

5:10-6 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 5:10-6 et al

(Aquarium--  
approp. \$32  
million for  
construction)

LAWS OF: 1988

CHAPTER: 172

Bill No: S2174

Sponsor(s): Rand

Date Introduced: March 3, 1988

Committee: Assembly: Independent Authorities; Appropriations

Senate: Revenue, Finance & Appropriations

Amended during passage: No

Date of Passage: Assembly: November 28, 1988

Senate: April 18, 1988

Date of Approval: December 5, 1988

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes 5-26-88 & 6-17-88

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

P.L. 1988, CHAPTER 172, *approved December 5, 1988*  
1988 Senate No. 2174

1 **AN ACT** prohibiting the incurrence of debt by the New Jersey  
Sports and Exposition Authority and the State government for  
3 certain authority projects under certain conditions, amending  
and supplementing P.L. 1971, c. 137 and making an  
5 appropriation.

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

9 1. Section 6 of P.L. 1971, c. 137 (C. 5:10-6) is amended to read  
as follows:

11 6. a. The authority, pursuant to the provisions of the act, is  
hereby authorized and empowered, either alone or in conjunction  
13 with others, and provided that, in the case of an arrangement  
with respect to any of the projects set forth in this section which  
15 shall be in conjunction with others, the authority shall have  
sufficient right and power to carry out the public purposes set  
17 forth in this act:

(1) To establish, develop, construct, operate, acquire, own,  
19 manage, promote, maintain, repair, reconstruct, restore, improve  
and otherwise effectuate, either directly or indirectly through  
21 lessees, licensees or agents, a project to be located in the  
Hackensack meadowlands upon a site not to exceed 750 acres and  
23 upon a site or sites outside of that acreage, but either  
immediately contiguous thereto or immediately across any public  
25 road which borders that acreage, consisting of one or more  
stadiums, coliseums, arenas, pavilions, stands, field houses,  
27 playing fields, recreation centers, courts, gymnasiums,  
clubhouses, a racetrack for the holding of horse race meetings,  
29 and other buildings, structures, facilities, properties and  
appurtenances related to, incidental to, necessary for, or  
31 complementary to a complex suitable for the holding of athletic  
contests or other sporting events, or trade shows, exhibitions,  
33 spectacles, public meetings, entertainment events or other

**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.

1 expositions, including, but not limited to, driveways, roads,  
2 approaches, parking areas, parks, recreation areas, lodging  
3 facilities, vending facilities, restaurants, transportation  
structures, systems and facilities, and equipment, furnishings, and  
5 all other structures and appurtenant facilities, related to,  
incidental to, necessary for, or complementary to the purposes of  
7 that project or any facility thereof.

(2) To establish, develop, construct, acquire, lease or own,  
9 operate, manage, promote, maintain, repair, reconstruct, restore,  
improve and otherwise effectuate, either directly or indirectly  
11 through lessees, licensees or agents, a project, at a site within  
the State of New Jersey, consisting of a baseball stadium and  
13 other buildings, structures, facilities, properties and  
appurtenances related thereto, or incidental to, necessary for, or  
15 complementary to a complex suitable for the holding of  
professional baseball games and other athletic contests or  
17 sporting events, or trade shows, exhibitions, spectacles, public  
meetings, entertainment events or other expositions, such project  
19 to include driveways, roads, approaches, parking areas, parks,  
recreation areas, vending facilities, restaurants, transportation  
21 structures, systems and facilities, and equipment, furnishings and  
all other structures and appurtenant facilities related to,  
23 incidental to, necessary for, or complimentary to the purposes of  
that project or any facility thereof.

