
42 promulgated pursuant thereto.

43 "Development fee" means a fee assessed on a development  
44 pursuant to a resolution of the commission adopted under section 74  
45 of P.L. , c. (C. ) (pending before the Legislature as this bill).

46 "District transportation plan" or "plan" means the plan adopted  
47 pursuant to section 73 of P.L. , c. (C. ) (pending before the  
48 Legislature as this bill).

1       “Hackensack Meadowlands District” or “Meadowlands District”  
2 means the area within the jurisdiction of the commission set forth in  
3 section 5 of P.L.     , c.     (C.     ) (pending before the Legislature as  
4 this bill).

5       “Project costs” means expenses incurred in the planning, design,  
6 engineering, and construction of any transportation project, and  
7 shall include debt service.

8       “Public highways” means public roads, streets, expressways,  
9 freeways, parkways, motorways, and boulevards including bridges,  
10 tunnels, overpasses, underpasses, interchanges, rest areas, express  
11 bus roadways, bus pullouts and turnarounds, park-ride facilities,  
12 traffic circles, grade separations, traffic control devices, the  
13 elimination or improvement of crossings of railroads and highways,  
14 whether at grade or not at grade, bicycle and pedestrian pathways,  
15 and pedestrian and bicycle bridges traversing public highways and  
16 any facilities, equipment, property, rights-of-way, easements, and  
17 interests therein needed for the construction, improvement, and  
18 maintenance of highways.

19       “Public transportation project” means, in connection with public  
20 transportation service or regional ridesharing programs, passenger  
21 stations, shelters and terminals, automobile parking facilities,  
22 ferries and ferry facilities including capital projects for ferry  
23 terminals, approach roadways, pedestrian accommodations, parking,  
24 docks, and other necessary land-side improvements, ramps, track  
25 connections, signal systems, power systems, information and  
26 communication systems, roadbeds, transit lands or rights-of-way  
27 equipment storage and servicing facilities, bridges, grade crossings,  
28 rail cars, locomotives, motorbus and other motor vehicles,  
29 maintenance and garage facilities, revenue handling equipment, and  
30 any other equipment, facility, or property useful for, or related to,  
31 the provision of public transportation service or regional ridesharing  
32 programs.

33       “Transportation planning district” or “district” means the  
34 Meadowlands District.

35       “Transportation project” or “transportation improvement” means,  
36 in addition to public highways and public transportation projects,  
37 any equipment, facility, or property useful or related to the  
38 provision of any ground, waterborne, or air transportation for the  
39 movement of people and goods within or through the district,  
40 including rail freight infrastructure.

41

42       72. a. There is hereby established a transportation planning  
43 district which shall consist of those lands which comprise the  
44 Meadowlands District. The Meadowlands Transportation Planning  
45 Board, created pursuant to subsection b. of this section, shall be the  
46 managing authority to administer and manage the transportation  
47 planning district and to carry out such additional functions as

1 provided in sections 69 through 81 of P.L. , c. (C. ) (pending  
2 before the Legislature as this bill).

3 b. There is established in, but not of, the Department of  
4 Community Affairs, the Meadowlands Transportation Planning  
5 Board. The board shall consist of: the Commissioner of  
6 Community Affairs or the commissioner's designee; the  
7 Commissioner of Transportation or the commissioner's designee; a  
8 representative from the ridesharing organization EZ Ride or its  
9 successor organization; a representative of the Hackensack  
10 Meadowlands Municipal Committee; a representative of the  
11 Meadowlands Regional Chamber of Commerce; and four public  
12 members appointed by the Governor, with the advice and consent of  
13 the Senate. The executive director of the commission shall serve as  
14 the secretary of the board. The board shall be staffed by the  
15 employees of the commission.

16 c. In furtherance of the development of a coherent and  
17 sustainable transportation system for the district, the board shall  
18 initiate a joint planning process with participation by: State  
19 departments and agencies, corporations, commissions, boards, and  
20 authorities; those bi-state authorities, metropolitan planning  
21 organizations, and counties and municipalities with jurisdiction in  
22 the district; and private representatives. The board shall oversee the  
23 development and updating of a comprehensive, future-oriented  
24 district transportation plan in accordance with the provisions of  
25 section 73 of P.L. , c. (C. ) (pending before the Legislature  
26 as this bill).

27  
28 73. a. The district transportation plan shall establish goals,  
29 policies, needs, and improvement priorities for all modes of  
30 transportation, including walking and bicycling, within the district  
31 for the ensuing 20 years following the effective date of sections 69  
32 through 81 of P.L. , c. (C. ) (pending before the  
33 Legislature as this bill) and shall be consistent with the master plan  
34 adopted by the commission pursuant to section 10 of P.L. ,  
35 c. (C. ) (pending before the Legislature as this bill). The  
36 district transportation plan shall be based on a reasonable  
37 assessment of likely future growth reflected in that master plan.

38 b. The plan shall quantify transportation needs arising from  
39 anticipated future traffic passing within or through the district based  
40 upon future development anticipated to occur within or through the  
41 district, and reflected in the master plan. The plan shall set forth  
42 proposed transportation projects designed to address that future  
43 development, prioritized over increments of five years, the  
44 allocation of public and private shares of project costs and  
45 allowable administrative costs, and the amount, schedule, and  
46 collection of development fees. If new developments are proposed  
47 in the district which are not considered in the plan which is

1 currently in effect, the plan shall be reevaluated, notwithstanding  
2 the five-year increment provision.

3 c. The plan shall be consistent with the State transportation  
4 master plan adopted under section 5 of P.L.1966, c.301 (C.27:1A-  
5 5), the applicable county master plans adopted under R.S.40:27-2,  
6 and the applicable regional transportation plan or plans adopted by  
7 a metropolitan planning organization pursuant to 23 C.F.R.  
8 s.450.322. To the extent appropriate given the district-wide  
9 objectives of the plan, the plan shall be coordinated with local  
10 zoning ordinances and master plans.

11 d. The plan shall include a financial element setting forth a  
12 statement of projected revenue and expenses, including all project  
13 costs. The financial element of the plan shall identify public and  
14 private financial resources which may be available to fund, in whole  
15 or in part, those transportation projects set forth in the plan. The  
16 financial element shall make recommendations for the types and  
17 rates of development fees to be assessed under section 74 of  
18 P.L. , c. (C. ) (pending before the Legislature as this bill),  
19 formulas to govern the assessment of those fees, and the projected  
20 annual revenue to be derived therefrom.

21 e. The board shall make copies of the plan available to the  
22 public for inspection no less than 14 days prior to taking any formal  
23 action to recommend the plan to the commission for adoption  
24 thereof. In addition, the board shall take steps to notify members of  
25 the business community and other interested parties of the plan and  
26 shall hold a public hearing thereon after having given public notice  
27 of the hearing.

28 f. The commission may, by resolution, adopt the plan as  
29 recommended by the board or with modifications.

30

31 74. a. After the adoption of the plan by the commission  
32 pursuant to subsection f. of section 73 of P.L. , c. (C. )  
33 (pending before the Legislature as this bill), the commission may,  
34 by resolution, provide for the assessment and collection of  
35 development fees on developments within the district as provided  
36 hereunder.

37 b. Development fees assessed by the commission shall be  
38 based upon the growth and development forecasts contained in the  
39 plan and shall be levied in order to raise only those amounts needed  
40 to accomplish the transportation projects set forth in the plan and  
41 allowable administrative costs. Those fees shall be assessed based  
42 upon the formula or formulas contained in the resolution and shall  
43 be uniformly applied, with such exceptions as are authorized or  
44 required by sections 69 through 81 of P.L. , c. (C. ) (pending  
45 before the Legislature as this bill).

46 c. A formula or formulas adopted by the commission by  
47 resolution shall reflect a methodology which relates the use of land  
48 to the impact of the proposed development on the transportation



- 1 system, including, but not limited to: vehicle trips generated by the  
2 development; the square footage of an occupied structure; the  
3 number of employees regularly employed at the development; the  
4 number of parking spaces located at the development; or any  
5 combination thereof.
- 6 d. The resolution may provide for credits against assessed  
7 development fees for payments made, or expenses incurred, which  
8 have been determined by the commission to be in furtherance of the  
9 district transportation plan, including, but not limited to,  
10 contributions to transportation improvements, other than those  
11 required for safe and efficient highway access to a development,  
12 and costs attributable to the promotion of public transit, walking,  
13 bicycling, or ridesharing.
- 14 e. The resolution may either exempt or reduce the development  
15 fee for specified land uses which have been determined by the  
16 commission to have a beneficial, neutral, or comparatively minor  
17 adverse impact on the transportation needs of the district.
- 18 f. The resolution may provide for a reduced rate of  
19 development fees for developers submitting a peak-hour automobile  
20 trip reduction plan approved by the commission under standards  
21 adopted by the commission. Standards for the approval of peak-  
22 hour automobile trip reduction plans may include, but need not be  
23 limited to: physical design for improved transit, ridesharing, and  
24 pedestrian access; design of developments which include a mix of  
25 residential and nonresidential uses; and proximity to potential labor  
26 pools.
- 27 g. The assessment of a development fee shall be reasonably  
28 related to the impact of the proposed development on the  
29 transportation system of the district and shall not exceed the  
30 development's fair share of the cost of the transportation  
31 improvement necessary to accommodate the additional burden on  
32 the district's transportation system that is attributable to the  
33 proposed development and related allowable administrative costs.
- 34 h. A resolution shall be sufficiently certain and definitive to  
35 enable every person who may be required to pay a fee to know or  
36 calculate the limit and extent of the fee which is to be assessed  
37 against a specific development.
- 38 i. Upon the adoption by the commission of a resolution  
39 pursuant to subsection a. of this section, a separate assessment for  
40 off-site transportation improvements within the district shall not be  
41 made by the State, a county, or a municipality except as permitted  
42 pursuant to sections 69 through 81 of P.L. , c. (C. ) (pending  
43 before the Legislature as this bill).
- 44 j. A development fee shall not be assessed for any low and  
45 moderate income housing units which are constructed pursuant to  
46 the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.) or  
47 under court order or settlement.

1 k. At least 25% of any development fees collected in  
2 accordance with this section shall be used for transportation related  
3 projects within the municipality where the development, for which a  
4 particular fee was collected, is located.

5  
6 75. a. A development fee shall be assessed on a development at  
7 the time the applicable zoning approval is issued. Any development  
8 for which a zoning approval has been issued prior to the adoption of  
9 the resolution pursuant to section 74 of P.L. , c. (C. )  
10 (pending before the Legislature as this bill), or pursuant to any  
11 other law authorizing such a resolution, or that has an approved  
12 development agreement with the governing State agency or  
13 municipality within the district having primary jurisdiction over the  
14 development, or for which construction of a material portion of the  
15 development has commenced after the date on which a development  
16 agreement was executed, shall be exempt from the assessment of a  
17 development fee. The assessment shall be adjusted upon the  
18 issuance of a revised zoning approval and any development which  
19 requires a revised zoning approval after the adoption of the  
20 resolution shall be subject to the development fee.

21 b. The resolution shall specify whether the fee is to be paid at  
22 the time a zoning certificate is issued or in a series of payments as  
23 set forth in a schedule of payments contained in the resolution. The  
24 resolution may provide for payment of the fee in kind or in a series  
25 of periodic payments over a period of no more than 20 years.

26  
27 76. a. The payments due to the commission, whether as a lump  
28 sum or as balances due when a series of payments is to be made,  
29 shall be enforceable by the commission as a lien on the land and  
30 any improvements thereon. The lien shall be recorded by the  
31 county clerk or register of deeds and mortgages in the record book  
32 of the county office.

33 b. When the fee is paid in full on the development or portion  
34 thereof, the lien on the development or portion thereof, as  
35 appropriate, shall be removed. When a series of payments is to be  
36 made, failure to make any one payment within 30 days after receipt  
37 of a notice of late payment shall constitute a default and shall  
38 obligate the person owing the unpaid balance to pay that balance in  
39 its entirety.

40 c. All amounts assessed as a lien pursuant to this section shall  
41 be a lien upon the land against which they are assessed in the same  
42 manner that taxes are made a lien against land pursuant to Title 54  
43 of the Revised Statutes, and the payment thereof shall be enforced  
44 within the same time, in the same manner, and by the same  
45 proceedings as the payment of taxes is otherwise enforced under  
46 Title 54 of the Revised Statutes.

1       77. a. A resolution adopted by the commission pursuant to  
2 section 74 of P.L.     , c.     (C.     ) (pending before the Legislature  
3 as this bill) shall provide for the establishment of a transportation  
4 planning district fund under the control of the chief fiscal officer.  
5 All monies collected from development fees shall be deposited into  
6 the fund, which shall be invested in an interest-bearing account.  
7 Monies deposited in the fund shall be used to defray project costs  
8 and allowable administrative costs.

9       b. Every transportation project funded, in whole or in part, by  
10 funds from a transportation planning district fund shall be subject to  
11 a project agreement to which the relevant entities are parties. The  
12 expenditure of funds for this purpose shall not be made from a  
13 transportation planning district fund, except by appropriation of the  
14 commission and upon certification of the chief fiscal officer that the  
15 expenditure is in accordance with a project agreement entered into  
16 pursuant to this subsection or is otherwise a project cost and has the  
17 approval of the commission.

18  
19       78. a. Any fees collected, plus earned interest, not committed to  
20 a transportation project under a project agreement entered into  
21 under section 77 of P.L.     , c.     (C.     ) (pending before the  
22 Legislature as this bill) within 10 years of the date of collection, or  
23 not used for other allowable administrative costs within 10 years of  
24 the date of collection, shall be refunded to the fee-payer under a  
25 procedure prescribed by the commission; provided, however, that if  
26 the fee-payer transfers the development or any portion thereof, the  
27 fee-payer shall enter into an agreement with the grantee in a form as  
28 shall be provided by the commission which shall indicate who shall  
29 be entitled to receive any refund, and that agreement shall be filed  
30 with the chief fiscal officer.

31       b. Any person who has been assessed a development fee may  
32 request in writing a reconsideration of the fee and a hearing by an  
33 employee so delegated by the commission within 90 days of the  
34 receipt of notification of the amount of the fee on the grounds that  
35 the commission or its officers or employees, in issuing the fee, did  
36 not abide by the provisions of sections 74 and 75 of P.L.     ,  
37 c.     (C.     ) (pending before the Legislature as this bill) or the  
38 provisions of the resolution adopted by the commission pursuant to  
39 subsection a. of section 74 of P.L.     , c.     (C.     ) (pending before  
40 the Legislature as this bill).

41  
42       79. A person may appeal to the commission any decision made  
43 in connection with the reconsideration of a fee as authorized  
44 pursuant to subsection b. of section 78 of P.L.     , c.     (C.     )  
45 (pending before the Legislature as this bill). The commission shall  
46 review the record of the hearing and render its decision, which shall  
47 constitute an administrative action subject to review by the  
48 Appellate Division of the Superior Court. Nothing contained herein

1 shall be construed as limiting the ability of any person so assessed  
2 from filing an appeal based upon an agreement to pay or actual  
3 payment of the fee.

4  
5 80. A transportation planning district may accept loans from any  
6 public or private source, including, but not limited to, the State  
7 Transportation Infrastructure Bank established under section 2 of  
8 P.L.1997, c.142 (C.27:1B-21.11), pursuant to a project agreement  
9 for the purpose of undertaking and completing a transportation  
10 project as permitted by the commission. In this event, the project  
11 agreement shall include the obligation of the commission to make  
12 payments to the public or private source for repayment of the loan  
13 from a transportation planning fund or other available sources  
14 according to an agreed upon schedule of payments.

15  
16 81. a. Notwithstanding the provisions of the "Administrative  
17 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the  
18 contrary, the commission may, immediately upon filing proper  
19 notice with the Office of Administrative Law, adopt rules and  
20 regulations to implement sections 69 through 80 of P.L. , c. (C. )  
21 (pending before the Legislature as this bill).

22 b. The rules and regulations adopted pursuant to subsection a.  
23 of this section shall be in effect for a period not to exceed one year  
24 after the date of the filing. These rules and regulations shall  
25 thereafter be adopted, amended, or readopted by the commission in  
26 accordance with the requirements of the "Administrative Procedure  
27 Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

28  
29 82. Sections 82 through 85 of P.L. , c. (C. ) (pending  
30 before the Legislature as this bill) shall be known and may be cited  
31 as the "New Jersey Meadowlands Tax Relief Act."

32  
33 83. The Legislature finds and declares that:

34 a. The New Jersey Meadowlands Commission is the zoning  
35 and planning agency for a 30.4-square-mile area along the  
36 Hackensack River known as the Hackensack Meadowlands,  
37 covering parts of 14 municipalities in Bergen and Hudson Counties  
38 in New Jersey. The Meadowlands Regional Commission will  
39 oversee the development, and redevelopment, of the Hackensack  
40 Meadowlands in an orderly and comprehensive fashion, with  
41 special consideration to the ecological factors constituting the  
42 environment of the Hackensack Meadowlands.

43 b. A vital component of the comprehensive plan for the  
44 development of the Hackensack Meadowlands was an  
45 intermunicipal tax-sharing program. The intermunicipal tax sharing  
46 program was established to create a fair and equitable method of  
47 distributing the benefits and costs of economic development and  
48 land use decisions made by the New Jersey Meadowlands

1 Commission among the 14 municipalities located in the  
2 Meadowlands District. Under this program, as originally  
3 conceived, the municipalities with fewer development restrictions  
4 are required to deposit a share of their tax ratables into a special  
5 intermunicipal account administered by the commission. Money in  
6 this account is annually distributed to the municipalities with  
7 greater development restrictions to make up for their loss of tax  
8 ratable growth opportunity. Currently, seven municipalities pay  
9 into the intermunicipal account while the remaining seven  
10 municipalities receive distributions from the account.

11 c. The New Jersey Meadowlands Commission, the predecessor  
12 to the Meadowlands Regional Commission, has been successful in  
13 providing orderly and comprehensive development, solid waste  
14 management, and environmental protection in the Hackensack  
15 Meadowlands District, as well as providing for the investment of  
16 many millions of dollars in development, municipal services, and  
17 significant infrastructure projects, among other things.

18 d. It is fitting and proper to establish new sources of funding  
19 to replace the intermunicipal tax sharing program in order to  
20 facilitate the future of the Hackensack Meadowlands District as a  
21 vibrant area of economic growth in the State of New Jersey, as well  
22 as a tourism destination and an area of continued environmental  
23 significance and improvement. The new sources of funding should  
24 recognize the concerns of the district's seven municipalities that  
25 must contribute significant amounts of property tax dollars to the  
26 intermunicipal tax sharing program. These municipalities have  
27 been especially challenged to provide services to municipal  
28 residents and contribute to the intermunicipal tax sharing program,  
29 while operating under the significant restrictions of the 2% property  
30 tax levy cap. In effect, the cost of the State policy to preserve the  
31 Hackensack Meadowlands has been borne by the property taxpayers  
32 of the seven municipalities required to deposit tax revenue into the  
33 intermunicipal account.

34 e. It is also appropriate and necessary to recognize the  
35 consistent impact on the Hackensack Meadowlands District of  
36 tourist-related activities and attractions, including sports and  
37 entertainment activities and construction at the properties located in  
38 the heart of the district, and to require that patrons of those tourist-  
39 related activities and attractions shall contribute to the financial  
40 needs of the municipalities that comprise the Meadowlands district  
41 in order to reduce the property tax burden on their residents.

42

43 84. As used in sections 82 through 85 of P.L. , c. (C. )  
44 (pending before the Legislature as this bill):

45 "Commission" means the new agency created through the  
46 consolidation of the New Jersey Meadowlands Commission and the  
47 New Jersey Sports and Exposition Authority, to be known as the

1 Meadowlands Regional Commission, as established by section 6 of  
2 P.L. , c. (C. ) (pending before the Legislature as this bill).

3 “Meadowlands district” means the Hackensack Meadowlands  
4 District, the area delineated within section 5 of P.L. , c. (C. )  
5 (pending before the Legislature as this bill).

6 “Hotel” means a building, or portion of it, which is regularly  
7 used and kept open as such for the lodging of guests and is subject  
8 to taxation pursuant to subsection d. of section 3 of P.L.1966, c.30  
9 (C.54:32B-3).

10 “Public venue” means any place located within the Meadowlands  
11 district, whether publicly or privately owned, where any facilities  
12 for entertainment, amusement, or sports are provided, but shall not  
13 include a movie theater.

14 “Public event” means any spectator sporting event, trade show,  
15 exposition, concert, amusement, or other event open to the public  
16 that takes place at a public venue, but shall not include a major  
17 league football game.

18

19 85. a. There is imposed a Meadowlands regional hotel use  
20 assessment on every room in every hotel located in the  
21 Meadowlands district. The assessment imposed under this  
22 subsection shall be 3% of revenues received from every occupancy  
23 of a room or rooms in a hotel, and shall be paid to the commission  
24 by each hotel not later than the 10th day of each month based on the  
25 occupancy of rooms in that hotel during the previous calendar  
26 month.

27 b. Every person required to collect an assessment imposed by  
28 this section shall be personally liable for the assessment imposed,  
29 collected, or required to be collected hereunder. Any such person  
30 shall have the same right in respect to collecting the assessment  
31 from his customer or in respect to nonpayment of the assessment by  
32 the customer as if the assessment were a part of the service charge  
33 and payable at the same time; provided, however, that the chief  
34 fiscal officer of the commission shall be joined as a party in any  
35 action or proceeding brought to collect the assessment.

36 An assessment imposed under this section shall be in addition to  
37 any other tax or fee imposed pursuant to statute or local ordinance  
38 or resolution by any governmental entity.

39 A person required to collect any assessment imposed under this  
40 section shall not advertise or hold out to any person or to the public  
41 in general, in any manner, directly or indirectly, that the assessment  
42 is not considered as an element in the charge payable by the  
43 customer, that the person will pay the assessment, that the  
44 assessment will not be separately charged and stated to the  
45 customer, or that the assessment will be refunded to the customer.

46 c. Assessment revenue collected under this section shall be  
47 deposited by the commission into the intermunicipal account  
48 established pursuant to section 53 of P.L. , c. (C. ) (pending

1 before the Legislature as this bill), and shall be used to pay  
2 meadowlands adjustment payments to municipalities in the  
3 Meadowlands district pursuant to the provisions of sections 1  
4 through 68 of P.L. , c. (C. ) (pending before the Legislature as  
5 this bill). If in any year, assessment revenue in the intermunicipal  
6 account exceeds the amount necessary to pay meadowlands  
7 adjustment payments to municipalities in the Meadowlands district,  
8 that remaining assessment revenue may be used for the purposes set  
9 forth in subsection e. of this section.

10 d. In the event sufficient assessment revenue is unavailable in  
11 any year to pay all of the required meadowlands adjustment  
12 payments to municipalities in the Meadowlands district, the State  
13 Treasurer shall provide the commission with such funds as may be  
14 necessary to make all of the required payments to those  
15 municipalities.

