

# 5:10-4.1

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2012      **CHAPTER:** 15

**NJSA:** 5:10-4.1 (Transfers New Jersey Sports Exposition Authority from DCA to Department of State)

**BILL NO:** A3097      (Substituted for S2065)

**SPONSOR(S)** Brown and others

**DATE INTRODUCED:** June 14, 2012

**COMMITTEE:**      **ASSEMBLY:** State Government  
Budget

**SENATE:** ---

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:**      **ASSEMBLY:** June 25, 2012

**SENATE:** June 28, 2012

**DATE OF APPROVAL:** June 29, 2012

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (Introduced version of bill enacted)

**A3097**

**SPONSOR'S STATEMENT:** (Begins on page 7 of introduced bill) Yes

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

**SENATE:** No

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

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**S2065**

**SPONSOR'S STATEMENT:** (Begins on page 7 of introduced bill) Yes

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

**SENATE:** Yes

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

(continued)

**VETO MESSAGE:**

No

**GOVERNOR'S PRESS RELEASE ON SIGNING:**

Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

LAW/KR

P.L.2012, CHAPTER 15, *approved June 29, 2012*  
Assembly, No. 3097

1 AN ACT transferring the New Jersey Sports and Exposition  
2 Authority from the Department of Community Affairs to the  
3 Department of State and amending and supplementing P.L.1971,  
4 c.137 (C.5:10-1 et seq.).  
5

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

9 1. (New section) The New Jersey Sports and Exposition  
10 Authority, established as a public body corporate and politic in the  
11 Department of Community Affairs pursuant to section 4 of  
12 P.L.1971, c.137 (C.5:10-4), together with its functions, powers and  
13 duties, is transferred as a public body corporate and politic to the  
14 Department of State. The transfer made pursuant to this section  
15 shall be made in accordance with the provisions of the "State  
16 Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).  
17

18 2. Section 4 of P.L.1971, c.137 (C.5:10-4) is amended to read  
19 as follows:

20 4. a. There is hereby established in the Department of  
21 **【Community Affairs】** State a public body corporate and politic,  
22 with corporate succession, to be known as the "New Jersey Sports  
23 and Exposition Authority." The authority is hereby constituted as an  
24 instrumentality of the State exercising public and essential  
25 governmental functions, and the exercise by the authority of the  
26 powers conferred by **【the act】** P.L.1971, c.137 (C.5:10-1 et seq.)  
27 shall be deemed and held to be an essential governmental function  
28 of the State and the application of the revenue derived from the  
29 projects to the purposes provided in **【this act】** P.L.1971, c.137  
30 (C.5:10-1 et seq.) shall be deemed and held to be applied in support  
31 of government.

32 b. The authority shall consist of the State Treasurer, the  
33 President of the New Jersey Sports and Exposition Authority, and a  
34 member of the **【Hackensack】** New Jersey Meadowlands  
35 **【Development】** Commission, to be appointed by the Governor, who  
36 shall be members ex officio, 11 members appointed by the  
37 Governor with the advice and consent of the Senate, one member  
38 appointed by the President of the Senate and one member appointed  
39 by the Speaker of the General Assembly, for terms of four years.  
40 Each member shall hold office for the term of **【his】** the member's

**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 appointment and until **【his】** the member's successor shall have  
2 been appointed and qualified. A member shall be eligible for  
3 reappointment. Any vacancy in the membership occurring other  
4 than by expiration of term shall be filled in the same manner as the  
5 original appointment but for the unexpired term only.

6 c. Each appointed member may be removed from office by the  
7 Governor, for cause, after a public hearing, and may be suspended  
8 by the Governor pending the completion of such hearing. Each  
9 member before entering upon **【his】** the member's duties shall take  
10 and subscribe an oath to perform the duties of **【his】** the member's  
11 office faithfully, impartially and justly to the best of **【his】** the  
12 member's ability. A record of such oaths shall be filed in the office  
13 of the Secretary of State.

14 d. The **【chairman】** chair shall be appointed by the Governor  
15 from the members of the authority other than ex officio members,  
16 and the members of the authority shall elect one of their number as  
17 vice **【chairman】** chair thereof. The authority shall elect a secretary  
18 and a treasurer, who need not be members, and the same person  
19 may be elected to serve both as secretary and treasurer. The powers  
20 of the authority shall be vested in the members thereof in office  
21 from time to time and nine members of the authority shall constitute  
22 a quorum at any meeting thereof. Action may be taken and motions  
23 and resolutions adopted by the authority at any meeting thereof by  
24 the affirmative vote of at least eight members of the authority. No  
25 vacancy in the membership of the authority shall impair the right of  
26 a quorum of the members to exercise all the powers and perform all  
27 the duties of the authority.