(3) To establish, develop, construct, acquire, lease or own,  
25 operate, manage, promote, maintain, repair, reconstruct, restore,  
27 improve and otherwise effectuate, either directly or indirectly  
through lessees, licensees or agents, projects located within the  
29 State of New Jersey, but outside of the meadowlands complex,  
consisting of aquariums and the buildings, structures, facilities,  
31 properties and appurtenances related thereto, or incidental to,  
necessary for, or complementary to those aquariums, such project  
33 to include driveways, roads, approaches, parking areas, parks,  
recreation areas, vending facilities, restaurants, transportation  
35 structures, systems and facilities, and equipment, furnishings and  
all other structures and appurtenant facilities related to,  
37 incidental to, necessary for, or complementary to the purposes of  
that project or any facility thereof. To provide for a project  
39 authorized under this paragraph:

1 (a) [The authority is authorized to lease to and sublease from  
the State, and the State is authorized to lease from and sublease  
3 to the authority, any aquarium authorized pursuant to this  
paragraph. The State Treasurer is authorized to enter into a  
5 lease or other agreement with the authority. Any lease or other  
agreement shall expressly provide that the incurrence of any  
7 liabilities by the State under the lease or other agreement,  
including without limitation, the payment of any and all rentals  
9 or other amounts required to be paid by the State thereunder,  
shall be subject to and dependent upon appropriations being made  
11 from time to time by the Legislature for that purpose and upon  
the approval of the lease or other agreement by the presiding  
13 officers of both houses of the Legislature or by such other  
officers of both houses as may be provided by law. Any lease or  
15 other agreement that provides for the lease payments by the  
State to cover the cost of debt service on the bonded  
17 indebtedness incurred by the authority to pay for the construction  
of an aquarium project shall provide that the State shall assume  
19 ownership of the project upon the end of the lease period or upon  
the retirement of the bonded indebtedness incurred by the  
21 authority for the project, whichever occurs later, or] (Deleted by  
amendment, P.L. ....,C. ...)

23 (b) The authority is authorized to enter into agreements with  
the State Treasurer providing for the acquisition and construction  
25 of an aquarium by the authority, including the land necessary for  
the aquarium, and the costs thereof, ownership of the aquarium  
27 and its land which shall be conveyed to the State upon  
completion, and the operation by the authority of the aquarium  
29 pursuant to a lease or other agreement with the State containing  
such terms and conditions as the State Treasurer may establish  
31 prior to the acquisition and construction by the authority of the  
aquarium and the disbursements of funds therefor. The State  
33 Treasurer is authorized to enter into a lease or other agreement  
to effectuate the provisions of this subparagraph.

35 (4) To establish, develop, construct, acquire, own, operate,  
manage, promote, maintain, repair, reconstruct, restore, improve  
37 and otherwise effectuate, either directly or indirectly through  
lessees, licensees or agents, a project consisting of an exposition  
39 or entertainment center or hotel or office complex, including any

1 buildings, structures, properties and appurtenances related  
thereto, incidental thereto, necessary therefor, or  
3 complementary thereto, such project to include driveways, roads,  
approaches, parking areas, parks, recreation areas, vending  
5 facilities, restaurants, transportation structures, systems, and  
equipment, furnishings and all other structures and appurtenances  
7 related to, incidental to, necessary for, or complementary to, the  
purposes of that project. A project authorized under this  
9 paragraph may be located within, immediately contiguous to, or  
immediately across any public road which borders the site of any  
11 other project of the authority, except the site of a racetrack  
authorized by paragraph (5) of this subsection and acquired by the  
13 authority prior to 1986.

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

35 Notwithstanding any law to the contrary, the acquisition of any  
existing racetrack facility in and licensed by the State of New  
37 Jersey shall be permitted on the condition that payments  
equivalent to all municipal, school board and county taxes due to  
39 each entity shall be paid by the authority to the extent and in

1 accordance with the same payment schedule as taxes would have  
2 been paid each year, as though the racetrack facility remained in  
3 private ownership. In the event the authority conveys lands or  
4 other parts of the racetrack facility to others, the authority shall  
5 receive a reduction of such payments commensurate with the  
6 amount required to be paid by the subsequent owner of the lands  
7 and improvements disposed of by the authority. In addition, the  
8 authority shall be responsible for paying all existing local  
9 franchise fees, license and parking tax fees in effect at the time  
10 of the acquisition.