16 e. In the event that in any year, after the required meadowlands  
17 adjustment payments have been made to municipalities in the  
18 Meadowlands district, assessment revenue remains in the  
19 intermunicipal account, that remaining assessment revenue may be  
20 used in that year for the following purposes:

21 (1) the commission may perform projects in the areas of flood  
22 control, traffic, renewable energy, or other infrastructure  
23 improvement projects and utilize monies from the project fund for  
24 property acquisition, demolition, clearance, removal, relocation,  
25 renovation, alteration, construction, reconstruction, installation, or  
26 repair of a structure or improvement, and the costs associated  
27 therewith including the costs of appraisal, economic and  
28 environmental analyses or engineering, planning, design,  
29 architectural, surveying, or other professional services;

30 (2) the commission may expend funds towards the promotion of  
31 the Meadowlands district as a tourism destination;

32 (3) the commission may fund the acquisition of property for the  
33 purpose of open space preservation and the costs associated  
34 therewith including the costs of appraisal, economic and  
35 environmental analyses or engineering, surveying, or other  
36 professional services; or

37 (4) the commission may fund the creation of parks and other  
38 recreational facilities and the costs associated therewith, including  
39 the costs of appraisal, economic and environmental analyses or  
40 engineering planning, design, architectural, surveying, or other  
41 professional services.

42 Not later than the first day of the third month next following the  
43 enactment of P.L. , c. (C. ) (pending before the  
44 Legislature as this bill) and pursuant to the "Administrative  
45 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the  
46 commission shall adopt any rules and regulations necessary to  
47 effectuate the collection of the assessments imposed under this  
48 section, and shall also adopt, by resolution, standards for the

1 disbursement in any year of any remaining assessment revenue for  
2 projects and uses set forth in subsection e. of this section.

3

4 86. This act shall take effect immediately.

5

6

7

STATEMENT

8

9 This bill consolidates the New Jersey Meadowlands Commission  
10 and the New Jersey Sports and Exposition Authority. This bill also  
11 reestablishes the Hackensack Meadowlands Transportation  
12 Planning District. This bill also revises the method of funding the  
13 intermunicipal tax sharing program under the “Hackensack  
14 Meadowlands Reclamation and Development Act,” N.J.S.A.13:17-1  
15 et seq.

16 Currently, the New Jersey Meadowlands Commission is the  
17 zoning and planning agency for a 30.4-square mile area covering  
18 parts of 14 municipalities in Bergen and Hudson Counties in New  
19 Jersey. The New Jersey Meadowlands Commission, created in  
20 1969, was charged with the development and redevelopment of the  
21 Hackensack Meadowlands in an orderly and comprehensive  
22 fashion, with special consideration to the ecological and  
23 environmental challenges facing the Hackensack Meadowlands  
24 District. Since the 1970s, the New Jersey Sports and Exposition  
25 Authority has promoted the holding of athletic contests, horse  
26 racing and other spectator sporting events, trade shows, and other  
27 expositions in the State.

28 There are several vital components necessary for the  
29 continuation and expansion of the comprehensive plan for the  
30 economic development growth of the Hackensack Meadowlands  
31 District, which would be served by the consolidation of these public  
32 entities. Among them are infrastructure improvements,  
33 transportation, tourism, the completion of the development of the  
34 Sport Complex site, the delivery of municipal services, flood  
35 control, and the continuance of the Intermunicipal Tax Sharing  
36 Program, which is the fiscal underpinning of the district’s master  
37 plan.

38 This bill combines the authority and powers of the New Jersey  
39 Sports and Exposition Authority and the New Jersey Meadowlands  
40 Commission into the “Meadowlands Regional Commission,” in  
41 order to address more effectively the modern needs of the  
42 Hackensack Meadowlands District.

43 These two agencies share the common interest of promoting  
44 economic growth of the meadowlands and northern New Jersey.  
45 Accordingly, this bill consolidates the New Jersey Sports and  
46 Exposition Authority and the New Jersey Meadowlands  
47 Commission to promote efficiency of operation, cost effectiveness,  
48 and the elimination of unnecessary government bureaucracy.



1 This bill also revises the current method of funding the  
2 intermunicipal tax sharing account so that municipalities that have  
3 the ability to grow and develop will never have to pay into that  
4 account again. Instead, the intermunicipal account will be funded  
5 from the proceeds of a hotel use assessment of 3% of the revenues  
6 received from every occupancy of a hotel room located in the 14  
7 municipalities.

8 It is anticipated that this assessment will raise the funds  
9 necessary to fully fund the intermunicipal account annually so that  
10 the municipalities that receive funding from the account will  
11 continue to do so, but the municipalities that currently contribute to  
12 the fund will no longer have to do so, freeing up local funds that  
13 had annually been going to that intermunicipal fund for the benefit  
14 of their own municipal residents. In the event that in any year, after  
15 the required meadowlands adjustment payments have been made to  
16 municipalities in the Meadowlands district, assessment revenue  
17 remains in the intermunicipal account, the bill authorizes the  
18 commission to use that remaining assessment revenue in that year to  
19 perform projects in the areas of: flood control, traffic, renewable  
20 energy, or other infrastructure improvement projects; the promotion  
21 of the Hackensack Meadowlands District as a tourism destination;  
22 the acquisition of property for the purpose of open space  
23 preservation; and the creation of parks and other recreational  
24 facilities.

# ASSEMBLY BUDGET COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 3969**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: DECEMBER 15, 2014

The Assembly Budget Committee reports favorably Assembly Bill No. 3969, with committee amendments.

As amended, this bill consolidates the New Jersey Meadowlands Commission and the New Jersey Sports and Exposition Authority, reestablishes the Hackensack Meadowlands Transportation Planning District, and revises the method of funding the intermunicipal tax sharing program under the “Hackensack Meadowlands Reclamation and Development Act,” N.J.S.A.13:17-1 et seq.

Currently, the New Jersey Meadowlands Commission is the zoning and planning agency for a 30.4-square mile area covering parts of 14 municipalities in Bergen and Hudson Counties in New Jersey. The New Jersey Meadowlands Commission, created in 1969, was charged with the development and redevelopment of the Hackensack Meadowlands in an orderly and comprehensive fashion, with special consideration to the ecological and environmental challenges facing the Hackensack Meadowlands District. Since the 1970s, the New Jersey Sports and Exposition Authority has promoted the holding of athletic contests, horse racing and other spectator sporting events, trade shows, and other expositions in the State.

There are several vital components necessary for the continuation and expansion of the comprehensive plan for the economic development growth of the Hackensack Meadowlands District, which would be served by the consolidation of these public entities. Among them are infrastructure improvements, transportation, tourism, the completion of the development of the Sport Complex site, the delivery of municipal services, flood control, and the continuance of the Intermunicipal Tax Sharing Program, which is the fiscal underpinning of the district’s master plan.

This bill combines the authority and powers of the New Jersey Sports and Exposition Authority and the New Jersey Meadowlands Commission into the “Meadowlands Regional Commission,” in order to address more effectively the modern needs of the Hackensack Meadowlands District.

These two agencies share the common interest of promoting economic growth of the meadowlands and northern New Jersey. Accordingly, this bill consolidates the New Jersey Sports and Exposition Authority and the New Jersey Meadowlands Commission to promote efficiency of operation, cost effectiveness, and the elimination of unnecessary government bureaucracy.

This bill also revises the current method of funding the intermunicipal tax sharing account so that municipalities that have the ability to grow and develop will never have to pay into that account again. Instead, the intermunicipal account will be funded from the proceeds of a hotel use assessment of 3% of the revenues received from every occupancy of a hotel room located in the 14 municipalities.

It is anticipated that this assessment will raise the funds necessary to fully fund the intermunicipal account annually so that the municipalities that receive funding from the account will continue to do so, but the municipalities that currently contribute to the fund will no longer have to do so, freeing up local funds that had annually been going to that intermunicipal fund for the benefit of their own municipal residents. In the event that in any year, after the required meadowlands adjustment payments have been made to municipalities in the Meadowlands district, assessment revenue remains in the intermunicipal account, the bill authorizes the commission to use that remaining assessment revenue in that year to perform projects for: flood control, traffic, renewable energy, or other infrastructure improvement projects; the promotion of the Hackensack Meadowlands District as a tourism destination; the acquisition of property for the purpose of open space preservation; and the creation of parks and other recreational facilities.

FISCAL IMPACT:

The Office of Legislative Services (OLS) projects that the enactment of this legislation would have an indeterminate net impact on State and local finances. The merger of the New Jersey Meadowland Commission and the New Jersey Sports and Exposition Authority into a new Meadowlands Regional Commission would have an indeterminate impact on State finances. The creation of the Hackensack Meadowlands Transportation Planning District would result in increased State revenues and a potential increase in State costs. The establishment of a hotel assessment to support the intermunicipal tax sharing program would result in an indeterminate decrease in costs incurred by select municipalities and a potential increase in State revenues and expenditures.

***“Hackensack Meadowlands Agency Consolidation Act”***

The consolidation of the New Jersey Meadowlands Commission and the New Jersey Sports and Exposition Authority into a new Meadowlands Regional Commission would have an indeterminate

impact on State finances. Although a detailed fiscal analysis is not available at this time, the OLS notes that some sections of the “Hackensack Meadowlands Agency Consolidation Act” continue certain provisions of law applicable to the Meadowlands Commission that would affect the finances of the Meadowlands Regional Commission. Section 22 of the bill provides that 75 percent of any surplus funds that become available from the operation of a solid waste disposal facility are to be used for any lawful purpose while the remaining 25 percent must be placed in a “Municipal Assistance Program Fund” to support infrastructure improvements. The Meadowlands Regional Commission is also required to aid in the promotion of the sports and entertainment area for tourism, entertainment, sports and all related activities. To the extent that the Meadowlands Regional Commission will make expenditures for this purpose in an amount greater than what would have been expended by the Sports and Exposition Authority for this purpose, it will incur additional costs.

The bill also requires the Meadowlands Regional Commission to divest itself of any facility owned by the State of New Jersey. The sale of these facilities could result in additional, one-time State revenues. The Meadowlands Regional Commission is also authorized to establish a not-for-profit organization, as a public-private partnership responsible for the operation of the sports and entertainment area. It is unclear whether the revenues and expenditures of the not-for-profit organization would also be considered State revenues and expenditures. The bill does not establish any specific means of supporting the non-for-profit organization but does authorize it to establish sources of revenues as part of an overall economic development strategy.

The Fiscal Year 2015 Appropriations Act provides \$83.474 million to support the Sports and Exposition Authority; \$68.474 million for debt service and \$15 million for operations. According to the Fiscal Year 2013 Debt Report prepared by the Office of Public Finance in the Department of the Treasury, there is \$486.83 million in outstanding debt on State contract bonds issued to support Sports and Exposition Authority projects. The debt service on these bonds is payable pursuant to a contract between the State Treasurer and the Sports and Exposition Authority, subject to appropriation by the Legislature. The New Jersey Sports and Exposition Authority will continue in existence for the purposes of servicing its debt obligations and shall retain funds and assets in order to service its debt obligations. It is not clear whether future appropriations to support the operations of the Meadowlands Regional Commission would be required.

***Creation of Hackensack Meadowlands Transportation Planning District***

The “Hackensack Meadowlands Transportation Planning District Act” authorizes the Meadowlands Regional Commission to impose development fees on future developments within the transportation planning district, generating revenue to fund transportation projects. The amount of revenue generated depends on the amount of the development fees imposed by the commission and the number of future developments, which cannot be known at this time. If the transportation district is not reinstated, the cost of transportation projects included in the comprehensive district transportation plan may otherwise be incurred by municipal and county governments in the Meadowlands District. (The Meadowlands District is comprised of 14 municipalities in Bergen and Hudson Counties. These municipalities are Carlstadt Borough, East Rutherford Borough, the City of Jersey City, Kearny Town, Little Ferry Borough, Lyndhurst Township, Moonachie Borough, North Arlington Borough, North Bergen Township, Ridgefield Borough, Rutherford Borough, Secaucus Town, South Hackensack Township, and Teterboro Borough.) The costs of transportation projects constructed by the commission effectively offsets costs that may otherwise be incurred by local government jurisdictions. The comprehensive district transportation plan developed by a new Meadowlands Transportation Planning Board is the product of a joint planning process with multiple government stakeholders. Transportation projects originating from the plan may be more cost effective than the projects that would be constructed by individual counties and municipalities, generating modest cost reductions.

***Inter-Municipal Tax Sharing Meadowlands Regional Hotel Use Assessment***

The “New Jersey Meadowlands Tax Relief Act” revises the method of funding the inter-municipal tax sharing program by eliminating the current formula-based method of calculating the amount each municipality pays into, or receives from, the inter-municipal tax sharing fund. Instead, the inter-municipal account would be funded by the proceeds of a hotel use assessment of 3% of the revenues received from every hotel room occupancy. By using data on hotel room occupancy rates and a range of hotel room rates, the OLS has calculated that the Meadowlands regional hotel assessment would raise approximately \$6.9 million to \$10.3 million in additional revenues each year. The Meadowlands Tax Sharing Payment Schedule for Calendar Years 2013-2014 indicates that approximately \$7.3 million was receivable and payable by the fund. The Fiscal Year 2015 Appropriations Act provides \$7.318 million for “Meadowlands Adjustment Payment Aid.”

The Meadowlands Tax Sharing Payment Schedule for Calendar Years 2013-2014 indicates that seven municipalities (Carlstadt Borough, Little Ferry Borough, Lyndhurst Township, Moonachie Borough, North Bergen Township, Secaucus Town, and South Hackensack Township) provide payments into the inter-municipal tax sharing account while six municipalities (East Rutherford Borough, the City of Jersey City, Kearny Town, North Arlington Borough, Ridgefield Borough, and Rutherford Borough) receive funds from the inter-municipal tax sharing account. One municipality, Teterboro Borough, is exempt from participating in the tax-sharing program.

***Hackensack Meadowlands Tax Sharing Stabilization Fund***

Section 60 of the bill, establishing the “Hackensack Meadowlands Agency Consolidation Act,” provides for the continuation of the Hackensack Meadowlands Tax Sharing Stabilization Fund. The Stabilization Fund was created in 1999 in attempt to reduce annual fluctuations in inter-municipal tax sharing payments. A municipality is eligible for additional compensation if the amount payable by a municipality into the fund increases by more than five percent, or the amount receivable by a municipality decreases by more than five percent, from the previous year’s payment. From Fiscal Year 1999 to Fiscal Year 2007 the transfer of monies into the Stabilization Fund was authorized by budget language.

From 1999 to 2013, the Stabilization Fund was supported by revenues from interest earnings generated by balances in sanitary landfill closure accounts. In 2011, the Meadowlands Commission indicated that the principal of those accounts was over \$100 million and it was anticipated that it would be a continual source of income for the Stabilization Fund. From 2004 to 2010, the Meadowlands Commission utilized solid waste operating funds to maintain the Stabilization Fund. Budget constraints prevented the Meadowlands Commission from making payments to eligible municipalities in 2011 and it is unclear whether any moneys were deposited in the fund in 2012, 2013, or 2014. Five municipalities (Carlstadt Borough, Little Ferry Borough, Lyndhurst Township, Moonachie Borough, and South Hackensack Township) received Stabilization Fund payments totaling \$328,761 in 2010. Total disbursements from the Stabilization Fund from 1999 through 2010 totaled \$4.1 million.

**COMMITTEE AMENDMENTS:**

The amendments to the bill transfer from the New Jersey Sports and Exposition Authority to the newly created Meadowlands Regional Commission:

The power to hold and conduct horse race meetings for stake, purse or reward and to provide, operate a pari-mutuel system of wagering at such meetings and license racing events; and

The power to procure insurance against any losses in connection with its property, operations or assets, in such amounts and from such insurers as it deems desirable.

The amendments also:

Retain for the new commission the authority's current procurement and audit provisions and give the State Treasurer, in conjunction with the State Auditor the power to enter into a contract for the audit and further provide certain reporting requirements related to the audit.

Specify that the Mayors Committee and the Hall of Fame are still established.

Clarify that the current master plan for the Meadowlands is adopted, specify the first revision will take place within five years and then every 10 years thereafter, and make technical and clarifying changes to subdivision within the district.

Clarify in the bill that hotels on land owned by the State would be subject to the hotel assessment and make technical changes to the imposition of the assessment, transferring authority for collection of the assessment to the Director of the Division of Taxation.

Clarify that the New Jersey Sports and Exposition Authority will continue in existence for the purposes of servicing its debt obligations and shall retain funds and assets in order to service its debt obligations.

-Increase the membership of the Meadowlands Regional Commission from 11 to 13.

-Provides for an independent audit of the Meadowlands Regional Commission.

STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 3969**

with Assembly Floor Amendments  
(Proposed by Assemblyman PRIETO)

ADOPTED: DECEMBER 15, 2014

These floor amendments make the bill identical to Senate No. 2647 (1R). The bill makes technical changes as well as establishes a transition committee to oversee the establishment of the new commission.



STATEMENT TO

[Second Reprint]

**ASSEMBLY, No. 3969**

with Assembly Floor Amendments  
(Proposed by Assemblyman PRIETO)

ADOPTED: DECEMBER 18, 2014

These amendments shift all powers, assets, and responsibilities of the New Jersey Meadowlands Commission to the New Jersey Sports and Exposition Authority, which may be referred to as the “Meadowlands Regional Commission.” The amendments maintain the organizational structure of the New Jersey Sports and Exposition Authority rather than creating a new public entity. In addition to its current statutory framework, the New Jersey Sports and Exposition Authority will absorb powers of the New Jersey Meadowlands Commission. These amendments make the bill identical to Senate No. 2647 (2R).

**SENATE, No. 2647**

**STATE OF NEW JERSEY**  
**216th LEGISLATURE**

INTRODUCED DECEMBER 11, 2014

**Sponsored by:**  
**Senator PAUL A. SARLO**  
**District 36 (Bergen and Passaic)**

**SYNOPSIS**

“Hackensack Meadowlands Agency Consolidation Act”; “Hackensack Meadowlands Transportation Planning District Act of 2014”; “New Jersey Meadowlands Tax Relief Act.”

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT consolidating the New Jersey Meadowlands Commission  
2 and the New Jersey Sports and Exposition Authority,  
3 reestablishing the Hackensack Meadowlands Transportation  
4 Planning District, and adjusting funding method for the  
5 intermunicipal tax sharing program in the New Jersey  
6 Meadowlands, and supplementing Title 13 of the Revised  
7 Statutes.

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

11  
12 1. Sections 1 through 68 of P.L. , c. (C. ) (pending before  
13 the Legislature as this bill) shall be known and may be cited as the  
14 “Hackensack Meadowlands Agency Consolidation Act.”

15  
16 2. The Legislature finds and declares that:

17 a. The New Jersey Meadowlands Commission is currently the  
18 zoning and planning agency for a 30.4 square-mile area covering  
19 parts of 14 municipalities in Bergen and Hudson Counties in New  
20 Jersey. The New Jersey Meadowlands Commission, created in  
21 1969, was charged with the development and redevelopment of the  
22 Hackensack Meadowlands in an orderly and comprehensive  
23 fashion, with special consideration to the ecological and  
24 environment challenges facing the Hackensack Meadowlands.

25 b. During the past 45 years, the New Jersey Meadowlands  
26 Commission has successfully provided for orderly comprehensive  
27 development, solid waste management, and environmental  
28 protection within the Hackensack Meadowlands, as well as guiding  
29 the investment of tens of millions of dollars in development,  
30 municipal services, and significant infrastructure projects, among  
31 other things.

32 c. There are several vital components necessary for the  
33 continuation and expansion of the comprehensive plan for the  
34 economic development growth of the Hackensack Meadowlands.  
35 Among them are infrastructure improvements, transportation,  
36 tourism, the completion of the development of the sport complex  
37 site, the delivery of municipal services, flood control, and the  
38 continuance of the Intermunicipal Tax Sharing Program, which is  
39 the fiscal underpinning of the district’s master plan.

40 d. The New Jersey Sports and Exposition Authority has  
41 promoted the holding of athletic contests, horse racing, and other  
42 spectator sporting events, trade shows, and other expositions in the  
43 State.

44 e. The 750 acres of the New Jersey Sports and Exposition  
45 Authority complex in the Hackensack Meadowlands is a significant  
46 economic stimulant to the development of the meadowlands. The  
47 New Jersey Sports and Exposition Authority's ability to plan,

1 construct, and maintain its holdings in the sports complex has been  
2 an extraordinary feat, making it a premier sporting facility.

3 f. It is also appropriate and necessary to recognize the  
4 consistent impact of the Hackensack Meadowlands on tourist  
5 related activities and development, including retail, sports, and  
6 entertainment venues constructed at New Jersey Sports and  
7 Exposition Authority properties with support from private  
8 investment.

9 g. The authority and powers of the New Jersey Sports and  
10 Exposition Authority and the New Jersey Meadowlands  
11 Commission should be reviewed and amended to reflect the issues  
12 of the day so as to adequately address the evolving economic and  
13 environmental issues in the Hackensack Meadowlands.

14 h. In order to more effectively address the modern needs of the  
15 Hackensack Meadowlands, the Legislature finds that the two  
16 agencies with the common interest of promoting the economic  
17 growth of the meadowlands and northern New Jersey, the New  
18 Jersey Sports and Exposition Authority and the New Jersey  
19 Meadowlands Commission, should be consolidated to promote  
20 efficiency of operation, cost effectiveness, and the elimination of  
21 unnecessary government bureaucracy.

22  
23 3. As used in sections 1 through 68 of P.L. , c. (C. )  
24 (pending before the Legislature as this bill):

25 “Adjustment year” means the year in which the respective  
26 obligations of the intermunicipal account and the constituent  
27 municipalities of the district are due and payable.

28 “Apportionment rate” means a rate determined as follows:

29 (1) The total property taxes levied by a constituent municipality,  
30 as certified pursuant to R.S.54:4-52, in the comparison year after  
31 the meadowlands adjustment payment made in that comparison year  
32 has been subtracted or added, as the case may be, divided by

33 (2) The aggregate true value of all taxable real property,  
34 exclusive of Class II railroad property, located in the municipality,  
35 both within and without the district, in the comparison year, as  
36 determined by the Director of the Division of Taxation in the  
37 Department of the Treasury on October 1 of the comparison year,  
38 pursuant to section 2 of P.L.1954, c.86 (C.54:1-35.2), or as  
39 modified by the tax court. If a tax appeal is resolved after  
40 calculations are finalized for an adjustment year, the next year’s  
41 calculations must show a retroactive correction for the applicable  
42 preceding two years.

43 “Area in need” means an area whose redevelopment is necessary  
44 to effectuate the public purposes described herein, as determined by  
45 the commission. An area designated as “in need” may contain lands,  
46 buildings, or improvements which, of themselves, are not  
47 detrimental to the public health, safety, or welfare, but nevertheless  
48 must be included in the area designated as “in need,” with or

1 without change in condition, for the effective redevelopment of the  
2 area of which they are a part.