28 e. Each member and the treasurer of the authority shall execute  
29 a bond to be conditioned upon the faithful performance of the duties  
30 of such member or treasurer, as the case may be, in such form and  
31 amount as may be prescribed by the Director of the Division of  
32 Budget and Accounting in the Department of the Treasury. Such  
33 bonds shall be filed in the office of the Secretary of State. At all  
34 times thereafter the members and treasurer of the authority shall  
35 maintain such bonds in full force and effect. All costs of such  
36 bonds shall be borne by the authority.

37 f. The members of the authority shall serve without  
38 compensation, but the authority shall reimburse its members for  
39 actual expenses necessarily incurred in the discharge of their duties.  
40 Notwithstanding the provisions of any other law, no officer or  
41 employee of the State shall be deemed to have forfeited or shall  
42 forfeit **【his】** the officer's or employee's office or employment or  
43 any benefits or emoluments thereof by reason of **【his】** the officer's  
44 or employee's acceptance of the office of ex officio member of the  
45 authority or **【his】** the officer's or employee's services therein.

46 g. Each ex officio member of the authority may designate an  
47 officer or employee of **【his】** the member's department or agency

1 to represent **[him]** the member at meetings of the authority, and  
2 each such designee may lawfully vote and otherwise act on behalf  
3 of the member for whom **[he constitutes]** the designee is  
4 constituted. Any such designation shall be in writing delivered to  
5 the authority and shall continue in effect until revoked or amended  
6 by writing delivered to the authority.

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

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

33 (cf: P.L.2004, c.116, s.13)

34

35 3. Section 5 of P.L.1977, c.137 (C.5:10-5) is amended to read  
36 as follows:

37 5. Except as otherwise limited by the act, the authority shall  
38 have power:

39 a. To sue and be sued;

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

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

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

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

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

- 1 g. To borrow money and to issue its negotiable bonds or notes  
2 and to secure the same by a mortgage on its property or any part  
3 thereof, and to enter into any credit agreement, and otherwise to  
4 provide for and secure the payment of its bonds and notes and to  
5 provide for the rights of the holders thereof;
- 6 h. To make and enter into all contracts, leases, and agreements  
7 for the use or occupancy of its projects or any part thereof or which  
8 are necessary or incidental to the performance of its duties and the  
9 exercise of its powers under the act;
- 10 i. To make surveys, maps, plans for, and estimates of the cost  
11 of its projects;
- 12 j. To establish, acquire, construct, lease the right to construct,  
13 rehabilitate, repair, improve, own, operate, and maintain its  
14 projects, and let, award and enter into construction contracts,  
15 purchase orders and other contracts with respect thereto in such  
16 manner as the authority shall determine, subject only to the  
17 provisions of sections 1 through 3 of P.L.1981, c.447 (C.5:10-21.1  
18 through 5:10-21.3) and section 3 of P.L.1987, c.318 (C.5:10-21.1a);
- 19 k. To fix and revise from time to time and charge and collect  
20 rents, tolls, fees and charges for the use, occupancy or services of  
21 its projects or any part thereof or for admission thereto, and for the  
22 grant of concessions therein and for things furnished or services  
23 rendered by the authority;
- 24 l. To establish and enforce rules and regulations for the use or  
25 operation of its projects or the conduct of its activities, and provide  
26 for the policing and the security of its projects;
- 27 m. To acquire in the name of the authority by purchase or  
28 otherwise, on such terms and conditions and in such manner as it  
29 may deem proper, or, except with respect to the State, by the  
30 exercise of the power of eminent domain, any land and other  
31 property, including land under water, meadowlands, and riparian  
32 rights, which it may determine is reasonably necessary for any of its  
33 projects or for the relocation or reconstruction of any highway by  
34 the authority and any and all rights, title and interest in such land  
35 and other property, including public lands, reservations, highways  
36 or parkways, owned by or in which the State or any county, city,  
37 borough, town, township, village, public corporation, or other  
38 political subdivision of the State has any right, title or interest, or  
39 parts thereof or rights therein and any fee simple absolute or any  
40 lesser interest in private property, and any fee simple absolute in,  
41 easements upon or the benefit of restrictions upon abutting  
42 property, to preserve and protect any project, except that the  
43 authority shall not have the right to exercise the power of eminent  
44 domain in connection with projects authorized under paragraphs  
45 (5), (6), and (7) of subsection a. of section 6 of P.L.1971, c.137  
46 (C.5:10-6);
- 47 n. To provide through its employees, or by the grant of one or  
48 more concessions, or in part through its employees and in part by