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

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

32 b. The authority, pursuant to the provisions of the act, is  
33 authorized (1) to make, as part of any of the projects, capital  
34 contributions to others for transportation and other facilities, and  
35 accommodations for the public's use of any of those projects, (2)  
36 to lease any part of any of those project sites not occupied or to  
37 be occupied by the facilities of any of those projects, for  
38 purposes determined by the authority to be consistent with or  
39 related to the purposes of those projects, including, but not

1 limited to, hotels and other accommodations for transients and  
2 other facilities related to or incidental to any of those projects,  
3 and (3) to sell or dispose of any real or personal property,  
4 including, but not limited to, such portion of the site of any of  
5 those projects not occupied or to be occupied by the facilities of  
6 any of those projects, at not less than the fair market value of  
7 the property, except in the case of sale or disposition to the  
8 State, any political subdivision of the State or any agency or  
9 instrumentality of the State or any political subdivision of the  
10 State.

11 c. Revenues, moneys or other funds, if any, derived from the  
12 operation or ownership of the meadowlands complex, including  
13 the conduct of horse race meetings, shall be applied, in  
14 accordance with the resolution or resolutions authorizing or  
15 relating to the issuance of bonds or notes of the authority, to the  
16 following purposes and in the following order:

17 (1) The costs of operation and maintenance of the  
18 meadowlands complex and reserves therefor;

19 (2) Principal, sinking fund installments and redemption  
20 premiums of and interest on any bonds or notes of the authority  
21 issued for the purposes of the meadowlands complex or for the  
22 purposes of refunding the same, including reserves therefor;

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

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

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

29 (6) Except as provided in paragraph (2) of this subsection,  
30 payments required to be made in accordance with the resolution  
31 authorizing or relating to the issuance of bonds or notes of the  
32 authority, for the purposes of any project authorized by this act;

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

35 (8) The balance remaining after application in accordance with  
36 the above shall be deposited in the General State Fund, provided  
37 that (a) there shall be appropriated for authorized State purposes  
38 from the amount so deposited that amount which shall be  
39 calculated by the State Treasurer to be the debt service savings

1 realized with respect to the refinancing of the initial project as  
2 defined in section 1 of P.L. 1973, c. 286(C. 5:10-14.1) at the  
3 meadowlands complex, by the issuance of bonds of the authority  
4 guaranteed by the State, and (b) after such appropriation, 40% of  
5 any balance remaining from the amounts so deposited shall be  
6 appropriated to the Meadowlands Commission for any of its  
7 purposes authorized by P.L.1968, c. 404, and any amendments or  
8 supplements thereto.

9 d. Revenues, moneys or other funds, if any, derived from the  
10 operation or ownership of any project other than the  
11 meadowlands complex, and other than a baseball stadium project  
12 or an office complex project located on the site of a baseball  
13 stadium shall be applied for such purposes, in such manner and  
14 subject to such conditions as shall be provided in the resolution  
15 authorizing or relating to the issuance of bonds or notes of the  
16 authority for the purposes of such project, and the balance, if  
17 any, remaining after such application may be applied, to the  
18 extent not contrary to or inconsistent with the resolution, in the  
19 following order (1) to the purposes of the meadowlands complex,  
20 unless otherwise agreed upon by the State Treasurer and the  
21 authority, (2) to the purposes of any other project of the  
22 authority; and, the balance remaining, if any, shall be deposited  
23 in the General Fund.