3 “Base year” refers to the term as defined by section 59.1 of  
4 P.L.1968, c.404 (C.13:17-61).

5 “Bonds” means any bonds, notes, interim certificates,  
6 debentures, or other obligations, issued by the commission pursuant  
7 to sections 1 through 68 of P.L. , c. (C. ) (pending before the  
8 Legislature as this bill).

9 “Commission” means the new agency created through the  
10 consolidation of the New Jersey Meadowlands Commission and the  
11 New Jersey Sports and Exposition Authority, to be known as the  
12 Meadowlands Regional Commission, as established by section 6 of  
13 P.L. , c. (C. ) (pending before the Legislature as this bill).

14 “Committee” means the Hackensack Meadowlands Municipal  
15 Committee established pursuant to the “Hackensack Meadowlands  
16 Redevelopment Act,” P.L.1968, c.404 (C.13:17-1 et seq.).

17 “Comparison year” means the second calendar year preceding  
18 the adjustment year.

19 “Constituent municipalities” means the municipalities of  
20 Carlstadt, East Rutherford, Little Ferry, Lyndhurst, Moonachie,  
21 North Arlington, Ridgefield, Rutherford, South Hackensack, and  
22 Teterboro in Bergen county; and Jersey City, Kearny, North  
23 Bergen, and Secaucus in Hudson county.

24 “District” means the Hackensack Meadowlands District, the area  
25 delineated within section 5 of P.L. , c. (C. ) (pending before the  
26 Legislature as this bill).

27 “Hackensack meadowlands” means the Hackensack  
28 Meadowlands District as established by section 5 of P.L. ,  
29 c. (C. ) (pending before the Legislature as this bill).

30 “Hotel” means a building or portion of it, which is regularly used  
31 for the lodging of guests and is subject to taxation pursuant to the  
32 “Hotel Occupancy Tax Act,” P.L.1981, c.77 (C.40:48E-1 et seq.).

33 “Improvement” means (1) the laying out, opening, construction,  
34 widening, straightening, enlargement, extension, alteration,  
35 changing of location, grading, paving, or otherwise improving, a  
36 street, alley, or public highway; (2) curbing or guttering of a  
37 sidewalk along a street, alley, or highway; (3) construction and  
38 improvement of bridges and viaducts; (4) construction,  
39 enlargement, or extension of a sewer or drain or of a sewerage or  
40 drainage system including, but not limited to, such systems under  
41 streets, alleys, or public highways, or works for the sanitary  
42 disposal of sewerage or drainage; (5) the installation of service  
43 connections to water and other utility works, including the laying,  
44 construction, or placing of mains, conduits, or cables under or along  
45 a street, alley, or highway; (6) the construction, enlargement, or  
46 extension of water mains or water distribution works; (7) extension  
47 of landfills or other facilities for the disposal of solid wastes; (8) the  
48 installation of lighting standards, appliances, and appurtenances

1 required for the illumination of streets; (9) the widening, deepening,  
2 or improvement of, the removal of obstructions in, and the  
3 construction, enlargement, and extension of any waterway, or of  
4 enclosing walls, or of a pipe or conduit along a water course; (10)  
5 the development and improvement of parks, recreational facilities,  
6 and flood control structures; (11) environmental enhancements and  
7 remediation; and (12) the construction of buildings and other  
8 structures.

9 “Intermunicipal account” means the device established and  
10 administered by the commission to record all of the transactions  
11 made for the purpose of calculating the meadowlands adjustment  
12 payment for each constituent municipality, and to act as the  
13 clearinghouse for the transfer of the meadowlands adjustment  
14 payments among the constituent municipalities as required by  
15 section 59 of P.L. , c. (C. ) (pending before the Legislature as  
16 this bill).

17 “Master plan” means the comprehensive plan for the district  
18 prepared and adopted by the commission.

19 “Meadowlands adjustment payment” means the amount that is  
20 payable by each constituent municipality to the intermunicipal  
21 account, or the amount that is payable by the intermunicipal account  
22 to each municipality, as the commission shall determine the case to  
23 be.

24 “Owner” means all persons having any title or interest in any  
25 property, rights, easements, and interests authorized to be acquired,  
26 assessed, or regulated by sections 1 through 68 of P.L. , c. (C. )  
27 (pending before the Legislature as this bill).

28 “Person” means all individuals, partnerships, associations,  
29 private or municipal corporations, and all political subdivisions of  
30 the State.

31 “Project” means any plan, work, or undertaking by the  
32 commission, constituent municipality, or redeveloper, pursuant to  
33 the master plan or a redevelopment plan.

34 “Project area” means all or a portion of a redevelopment area.

35 “Public event” means any spectator sporting event, trade show,  
36 exposition, concert, amusement, or other event open to the public  
37 that takes place on a public venue.

38 “Public venue” means any place located within the district where  
39 any facilities, which have a capacity to host 500 or more people, for  
40 entertainment, amusement, or sports are provided.

41 “Redeveloper” means any person, firm, corporation, or public or  
42 private agency that engages in development, redevelopment, or  
43 improvement of an area or any part thereof under the provisions of  
44 sections 1 through 68 of P.L. , c. (C. ) (pending before the  
45 Legislature as this bill), or in the construction of any project  
46 pursuant to the master plan or redevelopment plan.

47 “Redevelopment” means a plan for planning, development, and  
48 redevelopment; the rehabilitation of any improvements;

1 conservation or rehabilitation work; the construction and provision  
2 for construction of projects; and the grant or dedication of spaces as  
3 may be appropriate or necessary in the interest of the general  
4 welfare for such projects or other public purposes incidental or  
5 appurtenant thereto, in accordance with the master plan or any part  
6 thereof, or a redevelopment plan.

7 “Redevelopment plan” means a plan adopted by the commission,  
8 applicable to an area in need, for a redevelopment project or  
9 projects, which shall conform to the master plan.

10 “Resident enrollment” means the number of full-time pupils who  
11 are residents of the school district and who are enrolled in day  
12 schools on the last day of September during the school year in  
13 which calculation of aid is made and are attending the public  
14 schools of the school district or a school district or State teachers’  
15 college demonstration school in which the school district of  
16 residence pays tuition; school district may count in its enrollment  
17 any pupil regularly attending, on a full-time basis, a county  
18 vocational school in the same county, for which the school district  
19 pays tuition.

20 “Site plan” means a plan for an existing lot or plot or a  
21 subdivided lot on which is shown topography, location of all  
22 existing or proposed buildings, structures, drainage facilities, roads,  
23 rights-of-way, easements, parking areas, together with any other  
24 information, and at such a scale as may be required by a  
25 commission site plan review and approval resolution.

26 “Solid waste” means any refuse matter, trash, or garbage.

27 “Solid waste and recycling facilities” means the plants,  
28 structures, and other real and personal property acquired,  
29 constructed, or operated, or to be acquired, constructed, or operated  
30 by the commission, as hereinafter provided, including landfills or  
31 other plants or facilities for the treatment of recycling materials and  
32 disposal of solid waste.

33 “Sports complex” means the 750 acre sports and exposition site  
34 located in the Borough of East Rutherford under the jurisdiction of  
35 the New Jersey Sports and Exposition Authority as of the effective  
36 date of P.L. , c. (C. ) (pending before the Legislature as this  
37 bill).

38 “Special assessment” means an assessment for benefits accruing  
39 from the construction of improvements by or at the direction of the  
40 commission.

41 “Subdivision” means the division of a lot, tract, or parcel of land  
42 into two or more lots, sites, or other divisions of land for the  
43 purpose, whether immediate or future, of sale or building  
44 development except that the following divisions shall not be  
45 considered subdivisions within the meaning of P.L. , c. (C. )  
46 (pending before the Legislature as this bill); provided, however, that  
47 no new streets or roads are involved; divisions of land for  
48 agricultural purposes where the resulting parcels are three acres or

1 larger in size, divisions of property by testamentary or intestate  
2 provisions, or divisions of property pursuant to court order.

3  
4 4. On and after the effective date of P.L. , c. (C. ) (pending  
5 before the Legislature as this bill), any reference in any law, rule,  
6 regulation, order, contract, or document to the Hackensack  
7 Meadowlands Development Commission, the New Jersey  
8 Meadowlands Commission, or the New Jersey Sports and  
9 Exposition Authority shall mean and refer to the Meadowlands  
10 Regional Commission, as established by section 6 of P.L. ,  
11 c. (C. ) (pending before the Legislature as this bill).

12  
13 5. a. Except as otherwise provided, the commission shall carry  
14 out the purposes of sections 1 through 68 of P.L. , c. (C. )  
15 (pending before the Legislature as this bill) within the following  
16 district:

17 Beginning at a point on Hendricks Causeway at its junction with  
18 the tracks of the Erie-Lackawanna Railroad--Northern Railroad of  
19 New Jersey Branch in Ridgfield;

20 Thence southerly along the tracks of the Erie-Lackawanna  
21 Railroad--Northern Railroad of New Jersey Branch to its junction  
22 with the Fairview-Ridgfield Municipal boundary;

23 Thence westerly along the Fairview-Ridgfield Municipal  
24 boundary to its junction with the Fairview-North Bergen Municipal  
25 boundary;

26 Thence easterly along the Fairview-North Bergen Municipal  
27 boundary to its junction with the tracks of the Erie-Lackawanna  
28 Railroad--Northern Railroad of New Jersey Branch;

29 Thence southerly along the tracks of the Erie-Lackawanna  
30 Railroad--Northern Railroad of New Jersey Branch to its junction  
31 with Tonnelle Avenue (U. S. Route 1 and 9) in Jersey City;

32 Thence southerly along Tonnelle Avenue (U.S. Route 1 and 9) to  
33 its intersection with the Pulaski Skyway;

34 Thence westerly along a line formed by the Pulaski Skyway to a  
35 point where the Port Authority Trans-Hudson tracks pass under the  
36 Pulaski Skyway;

37 Thence westerly along the Port Authority Trans-Hudson tracks to  
38 their intersection with the Harrison-Kearny Municipal Boundary;

39 Thence northwesterly along the Harrison-Kearny Municipal  
40 Boundary, as its jogs and curves, to its intersection with the Erie-  
41 Lackawanna Railroad, Harrison-Kingsland connecting branch of the  
42 Morris and Essex Division;

43 Thence northerly along the tracks of the Erie-Lackawanna  
44 Railroad, Harrison-Kingsland connecting branch of the Morris and  
45 Essex Division to its junction with Orient Way in Lyndhurst;

46 Thence northerly along Orient Way to its junction with Valley  
47 Brook Avenue-Smith Street;



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1       Thence easterly along Smith Street to its junction with Madison  
2 Street;  
3       Thence northerly along Madison Street to its junction with  
4 Evergreen Place;  
5       Thence westerly along Evergreen Place to its junction with  
6 Meadow Road;  
7       Thence northerly along Meadow Road to its junction with  
8 Rutherford Avenue;  
9       Thence northerly along a straight line drawn between the  
10 intersection of Rutherford Avenue and Meadow Road and the  
11 junction of Union Avenue and Erie-Lackawanna-New Jersey and  
12 New York Railroad;  
13       Thence northerly along the tracks of the Erie-Lackawanna-New  
14 Jersey and New York Railroad to its intersection with the Wood-  
15 Ridge-Carlstadt municipal boundary;  
16       Thence easterly along the Wood-Ridge-Carlstadt municipal  
17 boundary to its intersection with Moonachie-Wood-Ridge  
18 municipal boundary;  
19       Thence northerly and westerly along the Moonachie-Wood-  
20 Ridge municipal boundary to its intersection with the Hasbrouck  
21 Heights-Moonachie municipal boundary;  
22       Thence easterly and northerly along Hasbrouck Heights-  
23 Moonachie municipal boundary to its intersection with the  
24 Moonachie-Teterboro municipal boundary;  
25       Thence westerly and northerly along the Hasbrouck Heights-  
26 Teterboro municipal boundary to its intersection with U. S. Route  
27 46;  
28       Thence easterly along U. S. Route 46 to its intersection with the  
29 Teterboro-Little Ferry municipal boundary;  
30       Thence southerly along the Teterboro-Little Ferry municipal  
31 boundary to its intersection with the Moonachie-Little Ferry  
32 boundary;  
33       Thence southerly along the Moonachie-Little Ferry municipal  
34 boundary to its intersection with Red Neck Road;  
35       Thence southerly along Red Neck Road to its junction with  
36 Moonachie Avenue in Moonachie;  
37       Thence easterly along Moonachie Avenue to its junction with  
38 Moonachie Road;  
39       Thence northerly along Moonachie Road to its junction with  
40 Maple Street;  
41       Thence easterly along Maple Street approximately 930 feet to its  
42 intersection with the Transcontinental gas pipeline;  
43       Thence northeasterly along a straight line drawn between the  
44 intersection of Maple Street and the Transcontinental gas pipeline  
45 and the intersection of Bertolotto Avenue and the Moonachie-Little  
46 Ferry Municipal boundary (Losen Slofe Creek);  
47       Thence easterly along Bertolotto Avenue to its junction with  
48 Eckel Road;

1       Thence southerly along 5th Street to its junction with Mansfield  
2 Avenue;  
3       Thence easterly along Columbus Avenue to its junction with  
4 Mehrhof Road;  
5       Thence northerly along Mehrhof Road to its junction with  
6 Washington Avenue;  
7       Thence easterly and northerly along Washington Avenue to its  
8 junction with Main Street;  
9       Thence easterly along Main Street extended to the Little Ferry-  
10 Ridgefield Park Municipal boundary; (The middle of the  
11 Hackensack River);  
12       Thence southerly along the Little Ferry-Ridgefield Park  
13 Municipal boundary (in the middle of the Hackensack River) to its  
14 intersection with the Ridgefield Park-Ridgefield Municipal  
15 boundary;  
16       Thence easterly along the Ridgefield Park-Ridgefield Municipal  
17 boundary (in the middle of Overpeck Creek) to its intersection with  
18 Bergen Turnpike;  
19       Thence southerly along Bergen Turnpike to its junction with  
20 Hendricks Causeway;  
21       Thence southeasterly along Hendricks Causeway to its junction  
22 with the tracks of the Lackawanna Railroad--Northern Branch, the  
23 point of beginning.  
24       b. The commission shall not carry out the purposes of sections 1  
25 through 68 of P.L. , c. (C. ) (pending before the Legislature as  
26 this bill), take any action, or have any jurisdiction within the  
27 following district:  
28       Beginning at a point on Old New Jersey Route 3 (New Jersey  
29 Route 153) (Paterson Plank Road) at its junction with County  
30 Avenue in Secaucus;  
31       Thence southerly along County Avenue to its junction with  
32 Secaucus Road;  
33       Thence westerly along Secaucus Road a distance of 1,321 feet,  
34 more or less, to its junction with Private Road;  
35       Thence northerly along a straight line drawn between the  
36 intersection of Secaucus Road and the aforementioned Private Road  
37 and the intersection of Pandolfi Avenue-Golden Avenue in  
38 Secaucus;  
39       Thence westerly along Pandolfi Avenue to its junction with 5th  
40 Street;  
41       Thence southerly along 5th Street to its junction with Mansfield  
42 Avenue;  
43       Thence westerly along Mansfield Avenue to its junction with  
44 Walter Place;  
45       Thence northerly along Walter Place to its junction with  
46 Mansfield Avenue;  
47       Thence westerly along Mansfield Avenue to its junction with 9th  
48 Street;

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1 Thence northerly along 9th Street to its junction with Grace  
2 Street;

3 Thence easterly along Grace Street to its junction with Eighth  
4 Street;

5 Thence northerly along Eighth Street to its junction with Old  
6 New Jersey Route 3 (Route 153);

7 Thence easterly along Old New Jersey Route 3 (Route 153) to its  
8 junction with Paterson Plank Road;

9 Thence easterly continuing along Old New Jersey Route 3  
10 (Route 153) (Paterson Plank Road) to its junction with County  
11 Avenue, the point of beginning.

12 c. The commission shall not carry out the purposes of sections  
13 1 through 68 of P.L. , c. (C. ) (pending before the Legislature  
14 as this bill), take any action, or have any jurisdiction within the  
15 following district:

16 Beginning at a point on Maple Avenue at its junction with 7th  
17 Street in Secaucus;

18 Thence northerly and easterly along 7th Street to its junction  
19 with Paterson Plank Road;

20 Thence northerly along Paterson Plank Road to its junction with  
21 Farm Road;

22 Thence northerly along Farm Road to its junction with Meadow  
23 Lane;

24 Thence easterly along Meadow Lane to its junction with  
25 Stonewall Lane and Mill Ridge Road;

26 Thence easterly along Mill Ridge Road to its junction with  
27 Koelle Boulevard;

28 Thence southerly along Koelle Boulevard to its junction with  
29 Huber Street;

30 Thence westerly along Huber Street to its junction with Radio  
31 Avenue;

32 Thence southerly on Radio Avenue to its junction with Pikeview  
33 Terrace;

34 Thence westerly and northerly along Pikeview Terrace to its  
35 intersection with Lausecker Lane;

36 Thence westerly along Lausecker Lane to its junction with  
37 Paterson Plank Road;

38 Thence southerly along Paterson Plank Road to its junction with  
39 Maple Street;

40 Thence westerly along Maple Street to its junction with 7th  
41 Street, the point of beginning.

42

43 6. On the effective date of P.L. , c. (C. ) (pending  
44 before the Legislature as this bill), the New Jersey Sports and  
45 Exposition Authority and the New Jersey Meadowlands  
46 Commission are dissolved. All property, funds, and assets of these  
47 agencies are vested in and belong to the "Meadowlands Regional  
48 Commission."

1 a. There is hereby established in, but not of, the Department of  
2 State, a public body corporate and politic, with corporate  
3 succession, to be known as the “Meadowlands Regional  
4 Commission.” The commission shall constitute a political  
5 subdivision of the State established as an instrumentality exercising  
6 public and essential governmental functions, and the exercise by the  
7 commission of the powers conferred by sections 1 through 68 of  
8 P.L. , c. (C. ) (pending before the Legislature as this bill), shall  
9 be deemed and held to be an essential governmental function of the  
10 State.

11 b. The commission shall consist of 11 members appointed and  
12 qualified as follows: Six citizens of the State, appointed by the  
13 Governor, no more than three of whom shall be of the same  
14 political party; two of whom shall be residents of the constituent  
15 municipalities of Bergen county and two of whom shall be residents  
16 of the constituent municipalities of Hudson county; provided,  
17 however, that no more than one citizen shall be appointed from any  
18 one constituent municipality; and two mayors, ex officio, one from  
19 Bergen County and one from Hudson County. The mayors shall be  
20 from a constituent municipality that does not have representation on  
21 the commission. The Commissioner of Environmental Protection,  
22 the Commissioner of Community Affairs, and the Lieutenant  
23 Governor, or their designees, shall be ex-officio members of the  
24 commission.

25 c. Each ex officio member of the commission may designate an  
26 officer or employee of the member’s department or agency to  
27 represent the member at meetings of the commission, and each such  
28 designee may lawfully vote and otherwise act on behalf of the  
29 member for whom the designee is constituted. Any such  
30 designation shall be in writing delivered to the commission and  
31 shall continue in effect until revoked or amended by writing  
32 delivered to the commission.

33 d. Each member appointed by the Governor shall serve for a  
34 term of five years with the advice and consent of the Senate;  
35 provided, however, that the first members appointed by the  
36 Governor shall not require the advice and consent of the Senate, and  
37 one shall serve for a term of one year, one for a term of two years,  
38 one for a term of three years, one for a term of four years, and two  
39 for a term of five years. Each member shall serve for the term of his  
40 appointment and until his successor shall have been appointed and  
41 qualified. Any vacancy or reappointment of a member by the  
42 Governor shall be made with the advice and consent of the Senate.  
43 Any vacancy shall be filled for the unexpired term only.

44 e. Any member of the commission may be removed by the  
45 Governor for cause after a public hearing.

46 f. The members of the commission shall serve without  
47 compensation, but the commission may reimburse its members for  
48 necessary expenses incurred in the discharge of their duties.

1 g. The Governor shall designate one of the public members of  
2 the commission as chairman. The commission shall select from its  
3 members a vice-chairman and a treasurer, and shall employ an  
4 executive director, who shall be secretary, and a chief fiscal officer.  
5 The commission may also appoint, retain, and employ,  
6 notwithstanding any other law to the contrary, such officers, agents,  
7 employees, and experts as it may require, and it shall determine  
8 their qualifications, terms of office, duties, services, and  
9 compensation.

10 h. The powers of the commission shall be vested in the  
11 members thereof in office. A majority of the total authorized  
12 membership of the commission shall constitute a quorum at any  
13 meeting thereof. Action may be taken and motions and resolutions  
14 adopted by the commission at any meeting thereof by the  
15 affirmative vote of a majority of the appointed members, unless the  
16 by-laws of the commission, or any of the provisions of sections 1  
17 through 68 of P.L. , c. (C. ) (pending before the Legislature as  
18 this bill), shall require a larger number. The commission may  
19 designate one or more of its agents or employees to exercise  
20 administrative functions, powers, and duties as the commission  
21 deems proper. No vacancy in the membership of the commission  
22 shall impair the right of a quorum to exercise all the rights and  
23 perform all the duties of the commission, except as otherwise  
24 provided in sections 1 through 68 of P.L. , c. (C. ) (pending  
25 before the Legislature as this bill).

26 i. A true copy of the minutes of every meeting of the  
27 commission shall be forthwith delivered by and under the  
28 certification of the secretary thereof to the Governor. No action  
29 taken at such meeting by the commission shall have force or effect  
30 until 15 days after such copy of the minutes shall have been so  
31 delivered unless during such 15-day period the Governor shall  
32 approve the same, in which case such action shall become effective  
33 upon such approval. If, in each 15-day period, the Governor returns  
34 such copy of the minutes with; veto of any action taken by the  
35 commission or any member thereof at such meeting, such action  
36 shall be null and void and of no effect. The powers conferred in this  
37 subsection upon the Governor shall be exercised with due regard for  
38 the rights of the holders of bonds and notes of the commission at  
39 any time outstanding, and nothing in, or done pursuant to, this  
40 subsection shall in any way limit, restrict, or alter the obligation or  
41 powers of the commission or any representative or officer of the  
42 authority to carry out and perform in every detail each and every  
43 covenant, agreement, or contract at any time made or entered into  
44 by, or on behalf of, the commission with respect to its bonds or  
45 notes, or for the benefit, protection, or security of the holders  
46 thereof.

47 j. Before the issuance of any bonds under the provisions of  
48 sections 1 through 68 of P.L. , c. (C. ) (pending before the

1 Legislature as this bill), the members and the treasurer of the  
2 commission shall be covered by a surety bond or bonds in such sum  
3 as provided by the rules and regulations of the commission  
4 conditioned upon the faithful performance of the duties of their  
5 respective offices, and executed by a surety company authorized to  
6 transact business in the State of New Jersey as a surety. The  
7 commission shall submit each such surety bond to the Attorney  
8 General for approval and, if approved, shall file the surety bond  
9 with the office of the Secretary of State prior to the issuance of any  
10 bonds. The treasurer of the commission and each member shall  
11 maintain all issued surety bonds in full force and effect. All costs of  
12 such surety bonds shall be borne by the commission.