- 1 grant of one or more concessions, for the furnishing of services and  
2 things for the accommodation of persons admitted to or using its  
3 projects or any part thereof;
- 4 o. To hold and conduct horse race meetings for stake, purse or  
5 reward and to provide and operate a parimutuel system of wagering  
6 at such meetings, but subject only to the provisions of section 7 of  
7 the act;
- 8 p. To acquire, construct, operate, maintain, improve, and make  
9 capital contributions to others for transportation and other facilities,  
10 services and accommodations for the public's use of its projects and  
11 to lease or otherwise contract for the operation thereof;
- 12 q. Subject to any agreement with bondholders or noteholders,  
13 to invest moneys of the authority not required for immediate use,  
14 including proceeds from the sale of any bonds or notes, in such  
15 obligations, securities and other investments as the authority shall  
16 deem prudent;
- 17 r. To contract for and to accept any gifts or grants or loans of  
18 funds or property or financial or other aid in any form from the  
19 United States of America or any agency or instrumentality thereof,  
20 or from the State or any agency, instrumentality or political  
21 subdivision thereof, or from any other source and to comply,  
22 subject to the provisions of the act, with the terms and conditions  
23 thereof;
- 24 s. Subject to any agreements with bondholders or noteholders,  
25 to purchase bonds or notes of the authority out of any funds or  
26 money of the authority available therefor, and to hold, cancel or  
27 resell such bonds or notes;
- 28 t. To appoint and employ a president, who shall be the chief  
29 executive officer, and such additional officers, who need not be  
30 members of the authority, and accountants, attorneys, financial  
31 advisors or experts and all such other or different officers, agents  
32 and employees as it may require and to determine their  
33 qualifications, terms of office, duties and compensation, all without  
34 regard to the provisions of Title 11A of the New Jersey Statutes;  
35 provided that it is the express intent of the Legislature that the  
36 authority within its sole discretion shall utilize, to the fullest extent  
37 feasible, the services of the officers, personnel and consultants of  
38 the Meadowlands Commission, in connection with its project in the  
39 Meadowlands complex;
- 40 u. To do and perform any acts and things authorized by the act,  
41 under, through, or by means of its officers, agents or employees or  
42 by contract with any person, firm or corporation;
- 43 v. To procure insurance against any losses in connection with  
44 its property, operations or assets, in such amounts and from such  
45 insurers as it deems desirable;
- 46 w. To do any and all things, including, but not limited to, the  
47 creation or formation of profit or not-for-profit corporations,

1 necessary or convenient to carry out its purposes and exercise the  
2 powers given and granted in the act;

3 x. To determine the location, type and character of a project or  
4 any part thereof and all other matters in connection with all or any  
5 part of a project, notwithstanding any land use plan, zoning  
6 regulation, building code or similar regulation heretofore or  
7 hereafter adopted by the State, any municipality, county, public  
8 body politic and corporate, including but not limited to the  
9 Meadowlands Commission, or any other political subdivision of the  
10 State, except that all projects constructed after the effective date of  
11 this 1987 amendatory and supplementary act shall conform to the  
12 Barrier-Free Sub-Code promulgated as part of the State Uniform  
13 Construction Code pursuant to P.L.1975, c.217 (C.52:27D-119 et  
14 seq.) and further excepted that the authority shall consult with the  
15 Meadowlands Commission before making any determination as to  
16 the location, type and character of any project under the jurisdiction  
17 of the Meadowlands Commission; **[and]**

18 y. To provide, with or without charge as it deems appropriate,  
19 through or by means of its officers, agents or employees, advisory,  
20 consulting, management or operating services to any political  
21 subdivision of the State, or any agency or instrumentality of the  
22 State or of any political subdivision of the State, with regard to a  
23 stadium, arena, concert hall or other sports or entertainment facility  
24 in operation as of January 1, 2004 and owned or operated by such  
25 entity as of January 1, 2004. ; and

26 z. To consult, collaborate, and work in partnership with the  
27 Division of Travel and Tourism and the Motion Picture and  
28 Television Development Commission to coordinate economic  
29 development and promotional and marketing efforts related to  
30 tourism, entertainment, sports, and related activities and to assist  
31 the division and the Commission in fulfilling their respective duties  
32 and responsibilities as prescribed by law.

33 (cf: P.L.2004, c.116, s.14)

34

35 4. This act shall take effect immediately.

36

37

38

#### STATEMENT

39

40 The bill transfers the New Jersey Sports and Exposition  
41 Authority (NJSEA) from the Department of Community Affairs to  
42 the Department of State (DOS) for the purpose of repositioning the  
43 NJSEA to coordinate and work collaboratively with the Motion  
44 Picture and Television Development Commission, presently  
45 existing in DOS's Business Action Center, and the Division of  
46 Travel and Tourism, also presently existing in DOS, on a wide  
47 range of sports, entertainment, and tourism issues in New Jersey.