24 e. Revenues, moneys or other funds, if any, derived from the  
25 operation, ownership, or leasing of a baseball stadium project or  
26 an office complex project located on the site of a baseball  
27 stadium shall be applied for the purposes, in the manner and  
28 subject to the conditions as shall be provided in the resolution  
29 authorizing or relating to the issuance of bonds or notes of the  
30 authority for the purposes of a baseball stadium project or an  
31 office complex project located on the site of a baseball stadium,  
32 if any, and the balance, if any, remaining after such application  
33 shall be applied, to the extent not contrary to or inconsistent  
34 with the resolution, to the following purposes and in the following  
35 order:

36 (1) The costs of operation and maintenance of a baseball  
37 stadium project and an office complex project located on the site  
38 of a baseball stadium and reserves therefor;

39 (2) Payments made to repay the bonded indebtedness incurred



1 by the authority for the purposes of a baseball stadium project or  
2 an office complex project located on the site of a baseball  
3 stadium;

4 (3) Payments equivalent to an amount required to be made by  
5 the State for payments in lieu of taxes pursuant to P.L. 1977, c.  
6 272 (C. 54:4-2.2a et seq.);

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

9 (cf: P.L. 1987, c. 318, s. 2)

10 2. (New section) Notwithstanding the provisions of P.L. 1971,  
11 c. 137 (C. 5:10-1 et seq.) as amended and supplemented and any  
12 other law to the contrary, the amount appropriated pursuant to  
13 section 3 of this amendatory and supplementary act may be  
14 expended only upon the condition that neither the New Jersey  
15 Sports and Exposition Authority nor the State shall borrow, issue  
16 bonds or otherwise incur indebtedness to finance the costs of  
17 construction of an aquarium in Camden city.

18 3. There is appropriated from the General Fund to the  
19 Department of the Treasury the sum of \$32,000,000.00 for the  
20 purpose of paying for the costs of constructing an aquarium in  
21 Camden city.

22 4. This act shall take effect immediately.

23

#### 24 STATEMENT

25

26 This bill appropriates \$32,000,000 to the Department of the  
27 Treasury for the construction of an aquarium in Camden city. In  
28 addition, the bill provides that neither the New Jersey Sports and  
29 Exposition Authority nor the State shall borrow, issue bonds or  
30 otherwise incur indebtedness to pay for the costs of the aquarium  
31 construction.

32

#### 33 STATE BUDGET AND FINANCE 34 Authorities and Regional Commissions

35

36 Prohibits the incurrence of debt by the New Jersey Sports and  
37 Exposition Authority and the State government for certain  
38 authority projects, appropriates \$32,000,000 for the construction  
39 of an aquarium in Camden.

1 subject to the conditions as shall be provided in the resolution  
 2 authorizing or relating to the issuance of bonds or notes of the  
 3 authority for the purposes of a baseball stadium project or an  
 4 office complex project located on the site of a baseball stadium,  
 5 if any, and the balance, if any, remaining after such application  
 6 shall be applied, to the extent not contrary to or inconsistent  
 7 with the resolution, to the following purposes and in the following  
 8 order:

9 (1) The costs of operation and maintenance of a baseball  
 10 stadium project and an office complex project located on the site  
 11 of a baseball stadium and reserves therefor;

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

16 (3) Payments equivalent to an amount required to be made by  
 17 the State for payments in lieu of taxes pursuant to P.L. 1977, c.  
 18 272 (C. 54:4-2.2a et seq.);

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

21 (cf: P.L. 1987, c. 318, s. 2)

22 2. (New section) Notwithstanding the provisions of P.L. 1971,  
 23 c. 137 (C. 5:10-1 et seq.) as amended and supplemented and any  
 24 other law to the contrary, the amount appropriated pursuant to  
 25 section 3 of this amendatory and supplementary act may be  
 26 expended only upon the condition that neither the New Jersey  
 27 Sports and Exposition Authority nor the State shall borrow, issue  
 28 bonds or otherwise incur indebtedness to finance the costs of  
 29 construction of an aquarium in Camden city.

30 3. There is appropriated from the General Fund to the  
 31 Department of the Treasury the sum of \$32,000,000.00 for the  
 32 purpose of paying for the costs of constructing an aquarium in  
 33 Camden city.