13 k. On or before April 30 in each year, the commission shall  
14 make an annual report pursuant to section 2 of P.L.1991, c.164  
15 (C.52:14-19.1) of its activities for the preceding calendar year to the  
16 Governor and to the Legislature. Each such report shall set forth a  
17 complete operating and financial statement explaining its operations  
18 during the year.

19

20 7. The commission shall have the following powers:

21 a. To adopt, amend, and repeal suitable by-laws for the  
22 management of its affairs;

23 b. To adopt and use an official seal and alter the same at its  
24 pleasure;

25 c. To maintain an office at such place or places within the State  
26 as it may designate;

27 d. To sue and be sued in its own name;

28 e. To acquire, hold, use, and dispose of its income, revenues,  
29 funds, and moneys;

30 f. To acquire, lease, as lessee or lessor, rent, lease, hold, use,  
31 and dispose of real or personal property for its purposes;

32 g. To borrow money, issue its negotiable bonds or notes, and  
33 secure the same by a mortgage on its property, or any part thereof,  
34 and enter into any credit agreement, and otherwise to provide for  
35 and secure the payment of its bonds and notes and to provide for the  
36 rights of the holders thereof;

37 h. To make and enter into all contracts, leases, and agreements  
38 for the use or occupancy of its projects, or any part thereof, or  
39 which are necessary or incidental to the performance of its duties  
40 and the exercise of its powers under sections 1 through 68 of P.L. ,  
41 c. (C. ) (pending before the Legislature as this bill);

42 i. To enter upon any building or property in order to conduct  
43 investigations, examinations, and surveys necessary to carry out the  
44 purposes of sections 1 through 68 of P.L. , c. (C. ) (pending  
45 before the Legislature as this bill);

46 j. To acquire in the name of the commission by purchase, or  
47 lease as lessee or otherwise, on such terms and conditions and in  
48 such manner as it may deem proper, or by the exercise of the power

- 1 of eminent domain, any land or interest therein, and other property,  
2 including land under water and riparian lands, land, or highways  
3 held by any municipality or other governmental subdivision of the  
4 State, or any fee simple absolute in, easements upon, or the benefit  
5 of restrictions upon abutting property, that it may determine is  
6 reasonably necessary for the performance of any of its duties;  
7 provided, however, that the power of eminent domain shall not be  
8 exercised by the commission to acquire any property owned or used  
9 by a public utility, as defined in R.S.48:2-13;
- 10 k. To prepare, adopt, and implement a master plan for the  
11 physical development of all lands, or a portion thereof, lying within  
12 the district, and to adopt and enforce regulations, codes, and  
13 standards for the effectuation of such plan;
- 14 l. To undertake any development or other project or  
15 improvement as it finds necessary to redevelop and improve the  
16 land within the district;
- 17 m. To recover by special assessments the cost of improvements  
18 from the increase of property values attributable to such  
19 improvements;
- 20 n. Generally to establish, charge, and collect rates, fees, and  
21 other charges for the use of any facilities operated and maintained  
22 by the commission, and to collect fees as otherwise established by  
23 law, rule, or regulation;
- 24 o. To enter into any and all agreements or contracts, execute  
25 any and all instruments, and do and perform any and all acts or  
26 things necessary, convenient, or desirable for the commission to  
27 carry out its responsibilities;
- 28 p. To plan, establish, and implement programs promoting and  
29 facilitating economic development opportunities in the district;
- 30 q. To review and regulate plans for any subdivision or  
31 development within the district;
- 32 r. To cause to be prepared plans, specifications, designs, and  
33 estimates of costs for the construction of projects and improvements  
34 under the provisions of sections 1 through 68 of P.L. , c. (C. )  
35 (pending before the Legislature as this bill), and to modify such  
36 plans, specifications, designs, or estimates;
- 37 s. To determine the existence of areas in need of  
38 redevelopment or rehabilitation and to approve or undertake  
39 redevelopment projects therein;
- 40 t. To provide solid waste disposal and recycling facilities for  
41 the treatment of solid waste;
- 42 u. To assist and coordinate shared services among the  
43 constituent municipalities of the district and to enter into, from time  
44 to time, contracts with one or more municipalities, counties, or  
45 other public agencies for the operation of public improvements,  
46 works, facilities, services, or undertakings of such municipalities,  
47 counties, or agencies, or of the commission;

- 1 v. To undertake all the necessary steps to develop plans and  
2 undertake flood control projects and to maintain and construct  
3 necessary flood control structures and ditches;
- 4 w. To take any action necessary for the purpose of promoting  
5 and marketing tourism, entertainment, sports, and all related  
6 activities within the district or at any other location owned or  
7 operated by the commission. The commission may create a not-for-  
8 profit entity that will implement this function;
- 9 x. To preserve and protect the environment of the district and  
10 to provide programs for environmental education that benefit  
11 schools and the general public;
- 12 y. To create a transportation planning district and develop  
13 strategies to improve regional comprehensive planning;
- 14 z. To receive and accept, from any federal or other public  
15 agency or governmental entity, grants or loans for, or in aid of, the  
16 planning or construction of any project or improvement, or the  
17 acquisition of any property, and to receive and accept aid or  
18 contributions from any other source, of either money, property,  
19 labor, or other things of value, to be held, used, and applied only for  
20 the purposes for which such grants, loans, and contributions may be  
21 made, and to enter into co-operative agreements with the federal  
22 government, or any other public or governmental agency, for the  
23 performance of such acts as may be necessary and proper for the  
24 reclamation of the Hackensack meadowlands and to comply with  
25 established requirements for such participation;
- 26 aa. To establish engineering standards and a building code  
27 specifying the maximum weight, size, and density of all buildings  
28 and structures to be placed on any land within its jurisdiction;
- 29 bb. To conduct examinations and investigations, hear testimony,  
30 and take proof, under oath at public and private hearings, of any  
31 material matter, require attendance of witnesses and the production  
32 of books and papers, and issue commissions for the examination of  
33 witnesses who are out of State, unable to attend, or excused from  
34 attendance;
- 35 cc. To subordinate, waive, sell, assign, or release any right, title,  
36 claim, lien, or demand, however acquired, including any equity or  
37 right of redemption; to foreclose, sell, or assign any mortgage held  
38 by it, or any interest in real or personal property; and to purchase at  
39 any sale upon such terms and at such prices as it determines to be  
40 reasonable and to take title to property, real, personal, or mixed, so  
41 acquired, and to sell, exchange, assign, convey, lease, mortgage, or  
42 otherwise dispose of any such property, subject to such conditions  
43 and restrictions as it deems necessary to carry out the purposes of  
44 sections 1 through 68 of P.L. , c. (C. ) (pending before the  
45 Legislature as this bill); and
- 46 dd. To collect, and disburse, the assessments authorized in  
47 section 85 of P.L. , c. (C. ) (pending before the  
48 Legislature as this bill), for the purposes set forth in that section.



1       8. Whenever the commission prepares plans for the  
2 development, redevelopment, or rezoning of, or for the construction  
3 or reconstruction of buildings or structures on land within the  
4 district, the commission shall notify, within seven days, the  
5 governing body of the constituent municipality or municipalities in  
6 which the land is located. During the preparation of the plans, the  
7 commission shall meet and consult with the notified governing  
8 body or bodies. If the final plans of the commission are  
9 inconsistent with any recommendations of the governing body or  
10 bodies of the municipality or municipalities in which the land is  
11 located, the commission shall inform the governing body or bodies,  
12 in writing, of the reasons for the inconsistencies prior to the  
13 submission of the plans to the committee, and shall include a copy  
14 of that writing when submitting the plans to the committee.

15

16       9. a. The commission shall submit to the committee for  
17 review, prior to final action thereon, codes and standards  
18 formulated by the commission, the district master plan and  
19 amendments thereto, development and redevelopment plans, and  
20 improvement plans. The commission may also submit to the  
21 committee any other matter which the commission deems advisable.  
22 The committee may also coordinate shared services and cooperative  
23 agreements among the constituent municipalities and conduct  
24 studies and provide reports to the commission regarding issues  
25 which impact the constituent municipalities.

26       b. The committee shall review matters submitted to it by the  
27 commission pursuant to this section and shall indicate its position,  
28 in writing, to the commission. Failure of the committee to convey  
29 to the commission its position within 30 days of the receipt of any  
30 matter referred to the committee shall constitute approval of the  
31 proposed action of the commission; provided, however, that the  
32 committee shall have 120 days after receipt of a major revision of  
33 the master plan to convey its position, in writing, to the  
34 commission.

35       c. The commission shall not take action on any matter required  
36 to be submitted to the committee, which matter has been formally  
37 rejected by the committee, except by an affirmative vote of seven  
38 members of the commission.

39

40       10. a. After a public hearing and pursuant to the procedures  
41 hereinafter provided, the commission shall prepare, or cause to be  
42 prepared, and adopt a master plan, or portion thereof, for the  
43 physical development of all lands lying within the district. The  
44 master plan may include proposals for various stages for the future  
45 development of the district. The commission may amend the master  
46 plan in accordance with the procedures established herein. The  
47 master plan shall include a report presenting the objectives,  
48 assumptions, standards, and principles, as set forth in the master

1 plan. The master plan shall be a composite of the one or more  
2 written proposals recommending the physical development of the  
3 lands within the district, in its entirety or a portion thereof, which  
4 the commission shall prepare after meetings with the governing  
5 bodies of the constituent municipalities and affected counties, and  
6 any agencies and instrumentalities thereof.

7 b. In preparing the master plan or any portion thereof or  
8 amendment thereto the commission shall consider the existing  
9 patterns of the development in constituent municipalities, and any  
10 master plan or other plan of development adopted by any  
11 constituent municipality prior to the effective date of P.L. ,

12 c. (C. ) (pending before the Legislature as this bill), or prior to  
13 the preparation of the master plan by the commission.

14 c. In preparing the master plan or any portion thereof or  
15 amendment thereto, the commission shall consult with any federal  
16 or State agency having an interest in the district. At least 60 days  
17 prior to taking any action relating to the district, any interested  
18 agency shall file with the commission any proposed plans for the  
19 commission's review and recommendation.

20 d. A master plan examination and revision shall be conducted  
21 by the commission every 10 years, the first of which shall be  
22 conducted 10 years from the date on which the first master plan was  
23 adopted by the commission pursuant to this section.

24 e. The master plan shall include provisions or criteria for the  
25 location and use of buildings, structures, facilities, and land for  
26 solid waste disposal and recycling, and may include provisions for:

27 (1) the use of land and buildings, residential, commercial,  
28 industrial, park, and other like purposes;

29 (2) service-water supply, utilities, sewerage, and other like  
30 matters;

31 (3) transportation, streets, parking, public transit lines and  
32 stations, both above and below ground level, freight facilities,  
33 airports, harbors, channels, docks, and wharves, and other like  
34 matters;

35 (4) housing, including affordable housing, residential standards,  
36 clearance, redevelopment, rehabilitation, conservation, and other  
37 like matters;

38 (5) water, soil conservation, flood control, and other like matters;

39 (6) public and semipublic facilities including but not limited to  
40 civic centers, schools, libraries, parks, playgrounds, fire houses,  
41 police buildings, hospitals, and other like matters;

42 (7) the distribution and density of population;

43 (8) planned unit development;

44 (9) community appearance;

45 (10) financing and programming capital improvements;

46 (11) plan and develop facilities for tourism, sports, and  
47 entertainment; and

1 (12) other related elements of growth and development,  
2 including the social implications of any proposed development, and  
3 advances in technology related to any subject included in the plan.

4 f. In accordance with sections 1 through 68 of P.L. ,  
5 c. (C. ) (pending before the Legislature as this bill), and in  
6 addition to any other law, rule, or regulation concerning affordable  
7 housing, the master plan may also include codes and standards  
8 covering land use, comprehensive zoning, subdivisions, building  
9 construction and design, housing, and the control of air and water  
10 pollution, and other subjects necessary to carry out the plan or to  
11 undertake a workable program of community improvement. No  
12 codes or standards concerning building construction and design  
13 shall be promulgated without the certificate of the chief engineer or  
14 equivalent official of the commission that the proposed codes and  
15 standards meet the engineering standards adopted by the  
16 commission. No municipality shall adopt, and no municipal official  
17 shall enforce, any code which is inconsistent with the code  
18 contained in the master plan insofar as such code applies to  
19 property within the district; provided, however, that the governing  
20 body or other appropriate body of each constituent municipality  
21 may adopt zoning ordinances and any other codes or standards,  
22 which it is authorized by the laws of this State to adopt, for lands  
23 within the boundaries of said municipality which are subject to the  
24 jurisdiction of the commission and which will effectuate the  
25 purposes of the commission's master plan.

26  
27 11. a. A constituent municipality that adopts the commission's  
28 master plan, zoning regulations, codes, and standards shall have the  
29 authority to approve or reject land use or zoning applications. The  
30 municipality shall provide the commission all documentation, plans,  
31 and information regarding all applications. All fees generated by  
32 these applications and approvals shall be retained by the  
33 municipality.

34 b. For those municipalities that do not adopt the commission's  
35 master plan, zoning regulations, codes, and standards, the  
36 commission shall have the authority to issue the permit.

37 c. Any municipality which undertakes projects for public  
38 recreation, public safety, and the general welfare of its citizens will  
39 not be required to file an application with the commission. The  
40 codes and standards of that municipality shall apply. All  
41 documentation plans and necessary information regarding the  
42 project shall be submitted to the commission upon completion of  
43 the project.

44 d. Any project which requires a variance or special exception  
45 from any provision of the commission's master plan must be  
46 submitted directly to the commission for review and approval or  
47 rejection.

1       12. The commission shall review and regulate subdivisions and  
2 land development within the district, in accordance with procedures  
3 and engineering and planning standards adopted by the commission,  
4 which shall require that:

5       a. All subdivisions, site plans, buildings, and other development  
6 shall be in accordance with the master plan and any applicable  
7 redevelopment plan;

8       b. Adequate drainage facilities and easements be provided;

9       c. Road improvements be provided for subdivisions or sites  
10 when necessary to protect the safety and convenience of the  
11 traveling public, such improvements to include, but not be limited  
12 to, additional rights-of-way or pavement widths, marginal access  
13 streets, reverse frontage and highway and traffic design features  
14 necessitated by increased traffic, and potential safety hazards or  
15 traffic flow impediments caused by the subdivision or development;

16       d. Public water and sewer systems be provided when necessary  
17 to protect public health and to ensure an adequate supply of water;  
18 and

19       e. Performance guarantees, maintenance bonds, and agreements  
20 be provided specifying minimum standards of construction for  
21 required improvements by the commission, not to exceed the full  
22 cost of the facility and installation thereof, or the developer's  
23 proportionate share thereof. Any bonds, moneys, or guarantees  
24 received by the commission under this paragraph shall not duplicate  
25 bonds, moneys, or guarantees required by municipalities for  
26 municipal purposes.

27  
28       13. a. Each application for a subdivision, site plan, or building  
29 permit shall be submitted to the commission for review and, when  
30 appropriate, approval, prior to any determination by the applicable  
31 local constituent municipal approving authority. Commission  
32 approval of any subdivision application shall be limited by, and  
33 based upon, the rules, regulations, and standards in a resolution  
34 adopted by the commission. The constituent municipal approval  
35 authority shall defer taking final action on a subdivision application  
36 until receipt of the commission report thereon. The commission  
37 shall report to the municipal authority within 45 days from the date  
38 of receipt of the application. If the commission fails to report to the  
39 municipal approving authority within the 45-day period, the  
40 subdivision application shall be deemed to have been approved by  
41 the commission unless, by mutual agreement between the  
42 commission and municipal approving authority, with approval of  
43 the applicant, the 45-day period shall be extended for an additional  
44 45-day period, and any such extension shall so extend the time  
45 within which a municipal approving authority shall be required by  
46 law to act thereon.

47       b. The commission shall review each subdivision plan and  
48 building permit application and withhold approval if an application

1 does not meet the requirements adopted by the commission. In the  
2 event of the withholding of approval or the disapproval of any such  
3 application, the reasons for such action shall be set forth in writing,  
4 and a copy thereof shall be forwarded to the applicant and the  
5 municipality.

6  
7 14. Whenever the commission receives an application for the  
8 development, improvement, or redevelopment of, or for the  
9 construction or reconstruction of buildings or structures on, land in  
10 the district, and the municipality did not adopt the commission's  
11 master plan and zoning regulations, the commission shall notify,  
12 within seven days, in writing, the governing body of the constituent  
13 municipalities in which the land is located. Before approving an  
14 application, the commission shall consult with the notified  
15 governing body or bodies. If the commission approves an  
16 application which the governing body or bodies oppose in any  
17 manner, the commission shall inform the governing body or bodies,  
18 in writing, by certified mail, of the reasons for approval within  
19 seven days of that approval.

20  
21 15. The county clerk or register of deeds and mortgages shall  
22 not accept for filing any subdivision plat for lands in the district  
23 unless it bears the certification of approval of the commission in  
24 addition to all other requirements for filing a subdivision plat. If the  
25 commission has not taken action on an application within the period  
26 required by section 13 of P.L. , c. (C. ) (pending before the  
27 Legislature as this bill), at the request of the developer, the  
28 commission shall certify such fact upon the plat. This certification  
29 shall be sufficient authorization for further action by the municipal  
30 approving authority and filing with the appropriate county  
31 recording officer.

32  
33 16. a. Whenever notice and a hearing is required in any  
34 constituent municipality or affected county with respect to the  
35 adoption or amendment of a master plan, official map, zoning or  
36 subdivision regulations, or the granting of variances or special  
37 exceptions, involving property within the district or within 200 feet  
38 of its borders, the person required to give such notice shall also, at  
39 least 30 days prior to the hearing, provide written notice of the  
40 hearing to the commission by registered or certified mail. This  
41 notice of hearing shall contain a brief description of the property  
42 involved, its location, a concise statement of the matters to be  
43 heard, and a copy of any plan, code, regulations, or standards to be  
44 considered at the hearing.

45 b. The commission shall be considered a party in interest at the  
46 local hearing. No public body of a constituent municipality or  
47 affected county shall take any action involving a municipal master  
48 plan, zoning ordinance, subdivision, building, or site plan approval,

1 the official map, or the grant of a variance, or other special  
2 exception which is inconsistent with the master plan.

3 c. If portions of the master plan contain proposals for drainage  
4 rights-of-way, roads or streets, schools, colleges, parks,  
5 playgrounds, or for any project before approving any subdivision or  
6 site plan, the commission may require that such project sites be  
7 shown in locations and of sizes suitable to their intended uses. The  
8 commission shall be permitted to reserve the location and extent of  
9 such project sites shown on the master plan, or any part thereof, for  
10 a period of one-year after the approval of the subdivision or site  
11 plan, or within such further time as agreed to by the applying party.  
12 Unless during each one-year period or extension thereof the  
13 commission shall have entered into a contract to purchase or  
14 institute condemnation proceedings according to law for the project  
15 site, the developer shall not be bound by the proposals for such  
16 areas shown on the plan. This subsection shall not apply to streets,  
17 roads, and drainage rights-of-way required for approval of any  
18 subdivision or site plan and deemed essential to the public welfare.

19

20 17. The commission may establish provisions for the waiver,  
21 according to definite criteria, of strict compliance with the  
22 standards promulgated, when necessary to alleviate hardship. A  
23 developer can request that the chief engineer grant a waiver based  
24 on the defined criteria. The chief engineer shall make a  
25 recommendation to the commission concerning whether the  
26 hardship criteria has been met.

27

28 18. a. If any person transfers, sells, or rents, or agrees to  
29 transfer, sell, or rent any land, building, or other structure, or  
30 constructs or alters any building or structure within the district, or  
31 directly causes the transfer, sale, or rental, or arranges for an  
32 agreement to transfer, sell, or rent any land, building, or other  
33 structure, or directly causes the construction or alteration of any  
34 building or structure within the district, without first obtaining the  
35 approval of the commission or municipality of any application for a  
36 subdivision, site plan or building permit as may be required by  
37 sections 1 through 68 of P.L. , c. (C. ) (pending before the  
38 Legislature as this bill), the person shall be subject to a fine of not  
39 more than \$5,000, and each parcel, lot, plot, building, or rental unit  
40 so disposed of or agreed or caused to be disposed of shall be  
41 deemed a separate violation.

42 b. The commission and or municipality may cancel and revoke  
43 any permit, approval, or certificate required or permitted to be  
44 granted or issued to any person pursuant to P.L. , c. (C. )  
45 (pending before the Legislature as this bill), if the commission finds  
46 that the person has violated this section. When any violation of this  
47 section is of a continuing nature, each day during which the  
48 continuing violation remains unabated, after the date fixed by the

1 commission or municipality in any order or notice for the correction  
2 or termination of the violation, constitutes an additional, separate,  
3 and distinct violation. The commission, in the exercise of its  
4 administrative authority pursuant to this act, may levy and collect  
5 the fines in the amounts set forth in this section. If an administrative  
6 penalty order has not been satisfied, the penalty may recovered by  
7 the commission in a civil action brought in a summary proceeding  
8 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,  
9 c.274 (C.2A:58-10 et seq.).

10 c. In addition to the foregoing, the commission or municipality  
11 may in the case of any violation of subsection a. of this section,  
12 institute a civil action:

13 (1) for injunctive relief;

14 (2) to set aside and invalidate any conveyance or lease made  
15 pursuant to contract for sale or otherwise in violation of subsection  
16 a. of this section;

17 (3) to prevent such unlawful sale, rental, erection, construction,  
18 reconstruction, alteration, repair, conversion, maintenance, or use;

19 (4) to restrain, correct, or abate such violation;

20 (5) to prevent the occupancy of said dwelling, structure, or land;  
21 and

22 (6) to prevent any illegal act, conduct, business, or use in, or  
23 about, such premises.

