

52:271-1

LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

LAWS OF: 2006 **CHAPTER:** 16

NJSA: 52:271-1 ("Fort Monmouth Economic Revitalization Planning Authority Act")

BILL NO: S1049 (Substituted for A2692)

SPONSOR(S) Karcher and others

DATE INTRODUCED: January 17, 2006

COMMITTEE: **ASSEMBLY:**

SENATE: Economic Growth

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** March 16, 2006

SENATE: March 20, 2006

DATE OF APPROVAL: April 28, 2006

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) Senate Committee Substitute (1R) enacted

S1049/A3421

[SPONSOR'S STATEMENT \(S1049\)](#): (Begins on page 8 of original bill) [Yes](#)

[SPONSOR'S STATEMENT \(S1472\)](#): (Begins on page 10 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

[SENATE:](#) [Yes](#)

[FLOOR AMENDMENT STATEMENT:](#) [Yes](#)

LEGISLATIVE FISCAL ESTIMATE: No

A2692

[SPONSOR'S STATEMENT:](#) (Begins on page 10 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** Yes 3-6-2006 [Commerce](#)
3-13-2006 [Appropriations](#)

SENATE: No

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

[GOVERNOR'S PRESS RELEASE ON SIGNING:](#) [Yes](#)

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>.

REPORTS: Yes

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Corzine signs bill to cushion Ft. Monmouth closing," 4-29-2006 Philadelphia Inquirer, pB2

974.90 [Final report: prepared for Governor-elect Jon S. Corzine. Military and Veterans Affairs Transition Policy Group.](#)
R424 [January 10, 2006.](#)
2006n

RWH 8/27/08

Title 52.
Chapter 27I.
(New)
Fort Monmouth
Economic
Revitalization
Authority
§§1-17 -
C.52:27I-1 to
52:27I-17

P.L. 2006, CHAPTER 16, *approved April 28, 2006*
Senate Committee Substitute (*First Reprint*) for
Senate, Nos. 1049 and 1472

1 **AN ACT** creating the Fort Monmouth Economic Revitalization
2 Planning Authority and supplementing Title 52 of the Revised
3 Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. This act shall be known and may be cited as the “Fort
9 Monmouth Economic Revitalization Planning Authority Act.”

10
11 2. The Legislature hereby finds and declares that the closure and
12 revitalization of Fort Monmouth is a matter of great concern for the
13 host communities of Eatontown, Oceanport, and Tinton Falls; for
14 Monmouth County; and for the entire State of New Jersey.

15 The Legislature further finds and declares that the economies,
16 environment, and quality of life of the affected communities and the
17 State will depend on the efficient and proper revitalization of Fort
18 Monmouth. Given that there is no appropriate State or local entity
19 to prepare a comprehensive conversion and revitalization plan for
20 this facility, that the facility is located within three municipalities,
21 and that there are federal requirements through the Base
22 Realignment and Closure Commission process for the establishment
23 of such an entity, it is therefore in the public interest and the
24 interest of the State to plan for the comprehensive conversion and
25 revitalization of Fort Monmouth that will enhance the creation of
26 employment and other business opportunities for the benefit of the
27 host communities and the entire State.

28 The Legislature has determined that to provide for the proper
29 planning for the revitalization of Fort Monmouth, a corporate
30 agency of the State shall be created with the necessary powers to
31 accomplish these purposes.

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:

¹ Assembly floor amendments adopted March 16, 2006.

1 3. The following words or terms as used in P.L. , c. (C.)
2 (pending before the Legislature as this bill) shall have the following
3 meaning unless a different meaning clearly appears from the
4 context:

5 "Act" means the "Fort Monmouth Economic Revitalization
6 Planning Authority Act."

7 "Authority" means the Fort Monmouth Economic Revitalization
8 Planning Authority created by section 4 of P.L. , c. (C.)
9 (pending before the Legislature as this bill).

10 "Comprehensive conversion and revitalization plan" or "plan"
11 means the plan prepared and adopted by the authority pursuant to
12 section ¹[13] ¹⁴ of P.L. , c. (C.) (pending before the
13 Legislature as this bill).

14 "Constituent municipality" means Eatontown, Oceanport or
15 Tinton Falls.

16 "Federal government" means the United States of America, and
17 any officer, department, board, commission, bureau, division,
18 corporation, agency or instrumentality thereof.

19 "Fort Monmouth" means the federally owned or operated
20 military installation located in the municipalities of Eatontown,
21 Oceanport, and Tinton Falls in Monmouth County that, as of May
22 13, 2005, was functioning, but was scheduled for closure by
23 recommendation of the federal Base Realignment and Closure
24 Commission issued on that date, including any facilities or real or
25 personal property.

26 "Project area" means that area encompassed by the metes and
27 bounds of Fort Monmouth.

28 "Revitalization" means a program of planning, conservation,
29 rehabilitation, clearance, development and redevelopment,
30 preservation, and historic restoration.

31

32 4. There is hereby established in the Department of the Treasury
33 a public body corporate and politic, with corporate succession, to be
34 known as the "Fort Monmouth Economic Revitalization Planning
35 Authority." The authority is hereby constituted as an
36 instrumentality of the State exercising public and essential
37 governmental functions to provide for the public safety,
38 convenience, benefit, and welfare. The exercise by the authority of
39 the powers conferred by P.L. , c. (C.) (pending before the
40 Legislature as this bill) shall be deemed and held to be an essential
41 governmental function of the State. For the purpose of complying
42 with the provisions of Article V, Section IV, paragraph 1 of the
43 New Jersey Constitution, the authority is allocated within the
44 Department of the Treasury, but notwithstanding that allocation, the
45 authority shall be independent of any supervision or control by the
46 department or any board or officer thereof, except as may be
47 provided in P.L. , c. (C.) (pending before the Legislature as
48 this bill).

1 5. It shall be the purpose of the authority created under P.L. ,
2 c. (C.) (pending before the Legislature as this bill) to develop
3 a comprehensive conversion and revitalization plan for the territory
4 encompassed by Fort Monmouth in a manner that will promote,
5 develop, encourage, and maintain employment, commerce,
6 economic development, and the public welfare; conserve the natural
7 resources of the State; and advance the general prosperity and
8 economic welfare of the people in the affected communities and the
9 entire State by cooperating and acting in conjunction with other
10 organizations, public and private, to promote and advance the
11 economic use of the facilities located at Fort Monmouth.

12
13 6. a. The authority shall consist of ten members to be appointed
14 and qualified as follows:

15 (1) Four members appointed by the Governor with the advice
16 and consent of the Senate, for terms of four years, two of whom
17 shall be representatives of the private sector with relevant business
18 experience or background; one of whom shall be an individual who
19 is knowledgeable in environmental protection, conservation and
20 land use issues and one of whom shall be a labor representative
21 with appropriate experience in workforce development and job
22 training. ¹Preference shall be given to professionals with a
23 background in technology, finance, or real estate.¹ At least two of
24 the members shall be residents of Monmouth County. Not more
25 than two of the members appointed by the Governor shall be
26 members of the same political party;

27 (2) The Chief Executive Officer and Secretary of the New Jersey
28 Commerce, Economic Growth and Tourism Commission, ex officio
29 and voting;

30 (3) One member, who shall be a resident of Monmouth County,
31 to be appointed by the Monmouth County Board of Chosen
32 Freeholders for a term of four years, who shall be either:

33 (a) a member of the board, or

34 (b) a qualified person, who shall be nominated by the board, with
35 relevant business experience or background;

36 (4) The mayors of Eatontown, Oceanport, and Tinton Falls, ex
37 officio and voting; and

38 (5) A representative of Fort Monmouth, to be appointed by the
39 Secretary of the United States Department of Defense, who shall be
40 a non-voting member.

41 Each member appointed by the Governor and the member
42 appointed by the Board of Chosen Freeholders shall hold office for
43 the term of that member's appointment and until a successor shall
44 have been appointed and qualified. A member shall be eligible for
45 reappointment. Any vacancy in the membership occurring other
46 than by expiration of term shall be filled in the same manner as the
47 original appointment but for the unexpired term only.

- 1 b. Except for those members designated pursuant to paragraph
2 (4) of subsection a. of this section, each ex officio member of the
3 authority may designate an employee of the member's department
4 or office to represent the member at meetings of the authority. The
5 designee of an ex officio member may act on behalf of the member.
6 The designation shall be in writing and shall be delivered to the
7 authority and shall be effective until revoked or amended in writing
8 to the authority.
- 9 c. Each member appointed by the Governor may be removed
10 from office by the Governor for cause, after a public hearing, and
11 may be suspended by the Governor pending the completion of that
12 hearing. Each such member, before entering the duties of
13 membership, shall take and subscribe an oath to perform those
14 duties faithfully, impartially, and justly to the best of the person's
15 ability. A record of those oaths shall be filed in the office of the
16 Secretary of State.
- 17 d. The members of the authority shall elect a chairperson and
18 vice-chairperson from among their members. The chairperson shall
19 appoint a secretary and treasurer. The powers of the authority shall
20 be vested in the voting members thereof in office from time to time;
21 five voting members of the authority shall constitute a quorum, and
22 the affirmative vote of five members shall be necessary for any
23 action taken by the authority, except as provided under sections 7
24 and ¹[13] 14 of P.L. , c. (C.) (pending before the
25 Legislature as this bill), or unless the bylaws of the authority shall
26 require a larger number. No vacancy in the membership of the
27 authority shall impair the right of a quorum to exercise all the rights
28 and perform all the duties of the authority.
- 29 e. The members of the authority shall serve without
30 compensation, but the authority may, within the limits of funds
31 appropriated or otherwise made available for such purposes,
32 reimburse its members for necessary expenses incurred in the
33 discharge of their official duties.
- 34 f. No member, officer, employee or agent of the Fort Monmouth
35 Economic Revitalization Planning Authority shall have an interest,
36 either directly or indirectly, in any project, employment agreement
37 or any contract, sale, purchase, lease, or transfer of real or personal
38 property to which the Fort Monmouth Economic Revitalization
39 Planning Authority is a party.
- 40 g. The authority may be dissolved by act of the Legislature on
41 condition that the authority has no debts or obligations outstanding
42 or provision has been made for the payment, retirement,
43 termination, or assumption of its debts and obligations. Upon
44 dissolution of the authority, all property, funds, and assets thereof
45 shall be vested in the State.
- 46 h. A true copy of the minutes of every meeting of the authority
47 shall be forthwith delivered by and under the certification of the

1 secretary thereof to the Governor. No action taken at such meeting
2 by the authority shall have force or effect until 10 days, Saturdays,
3 Sundays, and public holidays excepted, after the copy of the
4 minutes shall have been so delivered, unless during such 10 day
5 period the Governor shall approve the same, in which case such
6 action shall become effective upon such approval. If, in that 10 day
7 period, the Governor returns such copy of the minutes with veto of
8 any action taken by the authority or any member thereof at such
9 meeting, such action shall be void..

10 i. Any and all proceedings, hearings or meetings of the authority
11 or any advisory committees established by the authority shall be
12 conducted in conformance with the "Open Public Meetings Act,"
13 P.L.1975, c.231 (C. 10:4-6 et seq.).

14 j. Records of minutes, accounts, bills, vouchers, contracts or
15 other papers connected with or used or filed with the authority or
16 with any officer or employee acting for or in its behalf are declared
17 to be public records, and shall be open to public inspection in
18 accordance with P.L.1963, c. 73 (C. 47:1A-1 et seq.).

19

20 7. The affirmative vote of six members shall be required for the
21 following actions taken by the authority:

22 a. actions taken under subsections a., e. and j. of section 8 of
23 P.L. , c. (C.) (pending before the Legislature as this bill);

24 b. expenditures by the authority, including the annualized value
25 of any actions taken pursuant to subsection e. of section 8 of
26 P.L. , c. (C.) (pending before the Legislature as this bill),
27 in excess of \$20,000;

28 c. the election of a chairperson and vice-chairperson of the
29 authority; and

30 d. initiation of suit or other legal action by the authority.