34 4. This act shall take effect immediately.

35

#### 36 STATEMENT

37

38 This bill appropriates \$32,000,000 to the Department of the  
 39 Treasury for the construction of an aquarium in Camden city. In  
 addition, the bill provides that neither the New Jersey Sports and

1 Exposition Authority nor the State shall borrow, issue bonds or  
2 otherwise incur indebtedness to pay for the costs of the aquarium  
3 construction.

5

STATE BUDGET AND FINANCE  
7 Authorities and Regional Commissions

9 Prohibits the incurrence of debt by the New Jersey Sports and  
10 Exposition Authority and the State government for certain  
11 authority projects, appropriates \$32,000,000 for the construction  
of an aquarium in Camden.

ASSEMBLY INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

**SENATE, No. 2174**

**STATE OF NEW JERSEY**

DATED: MAY 26, 1988

The Assembly Independent Authorities Committee reports favorably Senate Bill No. 2174.

As reported, this bill appropriates \$32,000,000 from the State's General Fund to the Department of the Treasury for the costs of construction of an aquarium in Camden city. The bill further provides that the expenditure of the appropriation may be made only upon condition that neither the New Jersey Sports and Exposition Authority or the State shall borrow, issue bonds or otherwise incur indebtedness to finance the construction costs of the aquarium.

The bill also deletes a provision of the "New Jersey Sports and Exposition Authority Law" which currently permits the authority to lease to and sublease from the State an aquarium and provides that the lease include the payment by the State of the debt service of the authority for an aquarium.

This bill is identical to Assembly Bill No. 2921.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

**SENATE, No. 2174**

**STATE OF NEW JERSEY**

DATED: JUNE 17, 1988

The Assembly Appropriations Committee favorably reports Senate Bill No. 2174.

Senate Bill No. 2174 appropriates \$32,000,000 to the Department of the Treasury for the costs of constructing an aquarium in Camden city. The bill permits the expenditure of the appropriation only upon the condition that neither the New Jersey Sports and Exposition Authority nor the State shall incur indebtedness to finance the costs of the aquarium construction.

The bill also deletes a provision of current law permitting the authority to lease to and sublease from the State an aquarium. This provision provides that the lease include the payment by the State of the debt service of the authority for an aquarium.

Senate Bill No. 2174 is identical to Assembly Bill No. 2921.

FISCAL IMPACT

This bill appropriates \$32,000,000 from the General Fund to the Department of the Treasury for the construction costs of an aquarium in Camden city. The bill also prohibits the incurrence of debt by the New Jersey Sports and Exposition Authority and the State for the construction costs of an aquarium in Camden city.

This appropriation has been included as part of a pending appropriation reserve in the calculation of the FY 1989 opening surplus in the Governor's budget recommendation.

SENATE REVENUE, FINANCE AND APPROPRIATIONS  
COMMITTEE

STATEMENT TO

SENATE, No. 2174

STATE OF NEW JERSEY

DATED: MARCH 21, 1988

The Senate Revenue, Finance and Appropriations Committee reported Senate Bill 2174 favorably.

Senate Bill 2174 appropriates \$32,000,000 to the Department of the Treasury for the costs of constructing an aquarium in Camden city. However, the bill permits the expenditure of the appropriation only upon the condition that neither the New Jersey Sports and Exposition Authority nor the State shall incur indebtedness to finance the costs of the aquarium construction.

The bill also deletes a provision of current law permitting the authority to lease to and sublease from the State an aquarium and providing that the lease include the payment by the State of the debt service of the authority for an aquarium.

FISCAL IMPACT

This bill appropriates \$32,000,000 from the General Fund to the Department of the Treasury for the construction costs of an aquarium in Camden city. The bill also prohibits the incurrence of debt by the New Jersey Sports and Exposition Authority and the State for the construction costs of an aquarium in Camden city.

This appropriation has been included in the calculation of the FY 1989 opening surplus in the Governor's budget recommendation.