24  
25 19. The commission shall safeguard the environmental resources  
26 of the district and provide quality public recreation and educational  
27 opportunities. The commission shall:

28 a. Target and prioritize potential preservation sites for  
29 acquisition, deed restriction, and conservation easements, including  
30 large tracts of wetlands sites;

31 b. Preserve wetlands to protect wildlife, water quality, and  
32 flood storage value;

33 c. Review preservation sites for potential wetland enhancement  
34 and mitigation;

35 d. Improve connections among the district's trails and habitats,  
36 reducing fragmentation;

37 e. Identify missing links in the existing trail system, as well as  
38 key locations for connecting to wildlife viewing stations,  
39 environmental venues, boat launches, docks, and other active and  
40 passive recreational attractions;

41 f. Increase both active and passive recreational uses;

42 g. Eliminate or control the presence of other invasive plant and  
43 animal species;

44 h. Maintain and improve targeted habitats relative to breeding,  
45 wintering, feeding, and other wildlife activities;

46 i. Maintain the value of the Hackensack meadowlands as an  
47 urban sanctuary for birds using the Atlantic Flyway;

- 1       j. Seek available funding for land acquisition, protection, and  
2 management of wildlife preserves;
- 3       k. Maintain and restore the ecology of the waterways, including  
4 the estuary, shorelines, and nursery habitat for fish;
- 5       l. Continue monitoring water quality by collecting and analyzing  
6 data to determine trends, document improvements, and assess the  
7 need for additional, or more stringent, measures. Monitoring  
8 should include the analysis of historic data to form a baseline to  
9 measure the degree of change over time; and
- 10      m. The commission shall operate a not-for-profit organization  
11 which shall continue research opportunities of the Meadowlands  
12 Environmental Research Institute.
- 13
- 14      20. The commission shall develop strategies and seek funding  
15 for flood control infrastructure based on flood modeling for the  
16 district and surrounding areas.
- 17      a. The commission shall:
- 18       (1) identify all drainage basins in the district and any drainage  
19 areas that directly impact the district; and
- 20       (2) develop strategies to address the major causes of flooding.
- 21      b. The commission may:
- 22       (1) use special assessment powers to fund flood control projects  
23 in, or near, the drainage areas that impacts the Hackensack  
24 meadowlands; and
- 25       (2) maintain flood control infrastructure that it constructed.
- 26
- 27      21. In providing the solid waste and recycling disposal facilities,  
28 the commission shall, prior to preparing any plans or specifications  
29 for such facilities, consult with those persons utilizing the district  
30 for the treatment and disposal of solid waste, and contract with any  
31 such persons who desire to utilize solid waste disposal facilities  
32 provided by the commission. In providing such facilities, the  
33 commission may:
- 34      a. Acquire or construct any such facilities as an improvement,  
35 and may recover the cost of such acquisition or construction in the  
36 same manner, and pursuant to the same procedure, provided for any  
37 other improvement undertaken by the commission;
- 38      b. Operate and maintain any such facilities, as owner, lessor, or  
39 lessee, and generally fix and collect rates, fees, or other charges for  
40 any such facilities in the same manner, and pursuant to the same  
41 procedure, provided for any other facilities operated and maintained  
42 by the commission;
- 43      c. Join and participate with any agency, municipality, county, or  
44 authority created by the State, or by any political subdivision or  
45 subdivisions thereof, through an intergovernmental agreement  
46 without need for that agency, municipality, county, or authority to  
47 go to public bid for the purpose of treating or disposing of solid  
48 waste and recycling;



1 d. Permit, by contract or agreement, any agency,  
2 instrumentality, or authority created by the State, or by any political  
3 subdivision thereof, for the purpose of treating or disposing of solid  
4 waste, to acquire, construct, or operate and maintain any solid waste  
5 disposal facilities which such agency, instrumentality, or authority  
6 is authorized by law to acquire, construct, or operate and maintain.  
7 Any such facilities acquired, constructed, or operated and  
8 maintained by any such agency, instrumentality, or authority may  
9 be located either within the district or without the district, but shall  
10 be within the jurisdiction of such agency, instrumentality, or  
11 authority.

12 e. For the purposes of acquiring or constructing any solid waste  
13 disposal facility, the commission is authorized to issue bonds and  
14 notes and to pay or redeem said bonds and notes from revenue  
15 derived from the fees and other charges collected for such facilities.  
16 Any cost incurred by the commission in providing any solid waste  
17 disposal facilities shall be charged to the persons utilizing such  
18 facilities, and nothing herein contained shall be interpreted as  
19 requiring the commission to bear the cost of any solid waste  
20 disposal facility provided by the commission.

21  
22 22. a. In the event that surplus moneys become available from  
23 the operation of solid waste disposal facilities by the commission,  
24 which are not required by any contract with the holders of any  
25 bonds, notes, or other obligations of the commission to be retained  
26 in any fund or account for the security of the commission's bonds,  
27 notes, or other obligations, then 75 percent of that surplus shall be  
28 used by the commission for any lawful purpose and 25 percent of  
29 that surplus shall be placed in a special Municipal Assistance  
30 Program fund established by the commission for the purpose of  
31 infrastructure improvements.

32 b. The commission may establish a surcharge on solid waste  
33 which enters into its facilities. Revenue collected pursuant to this  
34 subsection shall be dedicated, exclusively, to the Municipal  
35 Assistance Program fund created by the commission pursuant to  
36 subsection a. of this section.

37  
38 23. a. Pursuant to the procedure hereinafter provided, the  
39 commission shall have the exclusive power to declare the district,  
40 or any portion thereof, to be an area in need.

41 b. Prior to declaring any portion of the district as an area in  
42 need, the commission, by resolution, shall provide for a preliminary  
43 investigation. Upon the adoption of such a resolution, the  
44 commission shall prepare a map showing the boundaries of the  
45 proposed area and the location of the various parcels of property  
46 located therein, and shall append thereto a statement setting forth  
47 the reasons for the investigation.

- 1 c. The commission shall thereupon cause a hearing to be held at  
2 an appointed time and place for the purpose of hearing persons  
3 interested in, or who would be affected by, a determination that the  
4 area is an area in need, as defined in section 3 of P.L. , c. (C. )  
5 (pending before the Legislature as this bill), and who are in favor  
6 of, or are opposed to, such determination.
- 7 d. A notice of such hearing shall be given setting forth the  
8 general boundaries of the area to be investigated and stating that a  
9 map has been prepared and can be inspected at the office of the  
10 commission. The commission shall cause the publication of the  
11 notice in a newspaper of general circulation in the district once each  
12 week for two consecutive weeks, and the last publication shall be  
13 not less than 10 days prior to the date set for the hearing. A copy of  
14 the notice shall be mailed at least 10 days prior to the date set for  
15 the hearing to the last known owner, if any, of each parcel of  
16 property within the area according to the assessment records of the  
17 municipality where the parcel is located. Such notice shall be sent  
18 to the last known postal address of such owners. The commission  
19 shall also send notice to any persons at their last known address, if  
20 any, whose names appear on said assessment records as claimants  
21 of an interest in any such parcel. The assessor of a constituent  
22 municipality shall make such a notation upon the said records when  
23 requested so to do by any person claiming to have an interest in any  
24 parcel of property in such municipality. Failure to mail notice as  
25 required by this section shall not invalidate the investigation or  
26 determination thereon.
- 27 e. At the hearing, the commission shall hear all persons  
28 interested in the investigation and shall consider any written  
29 objections that may be filed, and any evidence which may be  
30 introduced, in support of the objections, or any opposition to a  
31 determination that the area is in need. After the hearing, the  
32 commission shall, by resolution, determine that the area or any part  
33 thereof is, or is not, in need. A determination that an area is in  
34 need, if supported by substantial evidence, shall be binding and  
35 conclusive upon all persons affected by the determination. If the  
36 determination is that an area is in need, the commission, within 10  
37 days after such determination, shall mail a copy of the resolution to  
38 each person who filed a written objection at, or prior to, the hearing,  
39 so long as the address of the objector was stated in, or to, the  
40 written objection.
- 41 f. Any person who shall have filed such a written objection with  
42 the commission may have a determination that an area is in need  
43 reviewed by the Superior Court by procedure in lieu of prerogative  
44 writs. An action for any such review shall be commenced within 30  
45 days after the determination by the commission. In any such action,  
46 the court may make any incidental order that shall be deemed by the  
47 court to be proper.

1 g. If the determination is that an area is in need, the commission  
2 may acquire the real property within the area by purchase, or by  
3 eminent domain proceedings in accordance with the “Eminent  
4 Domain Act of 1971,” P.L.1971, c.361 (C.20:3-1 et seq.), and may  
5 proceed with the clearance, planning, development, or  
6 redevelopment of the area as a public purpose and for public use, or  
7 the commission may, by resolution, agree that a redeveloper may  
8 undertake such clearance, planning, development, or  
9 redevelopment.

10

11 24. a. The commission shall prepare and adopt a redevelopment  
12 plan for each area in the district determined by the commission to  
13 be an area in need.

14 b. A municipality which has land subject to the jurisdiction of  
15 the commission and adopts the commission’s redevelopment plan  
16 shall have the authority to approve or reject an application for a  
17 permit. The municipality shall provide the commission all  
18 documentation, plans, and information regarding all applications.  
19 All fees generated by these applications and approvals shall be  
20 retained by the municipality. Any approval of any plan review or  
21 subdivision application by a municipality pursuant to this  
22 subsection shall be limited by, and based upon, the rules,  
23 regulations, and standards in a resolution adopted by the  
24 commission and the municipality. All fees generated by these  
25 applications and approvals shall be retained by the municipality.

26 c. For those municipalities that do not adopt the commission’s  
27 redevelopment plan, the commission may issue the permit for the  
28 proposed construction or alteration as being in conformity with the  
29 redevelopment plan. Any variations and modifications of the  
30 redevelopment plan shall be the responsibility of the commission. A  
31 permit shall not be issued without a certificate from the chief  
32 engineer or equivalent official of the commission that the proposal  
33 is in conformity with the commission’s redevelopment plan.

34 d. In undertaking projects pursuant to any redevelopment plan,  
35 the commission may:

36 (1) Acquire, by condemnation or otherwise, real or personal  
37 property, or any interest therein, including such property as it may  
38 deem necessary or proper, although temporarily not required for  
39 such purposes, in an area in need and in any area within the district  
40 designated by the commission as necessary for relocation of  
41 residents, industry, or commerce displaced from a redevelopment  
42 area;

43 (2) clear or reclaim any area so acquired and install, construct, or  
44 reconstruct projects therein necessary to prepare such area for  
45 development;

46 (3) relocate or arrange or contract with public or private agencies  
47 for the relocation of residents, industry, or commerce displaced  
48 from the area in need;

1 (4) dispose of real property so acquired by sale, lease, or  
2 exchange for the uses and purposes specified in the redevelopment  
3 plan, to any person or public agency;

4 (5) study the recommendations of the constituent municipality's  
5 planning board impacted by the redevelopment plan for  
6 redevelopment of any area within that municipality and make its  
7 own investigations as to current trends in the area in need, as  
8 established by the commission;

9 (6) by contract or contracts with public agencies or redevelopers  
10 or by its own employees' or consultants' plan, plan, construct,  
11 reconstruct, operate, maintain, and repair any redevelopment or  
12 other project or any part thereof; and

13 (7) make and adopt plans for carrying out a program of voluntary  
14 repair and rehabilitation of buildings and improvements, and for the  
15 enforcement of codes and laws relating to the use of land, the use  
16 and occupancy of buildings and improvements, and the control over  
17 the pollution of water and air and the disposal of solid waste.

18

19 25. All agreements, leases, deeds, and other instruments between  
20 the commission and a redeveloper shall contain, at least, the  
21 following provisions:

22 a. A covenant running with the land to the effect that the land,  
23 and any buildings or improvements thereon, shall be used only for  
24 the purposes designated in the redevelopment plan;

25 b. A provision that the redeveloper shall be without power to  
26 sell, lease, or otherwise transfer the redevelopment area or project,  
27 or any part thereof, without the prior written consent of the  
28 commission;

29 c. In the case of a lease to a developer, a requirement that all  
30 improvements shall become the property of the commission;

31 d. Any other covenants, provisions, and continuing controls as  
32 may be deemed necessary to effectuate the purposes of sections 1  
33 through 68 of P.L. , c. (C. ) (pending before the Legislature as  
34 this bill), including, but not limited to, deed restrictions or  
35 easements to promote environmental and ecological sustainability.

36

37 26. The commission may issue negotiable bonds and notes for  
38 any corporate purpose, and may renew any bonds and notes by the  
39 issuance of new bonds and notes, whether the bonds and notes to be  
40 renewed have, or have not, matured. The commission may issue  
41 bonds and notes partly to renew bonds and notes, or to discharge  
42 other obligations then outstanding, and partly for any other purpose.  
43 The notes may be authorized, sold, executed, and delivered in the  
44 same manner as bonds. The commission may issue bonds and notes  
45 on which the principal and interest are payable (1) exclusively from  
46 the income and revenues of the improvements or projects financed  
47 with the proceeds of such bonds or notes; (2) exclusively from the  
48 income and revenue of certain designated improvements or projects

1 whether or not they are financed in whole or in part with the  
2 proceeds of such bonds or notes; or (3) from other available funds.  
3 Any such bonds or notes may be additionally secured by a pledge of  
4 any grant or contribution from any department or agency of the  
5 United States or the State, person, or a pledge of any money,  
6 income, or revenues of the commission from any source  
7 whatsoever.

8  
9 27. Except as otherwise provided by or pursuant to Section II of  
10 Article VIII of the State Constitution and approved by a majority of  
11 the legally constituted voters of the State voting thereon, or except  
12 when any county or municipality shall have guaranteed principal or  
13 interest thereon, bonds and notes issued by the commission shall not  
14 be deemed to constitute a debt or liability of the State, or of any  
15 political subdivision thereof, or a pledge of the faith and credit of  
16 the State, or of any political subdivision except the commission, and  
17 all such bonds or notes shall contain on the face thereof a statement  
18 to that effect.

19  
20 28. a. The commission, by resolution, shall designate the 750  
21 acre sports complex site as a sports and entertainment area and  
22 recognize it as such in its regulations, master plan, and zoning  
23 maps. The commission shall aid in promoting the sports and  
24 entertainment area for tourism, entertainment, sports, and all related  
25 activities, and to support efforts to attract events to the sports and  
26 entertainment area.

27 b. The commission shall collaborate with the Division of Travel  
28 and Tourism in the Department of State and the Meadowlands  
29 Convention and Visitors Bureau. The tourism structure should  
30 work closely, or integrate with, the work of agencies within the  
31 Department of State dedicated to advancing an economic  
32 development plan developed pursuant to subsection p. of section 7  
33 of P.L. , c. (C. ) (pending before the Legislature as this bill).

34 c. The commission shall be responsible to carry out the  
35 provisions of the leases with the entities that have, or will have,  
36 leases in the sports and entertainment area. The commission shall  
37 divest itself of any facility still owned by the State of New Jersey.  
38 The commission shall manage, maintain, and repair, indirectly, the  
39 sports complex site through its lessees, licensees, or agents. The  
40 commission shall enter into agreements with its lessees to provide  
41 services to assist its lessees in their operations.

42 d. The commission shall make a vigorous effort to establish  
43 collaboration among private tourist marketing operations, and  
44 between those operations and the commission, through  
45 conversations with leaders of such operations, as well as  
46 stakeholders associated with such operations.

1 e. The commission shall promote the image of “one-stop  
2 shopping” for those seeking tourist information and assistance or  
3 wishing to host an event.

4 f. The commission shall establish a not-for-profit organization  
5 that will be responsible for the operation of the sports and  
6 entertainment area, and shall collaborate with the Division of Travel  
7 and Tourism and the Meadowlands Convention and Visitors Bureau  
8 to attract major events to the area. The not-for-profit organization  
9 established pursuant to this section shall be a public-private  
10 partnership and may raise funds to support these activities. The  
11 goal of the not-for-profit organization is to consolidate event  
12 planning and establish sources of revenue as part of an overall  
13 strategy to create positive economic development opportunities that  
14 will impact the Hackensack meadowlands.

15

16 29. If for any of its authorized purposes, including temporary  
17 purposes, the commission shall find it necessary or convenient to  
18 acquire any real property within its jurisdiction, or if for any of its  
19 authorized purposes, including temporary construction purposes, the  
20 commission shall find it necessary to acquire any real property  
21 contiguous to property within its jurisdiction, whether for  
22 immediate or future use, the commission may take such action in  
23 accordance with the “Eminent Domain Act of 1971,” P.L.1971,  
24 c.361 (C.20:3-1 et seq.).

25

26 30. a. All projects, lands, and other property of the commission  
27 are hereby declared to be public property devoted to an essential  
28 public and governmental function and purpose and shall be exempt  
29 from all taxes and special assessments of the State or any political  
30 subdivision thereof; provided, however, that whenever any part of a  
31 project area not occupied or to be occupied by facilities of the  
32 project is leased by the commission to another whose property is  
33 not exempt and the leasing of which does not make the real estate  
34 taxable, the estate created by the lease and the appurtenances  
35 thereto shall be listed as the property of the lessee thereof, or an  
36 assignee, and be assessed and taxed as real estate. All bonds or  
37 notes issued pursuant to sections 1 through 68 of P.L. , c. (C. )  
38 (pending before the Legislature as this bill) are hereby declared to  
39 be issued by a body corporate and public of the State and for an  
40 essential public and governmental purpose, and such bonds and  
41 notes, together with the interest thereon and the income therefrom,  
42 and all funds, revenues, income, and other moneys received, or to  
43 be received by the commission, and pledged or available to pay or  
44 secure the payment of such bonds or notes, or interest thereon, shall  
45 at all times be exempt from taxation except for transfer, inheritance,  
46 and estate taxes.

47 b. To the end that municipalities and counties may not suffer  
48 undue loss of tax revenue by reason of the acquisition and

1 ownership of property therein by the commission, the commission  
2 is hereby authorized, empowered, and directed to enter into an  
3 agreement with any constituent municipality or affected county,  
4 whereby the commission will undertake to pay a fair and reasonable  
5 sum or sums to compensate the municipality or county for a loss of  
6 property tax revenue in connection with any property acquired and  
7 owned by the commission in carrying out the provisions of sections  
8 1 through 68 of P.L. , c. (C. ) (pending before the Legislature  
9 as this bill). Any such payment or payments which the commission  
10 is hereby authorized, empowered, and directed to make may be  
11 made on an annual basis. Every constituent municipality and  
12 county wherein the commission owns the property may enter into  
13 such agreements with the commission to accept these payments.  
14

15 31. The commission may form, within the district, flood  
16 improvement zones for any authorized purpose in order to levy  
17 special assessments against real estate located within such zones for  
18 benefits rendered.  
19

20 32. a. All land within the district shall be divided by the  
21 commission into three classes as follows:

22 (1) Class one--Land owned by the State of New Jersey, any of its  
23 political subdivisions, or any other public agency or instrumentality  
24 which enjoys the privilege of general property tax exemption under  
25 the laws of the State, and which land is designated by the owner as  
26 presently or ultimately intended for a public use.

27 (2) Class two--Land owned by the State of New Jersey, any of its  
28 political subdivisions, or any other public agency or instrumentality  
29 which enjoys the privilege of general property tax exemption under  
30 the laws of the State, and which land is designated by the owner as  
31 ultimately disposable to private ownership, or usable by private  
32 parties.

33 (3) Class three--All other land.

34 b. The State, its political subdivisions, or any other public  
35 agency or instrumentality owning land in the district shall be  
36 required to certify to the commission, by a date established by the  
37 commission, whether said lands are in class one or class two; and in  
38 the case of land being in class one, the State, its political  
39 subdivisions, or any other public agency or instrumentality, as  
40 appropriate, shall indicate the nature of the present or ultimate use.  
41 The commission shall approve or modify the certifications by  
42 resolution. The commission may also reclassify lands by a majority  
43 vote, upon the request of the State, its political subdivisions, or any  
44 other public agency or instrumentality owning land in the district  
45 for such reclassification.

46 c. In the case that the title of lands designated to be in class  
47 three passes to the State of New Jersey, its political subdivisions, or  
48 any other public agency or instrumentality, the commission shall

1 change the designation of the class of that land to reflect the future  
2 use of that land.

3  
4 33. If, in its judgment, public necessity or interest demands the  
5 construction of improvements which would benefit lands within an  
6 area in need, the commission shall pass a resolution of its intention  
7 to undertake any such improvement and shall give notice of the  
8 proposal by advertising in one or more newspapers circulating in  
9 the district. The advertisement shall fix a time and place, not earlier  
10 than two weeks after notice, for a hearing on said proposed action  
11 and, prior to said hearing, the commission shall prepare a tentative  
12 assessment which shall be presented at the hearing and open to  
13 inspection. Any person desiring to testify concerning the proposal  
14 shall have the right to do so. After such hearing, if the commission  
15 decides to carry out the proposals, the commission shall pass a  
16 resolution setting forth this determination, acquire the necessary  
17 funding for the project, and proceed to make such improvements.

18  
19 34. The appropriate officer of the commission shall prepare a  
20 statement showing, in detail, the cost of the improvement proposed  
21 pursuant to section 33 of P.L. , c. (C. ) (pending before the  
22 Legislature as this bill). Such statement shall also show the  
23 proportion of the amount to the whole cost of improvement, if any,  
24 paid or contributed by any public body or by any individual or  
25 entity. The total amount of assessment levied upon the land  
26 benefited by the improvement shall not exceed the cost thereof.

27  
28 35. The appropriate officer of the commission shall examine the  
29 estimated cost of the work of any improvement and view all lands  
30 benefited thereby and shall thereupon fix the time and place for  
31 hearing all persons interested. Notice of the time and place of the  
32 hearing shall be mailed to owners of land affected, directed to their  
33 last known post-office addresses, and shall be published at least 10  
34 days before the hearing. Failure to mail the notice shall not  
35 invalidate any proceeding or assessment. Such officer of the  
36 commission shall attend the hearing, scheduled at the time and  
37 place designated by the commission, and shall give all parties  
38 interested or affected by an improvement the opportunity to be  
39 heard upon the subject of assessment. Thereafter, such officer shall  
40 make a just and equitable assessment of the benefits conferred upon  
41 any land by reason of such improvement, having due regard to the  
42 rights and interests of all persons concerned, and the increment in  
43 the value of the land benefited thereby and levy the same.

44 36. All assessments levied under section 35 of P.L. , c. (C. )  
45 (pending before the Legislature as this bill) for any improvement  
46 shall, in each case, be as nearly as may be in proportion to, and not  
47 in excess of, the benefit, advantage, or increase in value which



1 respective lots and parcels of land shall be deemed to receive by  
2 reason of such improvement.

3  
4 37. In addition to the making of assessments for benefits, the  
5 appropriate officer of the commission shall fix and determine the  
6 amount, if any, the property is damaged incidentally to the making  
7 of the improvement and deduct such amount from the amount of  
8 benefits assessed thereon. If the amount of any such damages, as  
9 confirmed by the commission, shall exceed the benefits assessed on  
10 the same property, if in case no benefits shall accrue thereto, or if  
11 such property is damaged subsequent to the levying and collection  
12 of an assessment which shall be confirmed by the commission to be  
13 a direct result of the making of the improvement, the balance or  
14 amount of such damages so fixed, may be raised from the general  
15 revenues of the commission and shall be paid by the commission to  
16 the owner of the property so damaged. Any person aggrieved by  
17 such assessment or award of damages may after the same has been  
18 confirmed by the commission, appeal therefrom as provided in  
19 section 48 of this P.L. , c. (C. ) (pending before the Legislature  
20 as this bill).