31

32 8. The authority shall have the following powers:

33 a. To adopt and from time to time amend and repeal bylaws for
34 the regulation of its affairs and the conduct of its business;

35 b. To adopt and use an official seal and alter it at its pleasure;

36 c. To maintain an office at a place or places within the State as it
37 may designate;

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

39 e. To appoint, retain, and employ, without regard to the
40 provisions of Title 11A of the New Jersey Statutes but within the
41 limits of funds appropriated or otherwise made available for such
42 purposes, such officers, agents, employees, engineers, 'attorneys'
43 and experts as it may require, and to determine the qualifications,
44 terms of office, duties, services, and compensation therefor;

45 f. To assist in the planning of Fort Monmouth to benefit the
46 surrounding communities and the entire State, in conjunction with
47 federal, State, local, and other public entities, as appropriate;

48 g. To appoint advisory committees to assist in its activities;

- 1 h. To provide that any revenues collected shall be available to
2 the authority for use in furtherance of any of the purposes of
3 P.L. , c. (C.) (pending before the Legislature as this bill);
4 i. To lease as lessee, lease as lessor whether as a titleholder or
5 not, own, rent, use, and take and hold title to, and collect rent from,
6 real property and personal property or any interest therein, in the
7 exercise of its powers and the performance of its duties under
8 P.L. , c. (C.) (pending before the Legislature as this bill),
9 provided that, prior to taking and holding title to such property, the
10 authority may enter into an interim lease with an entity that is not
11 established by the federal government or any entity thereof, for a
12 period of no more than five years; and
13 j. To apply for, receive, and accept from any federal, State, or
14 other public or private source, grants or loans for, or in aid of, the
15 authority's authorized purposes.

16

17 '9. Each worker employed by the authority, or in any project to
18 which the authority is a party, shall be paid not less than the
19 prevailing wage rate for the worker's craft or trade, as determined
20 by the Commissioner of Labor and Workforce Development
21 pursuant to P.L.1963, c.150 (C.34:11-56.25 et seq.).'¹

22

23 **'[9.] 10.'** a. All purchases, contracts or agreements made
24 pursuant to P.L. , c. (C.) (pending before the Legislature as
25 this bill) shall be made or awarded directly by the authority, except
26 as otherwise provided in P.L. , c. (C.) (pending before the
27 Legislature as this bill), only after public advertisement for bids
28 therefor in the manner provided by the authority and
29 notwithstanding the provisions of any other laws to the contrary.

30 b. Any purchase, contract or agreement may be made, negotiated
31 or awarded by the authority without public bid or advertising under
32 the following circumstances:

33 (1) When the aggregate amount involved does not exceed the
34 amount set forth in, or the amount calculated by the Governor
35 pursuant to, section 2 of P.L.1954, c.48 (C.52:34-7);

36 (2) To acquire subject matter which is described in section 4 of
37 P.L.1954, c.48 (C.52:34-9);

38 (3) To make a purchase or award or make a contract or
39 agreement under the circumstances described in section 5 of
40 P.L.1954, c.48 (C.52:34-10);

41 (4) When the contract to be entered into is for the furnishing or
42 performing of services of a professional or technical nature,
43 including legal services, provided that the contract shall be made or
44 awarded directly by the authority after the solicitation of requests
45 for proposals in the manner provided by the authority and
46 notwithstanding any other laws to the contrary;

1 (5) When the authority deems it appropriate to have any work
2 performed by its own employees;

3 (6) When the authority has advertised for bids on two occasions
4 and has received no bids on both occasions in response to its
5 advertisement, or received no responsive bids. Any purchase,
6 contract or agreement may then be negotiated and may be awarded
7 to any contractor or supplier determined to be responsible, as
8 “responsible” is defined in section 2 of P.L.1971, c.198 (C.40A:11-
9 2), provided that the terms, conditions, restrictions and
10 specifications set forth in the negotiated contract or agreement are
11 not substantially different from those which were the subject of
12 competitive bidding;

13 (7) When a purchase is to be made through or by the Director of
14 the Division of Purchase and Property pursuant to section 1 of
15 P.L.1959, c.40 (C.52:27B-56.1), or through a contract made by any
16 of the following: the New Jersey Sports and Exposition Authority
17 established under section 4 of P.L.1971, c.137 (C.5:10-4); the New
18 Jersey Meadowlands Commission established under section 5 of
19 P.L.1968, c.404 (C.13:17-5); the New Jersey Turnpike Authority
20 established under section 3 of P.L.1948, c.454 (C.27:23-3); the New
21 Jersey Water Supply Authority established under section 4 of
22 P.L.1981, c.293 (C.58:1B-4); the Port Authority of New York and
23 New Jersey established under R.S.32:1-4; the Delaware River Port
24 Authority established under R.S.32:3-2; the Higher Education
25 Student Assistance Authority established under N.J.S.18A:71A-3.

26 c. With regard to the appointment and employment of
27 employees under subsection e. of section 8 of P.L. , c. (C.)
28 (pending before the Legislature as this bill) who are to receive an
29 annualized salary or wage in excess of \$10,000, the authority shall
30 solicit applications for employment by public advertisement.

31

32 ¹‘[10.] 11.’ a. In addition to complying with the applicable
33 provisions of P.L.2005, c.51 (C.19:44A-20.13 et seq.), the authority
34 shall not enter into a contract having an anticipated value in excess
35 of \$17,500, as determined in advance and certified in writing by the
36 authority, with a business entity, if, on or after September 1, 2004,
37 or 18 months prior to the dissemination of the request for proposals,
38 the business entity has made a contribution that is reportable by the
39 recipient under P.L.1973, c.83 (C.19:44A-1 et seq.) to the candidate
40 committee of any person serving as a member of the authority when
41 the contract is awarded or to the State, county or municipal
42 committee of the political party to which any person serving as a
43 member of the authority belongs when the contract is awarded.

44 A business entity that has entered into a contract, having a value
45 in excess of \$17,500, with the authority, shall not make, during the
46 duration of the contract, a contribution that is reportable by the
47 recipient under P.L.1973, c.83 to the candidate committee of any

1 person serving as a member of the authority or to the State, county
2 or municipal committee of the political party to which any person
3 serving as a member of the authority belongs.

4 b. As used in this section, "business entity" shall have the
5 meaning prescribed by section 5 of P.L.2005, c.51 (C.19:44A-
6 20.17).

7
8 **'[11.] 12.'** The authority shall not enter into an employment
9 relationship with any person if, on or after September 1, 2004, that
10 person has made a contribution that is reportable by the recipient
11 under P.L.1973, c.83 (C.19:44A-1 et seq.) to the candidate
12 committee of any person serving as a member of the authority or to
13 a State, county or municipal committee of the political party to
14 which any person serving as a member of the authority belongs
15 when the employment relationship is entered into.

16 An employee of the authority shall not make a contribution that
17 is reportable by the recipient under P.L.1973, c.83 to the candidate
18 committee of any person serving as a member of the authority or to
19 a State, county or municipal committee of the political party to
20 which any person serving as a member of the authority belongs.

21
22 **'[12.] 13.'** The authority shall establish advisory committees in
23 the following areas and in such other areas as it deems appropriate:
24 infrastructure, housing, education, economic matters and workforce
25 development, historical, and environmental. In addition, an
26 advisory committee shall be established to solicit public comment
27 by holding hearings and public meetings and taking other measures
28 to gauge public opinion on matters under the authority's
29 jurisdiction. The membership of the committees shall be
30 determined by the authority. Each committee shall submit a report
31 of its recommendations to the authority. The authority shall
32 consider the reports of the committees in preparing the plan
33 required by section **'[13] 14'** of P.L. , c. (C.) (pending
34 before the Legislature as this bill).

35
36 **'[13.] 14.'** a. The authority shall prepare a comprehensive
37 conversion and revitalization plan for Fort Monmouth, which may
38 be periodically revised and updated. The plan shall be approved by
39 no fewer than six of the nine voting members of the authority.

40 The plan shall generally comprise a report or statement and land
41 use and development proposals, including plans for the
42 development, redevelopment or rehabilitation of the project area
43 with maps, diagrams and text, presenting:

- 44 (1) A statement of objectives, principles, assumptions, policies
45 and standards upon which the constituent proposals for the physical,
46 economic and social development of the project area are based; (2)
47 The relationship of the plan to Statewide, county and municipal

1 objectives as to appropriate land uses, density of population, and
2 traffic and public transportation, public utilities, recreational and
3 community facilities and other public improvements;

4 (3) Proposed land uses in the project area, taking into account
5 and stating the relationship thereof to the statement provided for in
6 paragraph (1) of this subsection, and other plan elements as the
7 authority deems appropriate, including, but not necessarily limited
8 to, topography, soil conditions, water supply, drainage, flood plain
9 areas, marshes, and woodlands; showing the existing and proposed
10 location, extent and intensity of development of land to be used in
11 the future for varying types of residential, commercial, industrial,
12 agricultural, recreational, educational and other public and private
13 purposes or combination of purposes; and including a statement of
14 the standards of population density and development intensity
15 recommended for the project area. The plan shall not include any
16 proposed State or federal correctional institutions to be located in
17 whole or in part in the project area; and

18 (4) Any significant relationship of the plan to (a) the master
19 plans of constituent municipalities, (b) the master plan of the county
20 in which the municipalities are located, and (c) the State
21 Development and Redevelopment Plan adopted pursuant to the
22 "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.).

23 b. The plan shall supersede applicable provisions of the
24 development regulations of the constituent municipalities or
25 constitute an overlay district within the project area.

26 c. Prior to the adoption of such plan by the authority, the
27 authority shall hold at least three public hearings, one within each
28 of the host communities of Eatontown, Oceanport and Tinton Falls.

29
30 ¹~~14.~~ 15. Prior to the adoption of the plan, or revision or
31 amendment thereto, the authority shall transmit a copy of the
32 proposed plan to the planning board of each constituent
33 municipality. Within 45 days after referral, each planning board
34 shall transmit to the authority a report containing its
35 recommendation concerning the plan. This report shall include an
36 identification of any provisions in the proposed plan that are
37 inconsistent with the master plan and recommendations concerning
38 these inconsistencies and any other matters as the board deems
39 appropriate.

40
41 ¹~~15.~~ 16. The authority shall prepare an economic
42 revitalization study for the project area which comprises a
43 comprehensive study of all issues related to the closure, conversion,
44 revitalization and future use of Fort Monmouth. This study shall
45 have as a primary concern the impact of the closure and
46 revitalization of Fort Monmouth on the economies, workforce,
47 environment and quality of life in the affected communities.

1 Additionally, the study shall consider all aspects of economic
2 development, including a comparison of the types of employment
3 anticipated in the plan and an analysis of the stability and diversity
4 of the economic development to be promoted.

5 This study shall include an analysis of potential revenue sources
6 that may exist to promote the implementation of the comprehensive
7 conversion and revitalization plan, including grants, loans or
8 matching funds from federal, State or other public or private
9 sources.

10 The economic revitalization study shall include a feasibility
11 analysis of tax base sharing within the project area.

12 Upon completion, the economic revitalization study shall be
13 forwarded to the governing body of each of the constituent
14 municipalities and county.

15

16 ¹~~16.~~ 17. Upon the final adoption thereof, the authority shall
17 submit the comprehensive plan for the conversion and revitalization
18 of Fort Monmouth and the economic revitalization plan to the
19 appropriate agency or agencies of the federal government. The
20 authority shall also submit the plan to the Governor, to the
21 Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
22 19.1), to the clerks of the constituent municipalities, and to the clerk
23 of Monmouth County.

24

25 ¹~~17.~~ 18. This act shall take effect immediately.

26

27

28

29

30 "Fort Monmouth Economic Revitalization Planning Authority
31 Act."

SENATE, No. 1049

STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED JANUARY 17, 2006

Sponsored by:

Senator JOSEPH M. KYRILLOS, JR.

District 13 (Middlesex and Monmouth)

SYNOPSIS

Creates Fort Monmouth Redevelopment Authority.

CURRENT VERSION OF TEXT

As introduced.



S1049 KYRILLOS

2

1 **AN ACT** creating the Fort Monmouth Redevelopment Authority and
2 supplementing Title 52 of the New Jersey Statutes.

3

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

6

7 1. This act shall be known and may be cited as the “Fort
8 Monmouth Redevelopment Act.”

9

10 2. The Legislature hereby finds and declares that the closure and
11 redevelopment of Fort Monmouth is a matter of great concern for
12 the host communities of Eatontown, Oceanport, and Tinton Falls;
13 for Monmouth County; and for the entire State of New Jersey.

14 The Legislature further finds and declares that the economies,
15 environment, and quality of life of the affected communities and the
16 State will depend on the efficient and proper redevelopment of Fort
17 Monmouth. It is therefore in the public interest and the policy of
18 the State to create a development authority to implement a
19 comprehensive conversion and redevelopment plan for Fort
20 Monmouth that will enhance the creation of employment and other
21 business opportunities for the benefit of the host communities and
22 the entire State.

23 The Legislature has determined that to provide for the proper
24 planning, implementation, and oversight of the redevelopment of
25 Fort Monmouth, a corporate agency of the State shall be created
26 with the necessary powers to accomplish these purposes.

27

28 3. The following words or terms as used in this act shall have
29 the following meaning unless a different meaning clearly appears
30 from the context:

31 "Act" means the Fort Monmouth Redevelopment Act.

32 "Authority" means the Fort Monmouth Redevelopment Authority
33 created by section 4 of this act.