21  
22 38. When owners of any property have been or shall have been  
23 awarded damages as incidental to any improvement undertaken  
24 pursuant to sections 1 through 68 of P.L. , c. (C. ) (pending  
25 before the Legislature as this bill), and such award has been or shall  
26 have been duly confirmed, the amount thereof shall be tendered to  
27 the person or persons entitled thereto. If there is uncertainty as to  
28 the person entitled to receive the award or if the party entitled to  
29 receive the amount awarded shall refuse upon tender thereof to  
30 receive the same, or shall be out of the State or under any legal  
31 disability, or if several parties interested in the fund shall not agree  
32 as to the distribution thereof, or the lands damaged are encumbered  
33 by any mortgage, judgment, or other lien, or if for any other reason  
34 the commission cannot safely pay the amount awarded to any  
35 person, in all such cases the amount awarded may, with leave of the  
36 Superior Court, be paid into said court and thereupon distributed  
37 according to law, on the application of any person interested  
38 therein.

39  
40 39. Assessments for benefits for any improvement together with  
41 any accompanying awards for incidental damages and all awards of  
42 damages for land or interests therein taken from any improvement  
43 shall be certified by the officer making the assessment to the  
44 commission by a report, in writing, signed by the officer. The  
45 report shall be accompanied by a map showing the land taken,  
46 damaged, or benefited by the improvement and for which damages  
47 or benefits have been assessed.

1       40. The report submitted pursuant to section 39 of P.L.     ,  
2       c.   (C.   ) (pending before the Legislature as this bill) may be  
3       considered by the commission at any meeting, notice whereof shall  
4       be published in a newspaper circulating in the district, once each  
5       week for two weeks prior to the meeting, and also by mailing a  
6       copy of the notice to the owners named in the report, directed to  
7       their last known post-office addresses, and the affidavit of the  
8       appropriate officer of the commission shall be conclusive as to such  
9       mailing. The notice shall briefly state the object of the meeting  
10      with reference to the assessment. At that, or any subsequent  
11      meeting, the commission, after considering the report and map, may  
12      adopt and confirm the report and map, with or without alterations,  
13      and may refer such matter to any committee of the commission, or  
14      to the officer making the assessment, for revision or correction  
15      before taking final action thereon. When the commission adopts the  
16      report, with or without alterations, it shall be final and conclusive,  
17      and may be appealed directly to the Appellate Division of the  
18      Superior Court by an appropriate party as a matter of right in  
19      accordance with other laws, rules, or regulations. Failure to mail  
20      the notice required by this section shall not invalidate the  
21      proceedings.

22  
23      41. Immediately after the confirmation of any assessment, a  
24      duplicate thereof, duly certified by the commission, shall be  
25      delivered to the appropriate officer of the commission, who shall  
26      immediately thereafter send out by mail, or deliver, to owners of  
27      such land, bills for such assessment. Such officer shall mail or  
28      deliver a bill for an assessment in the manner required in  
29      connection with local improvements and shall keep a record and  
30      books of assessments in the same manner required for local  
31      improvements under R.S.40:56-31. The commission may make  
32      additional requirements for recording, accounting for, and  
33      collecting assessments.

34  
35      42. a. Special assessments levied against land in class one shall  
36      be considered to be of general benefit to the entire district and areas  
37      outside of the district, as it relates to flood control projects, and  
38      shall be included as a charge against general revenues of the  
39      commission, or paid out of any funds of the commission which shall  
40      be available for such purpose.

41      b. When any assessment shall not be paid within two months  
42      after the date of confirmation thereof, interest thereon from the date  
43      of confirmation shall be imposed at the rate of six percent.

44  
45      43. Every assessment for any improvement, together with  
46      interest thereon and all costs and charges connected therewith, shall  
47      be, upon authorization of the assessment by resolution of the  
48      commission, a first lien on the land described in the assessment,

1 paramount to all prior or subsequent alienations and descents of  
2 such land or encumbrances thereon, and shall constitute a lien in the  
3 same manner as taxes and assessments for State purposes,  
4 notwithstanding any mistake in the name or names of any owner or  
5 owners, or any omission to name any owner or owners who are  
6 unknown, and notwithstanding any lack of form therein, or in any  
7 proceeding which does not impair the substantial rights of the  
8 owner or owners or person or persons having a lien upon or interest  
9 in any such land. Confirmation of the amount of the assessment by  
10 the commission, or by the court, shall be considered as determining  
11 the amount of the existing lien and not as establishing the lien. All  
12 assessments for improvements shall be presumed to have been  
13 regularly assessed and confirmed, and every assessment or  
14 proceeding preliminary thereto shall be presumed to have been  
15 regularly made or conducted until the contrary be demonstrated.

16

17 44. In all cases in which any assessment incident to any  
18 improvement has been set aside by a court of competent  
19 jurisdiction, and the improvement shall have been actually made in  
20 the manner provided by law, the officer charged with the duty of  
21 making assessments for benefits for improvements shall make a  
22 new assessment of benefits upon the property benefited by the  
23 improvement, in the manner and by the proceeding herein provided.  
24 All such new assessments shall become a lien upon the land so  
25 assessed in the same manner and with like effect and be enforceable  
26 in the same way as an original assessment for like improvements.

27

28 45. When any court of competent jurisdiction shall decide that  
29 any assessment has been illegally made, the commission shall  
30 refund the amount thereof, if the same has been paid, and if a new  
31 assessment of less amount is to be made, then the difference  
32 between the new assessment and the amount paid shall be refunded.

33

34 46. The commission may, by resolution, provide that the owner  
35 of any land, upon which any assessments for any improvement shall  
36 have been made, pay such assessments in equal yearly installments,  
37 for a number of years as may be provided by the rules and  
38 regulations of the commission, with legal interest thereon, provided  
39 that any person assessed may pay the whole of any assessment, or  
40 any balance of installments, with accrued interest thereon, at one  
41 time. If any such installment becomes due and is not paid, the  
42 whole assessment, or balance due thereon, shall become  
43 immediately due, draw interest at the rate of six percent, and be  
44 collected in the same manner as is provided in sections 1 through 68  
45 of P.L. , c. (C. ) (pending before the Legislature as this bill) for  
46 other past due assessments.

1       47. When any unpaid assessment, interest thereon, or other  
2 charges for collection thereof, remains in arrears on July 1 of the  
3 calendar year following the calendar year when the same became in  
4 arrears, the appropriate officer of the commission shall enforce the  
5 lien by selling the property in the manner set forth in R.S.54:5-19  
6 through R.S.54:5-129.

7  
8       48. The owner of any property assessed for benefits, or awarded  
9 damages incident to any improvement under sections 1 through 68  
10 of P.L. , c. (C. ) (pending before the Legislature as this bill),  
11 may, within 30 days after confirmation of such assessment or  
12 award, appeal the determination to the Appellate Division of the  
13 Superior Court by serving written notice of such appeal upon the  
14 tax collector, and a duplicate upon the appropriate officer of the  
15 commission. The court shall determine whether the record contains  
16 substantial evidence that the assessment or award appealed from is  
17 just and fair, and, if not, shall make an order correcting the same,  
18 or, if the court upholds the assessment or award, shall so order. The  
19 determination shall be by order or judgment for the amount  
20 determined and shall be enforceable pursuant to procedures set forth  
21 in R.S.40:56-57. The commission may proceed with the  
22 prosecution and completion of the improvement and the issuing of  
23 bonds and other indebtedness in connection with said improvements  
24 notwithstanding any such appeal.

25  
26       49. The commission shall, in 2017, and every year thereafter,  
27 submit a report to the Governor and the Legislature pursuant to  
28 section 2 of P.L.1991, c.164 (C.52:14-19.1) relating to the operation  
29 of the intermunicipal account in the prior year, and shall  
30 recommend, when it deems necessary, amendments to sections 1  
31 through 68 of P.L. , c. (C. ) (pending before the Legislature as  
32 this bill) as it deems necessary to carry out the legislative intent  
33 herein stated.

34  
35       50. Except as provided in sections 1 through 68 of P.L. ,  
36 c. (C. ) (pending before the Legislature as this bill), the laws  
37 relating to the assessment and taxation of real and personal property  
38 shall apply to all constituent municipalities.

39  
40       51. a. In preparing the list of owners of taxable property  
41 pursuant to R.S.54:4-24, the assessor of each constituent  
42 municipality shall indicate in the list for each parcel of property  
43 whether it is located within the district boundaries, in accordance  
44 with regulations prescribed by the Director of the Division of  
45 Taxation in the Department of the Treasury.

46       b. If the boundary of the district divides a lot of land, the entire  
47 lot shall be included within the district.

1       52. On or before November 15, 2017, and on or before  
2 November 15 of each year thereafter, the secretary, superintendent,  
3 or a person designated by the school board of each school district of  
4 each constituent municipality shall certify to the commission the  
5 resident enrollment as of September 30 of that year. The  
6 certification shall show the number, address, and grade enrolled of  
7 pupils who reside within the district, and the number who reside  
8 outside, in a manner to be prescribed by the Commissioner of  
9 Education.

10

11       53. a. In the adjustment year 2017, and in each adjustment year  
12 thereafter, the commission shall establish an intermunicipal account  
13 and shall compute the amount payable to each constituent  
14 municipality from said account for that year pursuant to section 55  
15 of P.L. , c. (C. ) (pending before the Legislature as this bill).

16       b. As used in this section, except as otherwise specifically  
17 provided, the increase or decrease in aggregate true value of taxable  
18 real property for any adjustment year shall be the difference  
19 between:

20       (1) The aggregate true value of that portion of taxable real  
21 property, exclusive of Class II railroad property, in the constituent  
22 municipality located within the district in the comparison year, and

23       (2) The aggregate true value of that property in the base year.

24       c. Aggregate true value of all taxable real property shall be  
25 determined by aggregating the assessed value of all real property  
26 within the district boundaries in each constituent municipality, and  
27 dividing the total by the average assessment ratio, as promulgated  
28 by the Director of the Division of Taxation in the Department of the  
29 Treasury for State school aid purposes, on October 1 of the  
30 respective years for which aggregate true value is to be determined,  
31 pursuant to P.L.1954, c.86 (C.54:1-35.1 et seq.), or as modified by  
32 the tax court.

33       d. For the purpose of calculating aggregate true value, the  
34 assessed value of taxable real property for any given year shall  
35 comprise the sum of the following:

36       (1) The assessed value shown on the assessment duplicate for a  
37 given year, as certified by the county board of taxation and reflected  
38 in the county table of aggregates prepared pursuant to R.S.54:4-52,  
39 or as modified by the county board of taxation.

40       (2) The prorated assessed values pertaining to such year, as  
41 certified by the county board of taxation on or before October 10,  
42 with respect to the assessor's added assessment list for such year, as  
43 the same may be modified by the county board of taxation upon  
44 appeal; and

45       (3) The assessed values pertaining to a given year, as certified by  
46 the county board of taxation, with respect to the assessor's omitted  
47 property assessment list for that year, as the same may be modified  
48 by the county board of taxation upon appeal.

1 e. If, during any comparison year, a constituent municipality  
2 has received a payment in lieu of real estate taxes on property  
3 located within the district, then, for the purpose of calculating the  
4 increase or decrease in the municipality's aggregate true value  
5 under subsection b. of this section, there shall be added to the  
6 aggregate true value for such comparison year an amount  
7 determined by dividing the amount of the in lieu payment by the  
8 municipal tax rate for the comparison year and dividing the result  
9 by the average assessment ratio for school aid purposes as  
10 promulgated by the Director of the Division of Taxation in the  
11 Department of the Treasury.

12

13 54. Notwithstanding the provision of any law, rule, or regulation  
14 to the contrary, no constituent municipality shall pay out, or receive  
15 an adjustment payment for any adjustment year in which its  
16 municipal equalized valuation per capita, as defined in section 1 of  
17 P.L.1978, c.14 (C.52:27D-178) and as certified by the Director of  
18 the Division of Local Government Services in the Department of  
19 Community Affairs exceeds \$1,000,000.

20

21 55. a. The guarantee payment payable by the intermunicipal  
22 account to each constituent municipality in any adjustment year  
23 shall be computed as follows:

24 If there is a decrease in the aggregate true value of taxable real  
25 property of any constituent municipality, as determined pursuant to  
26 subsection b. of section 53 of P.L. , c. (C. ) (pending before the  
27 Legislature as this bill), the commission shall, subject to the  
28 provision of subsection b. of this section, calculate the amount of  
29 decreased aggregate true value, occurring in the comparison year,  
30 by reason of the acquisition, through purchase, eminent domain, or  
31 gift, during the year preceding the comparison year, of taxable real  
32 property by a governmental body or agency to be used for a public  
33 purpose, whereby said taxable real property parcels or portions  
34 thereof became exempt from local real property taxes. Such  
35 decreased aggregate true value shall be calculated in the same  
36 manner as aggregate true value is determined pursuant to subsection  
37 b. of section 53 of P.L. , c. (C. ) (pending before the  
38 Legislature as this bill) and shall be based on the assessed value in  
39 the year of acquisition, of the parcels or portions thereof affected.

40 b. There shall be payable as a guarantee payment from the  
41 intermunicipal account to each constituent municipality, an amount  
42 to be calculated by multiplying the lesser of the following by the  
43 apportionment rate determined for the comparison year:

44 (1) the amount of the decrease in aggregate true value  
45 determined pursuant to subsection b. of section 53 of P.L. ,  
46 c. (C. ) (pending before the Legislature as this bill) and

1 (2) the amount of the decrease, if any, in aggregate true value  
2 calculated to be attributable to conversion of taxable property to  
3 exempt status, specified in paragraph (1) of this subsection.

4 c. If, in any comparison year and with respect to any constituent  
5 municipality, no amount of decrease in aggregate true value is  
6 found to be attributable to the conversion from taxable to exempt  
7 status specified in subsection a. of this section, no guarantee  
8 payment shall be payable to any such municipality in the applicable  
9 adjustment year.

10 d. The commission shall not be required to make the calculation  
11 prescribed in subsection a. of this section, unless the governing  
12 body of any constituent municipality claiming a decrease in  
13 aggregate true value attributable to the conversion of real property  
14 from a taxable to an exempt status specified subsection a. of this  
15 section, no later than December 1 in the comparison year, files with  
16 the commission a statement to such effect, setting forth a  
17 description of the parcels, or portions thereof, involved, together  
18 with such other information as may be pertinent, in such form as the  
19 commission shall prescribe.

20  
21 56. For school district services, the service payment payable by  
22 the intermunicipal account to a constituent municipality in any  
23 adjustment year shall be found by dividing the total local school tax  
24 levy, as shown on the Table of Aggregates pursuant to R.S.54:4-52  
25 for the comparison year, by the school resident enrollment on  
26 September 30 of such comparison year, as certified pursuant to  
27 section 52 of P.L. , c. (C. ) (pending before the Legislature as  
28 this bill), and multiplying the result by the increase, if any, in  
29 resident enrollment within the district boundaries of that constituent  
30 municipality between September 30 of the year of enactment of  
31 P.L. , c. (C. ) (pending before the Legislature as this bill) and  
32 September 30 of the comparison year.

33  
34 57. a. If, in any adjustment year, the amount payable to the  
35 constituent municipalities by the intermunicipal account for  
36 guarantee payments and school district service payments is less than  
37 the amount payable to the intermunicipal account pursuant to  
38 section 55 of P.L. , c. (C. ) (pending before the Legislature as  
39 this bill), the balance, if any, shall be apportioned among the  
40 constituent municipalities in the same ratio as the number of acres  
41 within the district of each constituent municipality bears to the total  
42 number of acres in the district, and shall be known as an  
43 apportionment payment.

44 b. The commission shall not be able to receive any funds from  
45 the intermunicipal account for any purpose.

46 58. If, in any adjustment year, the amount payable to the  
47 constituent municipalities by the intermunicipal account for  
48 guarantee payments and service payments exceeds the amount

1 payable to said account pursuant to section 55 of P.L. , c. (C. )  
2 (pending before the Legislature as this bill), the total service  
3 payments payable to all constituent municipalities shall be reduced  
4 by the amount of the deficit and the service payment payable to  
5 each constituent municipality shall be reduced by the same ratio as  
6 the total service payment to all constituent municipalities was  
7 reduced.

8  
9 59. a. On or before February 1, 2017 and on or before February  
10 1 of each year thereafter, the commission shall certify to the chief  
11 financial officer of each constituent municipality an amount,  
12 identified as the meadowlands adjustment payment. The  
13 meadowlands adjustment payment for each constituent municipality  
14 shall be determined by adding all the payments payable to that  
15 municipality from the intermunicipal account for school district  
16 service payments, guarantee payments, and apportionment  
17 payments, if any. The amount so derived shall be referred to as the  
18 meadowlands pre-adjustment payment. For calendar year 2015, the  
19 meadowlands adjustment payment shall be the average of the  
20 meadowlands pre-adjustment payments for calendar years 2014 and  
21 2015. For calendar year 2016, the meadowlands adjustment  
22 payment shall be the average of the meadowlands pre-adjustment  
23 payments for calendar years 2013, 2014, and 2015. For calendar  
24 year 2017 and subsequent years, the meadowlands adjustment  
25 payment shall be the average of the meadowlands pre-adjustment  
26 payments for the prior three calendar years.

27 b. If the meadowlands adjustment payment for any constituent  
28 municipality in any adjustment year is payable to the constituent  
29 municipality, the amount of this payment shall be identified in the  
30 municipal budget of that municipality for that year as  
31 “meadowlands adjustment” within the category “miscellaneous  
32 revenues anticipated,” and shall be due and payable in three equal  
33 installments by the intermunicipal account on May 15, August 15,  
34 and November 15 of that year.

35  
36 60. There is established the Hackensack Meadowlands Tax  
37 Sharing Stabilization Fund in the commission. The fund shall be  
38 comprised of revenues made available from the State of New Jersey  
39 and from interest payments on sanitary landfill closure accounts  
40 maintained by the commission or such other revenues which are  
41 made available for these purposes. Moneys in the fund shall be  
42 used to fully compensate municipalities from excessive fluctuations  
43 in payments from the intermunicipal account in 2014 and  
44 subsequent years. In the event that there are insufficient monies in  
45 the fund to fully compensate all municipalities in any year, the  
46 amount paid to each municipality shall constitute the same  
47 proportion of the total amount of money available to all  
48 municipalities as each municipality would receive if the amount of



1 money in the fund were sufficient to fully compensate all  
2 municipalities in that year.

3 For the purposes of this section, any decrease in a payment  
4 required to be made from the intermunicipal account to a  
5 constituent municipality which is in excess of five percent below  
6 the previous year's payment shall be considered an "excessive  
7 fluctuation."  
8

9 61. On or before January 1 of each year, the commission shall  
10 adopt an annual budget for the year, which shall include the  
11 following items of expenditure:

12 a. An operating budget covering administrative, operating, and  
13 maintenance expenses of each office, activity, or project of the  
14 commission, plus contingent expenses of up to 5 percent of the  
15 amount stated;

16 b. A capital budget, including deposits in any capital  
17 improvement fund or capital reserve fund, down payments, or  
18 expenditures for capital projects, and interest payments, sinking  
19 fund deposits, principal maturities, and redemption premiums  
20 payable in such year on bond and notes of the commission;

21 c. Deferred charges; and

22 d. Estimates of the following revenues:

23 (1) Cash balances and surplus;

24 (2) Federal, State, and other grants-in-aid;

25 (3) Revenues from charges and fees for the use of the  
26 commission's facilities;

27 (4) Receipts from special assessments, but not in excess of the  
28 amount budgeted in such year for interest, principal maturities,  
29 sinking fund deposits, and redemption premiums on bonds secured  
30 by such assessments, until all bonds so secured are paid in full;

31 (5) Payments by municipalities or other governmental bodies  
32 pursuant to contracts for services performed by the commission;  
33 and

34 (6) Miscellaneous other revenues and receipts.  
35

36 62. For the purpose of aiding and cooperating with the  
37 commission, including the planning, undertaking, construction, or  
38 operation of its activities, any public body may, with or without  
39 consideration, as it may determine:

40 a. Dedicate, sell, convey, or lease any of its property to the  
41 commission or the federal government;

42 b. Cause parks, playgrounds, recreational, community,  
43 educational, water, sewer, or any other works which it is otherwise  
44 empowered to undertake, to be furnished adjacent to, or in  
45 connection with, projects of the commission;

46 c. Furnish, dedicate, close, pave, install, grade, regrade, or plan  
47 streets, roads, roadways, alleys, sidewalks, or other places which it  
48 is otherwise empowered to undertake;

- 1       d. Plan, zone, or rezone any part of such public body;
- 2       e. Make exceptions from building regulations and ordinances  
3 and change its map;
- 4       f. Enter into agreements, which, notwithstanding any law, rule,  
5 or regulation to the contrary, may extend over any period, with the  
6 commission or the federal government respecting action to be taken  
7 by such public body;
- 8       g. Do any and all things necessary or convenient to aid and co-  
9 operate in planning, undertakings, construction, or operations of the  
10 commission;
- 11       h. Cause services to be furnished to the commission of the  
12 character which the public body is otherwise empowered to furnish;
- 13       i. Purchase, or legally invest in, any of the bonds of the  
14 commission, and exercise all of the rights of any holder of such  
15 bonds;
- 16       j. In connection with any public improvements made by a public  
17 body in exercising the powers herein granted, the public body may  
18 incur the entire expense thereof. Notwithstanding any law, rule, or  
19 regulation to the contrary, any grant, sale, conveyance, lease, or  
20 agreement provided for in this section may be made by a public  
21 body without appraisal, public notice, advertisement, or public  
22 bidding; or
- 23       k. Upon such terms as it may deem advisable, with or without  
24 consideration, grant, sell, convey, or lease any of its property,  
25 including real property already devoted to a public use, whether  
26 held in a proprietary or governmental capacity to the commission,  
27 provided, that the public body making the grant or lease determines  
28 that the premises are no longer required for the public purposes to  
29 which the property is devoted, and that it is in the public interest so  
30 to grant, sell, convey, or lease said property.
- 31
- 32       63. a. The commission may enter into contracts with one or  
33 more municipalities, counties, or other public agencies for the  
34 operation of public improvements, works, facilities, services, or  
35 undertakings of the municipalities, counties, or agencies, or of the  
36 commission.
- 37       b. Contracts entered into pursuant to this section shall  
38 specifically provide for the services or improvements to be  
39 undertaken, the fee or fees to be charged for such services or  
40 facilities, the method of apportionment of such fees among the  
41 contracting parties, persons, officers, or agencies responsible for the  
42 performance of the contract, and other appropriate terms and  
43 conditions of participation.
- 44       c. Contracts entered into pursuant to this section shall be subject  
45 to approval, by resolution, of the commission and of the governing  
46 body of each participating municipality, county, or other  
47 participating agency.

1 d. The apportionment of costs and expenses may be based upon  
2 property valuations, population, area, and of any other factors as  
3 may be provided in the contract.

4  
5 64. The State Auditor and his legally authorized representatives  
6 may, at any time, examine the accounts and books of the  
7 commission, including its receipts, disbursements, contracts,  
8 sinking funds, investments, and any other matters relating to its  
9 financial standing.

10  
11 65. The commission may call to its assistance and avail itself of  
12 the services of such employees of any State department or agency,  
13 as it may require, and as may be available to it for said purpose. The  
14 commission may enter into an agreement with any political  
15 subdivision of the State by which the commission may be of  
16 assistance in the permitting of projects that take place within the  
17 district.

18  
19 66. Sections 1 through 68 of P.L. , c. (C. ) (pending before  
20 the Legislature as this bill) shall be deemed to provide an additional  
21 and alternative method for effectuating the purposes authorized  
22 thereby, and shall be regarded as supplemental and additional to  
23 powers conferred by other laws, and shall not be regarded as in  
24 derogation of any powers now existing.

25  
26 67. If the provisions of any section or clause of sections 1  
27 through 68 of P.L. , c. (C. ) (pending before the Legislature as  
28 this bill) or the application thereof to any person shall be judged  
29 invalid by a court of competent jurisdiction, such order or judgment  
30 shall be confined in its operation to the controversy in which it was  
31 rendered, and shall not affect or invalidate the remainder of any  
32 provision of any section or clause of sections 1 through 68 of  
33 P.L. , c. (C. ) (pending before the Legislature as this bill), or  
34 the application of any part thereof to any other person or  
35 circumstance and, to this end, the provisions of each section of  
36 sections 1 through 68 of P.L. , c. (C. ) (pending before the  
37 Legislature as this bill) are declared to be severable.

38  
39 68. All expenses incurred in carrying out the provisions of  
40 sections 1 through 68 of P.L. , c. (C. ) (pending before the  
41 Legislature as this bill) shall be payable from funds provided the  
42 commission therefor, and no liability or obligation shall be incurred  
43 by the commission hereunder beyond the extent to which moneys  
44 shall have been provided therefor.

1       69. Sections 69 through 81 of P.L. , c. (C. ) (pending before  
2 the Legislature as this bill) shall be known and may be cited as the  
3 “Hackensack Meadowlands Transportation Planning District Act of  
4 2014.”

5  
6       70. The Legislature finds and declares that:

7       a. Every day, residents of New Jersey confront congestion in  
8 some part of their day as they commute to work, recreate, or travel  
9 for family business. As our State continues to grow and prosper,  
10 we can only expect more cars, trucks, and buses on our roads.  
11 Meanwhile, the number of riders on our trains and buses is also  
12 increasing along with the number of pedestrians and bicyclists.

13       b. Our ability to deal with these demands at all levels of  
14 government is limited without a sound framework for developing  
15 responses to congestion and aging infrastructure problems and  
16 providing adequate funding to implement strategic solutions.

17       c. Sections 69 through 81 of P.L. , c. (C. ) (pending  
18 before the Legislature as this bill) develops the concept of a  
19 transportation planning district, which permits the assessment of  
20 fees on future development to ensure that adequate transportation  
21 infrastructure is put into place to accommodate the vehicular and  
22 pedestrian traffic caused by future development.

23       d. Existing financial resources and existing mechanisms for  
24 securing financial commitments for transportation improvements  
25 are inadequate to meet transportation improvement needs which are  
26 the result of new development in growth areas and, therefore, it is  
27 appropriate for the State to make special provisions for the  
28 financing of needed transportation improvements in the  
29 Meadowlands District, including the assessment of fees on new  
30 developments which are responsible for the travel demand burdens  
31 on the transportation system. Creation of a transportation planning  
32 district provides a mechanism through which the State, counties,  
33 and municipalities, and the Meadowlands Regional Commission, as  
34 well as the private sector, will have the means to work together to  
35 respond to transportation needs on a regional basis as determined by  
36 travel conditions or transportation needs in developed areas rather  
37 than upon preexisting boundaries. The Meadowlands Regional  
38 Commission and the Meadowlands Transportation Planning Board  
39 shall oversee the development of a district-wide transportation plan  
40 through a consultative planning process which relies upon the  
41 participation of public and private sector interests.

42       e. In assessing development fees under sections 69 through 81  
43 of P.L. , c. (C. ) (pending before the Legislature as this bill),  
44 the commission recognizes that: (1) those fees supplement, but do  
45 not replace, the public investment needed in the transportation  
46 system; (2) the costs of remedying pre-existing problems shall not  
47 be charged to a new development; (3) the fee charged to any  
48 particular development shall be reasonably related to the impact of

1 that development on the transportation system of the district and  
2 shall not exceed the development's fair share of the cost of the  
3 improvements and related allowable administrative costs; and (4) no  
4 development shall be subject to any assessment or fees for  
5 transportation improvements by the State, a county, or a  
6 municipality, except as provided pursuant to sections 69 through 81  
7 of P.L. , c. (C. ) (pending before the Legislature as this bill).  
8 In determining the basis for assessing development fees, the  
9 commission shall develop reasonable formulas that rely on  
10 established planning models.

11 f. The creation of a transportation planning district shall be  
12 accompanied by the development of strategies to improve regional  
13 comprehensive planning, to encourage transportation-efficient land  
14 uses, to reduce automobile dependency, to improve pedestrian and  
15 bicyclist safety, and to encourage alternatives to peak-hour  
16 automobile trips.

17

18 71. As used in sections 69 through 81 of P.L. , c. (C. )  
19 (pending before the Legislature as this bill):

20 "Allowable administrative costs" means expenses incurred by the  
21 commission or the board in developing a district transportation  
22 plan, including a financial element, and in managing a  
23 transportation planning district.

24 "Board" means the Meadowlands Transportation Planning Board  
25 established by section 72 of P.L. , c. (C. ) (pending before  
26 the Legislature as this bill).

27 "Chief fiscal officer" means the chief fiscal officer of the  
28 Meadowlands Regional Commission.

29 "Commission" means the Meadowlands Regional Commission  
30 established by section 6 of P.L. , c. (C. ) (pending before the  
31 Legislature as this bill).

32 "Commissioner" means the Commissioner of Transportation.

33 "Department" means the Department of Transportation.

34 "Developer" means the legal or beneficial owner or owners of a  
35 lot or of any land proposed to be included in a proposed  
36 development, including the holder of an option or contract to  
37 purchase, or other person having an enforceable proprietary interest  
38 in that land.

39 "Development" means any project for which zoning approval is  
40 required pursuant to sections 1 through 68 of P.L. , c. (C. )  
41 (pending before the Legislature as this bill), or rules or regulations  
42 promulgated pursuant thereto.

43 "Development fee" means a fee assessed on a development  
44 pursuant to a resolution of the commission adopted under section 74  
45 of P.L. , c. (C. ) (pending before the Legislature as this bill).

46 "District transportation plan" or "plan" means the plan adopted  
47 pursuant to section 73 of P.L. , c. (C. ) (pending before the  
48 Legislature as this bill).

1       “Hackensack Meadowlands District” or “Meadowlands District”  
2 means the area within the jurisdiction of the commission set forth in  
3 section 5 of P.L.     , c.     (C.     ) (pending before the Legislature as  
4 this bill).

5       “Project costs” means expenses incurred in the planning, design,  
6 engineering, and construction of any transportation project, and  
7 shall include debt service.

8       “Public highways” means public roads, streets, expressways,  
9 freeways, parkways, motorways, and boulevards including bridges,  
10 tunnels, overpasses, underpasses, interchanges, rest areas, express  
11 bus roadways, bus pullouts and turnarounds, park-ride facilities,  
12 traffic circles, grade separations, traffic control devices, the  
13 elimination or improvement of crossings of railroads and highways,  
14 whether at grade or not at grade, bicycle and pedestrian pathways,  
15 and pedestrian and bicycle bridges traversing public highways and  
16 any facilities, equipment, property, rights-of-way, easements, and  
17 interests therein needed for the construction, improvement, and  
18 maintenance of highways.

19       “Public transportation project” means, in connection with public  
20 transportation service or regional ridesharing programs, passenger  
21 stations, shelters and terminals, automobile parking facilities,  
22 ferries and ferry facilities including capital projects for ferry  
23 terminals, approach roadways, pedestrian accommodations, parking,  
24 docks, and other necessary land-side improvements, ramps, track  
25 connections, signal systems, power systems, information and  
26 communication systems, roadbeds, transit lands or rights-of-way  
27 equipment storage and servicing facilities, bridges, grade crossings,  
28 rail cars, locomotives, motorbus and other motor vehicles,  
29 maintenance and garage facilities, revenue handling equipment, and  
30 any other equipment, facility, or property useful for, or related to,  
31 the provision of public transportation service or regional ridesharing  
32 programs.

33       “Transportation planning district” or “district” means the  
34 Meadowlands District.

35       “Transportation project” or “transportation improvement” means,  
36 in addition to public highways and public transportation projects,  
37 any equipment, facility, or property useful or related to the  
38 provision of any ground, waterborne, or air transportation for the  
39 movement of people and goods within or through the district,  
40 including rail freight infrastructure.

41

42       72. a. There is hereby established a transportation planning  
43 district which shall consist of those lands which comprise the  
44 Meadowlands District. The Meadowlands Transportation Planning  
45 Board, created pursuant to subsection b. of this section, shall be the  
46 managing authority to administer and manage the transportation  
47 planning district and to carry out such additional functions as

1 provided in sections 69 through 81 of P.L. , c. (C. ) (pending  
2 before the Legislature as this bill).

3 b. There is established in, but not of, the Department of  
4 Community Affairs, the Meadowlands Transportation Planning  
5 Board. The board shall consist of: the Commissioner of  
6 Community Affairs or the commissioner's designee; the  
7 Commissioner of Transportation or the commissioner's designee; a  
8 representative from the ridesharing organization EZ Ride or its  
9 successor organization; a representative of the Hackensack  
10 Meadowlands Municipal Committee; a representative of the  
11 Meadowlands Regional Chamber of Commerce; and four public  
12 members appointed by the Governor, with the advice and consent of  
13 the Senate. The executive director of the commission shall serve as  
14 the secretary of the board. The board shall be staffed by the  
15 employees of the commission.

16 c. In furtherance of the development of a coherent and  
17 sustainable transportation system for the district, the board shall  
18 initiate a joint planning process with participation by: State  
19 departments and agencies, corporations, commissions, boards, and  
20 authorities; those bi-state authorities, metropolitan planning  
21 organizations, and counties and municipalities with jurisdiction in  
22 the district; and private representatives. The board shall oversee the  
23 development and updating of a comprehensive, future-oriented  
24 district transportation plan in accordance with the provisions of  
25 section 73 of P.L. , c. (C. ) (pending before the Legislature  
26 as this bill).

27  
28 73. a. The district transportation plan shall establish goals,  
29 policies, needs, and improvement priorities for all modes of  
30 transportation, including walking and bicycling, within the district  
31 for the ensuing 20 years following the effective date of sections 69  
32 through 81 of P.L. , c. (C. ) (pending before the  
33 Legislature as this bill) and shall be consistent with the master plan  
34 adopted by the commission pursuant to section 10 of P.L. ,  
35 c. (C. ) (pending before the Legislature as this bill). The  
36 district transportation plan shall be based on a reasonable  
37 assessment of likely future growth reflected in that master plan.

38 b. The plan shall quantify transportation needs arising from  
39 anticipated future traffic passing within or through the district based  
40 upon future development anticipated to occur within or through the  
41 district, and reflected in the master plan. The plan shall set forth  
42 proposed transportation projects designed to address that future  
43 development, prioritized over increments of five years, the  
44 allocation of public and private shares of project costs and  
45 allowable administrative costs, and the amount, schedule, and  
46 collection of development fees. If new developments are proposed  
47 in the district which are not considered in the plan which is

1 currently in effect, the plan shall be reevaluated, notwithstanding  
2 the five-year increment provision.

3 c. The plan shall be consistent with the State transportation  
4 master plan adopted under section 5 of P.L.1966, c.301 (C.27:1A-  
5 5), the applicable county master plans adopted under R.S.40:27-2,  
6 and the applicable regional transportation plan or plans adopted by  
7 a metropolitan planning organization pursuant to 23 C.F.R.  
8 s.450.322. To the extent appropriate given the district-wide  
9 objectives of the plan, the plan shall be coordinated with local  
10 zoning ordinances and master plans.

11 d. The plan shall include a financial element setting forth a  
12 statement of projected revenue and expenses, including all project  
13 costs. The financial element of the plan shall identify public and  
14 private financial resources which may be available to fund, in whole  
15 or in part, those transportation projects set forth in the plan. The  
16 financial element shall make recommendations for the types and  
17 rates of development fees to be assessed under section 74 of  
18 P.L. , c. (C. ) (pending before the Legislature as this bill),  
19 formulas to govern the assessment of those fees, and the projected  
20 annual revenue to be derived therefrom.

21 e. The board shall make copies of the plan available to the  
22 public for inspection no less than 14 days prior to taking any formal  
23 action to recommend the plan to the commission for adoption  
24 thereof. In addition, the board shall take steps to notify members of  
25 the business community and other interested parties of the plan and  
26 shall hold a public hearing thereon after having given public notice  
27 of the hearing.

28 f. The commission may, by resolution, adopt the plan as  
29 recommended by the board or with modifications.

30

31 74. a. After the adoption of the plan by the commission  
32 pursuant to subsection f. of section 73 of P.L. , c. (C. )  
33 (pending before the Legislature as this bill), the commission may,  
34 by resolution, provide for the assessment and collection of  
35 development fees on developments within the district as provided  
36 hereunder.

37 b. Development fees assessed by the commission shall be  
38 based upon the growth and development forecasts contained in the  
39 plan and shall be levied in order to raise only those amounts needed  
40 to accomplish the transportation projects set forth in the plan and  
41 allowable administrative costs. Those fees shall be assessed based  
42 upon the formula or formulas contained in the resolution and shall  
43 be uniformly applied, with such exceptions as are authorized or  
44 required by sections 69 through 81 of P.L. , c. (C. ) (pending  
45 before the Legislature as this bill).

46 c. A formula or formulas adopted by the commission by  
47 resolution shall reflect a methodology which relates the use of land  
48 to the impact of the proposed development on the transportation



- 1 system, including, but not limited to: vehicle trips generated by the  
2 development; the square footage of an occupied structure; the  
3 number of employees regularly employed at the development; the  
4 number of parking spaces located at the development; or any  
5 combination thereof.
- 6 d. The resolution may provide for credits against assessed  
7 development fees for payments made, or expenses incurred, which  
8 have been determined by the commission to be in furtherance of the  
9 district transportation plan, including, but not limited to,  
10 contributions to transportation improvements, other than those  
11 required for safe and efficient highway access to a development,  
12 and costs attributable to the promotion of public transit, walking,  
13 bicycling, or ridesharing.
- 14 e. The resolution may either exempt or reduce the development  
15 fee for specified land uses which have been determined by the  
16 commission to have a beneficial, neutral, or comparatively minor  
17 adverse impact on the transportation needs of the district.
- 18 f. The resolution may provide for a reduced rate of  
19 development fees for developers submitting a peak-hour automobile  
20 trip reduction plan approved by the commission under standards  
21 adopted by the commission. Standards for the approval of peak-  
22 hour automobile trip reduction plans may include, but need not be  
23 limited to: physical design for improved transit, ridesharing, and  
24 pedestrian access; design of developments which include a mix of  
25 residential and nonresidential uses; and proximity to potential labor  
26 pools.
- 27 g. The assessment of a development fee shall be reasonably  
28 related to the impact of the proposed development on the  
29 transportation system of the district and shall not exceed the  
30 development's fair share of the cost of the transportation  
31 improvement necessary to accommodate the additional burden on  
32 the district's transportation system that is attributable to the  
33 proposed development and related allowable administrative costs.
- 34 h. A resolution shall be sufficiently certain and definitive to  
35 enable every person who may be required to pay a fee to know or  
36 calculate the limit and extent of the fee which is to be assessed  
37 against a specific development.
- 38 i. Upon the adoption by the commission of a resolution  
39 pursuant to subsection a. of this section, a separate assessment for  
40 off-site transportation improvements within the district shall not be  
41 made by the State, a county, or a municipality except as permitted  
42 pursuant to sections 69 through 81 of P.L. , c. (C. ) (pending  
43 before the Legislature as this bill).
- 44 j. A development fee shall not be assessed for any low and  
45 moderate income housing units which are constructed pursuant to  
46 the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.) or  
47 under court order or settlement.

1 k. At least 25% of any development fees collected in accordance  
2 with this section shall be used for transportation related projects  
3 within the municipality where the development, for which a  
4 particular fee was collected, is located.

5  
6 75. a. A development fee shall be assessed on a development at  
7 the time the applicable zoning approval is issued. Any development  
8 for which a zoning approval has been issued prior to the adoption of  
9 the resolution pursuant to section 74 of P.L. , c. (C. )  
10 (pending before the Legislature as this bill), or pursuant to any  
11 other law authorizing such a resolution, or that has an approved  
12 development agreement with the governing State agency or  
13 municipality within the district having primary jurisdiction over the  
14 development, or for which construction of a material portion of the  
15 development has commenced after the date on which a development  
16 agreement was executed, shall be exempt from the assessment of a  
17 development fee. The assessment shall be adjusted upon the  
18 issuance of a revised zoning approval and any development which  
19 requires a revised zoning approval after the adoption of the  
20 resolution shall be subject to the development fee.

21 b. The resolution shall specify whether the fee is to be paid at  
22 the time a zoning certificate is issued or in a series of payments as  
23 set forth in a schedule of payments contained in the resolution. The  
24 resolution may provide for payment of the fee in kind or in a series  
25 of periodic payments over a period of no more than 20 years.

26  
27 76. a. The payments due to the commission, whether as a lump  
28 sum or as balances due when a series of payments is to be made,  
29 shall be enforceable by the commission as a lien on the land and  
30 any improvements thereon. The lien shall be recorded by the  
31 county clerk or register of deeds and mortgages in the record book  
32 of the county office.

33 b. When the fee is paid in full on the development or portion  
34 thereof, the lien on the development or portion thereof, as  
35 appropriate, shall be removed. When a series of payments is to be  
36 made, failure to make any one payment within 30 days after receipt  
37 of a notice of late payment shall constitute a default and shall  
38 obligate the person owing the unpaid balance to pay that balance in  
39 its entirety.

40 c. All amounts assessed as a lien pursuant to this section shall  
41 be a lien upon the land against which they are assessed in the same  
42 manner that taxes are made a lien against land pursuant to Title 54  
43 of the Revised Statutes, and the payment thereof shall be enforced  
44 within the same time, in the same manner, and by the same  
45 proceedings as the payment of taxes is otherwise enforced under  
46 Title 54 of the Revised Statutes.

1       77. a. A resolution adopted by the commission pursuant to  
2 section 74 of P.L.     , c.     (C.     ) (pending before the Legislature  
3 as this bill) shall provide for the establishment of a transportation  
4 planning district fund under the control of the chief fiscal officer.  
5 All monies collected from development fees shall be deposited into  
6 the fund, which shall be invested in an interest-bearing account.  
7 Monies deposited in the fund shall be used to defray project costs  
8 and allowable administrative costs.

9       b. Every transportation project funded, in whole or in part, by  
10 funds from a transportation planning district fund shall be subject to  
11 a project agreement to which the relevant entities are parties. The  
12 expenditure of funds for this purpose shall not be made from a  
13 transportation planning district fund, except by appropriation of the  
14 commission and upon certification of the chief fiscal officer that the  
15 expenditure is in accordance with a project agreement entered into  
16 pursuant to this subsection or is otherwise a project cost and has the  
17 approval of the commission.

18  
19       78. a. Any fees collected, plus earned interest, not committed to  
20 a transportation project under a project agreement entered into  
21 under section 77 of P.L.     , c.     (C.     ) (pending before the  
22 Legislature as this bill) within 10 years of the date of collection, or  
23 not used for other allowable administrative costs within 10 years of  
24 the date of collection, shall be refunded to the fee-payer under a  
25 procedure prescribed by the commission; provided, however, that if  
26 the fee-payer transfers the development or any portion thereof, the  
27 fee-payer shall enter into an agreement with the grantee in a form as  
28 shall be provided by the commission which shall indicate who shall  
29 be entitled to receive any refund, and that agreement shall be filed  
30 with the chief fiscal officer.

31       b. Any person who has been assessed a development fee may  
32 request in writing a reconsideration of the fee and a hearing by an  
33 employee so delegated by the commission within 90 days of the  
34 receipt of notification of the amount of the fee on the grounds that  
35 the commission or its officers or employees, in issuing the fee, did  
36 not abide by the provisions of sections 74 and 75 of P.L.     ,  
37 c.     (C.     ) (pending before the Legislature as this bill) or the  
38 provisions of the resolution adopted by the commission pursuant to  
39 subsection a. of section 74 of P.L.     , c.     (C.     ) (pending before  
40 the Legislature as this bill).

41  
42       79. A person may appeal to the commission any decision made  
43 in connection with the reconsideration of a fee as authorized  
44 pursuant to subsection b. of section 78 of P.L.     , c.     (C.     )  
45 (pending before the Legislature as this bill). The commission shall  
46 review the record of the hearing and render its decision, which shall  
47 constitute an administrative action subject to review by the  
48 Appellate Division of the Superior Court. Nothing contained herein

1 shall be construed as limiting the ability of any person so assessed  
2 from filing an appeal based upon an agreement to pay or actual  
3 payment of the fee.

4  
5 80. A transportation planning district may accept loans from any  
6 public or private source, including, but not limited to, the State  
7 Transportation Infrastructure Bank established under section 2 of  
8 P.L.1997, c.142 (C.27:1B-21.11), pursuant to a project agreement  
9 for the purpose of undertaking and completing a transportation  
10 project as permitted by the commission. In this event, the project  
11 agreement shall include the obligation of the commission to make  
12 payments to the public or private source for repayment of the loan  
13 from a transportation planning fund or other available sources  
14 according to an agreed upon schedule of payments.

15  
16 81. a. Notwithstanding the provisions of the "Administrative  
17 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the  
18 contrary, the commission may, immediately upon filing proper  
19 notice with the Office of Administrative Law, adopt rules and  
20 regulations to implement sections 69 through 80 of P.L. , c. (C. )  
21 (pending before the Legislature as this bill).

22 b. The rules and regulations adopted pursuant to subsection a. of  
23 this section shall be in effect for a period not to exceed one year  
24 after the date of the filing. These rules and regulations shall  
25 thereafter be adopted, amended, or readopted by the commission in  
26 accordance with the requirements of the "Administrative Procedure  
27 Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

28  
29 82. Sections 82 through 85 of P.L. , c. (C. ) (pending  
30 before the Legislature as this bill) shall be known and may be cited  
31 as the "New Jersey Meadowlands Tax Relief Act."

32  
33 83. The Legislature finds and declares that:

34 a. The New Jersey Meadowlands Commission is the zoning  
35 and planning agency for a 30.4-square-mile area along the  
36 Hackensack River known as the Hackensack Meadowlands,  
37 covering parts of 14 municipalities in Bergen and Hudson Counties  
38 in New Jersey. The Meadowlands Regional Commission will  
39 oversee the development, and redevelopment, of the Hackensack  
40 Meadowlands in an orderly and comprehensive fashion, with  
41 special consideration to the ecological factors constituting the  
42 environment of the Hackensack Meadowlands.