34 "Bond" means any bond or note issued by the authority pursuant
35 to this act.

36 “Comprehensive conversion and redevelopment plan” means the
37 plan prepared and adopted by the authority pursuant to section 9 of
38 this act.

39 “Council” means the Fort Monmouth Governmental Advisory
40 Council created by section 8 of this act.

41 “Federal government” means the United States of America, and
42 any officer, department, board, commission, bureau, division,
43 corporation, agency or instrumentality thereof.

44 “Fort Monmouth” means the federally owned or operated
45 military installation located in the municipalities of Eatontown,
46 Oceanport, and Tinton Falls in Monmouth County that is presently
47 functioning or was scheduled for closure by recommendation of the
48 federal Base Realignment and Closure Commission issued on May

1 13, 2005, including any facilities or real or personal property, as
2 conveyed, or to be conveyed, in one or more parcels, by the federal
3 government to the authority.

4 "Project" means (1) the acquisition, construction, reconstruction,
5 redevelopment, historic restoration, repair, alteration, improvement
6 or extension of any building, structure or facility, or public area or
7 (2) the acquisition and improvement of real estate and the extension
8 or provision of utilities, access roads and other appurtenant
9 facilities in connection therewith, provided that the work
10 undertaken is consistent with the comprehensive conversion and
11 redevelopment plan adopted pursuant to section 8 of this act; a
12 project may also include planning, designing, acquiring,
13 constructing, reconstructing or otherwise improving a building,
14 structure or facility and extension or provision of utilities, access
15 roads and other appurtenant facilities in connection therewith, or
16 any redevelopment undertaken by any person pursuant to this act.

17 "Redevelopment" means a program of renewal through planning,
18 conservation, rehabilitation, clearance, development and
19 redevelopment, and historic restoration; the construction and
20 rehabilitation of commercial, industrial, public or other structures;
21 and the grant, dedication or rededication of land as may be
22 appropriate or necessary in the interest of the general welfare for
23 streets, parks, playgrounds or other public purposes including
24 recreational and other facilities appurtenant thereto.

25

26 4. There is hereby established in the Department of the Treasury
27 a public body corporate and politic, with corporate succession, to be
28 known as the "Fort Monmouth Redevelopment Authority." The
29 authority is hereby constituted as an instrumentality of the State
30 exercising public and essential government functions to provide for
31 the public safety, convenience, benefit and welfare, and the exercise
32 by the authority of the powers conferred by this act shall be deemed
33 and held to be an essential government function of the State. For
34 the purpose of complying with the provisions of Article V, Section
35 IV, paragraph 1 of the New Jersey Constitution, the authority is
36 allocated within the Department of the Treasury, but
37 notwithstanding that allocation, the authority shall be independent
38 of any supervision or control by the department or any board or
39 officer thereof, except as may be provided in this act.

40

41 5. It shall be the purpose of the authority created under this act
42 to develop and implement a comprehensive conversion and
43 redevelopment plan for the territory encompassed by Fort
44 Monmouth in a manner that will promote, develop, encourage, and
45 maintain employment, commerce, economic development and the
46 public welfare, conserve the natural resources of the State, and
47 advance the general prosperity and economic welfare of the people
48 in the affected communities and the entire State by:

S1049 KYRILLOS

1 (1) Administering in a manner consisted with the purpose of the
2 authority the assets transferred to the authority by the federal
3 government, including facilities and other real or personal property,
4 located at Fort Monmouth;

5 (2) Entering into necessary agreements with the federal
6 government for the operation of the facilities comprising Fort
7 Monmouth;

8 (3) Operating or contracting with others to operate enterprises
9 and other facilities located at Fort Monmouth; and

10 (4) Cooperating and acting in conjunction with other
11 organizations, public and private, to promote and advance the
12 economic use of the facilities located at Fort Monmouth.

13

14 6. a. The authority shall consist of ten members to be appointed
15 and qualified as follows:

16 (1) Four members appointed by the Governor with the advice
17 and consent of the Senate, for terms of four years, at least three of
18 whom shall be residents of Monmouth County, and at least two of
19 whom shall be representatives of the private sector with relevant
20 business experience or background.

21 Two of the members appointed by the Governor shall be
22 members of the political party which at the last preceding general
23 election, held for the election of all of the members of the General
24 Assembly, cast the largest number of votes in this State for
25 members of the General Assembly, and the remaining two members
26 shall be members of the political party which at such election cast
27 the next largest number of votes in the State for members of the
28 General Assembly; and

29 (2) The Chief Executive Officer and Secretary of the New
30 Jersey Commerce, Economic Growth, and Tourism Commission, ex
31 officio and voting;

32 (3) One member who shall be a resident of Monmouth County,
33 to be appointed by the Monmouth County Board of Chosen
34 Freeholders for a term of four years, who shall be either:

35 (a) a member of the board, or

36 (b) a qualified person, who shall be nominated by the board,
37 with relevant business experience or background;

38 (4) The mayors of the towns of Eatontown, Oceanport, and
39 Tinton Falls, ex officio and voting; and

40 (5) A representative of Fort Monmouth, to be appointed by the
41 Secretary of the United States Department of Defense, who shall be
42 a non-voting member.

43 Each member appointed by the Governor shall hold office for the
44 term of that member's appointment and until a successor shall have
45 been appointed and qualified. A member shall be eligible for
46 reappointment. Any vacancy in the membership occurring other
47 than by expiration of term shall be filled in the same manner as the
48 original appointment but for the unexpired term only.

1 In the appointment of members of the authority, consideration
2 should be given to achieving a membership of high quality and
3 varied experience, with special emphasis on the fields of economic
4 development, finance, high technology, and land use.

5 b. Each ex officio member of the authority may designate an
6 employee of the member's department to represent the member at
7 meetings of the authority. The designee of an ex officio member
8 may act on behalf of the member. The designation shall be in
9 writing and shall be delivered to the authority and shall be effective
10 until revoked or amended by a writing to the authority.

11 c. Each appointed member may be removed from office by the
12 Governor for cause, after a public hearing, and may be suspended
13 by the Governor pending the completion of that hearing. Each such
14 member, before entering the duties of membership, shall take and
15 subscribe an oath to perform those duties faithfully, impartially and
16 justly to the best of the person's ability. A record of those oaths
17 shall be filed in the office of the Secretary of State.

18 d. The Governor shall designate a chairperson and vice-
19 chairperson from among the authority's members. The chairperson
20 shall appoint a secretary and treasurer. The powers of the authority
21 shall be vested in the voting members thereof in office from time to
22 time; five voting members of the authority shall constitute a
23 quorum, and the affirmative vote of five members shall be
24 necessary for any action taken by the authority, except as provided
25 for under section 9 of this act, or unless the bylaws of the authority
26 shall require a larger number. No vacancy in the membership of the
27 authority shall impair the right of a quorum to exercise all the rights
28 and perform all the duties of the authority.

29 e. The members of the authority shall serve without
30 compensation, but the authority may, within the limits of funds
31 appropriated or otherwise made available for such purposes,
32 reimburse its members for necessary expenses incurred in the
33 discharge of their official duties.

34 f. No member, officer, employee or agent of the Fort Monmouth
35 Redevelopment Authority shall have an interest, either directly or
36 indirectly, in any project or in any contract, sale, purchase, lease or
37 transfer of real or personal property to which the Fort Monmouth
38 Redevelopment Authority is a party.

39 g. The authority may be dissolved by act of the Legislature on
40 condition that the authority has no debts or obligations outstanding
41 or provision has been made for the payment, retirement, termination
42 or assumption of its debts and obligations. Upon dissolution of the
43 authority all property, funds and assets thereof shall be vested in the
44 State.

45 h. A true copy of the minutes of every meeting of the authority
46 shall be forthwith delivered by and under the certification of the
47 secretary thereof to the Governor. No action taken at such meeting
48 by the authority shall have force or effect until 10 days, Saturdays,

1 Sundays, and public holidays excepted, after the copy of the
2 minutes shall have been so delivered, unless during such 10-day
3 period the Governor shall approve the same, in which case such
4 action shall become effective upon such approval. If, in that 10-day
5 period, the Governor returns such copy of the minutes with veto of
6 any action taken by the authority or any member thereof at such
7 meeting, such action shall be void. The powers conferred in this
8 subsection upon the Governor shall be exercised with due regard for
9 the rights of the holders of bonds and notes of the authority at any
10 time outstanding, and nothing in, or done pursuant to, this
11 subsection shall in any way limit, restrict or alter the obligation or
12 powers of the authority or any representative or officer of the
13 authority to carry out and perform in every detail any covenant,
14 agreement or contract made or entered into by or on behalf of the
15 authority with respect to its bonds or notes or for the benefit,
16 protection or security of the holders thereof.

17

18 7. The Authority shall have the following powers:

19 a. To adopt and from time to time amend and repeal bylaws for
20 the regulation of its affairs and the conduct of its business;

21 b. To adopt and use an official seal and alter it at its pleasure;

22 c. To maintain an office at a place or places within the State as it
23 may designate;

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

25 e. To appoint, retain and employ, without regard to the
26 provisions of Title 11A of the New Jersey Statutes but within the
27 limits of funds appropriated or otherwise made available for such
28 purposes, such officers, agents, employees, engineers and experts as
29 it may require, and to determine the qualifications, terms of office,
30 duties, services and compensation therefor;

31 f. To acquire, construct, maintain, operate and support projects;

32 g. To assist in the planning and implementation of projects at
33 Fort Monmouth to benefit the surrounding communities and the
34 entire State, in conjunction with federal, State, local, and other
35 public entities, as appropriate;

36 h. To appoint advisory boards, commissions, councils, or panels
37 to assist in its activities;

38 i. To issue bonds or notes of the authority for the purposes of
39 this act and to provide for the rights of the holders thereof as
40 provided in this act;

41 j. To set and collect rents, fees, charges or other payments for
42 the lease, use, occupancy or disposition of properties owned or
43 leased by the authority. Any revenues collected shall be available
44 to the authority for use in furtherance of any of the purposes of this
45 act;

46 k. To acquire, lease as lessee or lessor, own, rent, use, hold and
47 dispose of real property and personal property or any interest

S1049 KYRILLOS

1 therein, in the exercise of its powers and the performance of its
2 duties under this act;

3 1. To apply for, receive and accept from any federal, State, or
4 other public or private source, grants or loans for, or in aid of, the
5 authority's authorized purposes.

6
7 8. a. There is established a Fort Monmouth Governmental
8 Advisory Council, which shall act in an advisory capacity to the
9 authority throughout the redevelopment process. The council shall
10 consist of fifteen members, all of whom shall be residents of
11 Monmouth County, to be designated by the authority for terms of
12 four years.

13 b. (1) Eight members of the council shall constitute a quorum
14 for the transaction of council business. Action may be taken and
15 motions and resolutions adopted by the council at any meeting
16 thereof by the affirmative vote of a majority of those members of
17 the council in attendance.

18 (2) The council shall draft and adopt bylaws to govern the
19 proceedings of the council.

20 (3) The council shall elect from among its members a
21 chairperson and a vice-chairperson. The chairperson shall appoint a
22 secretary and treasurer.

23 c. (1) The council shall meet at the call of the chairperson of the
24 council or upon the concurrence of a majority of the full
25 membership of the council.

26 (2) Notice of the agenda for each meeting shall be mailed by the
27 chairperson to all members of the council at least seven calendar
28 days in advance of the date of the meeting .

29 d. (1) Members of the council shall serve without compensation.
30 The council may, within the limits of funds appropriated or
31 otherwise made available for such purposes, reimburse its members
32 for necessary expenses incurred in the discharge of their official
33 duties.

34 (2) The council may, within the limits of funds appropriated or
35 otherwise made available for such purposes, appoint such staff or
36 hire such experts as it may require.

37 e. The authority shall submit to the council, for review, prior to
38 final authority action thereon, the comprehensive conversion and
39 redevelopment plan, and any revisions thereto. The authority may
40 also submit to the council any other matter that the authority deems
41 advisable.

42 f. The council shall review all matters submitted to it by the
43 authority and shall state its position to the authority within 60 days
44 of the submission thereof.

45 g. The council may make recommendations to the authority on
46 any matters it deems advisable whether or not the matter was
47 submitted to the council by the authority. Members of the council

1 may provide comments to the authority regarding the
2 recommendations.

3

4 9. The authority shall prepare a comprehensive conversion and
5 redevelopment plan for the property and facilities located at Fort
6 Monmouth, to be approved by no fewer than six of the nine voting
7 members of the authority. Such plan shall be periodically revised
8 and updated, and shall include, but need not be limited to:

9 a. A comprehensive study of all issues related to the closure,
10 conversion, redevelopment, and future use of Fort Monmouth. This
11 study shall have as a primary concern the impact of the closure and
12 redevelopment of Fort Monmouth on the economies, environment,
13 and quality of life of the affected communities and the State.

14 b. A review of all options relative to the most appropriate use of
15 Fort Monmouth, including but not limited to:

16 (1) High technology and communications;

17 (2) Transportation and utilities;

18 (3) Housing;

19 (4) Recreation and open space conservation;

20 (5) Federal, State, or local government uses;

21 (6) Commercial and retail development; and

22 (7) Other potential economic development and redevelopment
23 uses consistent with the stated purpose of the authority.

24 c. An assessment of scenic, aesthetic, cultural, open space and
25 outdoor recreation resources of the area, together with a
26 determination of how such resources may be enhanced and
27 maintained.

28 d. A revenue source analysis that examines available sources of
29 funding to support reuse and redevelopment projects, including but
30 not limited to:

31 (1) The issuance of bonds by the authority;

32 (2) Grants, loans, or matching funds from federal, State, or other
33 public or private sources; and

34 (3) Other funding sources.

35

36 10. Upon the adoption thereof, the authority shall submit the
37 comprehensive plan for the conversion and redevelopment of Fort
38 Monmouth to the appropriate agency or agencies of the federal
39 government. The authority shall also submit the plan to the
40 Governor and the Legislature.

41

42 11. This act shall take effect immediately.

43

44

STATEMENT

45

46 This bill creates the Fort Monmouth Redevelopment Authority to
47 plan and implement the redevelopment of Fort Monmouth after its

S1049 KYRILLOS

1 closure by the federal government in the Base Realignment and
2 Closure (BRAC) process.

3 The bill also establishes a Fort Monmouth Governmental
4 Advisory Council to make recommendations to the authority and to
5 review matters that the authority submits to it.

6 The closure and redevelopment of Fort Monmouth is a matter of
7 great concern for the host communities of Eatontown, Oceanport,
8 and Tinton Falls. The economies, environment, and quality of life
9 of those communities, as well as the State, therefore depend on the
10 efficient and proper redevelopment of Fort Monmouth. The
11 authority will prepare and adopt a comprehensive conversion and
12 redevelopment plan in a manner that will promote, develop,
13 encourage, and maintain employment, commerce, economic
14 development and the public welfare, conserve the natural resources
15 of the State, and advance the general prosperity and economic
16 welfare of the people in the affected communities and the entire
17 State.

18 This plan, to be submitted upon its completion to the federal
19 government, as well as the Governor and the Legislature, will
20 include a study of all issues related to the closure and future use of
21 Fort Monmouth, a review of all options relative to the most
22 appropriate use of Fort Monmouth, and the analysis of possible
23 revenue sources to support redevelopment and reuse projects.

SENATE, No. 1472

STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED FEBRUARY 27, 2006

Sponsored by:

Senator ELLEN KARCHER

District 12 (Mercer and Monmouth)

Senator JOSEPH M. KYRILLOS, JR.

District 13 (Middlesex and Monmouth)

SYNOPSIS

“Fort Monmouth Economic Revitalization Authority Act.”

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT creating the Fort Monmouth Economic Revitalization
2 Authority and supplementing Title 52 of the Revised Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. This act shall be known and may be cited as the “Fort
8 Monmouth Economic Revitalization Authority Act.”

9
10 2. The Legislature hereby finds and declares that the closure and
11 revitalization of Fort Monmouth is a matter of great concern for the
12 host communities of Eatontown, Oceanport, and Tinton Falls; for
13 Monmouth County; and for the entire State of New Jersey.

14 The Legislature further finds and declares that the economies,
15 environment, and quality of life of the affected communities and the
16 State will depend on the efficient and proper revitalization of Fort
17 Monmouth. It is therefore in the public interest and the interest of
18 the State to create a revitalization authority to implement a
19 comprehensive conversion and revitalization plan for Fort
20 Monmouth that will enhance the creation of employment and other
21 business opportunities for the benefit of the host communities and
22 the entire State.

23 The Legislature has determined that to provide for the proper
24 planning, implementation, and oversight of the revitalization of Fort
25 Monmouth, a corporate agency of the State shall be created with the
26 necessary powers to accomplish these purposes.

27
28 3. The following words or terms as used in this act shall have
29 the following meaning unless a different meaning clearly appears
30 from the context:

31 "Act" means the “Fort Monmouth Economic Revitalization
32 Authority Act.”

33 "Authority" means the Fort Monmouth Economic Revitalization
34 Authority created by section 4 of this act.

35 "Bond" means any bond or note issued by the authority pursuant
36 to this act.

37 “Comprehensive conversion and revitalization plan” means the
38 plan prepared and adopted by the authority pursuant to section 12 of
39 this act.

40 “Federal government” means the United States of America, and
41 any officer, department, board, commission, bureau, division,
42 corporation, agency or instrumentality thereof.

43 “Fort Monmouth” means the federally owned or operated
44 military installation located in the municipalities of Eatontown,
45 Oceanport, and Tinton Falls in Monmouth County that, as of May
46 13, 2005, was functioning, but was scheduled for closure by
47 recommendation of the federal Base Realignment and Closure
48 Commission issued on that date, including any facilities or real or

1 personal property, as conveyed, or to be conveyed, in one or more
2 parcels, by the federal government to the authority.

3 "Project" means (1) the acquisition, construction, reconstruction,
4 redevelopment, historic restoration, preservation, repair, alteration,
5 improvement or extension of any building, structure or facility,
6 public area or open space, or (2) the acquisition and improvement
7 of real estate and the extension or provision of utilities, access roads
8 and other appurtenant facilities in connection therewith, provided
9 that the work undertaken is consistent with the comprehensive
10 conversion and revitalization plan adopted pursuant to section 12 of
11 this act; a project may also include planning, designing, acquiring,
12 constructing, reconstructing or otherwise improving a building,
13 structure, or facility and extension or provision of utilities, access
14 roads, and other appurtenant facilities in connection therewith, or
15 any revitalization undertaken by any person pursuant to this act.

16 "Revitalization" means a program of renewal through planning,
17 conservation, rehabilitation, clearance, development and
18 redevelopment, preservation, and historic restoration; the
19 construction and rehabilitation of commercial, industrial, public, or
20 other structures; and the grant, dedication, or rededication of land as
21 may be appropriate or necessary in the interest of the general
22 welfare for streets, parks, playgrounds, open space or other public
23 purposes, including recreational and other facilities appurtenant
24 thereto.

25

26 4. There is hereby established in the Department of the Treasury
27 a public body corporate and politic, with corporate succession, to be
28 known as the "Fort Monmouth Economic Revitalization Authority."
29 The authority is hereby constituted as an instrumentality of the State
30 exercising public and essential government functions to provide for
31 the public safety, convenience, benefit, and welfare. The exercise
32 by the authority of the powers conferred by this act shall be deemed
33 and held to be an essential government function of the State. For
34 the purpose of complying with the provisions of Article V, Section
35 IV, paragraph 1 of the New Jersey Constitution, the authority is
36 allocated within the Department of the Treasury, but
37 notwithstanding that allocation, the authority shall be independent
38 of any supervision or control by the department or any board or
39 officer thereof, except as may be provided in this act.

40

41 5. It shall be the purpose of the authority created under this act
42 to develop and implement a comprehensive conversion and
43 revitalization plan for the territory encompassed by Fort Monmouth
44 in a manner that will promote, develop, encourage, and maintain
45 employment, commerce, economic development, and the public
46 welfare; conserve the natural resources of the State; and advance
47 the general prosperity and economic welfare of the people in the
48 affected communities and the entire State by:

1 a. Administering in a manner consistent with the purpose of the
2 authority the assets transferred to the authority by the federal
3 government, including facilities and other real or personal property,
4 located at Fort Monmouth;

5 b. Entering into necessary agreements with the federal
6 government for the operation of the facilities comprising Fort
7 Monmouth;

8 c. Operating or contracting with others to operate enterprises and
9 other facilities located at Fort Monmouth; and

10 d. Cooperating and acting in conjunction with other
11 organizations, public and private, to promote and advance the
12 economic use of the facilities located at Fort Monmouth.

13

14 6. a. The authority shall consist of ten members to be appointed
15 and qualified as follows:

16 (1) Four members appointed by the Governor with the advice
17 and consent of the Senate, for terms of four years, two of whom
18 shall be representatives of the private sector with relevant business
19 experience or background; one of whom shall be an individual who
20 is knowledgeable in environmental protection, conservation and
21 land use issues and one of whom shall be a labor representative
22 with appropriate experience in workforce development and job
23 training. At least two of the members shall be residents of
24 Monmouth County. Not more than two of the members appointed
25 by the Governor shall be members of the same political party;

26 (2) The Chief Executive Officer and Secretary of the New
27 Jersey Commerce, Economic Growth, and Tourism Commission, ex
28 officio and voting;

29 (3) One member, who shall be a resident of Monmouth County,
30 to be appointed by the Monmouth County Board of Chosen
31 Freeholders for a term of four years, who shall be either:

32 (a) a member of the board, or

33 (b) a qualified person, who shall be nominated by the board,
34 with relevant business experience or background;

35 (4) The mayors of Eatontown, Oceanport, and Tinton Falls, ex
36 officio and voting; and

37 (5) A representative of Fort Monmouth, to be appointed by the
38 Secretary of the United States Department of Defense, who shall be
39 a non-voting member.

40 Each member appointed by the Governor and the member
41 appointed by the Board of Chosen Freeholders shall hold office for
42 the term of that member's appointment and until a successor shall
43 have been appointed and qualified. A member shall be eligible for
44 reappointment. Any vacancy in the membership occurring other
45 than by expiration of term shall be filled in the same manner as the
46 original appointment but for the unexpired term only.

47 In the appointment of members of the authority, consideration
48 should be given to achieving a membership of high quality and

1 varied experience, with special emphasis on the fields of economic
2 development, finance, high technology, and land use.

3 b. Each ex officio member of the authority may designate an
4 employee of the member's department or office to represent the
5 member at meetings of the authority. The designee of an ex officio
6 member may act on behalf of the member. The designation shall be
7 in writing and shall be delivered to the authority and shall be
8 effective until revoked or amended by a writing to the authority.

9 c. Each appointed member may be removed from office by the
10 Governor for cause, after a public hearing, and may be suspended
11 by the Governor pending the completion of that hearing. Each such
12 member, before entering the duties of membership, shall take and
13 subscribe an oath to perform those duties faithfully, impartially, and
14 justly to the best of the person's ability. A record of those oaths
15 shall be filed in the office of the Secretary of State.

16 d. The members of the authority shall elect a chairperson and
17 vice-chairperson from among their members. The chairperson shall
18 appoint a secretary and treasurer. The powers of the authority shall
19 be vested in the voting members thereof in office from time to time;
20 five voting members of the authority shall constitute a quorum, and
21 the affirmative vote of five members shall be necessary for any
22 action taken by the authority, except as provided under subsection
23 e. of this section and section 12 of this act, or unless the bylaws of
24 the authority shall require a larger number. No vacancy in the
25 membership of the authority shall impair the right of a quorum to
26 exercise all the rights and perform all the duties of the authority.

27 e. The affirmative vote of six members shall be required for the
28 following actions taken by the authority:

29 (1) actions taken under subsections a., e., i. and l. of section 7 of
30 this act;

31 (2) actions taken under subsection f., j. and k. of section 7 of this
32 act when real or personal property acquired or disposed of has a
33 value in excess of \$100,000 or the property is leased or rented for a
34 rent or payment in excess of \$20,000 annually or when projects are
35 undertaken with a value in excess of \$20,000;

36 (3) expenditures by the authority, including the annualized value
37 of any actions taken pursuant to subsection e. of section 7 of this
38 act, in excess of \$20,000;

39 (4) the election of a chairperson and vice-chairperson of the
40 authority; and

41 (5) initiation of suit or other legal action by the authority.

42 f. The members of the authority shall serve without
43 compensation, but the authority may, within the limits of funds
44 appropriated or otherwise made available for such purposes,
45 reimburse its members for necessary expenses incurred in the
46 discharge of their official duties.

47 g. No member, officer, employee or agent of the Fort Monmouth
48 Economic Revitalization Authority shall have an interest, either

1 directly or indirectly, in any project, employment agreement or any
2 contract, sale, purchase, lease, or transfer of real or personal
3 property to which the Fort Monmouth Economic Revitalization
4 Authority is a party.

5 h. The authority may be dissolved by act of the Legislature on
6 condition that the authority has no debts or obligations outstanding
7 or provision has been made for the payment, retirement,
8 termination, or assumption of its debts and obligations. Upon
9 dissolution of the authority, all property, funds, and assets thereof
10 shall be vested in the State.