43 b. A vital component of the comprehensive plan for the  
44 development of the Hackensack Meadowlands was an  
45 intermunicipal tax-sharing program. The intermunicipal tax sharing  
46 program was established to create a fair and equitable method of  
47 distributing the benefits and costs of economic development and  
48 land use decisions made by the New Jersey Meadowlands

1 Commission among the 14 municipalities located in the  
2 Meadowlands District. Under this program, as originally  
3 conceived, the municipalities with fewer development restrictions  
4 are required to deposit a share of their tax ratables into a special  
5 intermunicipal account administered by the commission. Money in  
6 this account is annually distributed to the municipalities with  
7 greater development restrictions to make up for their loss of tax  
8 ratable growth opportunity. Currently, seven municipalities pay  
9 into the intermunicipal account while the remaining seven  
10 municipalities receive distributions from the account.

11 c. The New Jersey Meadowlands Commission, the predecessor  
12 to the Meadowlands Regional Commission, has been successful in  
13 providing orderly and comprehensive development, solid waste  
14 management, and environmental protection in the Hackensack  
15 Meadowlands District, as well as providing for the investment of  
16 many millions of dollars in development, municipal services, and  
17 significant infrastructure projects, among other things.

18 d. It is fitting and proper to establish new sources of funding  
19 to replace the intermunicipal tax sharing program in order to  
20 facilitate the future of the Hackensack Meadowlands District as a  
21 vibrant area of economic growth in the State of New Jersey, as well  
22 as a tourism destination and an area of continued environmental  
23 significance and improvement. The new sources of funding should  
24 recognize the concerns of the district's seven municipalities that  
25 must contribute significant amounts of property tax dollars to the  
26 intermunicipal tax sharing program. These municipalities have  
27 been especially challenged to provide services to municipal  
28 residents and contribute to the intermunicipal tax sharing program,  
29 while operating under the significant restrictions of the 2% property  
30 tax levy cap. In effect, the cost of the State policy to preserve the  
31 Hackensack Meadowlands has been borne by the property taxpayers  
32 of the seven municipalities required to deposit tax revenue into the  
33 intermunicipal account.

34 e. It is also appropriate and necessary to recognize the  
35 consistent impact on the Hackensack Meadowlands District of  
36 tourist-related activities and attractions, including sports and  
37 entertainment activities and construction at the properties located in  
38 the heart of the district, and to require that patrons of those tourist-  
39 related activities and attractions shall contribute to the financial  
40 needs of the municipalities that comprise the Meadowlands district  
41 in order to reduce the property tax burden on their residents.

42

43 84. As used in sections 82 through 85 of P.L. , c. (C. )  
44 (pending before the Legislature as this bill):

45 "Commission" means the new agency created through the  
46 consolidation of the New Jersey Meadowlands Commission and the  
47 New Jersey Sports and Exposition Authority, to be known as the

1 Meadowlands Regional Commission, as established by section 6 of  
2 P.L. , c. (C. ) (pending before the Legislature as this bill).

3 "Meadowlands district" means the Hackensack Meadowlands  
4 District, the area delineated within section 5 of P.L. , c. (C. )  
5 (pending before the Legislature as this bill).

6 "Hotel" means a building, or portion of it, which is regularly  
7 used and kept open as such for the lodging of guests and is subject  
8 to taxation pursuant to subsection d. of section 3 of P.L.1966, c.30  
9 (C.54:32B-3).

10 "Public venue" means any place located within the Meadowlands  
11 district, whether publicly or privately owned, where any facilities  
12 for entertainment, amusement, or sports are provided, but shall not  
13 include a movie theater.

14 "Public event" means any spectator sporting event, trade show,  
15 exposition, concert, amusement, or other event open to the public  
16 that takes place at a public venue, but shall not include a major  
17 league football game.

18

19 85. a. There is imposed a Meadowlands regional hotel use  
20 assessment on every room in every hotel located in the  
21 Meadowlands district. The assessment imposed under this  
22 subsection shall be 3% of revenues received from every occupancy  
23 of a room or rooms in a hotel, and shall be paid to the commission  
24 by each hotel not later than the 10th day of each month based on the  
25 occupancy of rooms in that hotel during the previous calendar  
26 month.

27 b. Every person required to collect an assessment imposed by  
28 this section shall be personally liable for the assessment imposed,  
29 collected, or required to be collected hereunder. Any such person  
30 shall have the same right in respect to collecting the assessment  
31 from his customer or in respect to nonpayment of the assessment by  
32 the customer as if the assessment were a part of the service charge  
33 and payable at the same time; provided, however, that the chief  
34 fiscal officer of the commission shall be joined as a party in any  
35 action or proceeding brought to collect the assessment.

36 An assessment imposed under this section shall be in addition to  
37 any other tax or fee imposed pursuant to statute or local ordinance  
38 or resolution by any governmental entity.

39 A person required to collect any assessment imposed under this  
40 section shall not advertise or hold out to any person or to the public  
41 in general, in any manner, directly or indirectly, that the assessment  
42 is not considered as an element in the charge payable by the  
43 customer, that the person will pay the assessment, that the  
44 assessment will not be separately charged and stated to the  
45 customer, or that the assessment will be refunded to the customer.

46 c. Assessment revenue collected under this section shall be  
47 deposited by the commission into the intermunicipal account  
48 established pursuant to section 53 of P.L. , c. (C. ) (pending

1 before the Legislature as this bill), and shall be used to pay  
2 meadowlands adjustment payments to municipalities in the  
3 Meadowlands district pursuant to the provisions of sections 1  
4 through 68 of P.L. , c. (C. ) (pending before the Legislature as  
5 this bill). If in any year, assessment revenue in the intermunicipal  
6 account exceeds the amount necessary to pay meadowlands  
7 adjustment payments to municipalities in the Meadowlands district,  
8 that remaining assessment revenue may be used for the purposes set  
9 forth in subsection e. of this section.

10 d. In the event sufficient assessment revenue is unavailable in  
11 any year to pay all of the required meadowlands adjustment  
12 payments to municipalities in the Meadowlands district, the State  
13 Treasurer shall provide the commission with such funds as may be  
14 necessary to make all of the required payments to those  
15 municipalities.

16 e. In the event that in any year, after the required meadowlands  
17 adjustment payments have been made to municipalities in the  
18 Meadowlands district, assessment revenue remains in the  
19 intermunicipal account, that remaining assessment revenue may be  
20 used in that year for the following purposes:

21 (1) the commission may perform projects in the areas of flood  
22 control, traffic, renewable energy, or other infrastructure  
23 improvement projects and utilize monies from the project fund for  
24 property acquisition, demolition, clearance, removal, relocation,  
25 renovation, alteration, construction, reconstruction, installation, or  
26 repair of a structure or improvement, and the costs associated  
27 therewith including the costs of appraisal, economic and  
28 environmental analyses or engineering, planning, design,  
29 architectural, surveying, or other professional services;

30 (2) the commission may expend funds towards the promotion of  
31 the Meadowlands district as a tourism destination;

32 (3) the commission may fund the acquisition of property for the  
33 purpose of open space preservation and the costs associated  
34 therewith including the costs of appraisal, economic and  
35 environmental analyses or engineering, surveying, or other  
36 professional services; or

37 (4) the commission may fund the creation of parks and other  
38 recreational facilities and the costs associated therewith, including  
39 the costs of appraisal, economic and environmental analyses or  
40 engineering planning, design, architectural, surveying, or other  
41 professional services.

42 Not later than the first day of the third month next following the  
43 enactment of P.L. , c. (C. ) (pending before the  
44 Legislature as this bill) and pursuant to the "Administrative  
45 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the  
46 commission shall adopt any rules and regulations necessary to  
47 effectuate the collection of the assessments imposed under this  
48 section, and shall also adopt, by resolution, standards for the

1 disbursement in any year of any remaining assessment revenue for  
2 projects and uses set forth in subsection e. of this section.

3

4 86. This act shall take effect immediately.

5

6

7

STATEMENT

8

9 This bill consolidates the New Jersey Meadowlands Commission  
10 and the New Jersey Sports and Exposition Authority. This bill also  
11 reestablishes the Hackensack Meadowlands Transportation  
12 Planning District. This bill also revises the method of funding the  
13 intermunicipal tax sharing program under the "Hackensack  
14 Meadowlands Reclamation and Development Act," N.J.S.A.13:17-1  
15 et seq.

16 Currently, the New Jersey Meadowlands Commission is the  
17 zoning and planning agency for a 30.4-square mile area covering  
18 parts of 14 municipalities in Bergen and Hudson Counties in New  
19 Jersey. The New Jersey Meadowlands Commission, created in  
20 1969, was charged with the development and redevelopment of the  
21 Hackensack Meadowlands in an orderly and comprehensive  
22 fashion, with special consideration to the ecological and  
23 environmental challenges facing the Hackensack Meadowlands  
24 District. Since the 1970s, the New Jersey Sports and Exposition  
25 Authority has promoted the holding of athletic contests, horse  
26 racing and other spectator sporting events, trade shows, and other  
27 expositions in the State.

28 There are several vital components necessary for the  
29 continuation and expansion of the comprehensive plan for the  
30 economic development growth of the Hackensack Meadowlands  
31 District, which would be served by the consolidation of these public  
32 entities. Among them are infrastructure improvements,  
33 transportation, tourism, the completion of the development of the  
34 Sport Complex site, the delivery of municipal services, flood  
35 control, and the continuance of the Intermunicipal Tax Sharing  
36 Program, which is the fiscal underpinning of the district's master  
37 plan.

38 This bill combines the authority and powers of the New Jersey  
39 Sports and Exposition Authority and the New Jersey Meadowlands  
40 Commission into the "Meadowlands Regional Commission," in  
41 order to address more effectively the modern needs of the  
42 Hackensack Meadowlands District.

43 These two agencies share the common interest of promoting  
44 economic growth of the meadowlands and northern New Jersey.  
45 Accordingly, this bill consolidates the New Jersey Sports and  
46 Exposition Authority and the New Jersey Meadowlands  
47 Commission to promote efficiency of operation, cost effectiveness,  
48 and the elimination of unnecessary government bureaucracy.



1 This bill also revises the current method of funding the  
2 intermunicipal tax sharing account so that municipalities that have  
3 the ability to grow and develop will never have to pay into that  
4 account again. Instead, the intermunicipal account will be funded  
5 from the proceeds of a hotel use assessment of 3% of the revenues  
6 received from every occupancy of a hotel room located in the 14  
7 municipalities.

8 It is anticipated that this assessment will raise the funds  
9 necessary to fully fund the intermunicipal account annually so that  
10 the municipalities that receive funding from the account will  
11 continue to do so, but the municipalities that currently contribute to  
12 the fund will no longer have to do so, freeing up local funds that  
13 had annually been going to that intermunicipal fund for the benefit  
14 of their own municipal residents. In the event that in any year, after  
15 the required meadowlands adjustment payments have been made to  
16 municipalities in the Meadowlands district, assessment revenue  
17 remains in the intermunicipal account, the bill authorizes the  
18 commission to use that remaining assessment revenue in that year to  
19 perform projects in the areas of: flood control, traffic, renewable  
20 energy, or other infrastructure improvement projects; the promotion  
21 of the Hackensack Meadowlands District as a tourism destination;  
22 the acquisition of property for the purpose of open space  
23 preservation; and the creation of parks and other recreational  
24 facilities.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### **SENATE, No. 2647**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: DECEMBER 15, 2014

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2647, with committee amendments.

As amended, the bill consolidates the New Jersey Meadowlands Commission and the New Jersey Sports and Exposition Authority. This bill also reestablishes the Hackensack Meadowlands Transportation Planning District. This bill also revises the method of funding the intermunicipal tax sharing program under the “Hackensack Meadowlands Reclamation and Development Act,” N.J.S.A.13:17-1 et seq.

Currently, the New Jersey Meadowlands Commission is the zoning and planning agency for a 30.4-square mile area covering parts of 14 municipalities in Bergen and Hudson Counties in New Jersey. The New Jersey Meadowlands Commission, created in 1969, was charged with the development and redevelopment of the Hackensack Meadowlands in an orderly and comprehensive fashion, with special consideration to the ecological and environmental challenges facing the Hackensack Meadowlands District. Since the 1970s, the New Jersey Sports and Exposition Authority has promoted the holding of athletic contests, horse racing and other spectator sporting events, trade shows, and other expositions in the State.

There are several vital components necessary for the continuation and expansion of the comprehensive plan for the economic development growth of the Hackensack Meadowlands District, which would be served by the consolidation of these public entities. Among them are infrastructure improvements, transportation, tourism, the completion of the development of the Sport Complex site, the delivery of municipal services, flood control, and the continuance of the Intermunicipal Tax Sharing Program, which is the fiscal underpinning of the district’s master plan.

This bill combines the authority and powers of the New Jersey Sports and Exposition Authority and the New Jersey Meadowlands Commission into the “Meadowlands Regional Commission,” in order to address more effectively the modern needs of the Hackensack Meadowlands District.

These two agencies share the common interest of promoting economic growth of the meadowlands and northern New Jersey. Accordingly, this bill consolidates the New Jersey Sports and Exposition Authority and the New Jersey Meadowlands Commission to promote efficiency of operation, cost effectiveness, and the elimination of unnecessary government bureaucracy.

This bill also revises the current method of funding the intermunicipal tax sharing account so that municipalities that have the ability to grow and develop will never have to pay into that account again. Instead, the intermunicipal account will be funded from the proceeds of a hotel use assessment of 3% of the revenues received from every occupancy of a hotel room located in the 14 municipalities.

It is anticipated that this assessment will raise the funds necessary to fully fund the intermunicipal account annually so that the municipalities that receive funding from the account will continue to do so, but the municipalities that currently contribute to the fund will no longer have to do so, freeing up local funds that had annually been going to that intermunicipal fund for the benefit of their own municipal residents. In the event that in any year, after the required meadowlands adjustment payments have been made to municipalities in the Meadowlands district, assessment revenue remains in the intermunicipal account, the bill authorizes the commission to use that remaining assessment revenue in that year to perform projects in the areas of: flood control, traffic, renewable energy, or other infrastructure improvement projects; the promotion of the Hackensack Meadowlands District as a tourism destination; the acquisition of property for the purpose of open space preservation; and the creation of parks and other recreational facilities.

#### COMMITTEE AMENDMENTS:

The committee amendments to the bill transfer from the New Jersey Sports and Exposition Authority to the newly created Meadowlands Regional Commission:

The power to hold and conduct horse race meetings for stake, purse or reward and to provide, operate a pari-mutuel system of wagering at such meetings and license racing events; and

The power to procure insurance against any losses in connection with its property, operations or assets, in such amounts and from such insurers as it deems desirable.

The amendments also:

Retain for the new commission the authority's current procurement and audit provisions and give the State Treasurer, in conjunction with the State Auditor, the power to enter into a contract for an independent and financial audit and further provide certain reporting requirements related to the audit.

Specify that the Mayors Committee and the Hall of Fame are still established.

Clarify that the current master plan for the Meadowlands is adopted, and specify the first revision will take place within five years and then every 10 years thereafter.

Clarify in the bill that hotels on land owned by the State would be subject to the hotel assessment.

Clarify that the New Jersey Sports and Exposition Authority will continue in existence for the purposes of servicing its debt obligations and shall retain funds and assets in order to service its debt obligations.

Make other technical amendments.

**FISCAL IMPACT:**

The Office of Legislative Services (OLS) projects that the enactment of this legislation would have an indeterminate net impact on State and local finances. The merger of the New Jersey Meadowland Commission and the New Jersey Sports and Exposition Authority into a new Meadowlands Regional Commission would have an indeterminate impact on State finances. The creation of the Hackensack Meadowlands Transportation Planning District would result in increased State revenues and a potential increase in State costs. The establishment of a hotel assessment to support the inter-municipal tax sharing program would result in an indeterminate decrease in costs incurred by select municipalities and a potential increase in State revenues and expenditures.

**Hackensack Meadowlands Agency Consolidation Act**

The consolidation of the New Jersey Meadowlands Commission and the New Jersey Sports and Exposition Authority into a new Meadowlands Regional Commission would have an indeterminate impact on State finances. Although a detailed fiscal analysis is not available at this time, the OLS notes that some sections of the "Hackensack Meadowlands Agency Consolidation Act" continue certain provisions of law applicable to the Meadowlands Commission that would affect the finances of the Meadowlands Regional Commission. Section 22 of the bill provides that 75 percent of any surplus funds that become available from the operation of a solid waste disposal facility are to be used for any lawful purpose while the remaining 25 percent must be placed in a "Municipal Assistance Program Fund" to support infrastructure improvements. The Meadowlands Regional Commission is also required to aid in the promotion of the sports and entertainment area for tourism, entertainment, sports and all related activities. To the extent that the Meadowlands Regional Commission will make expenditures for this purpose in an amount greater than what would have been expended by the Sports and Exposition Authority for this purpose, it will incur additional costs.

The bill also requires the Meadowlands Regional Commission to divest itself of any facility owned by the State of New Jersey. The sale

of these facilities could result in additional, one-time State revenues. The Meadowlands Regional Commission is also authorized to establish a not-for-profit organization, as a public-private partnership responsible for the operation of the sports and entertainment area. It is unclear whether the revenues and expenditures of the not-for-profit organization would also be considered State revenues and expenditures. The bill does not establish any specific means of supporting the non-for-profit organization but does authorize it to establish sources of revenues as part of an overall economic development strategy.

The Fiscal Year 2015 Appropriations Act provides \$83.474 million to support the Sports and Exposition Authority; \$68.474 million for debt service and \$15 million for operations. According to the Fiscal Year 2013 Debt Report prepared by the Office of Public Finance in the Department of the Treasury, there is \$486.83 million in outstanding debt on State contract bonds issued to support Sports and Exposition Authority projects. The debt service on these bonds is payable pursuant to a contract between the State Treasurer and the Sports and Exposition Authority, subject to appropriation by the Legislature. The New Jersey Sports and Exposition Authority will continue in existence for the purposes of servicing its debt obligations and shall retain funds and assets in order to service its debt obligations. It is not clear whether future appropriations to support the operations of the Meadowlands Regional Commission would be required.

#### **Creation of Hackensack Meadowlands Transportation Planning District**

The “Hackensack Meadowlands Transportation Planning District Act” authorizes the Meadowlands Regional Commission to impose development fees on future developments within the transportation planning district, generating revenue to fund transportation projects. The amount of revenue generated depends on the amount of the development fees imposed by the commission and the number of future developments, which cannot be known at this time. If the transportation district is not reinstated, the cost of transportation projects included in the comprehensive district transportation plan may otherwise be incurred by municipal and county governments in the Meadowlands District. (The Meadowlands District is comprised of 14 municipalities in Bergen and Hudson Counties. These municipalities are Carlstadt Borough, East Rutherford Borough, the City of Jersey City, Kearny Town, Little Ferry Borough, Lyndhurst Township, Moonachie Borough, North Arlington Borough, North Bergen Township, Ridgefield Borough, Rutherford Borough, Secaucus Town, South Hackensack Township, and Teterboro Borough.) The costs of transportation projects constructed by the commission effectively offsets costs that may otherwise be incurred by local government jurisdictions. The comprehensive district transportation plan

developed by a new Meadowlands Transportation Planning Board is the product of a joint planning process with multiple government stakeholders. Transportation projects originating from the plan may be more cost effective than the projects that would be constructed by individual counties and municipalities, generating modest cost reductions.

### **Inter-Municipal Tax Sharing Meadowlands Regional Hotel Use Assessment**

The “New Jersey Meadowlands Tax Relief Act” revises the method of funding the inter-municipal tax sharing program by eliminating the current formula-based method of calculating the amount each municipality pays into, or receives from, the inter-municipal tax sharing fund. Instead, the inter-municipal account would be funded by the proceeds of a hotel use assessment of 3% of the revenues received from every hotel room occupancy. By using data on hotel room occupancy rates and a range of hotel room rates, the OLS has calculated that the Meadowlands regional hotel assessment would raise approximately \$6.9 million to \$10.3 million in additional revenues each year. The Meadowlands Tax Sharing Payment Schedule for Calendar Years 2013-2014 indicates that approximately \$7.3 million was receivable and payable by the fund. The Fiscal Year 2015 Appropriations Act provides \$7.318 million for Meadowlands Adjustment Payment Aid.”

The Meadowlands Tax Sharing Payment Schedule for Calendar Years 2013-2014 indicates that seven municipalities (Carlstadt Borough, Little Ferry Borough, Lyndhurst Township, Moonachie Borough, North Bergen Township, Secaucus Town, and South Hackensack Township) provide payments into the inter-municipal tax sharing account while six municipalities (East Rutherford Borough, the City of Jersey City, Kearny Town, North Arlington Borough, Ridgefield Borough, and Rutherford Borough) receive funds from the inter-municipal tax sharing account. One municipality, Teterboro Borough, is exempt from participating in the tax-sharing program.

### **Hackensack Meadowlands Tax Sharing Stabilization Fund**

Section 60 of the bill, establishing the “Hackensack Meadowlands Agency Consolidation Act,” provides for the continuation of the Hackensack Meadowlands Tax Sharing Stabilization Fund. The Stabilization Fund was created in 1999 in attempt to reduce annual fluctuations in inter-municipal tax sharing payments. A municipality is eligible for additional compensation if the amount payable by a municipality into the fund increases by more than five percent, or the amount receivable by a municipality decreases by more than five percent, from the previous year’s payment. From Fiscal Year 1999 to Fiscal Year 2007 the transfer of monies into the Stabilization Fund was authorized by budget language.

From 1999 to 2013, the Stabilization Fund was supported by revenues from interest earnings generated by balances in sanitary landfill closure accounts. In 2011, the Meadowlands Commission indicated that the principal of those accounts was over \$100 million and it was anticipated that it would be a continual source of income for the Stabilization Fund. From 2004 to 2010, the Meadowlands Commission utilized solid waste operating funds to maintain the Stabilization Fund. Budget constraints prevented the Meadowlands Commission from making payments to eligible municipalities in 2011 and it is unclear whether any moneys were deposited in the fund in 2012, 2013, or 2014. Five municipalities (Carlstadt Borough, Little Ferry Borough, Lyndhurst Township, Moonachie Borough, and South Hackensack Township) received Stabilization Fund payments totaling \$328,761 in 2010. Total disbursements from the Stabilization Fund from 1999 through 2010 totaled \$4.1 million.

STATEMENT TO  
[First Reprint]  
**SENATE, No. 2647**

with Senate Floor Amendments  
(Proposed by Senator SARLO)

ADOPTED: DECEMBER 18, 2014

These amendments shift all powers, assets, and responsibilities of the New Jersey Meadowlands Commission to the New Jersey Sports and Exposition Authority, which may be referred to as the “Meadowlands Regional Commission.” The amendments maintain the organizational structure of the New Jersey Sports and Exposition Authority rather than creating a new public entity. In addition to its current statutory framework, the New Jersey Sports and Exposition Authority will absorb powers of the New Jersey Meadowlands Commission. These amendments make the bill identical to Assembly No. 3969 (3R).