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

31

32 7. The authority shall have the following powers:

33 a. To adopt and from time to time amend and repeal bylaws for
34 the regulation of its affairs and the conduct of its business;

35 b. To adopt and use an official seal and alter it at its pleasure;

36 c. To maintain an office at a place or places within the State as it
37 may designate;

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

39 e. To appoint, retain, and employ, without regard to the
40 provisions of Title 11A of the New Jersey Statutes but within the
41 limits of funds appropriated or otherwise made available for such
42 purposes, such officers, agents, employees, engineers, and experts
43 as it may require, and to determine the qualifications, terms of
44 office, duties, services, and compensation therefor;

45 f. To acquire, construct, maintain, operate, and support projects;

46 g. To assist in the planning and implementation of projects at
47 Fort Monmouth to benefit the surrounding communities and the

- 1 entire State, in conjunction with federal, State, local, and other
2 public entities, as appropriate;
- 3 h. To appoint advisory boards, commissions, councils, or panels
4 to assist in its activities;
- 5 i. To issue bonds or notes of the authority for the purposes of
6 this act and to provide for the rights of the holders thereof as
7 provided in this act;
- 8 j. To set and collect rents, fees, charges, or other payments for
9 the lease, use, occupancy, or disposition of properties owned or
10 leased by the authority. Any revenues collected shall be available
11 to the authority for use in furtherance of any of the purposes of this
12 act;
- 13 k. To acquire, lease as lessee or lessor, own, rent, use, hold, and
14 dispose of real property and personal property or any interest
15 therein, in the exercise of its powers and the performance of its
16 duties under this act;
- 17 l. To apply for, receive, and accept from any federal, State, or
18 other public or private source, grants or loans for, or in aid of, the
19 authority's authorized purposes.
20
- 21 8. a. All purchases, contracts or agreements made pursuant to
22 this act shall be made or awarded directly by the authority, except
23 as otherwise provided in this act, only after public advertisement for
24 bids therefor in the manner provided by the authority and
25 notwithstanding the provisions of any other laws to the contrary.
- 26 b. Any purchase, contract or agreement may be made,
27 negotiated or awarded by the authority without public bid or
28 advertising under the following circumstances:
- 29 (1) When the aggregate amount involved does not exceed the
30 amount set forth in, or the amount calculated by the Governor
31 pursuant to, section 2 of P.L.1954, c.48 (C.52:34-7);
- 32 (2) To acquire subject matter which is described in section 4 of
33 P.L.1954, c.48 (C.52:34-9);
- 34 (3) To make a purchase or award or make a contract or
35 agreement under the circumstances described in section 5 of
36 P.L.1954, c.48 (C.52:34-10);
- 37 (4) When the contract to be entered into is for the furnishing or
38 performing of services of a professional or technical nature or for
39 the supplying of any product or the rendering of any service by a
40 public utility;
- 41 (5) When the authority deems it appropriate to have any work
42 performed by its own employees;
- 43 (6) When the authority has advertised for bids on two occasions
44 and has received no bids on both occasions in response to its
45 advertisement, or received no responsive bids. Any purchase,
46 contract or agreement may then be negotiated and may be awarded
47 to any contractor or supplier determined to be responsible provided
48 that the terms, conditions, restrictions and specifications set forth in

1 the negotiated contract or agreement are not substantially different
2 from those which were the subject of competitive bidding;

3 (7) When a piece of equipment or part thereof requires
4 diagnostic repairs;

5 (8) The printing of bonds and documents necessary to the
6 issuance and sale thereof;

7 (9) When a purchase is to be made through or by the Director of
8 the Division of Purchase and Property pursuant to section 1 of
9 P.L.1959, c.40 (C.52:27B-56.1), or through a contract made by any
10 of the following: the New Jersey Sports and Exposition Authority
11 established under section 4 of P.L.1971, c.137 (C.5:10-4); the New
12 Jersey Meadowlands Commission established under section 5 of
13 P.L.1968, c.404 (C.13:17-5); the New Jersey Turnpike Authority
14 established under section 3 of P.L.1948, c.454 (C.27:23-3); the New
15 Jersey Water Supply Authority established under section 4 of
16 P.L.1981, c.293 (C.58:1B-4); the Port Authority of New York and
17 New Jersey established under R.S.32:1-4; the Delaware River Port
18 Authority established under R.S.32:3-2; the Higher Education
19 Student Assistance Authority established under N.J.S.18A:71A-3.

20 When the contract to be entered into is for the furnishing or
21 performing of services of a professional or technical nature under
22 paragraph (4) of this subsection, the contract shall be made or
23 awarded directly by the authority after the solicitation of requests
24 for proposals in the manner provided by the authority and
25 notwithstanding any other laws to the contrary.

26 c. With regard to the appointment and employment of
27 employees under subsection e. of section 7 of this act who are to
28 receive an annualized salary or wage in excess of \$10,000, the
29 authority shall solicit applications for employment by public
30 advertisement.

31

32 9. a. In addition to complying with the applicable provisions of
33 the State "Pay-to-Play" law, P.L. 2005, c.51 (C.19:44A-20.13 et
34 seq.), the authority shall not enter into a contract having an
35 anticipated value in excess of \$17,500, as determined in advance
36 and certified in writing by the authority, with a business entity, if,
37 on or after September 1, 2004, or 18 months prior to the
38 dissemination of the request for proposals, the business entity has
39 made a contribution that is reportable by the recipient under
40 P.L.1973, c.83 (C.19:44A-1 et seq.) to the candidate committee of
41 any person serving as a member of the authority when the contract
42 is awarded or to the State, county or municipal committee of the
43 political party to which any person serving as a member of the
44 authority belongs when the contract is awarded.

45 A business entity that has entered into a contract, having a value
46 in excess of \$17,500, with the authority, shall not make, during the
47 duration of the contract, a contribution that is reportable by the
48 recipient under P.L.1973, c.83 to the candidate committee of any

1 person serving as a member of the authority or to the State, county
2 or municipal committee of the political party to which any person
3 serving as a member of the authority belongs.

4 b. As used in this section, "business entity" shall have the
5 meaning prescribed by section 5 of P.L.2005, c.51 (C.19:44A-
6 20.17).

7
8 10. The authority shall not enter into an employment
9 relationship with any person if, on or after September 1, 2004, that
10 person has made a contribution that is reportable by the recipient
11 under P.L.1973, c.83 (C.19:44A-1 et seq.) to the candidate
12 committee of any person serving as a member of the authority or to
13 a State, county or municipal committee of the political party to
14 which any person serving as a member of the authority belongs
15 when the employment relationship is entered into.

16 An employee of the authority shall not make a contribution that
17 is reportable by the recipient under P.L.1973, c.83 to the candidate
18 committee of any person serving as a member of the authority or to
19 a State, county or municipal committee of the political party to
20 which any person serving as a member of the authority belongs.

21
22 11. The authority shall establish advisory committees in the
23 following areas and in such other areas as it deems appropriate:
24 infrastructure, housing, education, economic matters and workforce
25 development, historical, and environmental. In addition, an
26 advisory committee shall be established to solicit public comment
27 by holding hearings and public meetings and taking other measures
28 to gauge public opinion on matters under the authority's
29 jurisdiction. The membership of the committees shall be
30 determined by the authority. Each committee shall work with
31 consultants qualified to advise the committee in the committee's
32 area of jurisdiction. Each committee shall submit a report on its
33 activities to the authority. The authority shall consider the reports
34 of the committees in preparing the conversion and revitalization
35 plan required by section 12 of this act.

36
37 12. The authority shall prepare a comprehensive conversion and
38 revitalization plan for the property and facilities located at Fort
39 Monmouth, to be approved by no fewer than six of the nine voting
40 members of the authority. Prior to the adoption of such plan by the
41 authority, the authority shall consult with the planning and zoning
42 boards, as appropriate, of the host communities of Eatontown,
43 Oceanport and Tinton Falls, with respect to those portions of the
44 Fort Monmouth property located within such host communities.
45 Such plan shall be periodically revised and updated, and shall
46 include, but need not be limited to:

47 a. A comprehensive study of all issues related to the closure,
48 conversion, revitalization, and future use of Fort Monmouth. This

1 study shall have as a primary concern the impact of the closure and
2 revitalization of Fort Monmouth on the economies, workforce,
3 environment, and quality of life of the affected communities and the
4 State.

5 b. A review of all options relative to the most appropriate use of
6 Fort Monmouth, including but not limited to:

- 7 (1) High technology and communications;
- 8 (2) Transportation and utilities;
- 9 (3) Housing;
- 10 (4) Recreation and open space conservation;
- 11 (5) Federal, State, or local government uses;
- 12 (6) Commercial and retail development; and
- 13 (7) Other potential economic development and revitalization uses
14 consistent with the stated purpose of the authority.

15 c. An assessment of scenic, aesthetic, cultural, open space, and
16 outdoor recreation resources of the area, together with a
17 determination of how such resources may be enhanced and
18 maintained.

19 d. A revenue source analysis that examines available sources of
20 funding to support reuse and revitalization projects, including but
21 not limited to:

- 22 (1) The issuance of bonds by the authority; and
- 23 (2) Grants, loans, or matching funds from federal, State, or other
24 public or private sources.

25 e. The plan shall not include any proposed State or federal
26 correctional institutions to be located in whole or in part on
27 property and facilities located at Fort Monmouth.

28
29 13. Upon the adoption thereof, the authority shall submit the
30 comprehensive plan for the conversion and revitalization of Fort
31 Monmouth to the appropriate agency or agencies of the federal
32 government. The authority shall also submit the plan to the
33 Governor and, pursuant to section 2 of P.L.1991,c.164 (C.52:14-
34 19.1), to the Legislature.

35
36 14. This act shall take effect immediately.

37

38

39

STATEMENT

40

41 This bill, entitled the "Fort Monmouth Economic Revitalization
42 Authority Act," creates the Fort Monmouth Economic
43 Revitalization Authority to plan and implement the revitalization of
44 Fort Monmouth after its closure by the federal government in the
45 Base Realignment and Closure (BRAC) process.

46 The bill also provides that the authority is to establish advisory
47 committees to make reports to the authority to be considered by the

1 authority in the preparation of the conversion and revitalization
2 plan.

3 The closure and revitalization of Fort Monmouth is a matter of
4 great concern for the host communities of Eatontown, Oceanport,
5 and Tinton Falls. The economies, environment, and quality of life
6 of those communities, as well as the State, therefore depend on the
7 efficient and proper revitalization of Fort Monmouth. The authority
8 will prepare and adopt a comprehensive conversion and
9 revitalization plan in a manner that will promote, develop,
10 encourage, and maintain employment, commerce, economic and
11 workforce development and the public welfare, conserve the natural
12 resources of the State, and advance the general prosperity and
13 economic welfare of the people in the affected communities and the
14 entire State.

15 This plan, to be submitted upon its completion to the federal
16 government, as well as the Governor and the Legislature, will
17 include a study of all issues related to the closure and future use of
18 Fort Monmouth, a review of all options relative to the most
19 appropriate use of Fort Monmouth, and an analysis of possible
20 revenue sources to support revitalization and reuse projects.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 1049 and 1472**

STATE OF NEW JERSEY

DATED: MARCH 6, 2006

The Senate Economic Growth Committee reports favorably a Senate Committee Substitute for Senate Bill Nos. 1049 and 1472.

This bill, as substituted, entitled the "Fort Monmouth Economic Revitalization Planning Authority Act," creates the Fort Monmouth Economic Revitalization Planning Authority ("authority") to develop a comprehensive conversion and revitalization plan ("plan") for Fort Monmouth after its closure by the federal government in the Base Realignment and Closure (BRAC) process.

The substitute bill provides that the authority is to consist of ten members to be appointed and qualified as follows:

(1) Four members appointed by the Governor with the advice and consent of the Senate, for terms of four years, two of whom shall be representatives of the private sector with relevant business experience or background; one of whom shall be an individual who is knowledgeable in environmental protection, conservation and land use issues and one of whom shall be a labor representative with appropriate experience in workforce development and job training. At least two of the members shall be residents of Monmouth County. Not more than two of the members appointed by the Governor shall be members of the same political party;

(2) The Chief Executive Officer and Secretary of the New Jersey Commerce, Economic Growth and Tourism Commission, ex officio and voting;

(3) One member, who shall be a resident of Monmouth County, to be appointed by the Monmouth County Board of Chosen Freeholders for a term of four years, who shall be either:

- (a) a member of the board, or
- (b) a qualified person, who shall be nominated by the board, with relevant business experience or background;

(4) The mayors of Eatontown, Oceanport, and Tinton Falls, ex officio and voting; and

(5) A representative of Fort Monmouth, to be appointed by the Secretary of the United States Department of Defense, who shall be a non-voting member.

The substitute bill provides that the authority is to have the following powers:

(1) To adopt and from time to time amend and repeal bylaws for the regulation of its affairs and the conduct of its business;

(2) To adopt and use an official seal and alter it at its pleasure;

(3) To maintain an office at a place or places within the State as it may designate;

(4) To sue and be sued in its own name;

(5) To appoint, retain, and employ, without regard to the provisions of Title 11A of the New Jersey Statutes but within the limits of funds appropriated or otherwise made available for such purposes, such officers, agents, employees, engineers, and experts as it may require, and to determine the qualifications, terms of office, duties, services, and compensation therefor;

(6) To assist in the planning of Fort Monmouth to benefit the surrounding communities and the entire State, in conjunction with federal, State, local, and other public entities, as appropriate;

(7) To appoint advisory committees to assist in its activities;

(8) To provide that any revenues collected shall be available to the authority for use in furtherance of any of the purposes of this act;

(9) To lease as lessee, lease as lessor whether as a titleholder or not, own, rent, use, and take and hold title to, and collect rent from, real property and personal property or any interest therein, in the exercise of its powers and the performance of its duties under this act, provided that, prior to taking and holding title to such property, the authority may enter into an interim lease with an entity that is not established by the federal government or any entity thereof, for a period of no more than five years; and

(10) To apply for, receive, and accept from any federal, State, or other public or private source, grants or loans for, or in aid of, the authority's authorized purposes.

The authority is to prepare and adopt the plan in a manner that is to promote, develop, encourage, and maintain employment, commerce, economic and workforce development, and the public welfare, conserve the natural resources of the State, and advance the general prosperity and economic welfare of the people in the affected communities and the entire State.

The substitute bill provides that, with limited exceptions, the authority may award contracts only after public advertisement for bids. It also provides that, in addition to complying with P.L.2005, c.51 (informally referred to as the "pay-to-play" law), the authority shall not award a contract valued at more than \$17,500 to a business that has made a campaign contribution to a candidate committee of an authority, member, or a committee of a member's political party.

The substitute bill provides that the advisory committees appointed by the authority are to make reports to the authority to be considered by the authority in the preparation of the plan.

The authority is to prepare an economic revitalization study of all issues related to the closure and future use of Fort Monmouth, a review of all options relative to the most appropriate use of Fort Monmouth, and an analysis of possible revenue sources to support revitalization and reuse projects.

Upon the completion and final adoption of the plan, the plan is to be submitted to the federal government, the Governor, the Legislature, and the clerks of the constituent municipalities and Monmouth County.

The closure and revitalization of Fort Monmouth is a matter of great concern for the host communities of Eatontown, Oceanport, and Tinton Falls. The economies, environment, and quality of life of those communities, as well as the State, therefore depend on the efficient and proper revitalization of Fort Monmouth.

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 1049 and 1472

with Assembly Floor Amendments
(Proposed By Assemblyman PANTER)

ADOPTED: MARCH 16, 2006

The amendments add language to section 6 of the bill expressing a preference for Gubernatorial appointees to the authority to have a background in technology, finance, or real estate.

The amendments also add a provision clarifying that employees of the authority, or employees in any project to which the authority is a party, shall be paid not less than the prevailing wage rate for the worker's craft or trade pursuant to the prevailing wage act.

The amendments also clarify that among the officers, agents, employees, engineers, and experts that the authority may employ are attorneys, and make technical changes to statutory cross references and the numbering of the sections of the bill.

ASSEMBLY, No. 2692

STATE OF NEW JERSEY

212th LEGISLATURE

INTRODUCED FEBRUARY 27, 2006

Sponsored by:

Assemblyman MICHAEL J. PANTER
District 12 (Mercer and Monmouth)
Assemblyman JOHN J. BURZICHELLI
District 3 (Salem, Cumberland and Gloucester)
Assemblyman SAMUEL D. THOMPSON
District 13 (Middlesex and Monmouth)
Assemblyman SEAN T. KEAN
District 11 (Monmouth)

Co-Sponsored by:

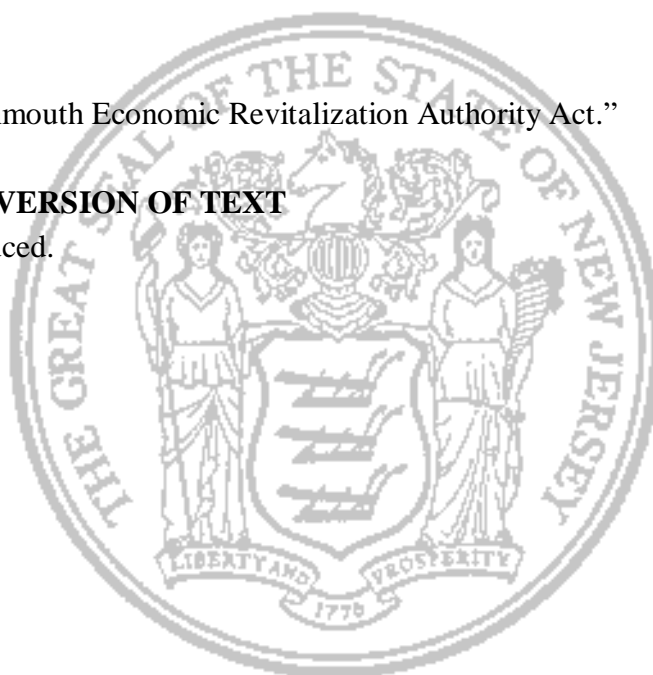
Assemblymen Manzo, McKeon, Gordon, Scalera, Epps, Assemblywoman Cruz-Perez, Assemblymen Prieto, Gusciora, Whelan, Assemblywomen Greenstein, Beck, Assemblymen Connors, Conaway and Hackett

SYNOPSIS

“Fort Monmouth Economic Revitalization Authority Act.”

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/10/2006)

1 AN ACT creating the Fort Monmouth Economic Revitalization
2 Authority and supplementing Title 52 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. This act shall be known and may be cited as the “Fort
8 Monmouth Economic Revitalization Authority Act.”

9
10 2. The Legislature hereby finds and declares that the closure and
11 revitalization of Fort Monmouth is a matter of great concern for the
12 host communities of Eatontown, Oceanport, and Tinton Falls; for
13 Monmouth County; and for the entire State of New Jersey.

14 The Legislature further finds and declares that the economies,
15 environment, and quality of life of the affected communities and the
16 State will depend on the efficient and proper revitalization of Fort
17 Monmouth. It is therefore in the public interest and the interest of
18 the State to create a revitalization authority to implement a
19 comprehensive conversion and revitalization plan for Fort
20 Monmouth that will enhance the creation of employment and other
21 business opportunities for the benefit of the host communities and
22 the entire State.

23 The Legislature has determined that to provide for the proper
24 planning, implementation, and oversight of the revitalization of Fort
25 Monmouth, a corporate agency of the State shall be created with the
26 necessary powers to accomplish these purposes.

27
28 3. The following words or terms as used in this act shall have
29 the following meaning unless a different meaning clearly appears
30 from the context:

31 "Act" means the “Fort Monmouth Economic Revitalization
32 Authority Act.”

33 "Authority" means the Fort Monmouth Economic Revitalization
34 Authority created by section 4 of this act.

35 "Bond" means any bond or note issued by the authority pursuant
36 to this act.

37 “Comprehensive conversion and revitalization plan” means the
38 plan prepared and adopted by the authority pursuant to section 12 of
39 this act.

40 “Federal government” means the United States of America, and
41 any officer, department, board, commission, bureau, division,
42 corporation, agency or instrumentality thereof.

43 “Fort Monmouth” means the federally owned or operated
44 military installation located in the municipalities of Eatontown,
45 Oceanport, and Tinton Falls in Monmouth County that, as of May
46 13, 2005, was functioning, but was scheduled for closure by
47 recommendation of the federal Base Realignment and Closure
48 Commission issued on that date, including any facilities or real or

1 personal property, as conveyed, or to be conveyed, in one or more
2 parcels, by the federal government to the authority.

3 "Project" means (1) the acquisition, construction, reconstruction,
4 redevelopment, historic restoration, preservation, repair, alteration,
5 improvement or extension of any building, structure or facility,
6 public area or open space, or (2) the acquisition and improvement
7 of real estate and the extension or provision of utilities, access roads
8 and other appurtenant facilities in connection therewith, provided
9 that the work undertaken is consistent with the comprehensive
10 conversion and revitalization plan adopted pursuant to section 12 of
11 this act; a project may also include planning, designing, acquiring,
12 constructing, reconstructing or otherwise improving a building,
13 structure, or facility and extension or provision of utilities, access
14 roads, and other appurtenant facilities in connection therewith, or
15 any revitalization undertaken by any person pursuant to this act.

16 "Revitalization" means a program of renewal through planning,
17 conservation, rehabilitation, clearance, development and
18 redevelopment, preservation, and historic restoration; the
19 construction and rehabilitation of commercial, industrial, public, or
20 other structures; and the grant, dedication, or rededication of land as
21 may be appropriate or necessary in the interest of the general
22 welfare for streets, parks, playgrounds, open space or other public
23 purposes, including recreational and other facilities appurtenant
24 thereto.

25

26 4. There is hereby established in the Department of the Treasury
27 a public body corporate and politic, with corporate succession, to be
28 known as the "Fort Monmouth Economic Revitalization Authority."
29 The authority is hereby constituted as an instrumentality of the State
30 exercising public and essential government functions to provide for
31 the public safety, convenience, benefit, and welfare. The exercise
32 by the authority of the powers conferred by this act shall be deemed
33 and held to be an essential government function of the State. For
34 the purpose of complying with the provisions of Article V, Section
35 IV, paragraph 1 of the New Jersey Constitution, the authority is
36 allocated within the Department of the Treasury, but
37 notwithstanding that allocation, the authority shall be independent
38 of any supervision or control by the department or any board or
39 officer thereof, except as may be provided in this act.

40

41 5. It shall be the purpose of the authority created under this act
42 to develop and implement a comprehensive conversion and
43 revitalization plan for the territory encompassed by Fort Monmouth
44 in a manner that will promote, develop, encourage, and maintain
45 employment, commerce, economic development, and the public
46 welfare; conserve the natural resources of the State; and advance
47 the general prosperity and economic welfare of the people in the
48 affected communities and the entire State by:

1 a. Administering in a manner consistent with the purpose of the
2 authority the assets transferred to the authority by the federal
3 government, including facilities and other real or personal property,
4 located at Fort Monmouth;

5 b. Entering into necessary agreements with the federal
6 government for the operation of the facilities comprising Fort
7 Monmouth;

8 c. Operating or contracting with others to operate enterprises and
9 other facilities located at Fort Monmouth; and

10 d. Cooperating and acting in conjunction with other
11 organizations, public and private, to promote and advance the
12 economic use of the facilities located at Fort Monmouth.

13

14 6. a. The authority shall consist of ten members to be appointed
15 and qualified as follows:

16 (1) Four members appointed by the Governor with the advice
17 and consent of the Senate, for terms of four years, two of whom
18 shall be representatives of the private sector with relevant business
19 experience or background; one of whom shall be an individual who
20 is knowledgeable in environmental protection, conservation and
21 land use issues and one of whom shall be a labor representative
22 with appropriate experience in workforce development and job
23 training. At least two of the members shall be residents of
24 Monmouth County. Not more than two of the members appointed
25 by the Governor shall be members of the same political party;

26 (2) The Chief Executive Officer and Secretary of the New
27 Jersey Commerce, Economic Growth, and Tourism Commission, ex
28 officio and voting;

29 (3) One member, who shall be a resident of Monmouth County,
30 to be appointed by the Monmouth County Board of Chosen
31 Freeholders for a term of four years, who shall be either:

32 (a) a member of the board, or

33 (b) a qualified person, who shall be nominated by the board,
34 with relevant business experience or background;

35 (4) The mayors of Eatontown, Oceanport, and Tinton Falls, ex
36 officio and voting; and

37 (5) A representative of Fort Monmouth, to be appointed by the
38 Secretary of the United States Department of Defense, who shall be
39 a non-voting member.

40 Each member appointed by the Governor and the member
41 appointed by the Board of Chosen Freeholders shall hold office for
42 the term of that member's appointment and until a successor shall
43 have been appointed and qualified. A member shall be eligible for
44 reappointment. Any vacancy in the membership occurring other
45 than by expiration of term shall be filled in the same manner as the
46 original appointment but for the unexpired term only.

47 In the appointment of members of the authority, consideration
48 should be given to achieving a membership of high quality and

1 varied experience, with special emphasis on the fields of economic
2 development, finance, high technology, and land use.

3 b. Each ex officio member of the authority may designate an
4 employee of the member's department or office to represent the
5 member at meetings of the authority. The designee of an ex officio
6 member may act on behalf of the member. The designation shall be
7 in writing and shall be delivered to the authority and shall be
8 effective until revoked or amended by a writing to the authority.

9 c. Each appointed member may be removed from office by the
10 Governor for cause, after a public hearing, and may be suspended
11 by the Governor pending the completion of that hearing. Each such
12 member, before entering the duties of membership, shall take and
13 subscribe an oath to perform those duties faithfully, impartially, and
14 justly to the best of the person's ability. A record of those oaths
15 shall be filed in the office of the Secretary of State.

16 d. The members of the authority shall elect a chairperson and
17 vice-chairperson from among their members. The chairperson shall
18 appoint a secretary and treasurer. The powers of the authority shall
19 be vested in the voting members thereof in office from time to time;
20 five voting members of the authority shall constitute a quorum, and
21 the affirmative vote of five members shall be necessary for any
22 action taken by the authority, except as provided under subsection
23 e. of this section and section 12 of this act, or unless the bylaws of
24 the authority shall require a larger number. No vacancy in the
25 membership of the authority shall impair the right of a quorum to
26 exercise all the rights and perform all the duties of the authority.

27 e. The affirmative vote of six members shall be required for the
28 following actions taken by the authority:

29 (1) actions taken under subsections a., e., i. and l. of section 7 of
30 this act;

31 (2) actions taken under subsection f., j. and k. of section 7 of this
32 act when real or personal property acquired or disposed of has a
33 value in excess of \$100,000 or the property is leased or rented for a
34 rent or payment in excess of \$20,000 annually or when projects are
35 undertaken with a value in excess of \$20,000;

36 (3) expenditures by the authority, including the annualized value
37 of any actions taken pursuant to subsection e. of section 7 of this
38 act, in excess of \$20,000;

39 (4) the election of a chairperson and vice-chairperson of the
40 authority; and

41 (5) initiation of suit or other legal action by the authority.

42 f. The members of the authority shall serve without
43 compensation, but the authority may, within the limits of funds
44 appropriated or otherwise made available for such purposes,
45 reimburse its members for necessary expenses incurred in the
46 discharge of their official duties.

47 g. No member, officer, employee or agent of the Fort Monmouth
48 Economic Revitalization Authority shall have an interest, either

1 directly or indirectly, in any project, employment agreement or any
2 contract, sale, purchase, lease, or transfer of real or personal
3 property to which the Fort Monmouth Economic Revitalization
4 Authority is a party.

5 h. The authority may be dissolved by act of the Legislature on
6 condition that the authority has no debts or obligations outstanding
7 or provision has been made for the payment, retirement,
8 termination, or assumption of its debts and obligations. Upon
9 dissolution of the authority, all property, funds, and assets thereof
10 shall be vested in the State.

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

31

32 7. The authority shall have the following powers:

33 a. To adopt and from time to time amend and repeal bylaws for
34 the regulation of its affairs and the conduct of its business;

35 b. To adopt and use an official seal and alter it at its pleasure;

36 c. To maintain an office at a place or places within the State as it
37 may designate;

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

39 e. To appoint, retain, and employ, without regard to the
40 provisions of Title 11A of the New Jersey Statutes but within the
41 limits of funds appropriated or otherwise made available for such
42 purposes, such officers, agents, employees, engineers, and experts
43 as it may require, and to determine the qualifications, terms of
44 office, duties, services, and compensation therefor;

45 f. To acquire, construct, maintain, operate, and support projects;

46 g. To assist in the planning and implementation of projects at
47 Fort Monmouth to benefit the surrounding communities and the

- 1 entire State, in conjunction with federal, State, local, and other
2 public entities, as appropriate;
- 3 h. To appoint advisory boards, commissions, councils, or panels
4 to assist in its activities;
- 5 i. To issue bonds or notes of the authority for the purposes of
6 this act and to provide for the rights of the holders thereof as
7 provided in this act;
- 8 j. To set and collect rents, fees, charges, or other payments for
9 the lease, use, occupancy, or disposition of properties owned or
10 leased by the authority. Any revenues collected shall be available
11 to the authority for use in furtherance of any of the purposes of this
12 act;
- 13 k. To acquire, lease as lessee or lessor, own, rent, use, hold, and
14 dispose of real property and personal property or any interest
15 therein, in the exercise of its powers and the performance of its
16 duties under this act;
- 17 l. To apply for, receive, and accept from any federal, State, or
18 other public or private source, grants or loans for, or in aid of, the
19 authority's authorized purposes.
20
- 21 8. a. All purchases, contracts or agreements made pursuant to
22 this act shall be made or awarded directly by the authority, except
23 as otherwise provided in this act, only after public advertisement for
24 bids therefor in the manner provided by the authority and
25 notwithstanding the provisions of any other laws to the contrary.
- 26 b. Any purchase, contract or agreement may be made,
27 negotiated or awarded by the authority without public bid or
28 advertising under the following circumstances:
- 29 (1) When the aggregate amount involved does not exceed the
30 amount set forth in, or the amount calculated by the Governor
31 pursuant to, section 2 of P.L.1954, c.48 (C.52:34-7);
- 32 (2) To acquire subject matter which is described in section 4 of
33 P.L.1954, c.48 (C.52:34-9);
- 34 (3) To make a purchase or award or make a contract or
35 agreement under the circumstances described in section 5 of
36 P.L.1954, c.48 (C.52:34-10);
- 37 (4) When the contract to be entered into is for the furnishing or
38 performing of services of a professional or technical nature or for
39 the supplying of any product or the rendering of any service by a
40 public utility;
- 41 (5) When the authority deems it appropriate to have any work
42 performed by its own employees;
- 43 (6) When the authority has advertised for bids on two occasions
44 and has received no bids on both occasions in response to its
45 advertisement, or received no responsive bids. Any purchase,
46 contract or agreement may then be negotiated and may be awarded
47 to any contractor or supplier determined to be responsible provided
48 that the terms, conditions, restrictions and specifications set forth in

1 the negotiated contract or agreement are not substantially different
2 from those which were the subject of competitive bidding;

3 (7) When a piece of equipment or part thereof requires
4 diagnostic repairs;

5 (8) The printing of bonds and documents necessary to the
6 issuance and sale thereof;

7 (9) When a purchase is to be made through or by the Director of
8 the Division of Purchase and Property pursuant to section 1 of
9 P.L.1959, c.40 (C.52:27B-56.1), or through a contract made by any
10 of the following: the New Jersey Sports and Exposition Authority
11 established under section 4 of P.L.1971, c.137 (C.5:10-4); the New
12 Jersey Meadowlands Commission established under section 5 of
13 P.L.1968, c.404 (C.13:17-5); the New Jersey Turnpike Authority
14 established under section 3 of P.L.1948, c.454 (C.27:23-3); the New
15 Jersey Water Supply Authority established under section 4 of
16 P.L.1981, c.293 (C.58:1B-4); the Port Authority of New York and
17 New Jersey established under R.S.32:1-4; the Delaware River Port
18 Authority established under R.S.32:3-2; the Higher Education
19 Student Assistance Authority established under N.J.S.18A:71A-3.

20 When the contract to be entered into is for the furnishing or
21 performing of services of a professional or technical nature under
22 paragraph (4) of this subsection, the contract shall be made or
23 awarded directly by the authority after the solicitation of requests
24 for proposals in the manner provided by the authority and
25 notwithstanding any other laws to the contrary.

26 c. With regard to the appointment and employment of
27 employees under subsection e. of section 7 of this act who are to
28 receive an annualized salary or wage in excess of \$10,000, the
29 authority shall solicit applications for employment by public
30 advertisement.

31

32 9. a. In addition to complying with the applicable provisions of
33 the State "Pay-to-Play" law, P.L. 2005, c.51 (C.19:44A-20.13 et
34 seq.), the authority shall not enter into a contract having an
35 anticipated value in excess of \$17,500, as determined in advance
36 and certified in writing by the authority, with a business entity, if,
37 on or after September 1, 2004, or 18 months prior to the
38 dissemination of the request for proposals, the business entity has
39 made a contribution that is reportable by the recipient under
40 P.L.1973, c.83 (C.19:44A-1 et seq.) to the candidate committee of
41 any person serving as a member of the authority when the contract
42 is awarded or to the State, county or municipal committee of the
43 political party to which any person serving as a member of the
44 authority belongs when the contract is awarded.

45 A business entity that has entered into a contract, having a value
46 in excess of \$17,500, with the authority, shall not make, during the
47 duration of the contract, a contribution that is reportable by the
48 recipient under P.L.1973, c.83 to the candidate committee of any

1 person serving as a member of the authority or to the State, county
2 or municipal committee of the political party to which any person
3 serving as a member of the authority belongs.

4 b. As used in this section, "business entity" shall have the
5 meaning prescribed by section 5 of P.L.2005, c.51 (C.19:44A-
6 20.17).

7
8 10. The authority shall not enter into an employment
9 relationship with any person if, on or after September 1, 2004, that
10 person has made a contribution that is reportable by the recipient
11 under P.L.1973, c.83 (C.19:44A-1 et seq.) to the candidate
12 committee of any person serving as a member of the authority or to
13 a State, county or municipal committee of the political party to
14 which any person serving as a member of the authority belongs
15 when the employment relationship is entered into.

16 An employee of the authority shall not make a contribution that
17 is reportable by the recipient under P.L.1973, c.83 to the candidate
18 committee of any person serving as a member of the authority or to
19 a State, county or municipal committee of the political party to
20 which any person serving as a member of the authority belongs.

21
22 11. The authority shall establish advisory committees in the
23 following areas and in such other areas as it deems appropriate:
24 infrastructure, housing, education, economic matters and workforce
25 development, historical, and environmental. In addition, an
26 advisory committee shall be established to solicit public comment
27 by holding hearings and public meetings and taking other measures
28 to gauge public opinion on matters under the authority's
29 jurisdiction. The membership of the committees shall be
30 determined by the authority. Each committee shall work with
31 consultants qualified to advise the committee in the committee's
32 area of jurisdiction. Each committee shall submit a report on its
33 activities to the authority. The authority shall consider the reports
34 of the committees in preparing the conversion and revitalization
35 plan required by section 12 of this act.

36
37 12. The authority shall prepare a comprehensive conversion and
38 revitalization plan for the property and facilities located at Fort
39 Monmouth, to be approved by no fewer than six of the nine voting
40 members of the authority. Prior to the adoption of such plan by the
41 authority, the authority shall consult with the planning and zoning
42 boards, as appropriate, of the host communities of Eatontown,
43 Oceanport and Tinton Falls, with respect to those portions of the
44 Fort Monmouth property located within such host communities.
45 Such plan shall be periodically revised and updated, and shall
46 include, but need not be limited to:

47 a. A comprehensive study of all issues related to the closure,
48 conversion, revitalization, and future use of Fort Monmouth. This

1 study shall have as a primary concern the impact of the closure and
2 revitalization of Fort Monmouth on the economies, workforce,
3 environment, and quality of life of the affected communities and the
4 State.

5 b. A review of all options relative to the most appropriate use of
6 Fort Monmouth, including but not limited to:

- 7 (1) High technology and communications;
- 8 (2) Transportation and utilities;
- 9 (3) Housing;
- 10 (4) Recreation and open space conservation;
- 11 (5) Federal, State, or local government uses;
- 12 (6) Commercial and retail development; and
- 13 (7) Other potential economic development and revitalization uses
14 consistent with the stated purpose of the authority.

15 c. An assessment of scenic, aesthetic, cultural, open space, and
16 outdoor recreation resources of the area, together with a
17 determination of how such resources may be enhanced and
18 maintained.

19 d. A revenue source analysis that examines available sources of
20 funding to support reuse and revitalization projects, including but
21 not limited to:

- 22 (1) The issuance of bonds by the authority; and
- 23 (2) Grants, loans, or matching funds from federal, State, or other
24 public or private sources.

25 e. The plan shall not include any proposed State or federal
26 correctional institutions to be located in whole or in part on
27 property and facilities located at Fort Monmouth.

28

29 13. Upon the adoption thereof, the authority shall submit the
30 comprehensive plan for the conversion and revitalization of Fort
31 Monmouth to the appropriate agency or agencies of the federal
32 government. The authority shall also submit the plan to the
33 Governor and, pursuant to section 2 of P.L.1991,c.164 (C.52:14-
34 19.1), to the Legislature.

35

36 14. This act shall take effect immediately.

37

38

39

STATEMENT

40

41 This bill, entitled the "Fort Monmouth Economic Revitalization
42 Authority Act," creates the Fort Monmouth Economic
43 Revitalization Authority to plan and implement the revitalization of
44 Fort Monmouth after its closure by the federal government in the
45 Base Realignment and Closure (BRAC) process.

46 The bill also provides that the authority is to establish advisory
47 committees to make reports to the authority to be considered by the

1 authority in the preparation of the conversion and revitalization
2 plan.

3 The closure and revitalization of Fort Monmouth is a matter of
4 great concern for the host communities of Eatontown, Oceanport,
5 and Tinton Falls. The economies, environment, and quality of life
6 of those communities, as well as the State, therefore depend on the
7 efficient and proper revitalization of Fort Monmouth. The authority
8 will prepare and adopt a comprehensive conversion and
9 revitalization plan in a manner that will promote, develop,
10 encourage, and maintain employment, commerce, economic and
11 workforce development and the public welfare, conserve the natural
12 resources of the State, and advance the general prosperity and
13 economic welfare of the people in the affected communities and the
14 entire State.

15 This plan, to be submitted upon its completion to the federal
16 government, as well as the Governor and the Legislature, will
17 include a study of all issues related to the closure and future use of
18 Fort Monmouth, a review of all options relative to the most
19 appropriate use of Fort Monmouth, and an analysis of possible
20 revenue sources to support revitalization and reuse projects.

ASSEMBLY COMMERCE AND ECONOMIC DEVELOPMENT
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2692

STATE OF NEW JERSEY

DATED: MARCH 6, 2006

The Assembly Commerce and Economic Development Committee reports favorably an Assembly Committee Substitute for Assembly, No. 2692.

This bill, as substituted, entitled the “Fort Monmouth Economic Revitalization Planning Authority Act,” creates the Fort Monmouth Economic Revitalization Planning Authority (“authority”) to develop a comprehensive conversion and revitalization plan (“plan”) for Fort Monmouth after its closure by the federal government in the Base Realignment and Closure (BRAC) process.

The substitute bill provides that the authority is to consist of ten members to be appointed and qualified as follows:

(1) Four members appointed by the Governor with the advice and consent of the Senate, for terms of four years, two of whom shall be representatives of the private sector with relevant business experience or background; one of whom shall be an individual who is knowledgeable in environmental protection, conservation and land use issues and one of whom shall be a labor representative with appropriate experience in workforce development and job training. At least two of the members shall be residents of Monmouth County. Not more than two of the members appointed by the Governor shall be members of the same political party;

(2) The Chief Executive Officer and Secretary of the New Jersey Commerce, Economic Growth and Tourism Commission, ex officio and voting;

(3) One member, who shall be a resident of Monmouth County, to be appointed by the Monmouth County Board of Chosen Freeholders for a term of four years, who shall be either:

(a) a member of the board, or

(b) a qualified person, who shall be nominated by the board, with relevant business experience or background;

(4) The mayors of Eatontown, Oceanport, and Tinton Falls, ex officio and voting; and

(5) A representative of Fort Monmouth, to be appointed by the Secretary of the United States Department of Defense, who shall be a non-voting member.

The substitute bill provides that the authority is to have the following powers:

(1) To adopt and from time to time amend and repeal bylaws for the regulation of its affairs and the conduct of its business;

(2) To adopt and use an official seal and alter it at its pleasure;

(3) To maintain an office at a place or places within the State as it may designate;

(4) To sue and be sued in its own name;

(5) To appoint, retain, and employ, without regard to the provisions of Title 11A of the New Jersey Statutes but within the limits of funds appropriated or otherwise made available for such purposes, such officers, agents, employees, engineers, and experts as it may require, and to determine the qualifications, terms of office, duties, services, and compensation therefor;

(6) To assist in the planning of Fort Monmouth to benefit the surrounding communities and the entire State, in conjunction with federal, State, local, and other public entities, as appropriate;

(7) To appoint advisory committees to assist in its activities;

(8) To provide that any revenues collected shall be available to the authority for use in furtherance of any of the purposes of this act;

(9) To lease as lessee, lease as lessor whether as a titleholder or not, own, rent, use, and take and hold title to, and collect rent from, real property and personal property or any interest therein, in the exercise of its powers and the performance of its duties under this act, provided that, prior to taking and holding title to such property, the authority may enter into an interim lease with an entity that is not established by the federal government or any entity thereof, for a period of no more than five years; and

(10) To apply for, receive, and accept from any federal, State, or other public or private source, grants or loans for, or in aid of, the authority's authorized purposes.

The authority is to prepare and adopt the plan in a manner that is to promote, develop, encourage, and maintain employment, commerce, economic and workforce development, and the public welfare, conserve the natural resources of the State, and advance the general prosperity and economic welfare of the people in the affected communities and the entire State.

The substitute bill provides that, with limited exceptions, the authority may award contracts only after public advertisement for bids. It also provides that, in addition to complying with P.L.2005, c.51 (informally referred to as the "pay-to-play" law), the authority shall not award a contract valued at more than \$17,500 to a business that has made a campaign contribution to a candidate committee of an authority, member, or a committee of a member's political party.

The substitute bill provides that the advisory committees appointed by the authority are to make reports to the authority to be considered by the authority in the preparation of the plan.

The authority is to prepare an economic revitalization study of all issues related to the closure and future use of Fort Monmouth, a review of all options relative to the most appropriate use of Fort Monmouth, and an analysis of possible revenue sources to support revitalization and reuse projects.

Upon the completion and final adoption of the plan, the plan is to be submitted to the federal government, the Governor, the Legislature, and the clerks of the constituent municipalities and Monmouth County.

The closure and revitalization of Fort Monmouth is a matter of great concern for the host communities of Eatontown, Oceanport, and Tinton Falls. The economies, environment, and quality of life of those communities, as well as the State, therefore depend on the efficient and proper revitalization of Fort Monmouth.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 2692**

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 13, 2006

The Assembly Appropriations Committee reports favorably Assembly Bill No. 2692 (ACS), with committee amendments.

Assembly Bill No. 2692 (ACS), as amended, entitled the “Fort Monmouth Economic Revitalization Planning Authority Act,” creates the Fort Monmouth Economic Revitalization Planning Authority (“authority”) to develop a comprehensive conversion and revitalization plan (“plan”) for Fort Monmouth after its closure by the federal government in the Base Realignment and Closure (BRAC) process.

The substitute bill provides that the authority is to consist of ten members to be appointed and qualified as follows:

(1) Four members appointed by the Governor with the advice and consent of the Senate, for terms of four years, two of whom shall be representatives of the private sector with relevant business experience or background; one of whom shall be an individual who is knowledgeable in environmental protection, conservation and land use issues and one of whom shall be a labor representative with appropriate experience in workforce development and job training. At least two of the members shall be residents of Monmouth County. Not more than two of the members appointed by the Governor shall be members of the same political party;

(2) The Chief Executive Officer and Secretary of the New Jersey Commerce, Economic Growth and Tourism Commission, ex officio and voting;

(3) One member, who shall be a resident of Monmouth County, to be appointed by the Monmouth County Board of Chosen Freeholders for a term of four years, who shall be either:

(a) a member of the board, or

(b) a qualified person, who shall be nominated by the board, with relevant business experience or background;

(4) The mayors of Eatontown, Oceanport, and Tinton Falls, ex officio and voting; and

(5) A representative of Fort Monmouth, to be appointed by the Secretary of the United States Department of Defense, who shall be a non-voting member.

The substitute bill provides that the authority is to have the following powers:

(1) To adopt and from time to time amend and repeal bylaws for the regulation of its affairs and the conduct of its business;

(2) To adopt and use an official seal and alter it at its pleasure;

(3) To maintain an office at a place or places within the State as it may designate;

(4) To sue and be sued in its own name;

(5) To appoint, retain, and employ, without regard to the provisions of Title 11A of the New Jersey Statutes but within the limits of funds appropriated or otherwise made available for such purposes, such officers, agents, employees, engineers, and experts as it may require, and to determine the qualifications, terms of office, duties, services, and compensation therefor;

(6) To assist in the planning of Fort Monmouth to benefit the surrounding communities and the entire State, in conjunction with federal, State, local, and other public entities, as appropriate;

(7) To appoint advisory committees to assist in its activities;

(8) To provide that any revenues collected shall be available to the authority for use in furtherance of any of the purposes of this act;

(9) To lease as lessee, lease as lessor whether as a titleholder or not, own, rent, use, and take and hold title to, and collect rent from, real property and personal property or any interest therein, in the exercise of its powers and the performance of its duties under this act, provided that, prior to taking and holding title to such property, the authority may enter into an interim lease with an entity that is not established by the federal government or any entity thereof, for a period of no more than five years; and

(10) To apply for, receive, and accept from any federal, State, or other public or private source, grants or loans for, or in aid of, the authority's authorized purposes.

The authority is to prepare and adopt the plan in a manner that is to promote, develop, encourage, and maintain employment, commerce, economic and workforce development, and the public welfare, conserve the natural resources of the State, and advance the general prosperity and economic welfare of the people in the affected communities and the entire State.

The substitute bill provides that, with limited exceptions, the authority may award contracts only after public advertisement for bids. It also provides that, in addition to complying with P.L.2005, c.51 (informally referred to as the "pay-to-play" law), the authority shall not award a contract valued at more than \$17,500 to a business that has made a campaign contribution to a candidate committee of an authority, member, or a committee of a member's political party.

The substitute bill provides that the advisory committees appointed by the authority are to make reports to the authority to be considered by the authority in the preparation of the plan.

The authority is to prepare an economic revitalization study of all issues related to the closure and future use of Fort Monmouth, a review of all options relative to the most appropriate use of Fort Monmouth, and an analysis of possible revenue sources to support revitalization and reuse projects.

Upon the completion and final adoption of the plan, the plan is to be submitted to the federal government, the Governor, the Legislature, and the clerks of the constituent municipalities and Monmouth County.

The closure and revitalization of Fort Monmouth is a matter of great concern for the host communities of Eatontown, Oceanport, and Tinton Falls. The economies, environment, and quality of life of those communities, as well as the State, therefore depend on the efficient and proper revitalization of Fort Monmouth.

As amended and reported by the committee, this bill is identical to Senate Bill Nos. 1049 and 1472 (SCS)(1R).

COMMITTEE AMENDMENTS:

The amendments add language exempting the mayors of Eatontown, Oceanport, and Tinton Falls from the provision set forth in section 6 that each member of the authority may designate an employee of the member's department or office to represent the member at meetings of the authority.

The amendments add a provision clarifying that employees of the authority, or employees in any project to which the authority is a party, shall be paid not less than the prevailing wage rate for the worker's craft or trade pursuant to the prevailing wage act.

The amendments clarify that among the officers, agents, employees, engineers, and experts that the authority may employ are attorneys, and make technical changes to statutory cross references.

FISCAL IMPACT:

This bill was not certified as requiring a fiscal note. The Fort Monmouth Economic Revitalization Planning Authority shall prepare an economic revitalization study concerning the closure and future use of Fort Monmouth.

The authority also has the power to apply for, receive, and accept from any federal, State or other public or private source, grants or loans for, or in aid of, the authority's authorized purposes.

Apr-28-06 Corzine Signs Bill Creating Fort Monmouth Economic Revitalization Planning Authority

FOR IMMEDIATE RELEASE

CONTACT: Anthony Coley

Brendan Gilfillan

PHONE: 609-777-2600

CORZINE SIGNS BILL CREATING FORT MONMOUTH ECONOMIC REVITALIZATION PLANNING AUTHORITY

FORT MONMOUTH - Governor Jon S. Corzine today signed legislation creating the Fort Monmouth Economic Revitalization Planning Authority. The Authority will be charged with developing a comprehensive conversion and revitalization plan for Fort Monmouth after it is closed by the Base Realignment and Closure Commission.

"First and foremost, the work of the Fort Monmouth Economic Revitalization Planning Authority will be to examine how we take this valuable asset, and use it to meet the needs of the local community and our state," Corzine said. "As we deal with issues regarding the disposition of property and the retention and creation of good jobs, the authority's answer will be guided by the fact that the future of our entire community depends on creating strong, smart and sustainable economic growth."

The bill, S-1049, was sponsored by Senators Ellen Karcher (Mercer and Monmouth) and Joseph Kyrillos (Middlesex and Monmouth). The Assembly Bill was sponsored by Assemblymen Michael Panter (Mercer and Mercer), John Burzichelli (Salem, Cumberland and Gloucester), Samuel Thompson (Middlesex and Monmouth) and Sean Kean (Monmouth).

The planning authority will consist of 10 members and will be appointed as follows:

- Four members will be appointed by the Governor with the advice and consent of the Senate. Two of the members will be representatives of the

private sector, one will be a representative of land conservation and environmental concerns and one will be a representative of organized labor. No more than two of the Governor's appointed members will be from the same political party.

- One member will be appointed by the Monmouth County Board of Chosen Freeholders
- The Secretary of Commerce
- The Mayor of Eatontown
- The Mayor of Oceanport
- The Mayor of Tinton Falls
- One Representative of Fort Monmouth, appointed by the U.S. Secretary of Defense

The authority will be organized within the Department of Treasury but will be independent of any supervision or control by the department.