1

2

3 Transfers New Jersey Sports and Exposition Authority from

4 DCA to Department of State.

# ASSEMBLY, No. 3097

## STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED JUNE 14, 2012

**Sponsored by:**

**Assemblyman CHRIS A. BROWN**

**District 2 (Atlantic)**

**Assemblywoman DIANNE C. GOVE**

**District 9 (Atlantic, Burlington and Ocean)**

**Co-Sponsored by:**

**Senators O'Toole and Sarlo**

**SYNOPSIS**

Transfers New Jersey Sports and Exposition Authority from DCA to Department of State.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/29/2012)**

1 AN ACT transferring the New Jersey Sports and Exposition  
2 Authority from the Department of Community Affairs to the  
3 Department of State and amending and supplementing P.L.1971,  
4 c.137 (C.5:10-1 et seq.).  
5

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

9 1. (New section) The New Jersey Sports and Exposition  
10 Authority, established as a public body corporate and politic in the  
11 Department of Community Affairs pursuant to section 4 of  
12 P.L.1971, c.137 (C.5:10-4), together with its functions, powers and  
13 duties, is transferred as a public body corporate and politic to the  
14 Department of State. The transfer made pursuant to this section  
15 shall be made in accordance with the provisions of the "State  
16 Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).  
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19 as follows:

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21 **[Community Affairs]** State a public body corporate and politic,  
22 with corporate succession, to be known as the "New Jersey Sports  
23 and Exposition Authority." The authority is hereby constituted as an  
24 instrumentality of the State exercising public and essential  
25 governmental functions, and the exercise by the authority of the  
26 powers conferred by **[the act]** P.L.1971, c.137 (C.5:10-1 et seq.)  
27 shall be deemed and held to be an essential governmental function  
28 of the State and the application of the revenue derived from the  
29 projects to the purposes provided in **[this act]** P.L.1971, c.137  
30 (C.5:10-1 et seq.) shall be deemed and held to be applied in support  
31 of government.

32 b. The authority shall consist of the State Treasurer, the  
33 President of the New Jersey Sports and Exposition Authority, and a  
34 member of the **[Hackensack]** New Jersey Meadowlands  
35 **[Development]** Commission, to be appointed by the Governor, who  
36 shall be members ex officio, 11 members appointed by the  
37 Governor with the advice and consent of the Senate, one member  
38 appointed by the President of the Senate and one member appointed  
39 by the Speaker of the General Assembly, for terms of four years.  
40 Each member shall hold office for the term of **[his]** the member's  
41 appointment and until **[his]** the member's successor shall have  
42 been appointed and qualified. A member shall be eligible for  
43 reappointment. Any vacancy in the membership occurring other  
44 than by expiration of term shall be filled in the same manner as the

**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 original appointment but for the unexpired term only.

2 c. Each appointed member may be removed from office by the  
3 Governor, for cause, after a public hearing, and may be suspended  
4 by the Governor pending the completion of such hearing. Each  
5 member before entering upon **[his]** the member's duties shall take  
6 and subscribe an oath to perform the duties of **[his]** the member's  
7 office faithfully, impartially and justly to the best of **[his]** the  
8 member's ability. A record of such oaths shall be filed in the office  
9 of the Secretary of State.

10 d. The **[chairman]** chair shall be appointed by the Governor  
11 from the members of the authority other than ex officio members,  
12 and the members of the authority shall elect one of their number as  
13 vice **[chairman]** chair thereof. The authority shall elect a secretary  
14 and a treasurer, who need not be members, and the same person  
15 may be elected to serve both as secretary and treasurer. The powers  
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21 vacancy in the membership of the authority shall impair the right of  
22 a quorum of the members to exercise all the powers and perform all  
23 the duties of the authority.

24 e. Each member and the treasurer of the authority shall execute  
25 a bond to be conditioned upon the faithful performance of the duties  
26 of such member or treasurer, as the case may be, in such form and  
27 amount as may be prescribed by the Director of the Division of  
28 Budget and Accounting in the Department of the Treasury. Such  
29 bonds shall be filed in the office of the Secretary of State. At all  
30 times thereafter the members and treasurer of the authority shall  
31 maintain such bonds in full force and effect. All costs of such  
32 bonds shall be borne by the authority.

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34 compensation, but the authority shall reimburse its members for  
35 actual expenses necessarily incurred in the discharge of their duties.  
36 Notwithstanding the provisions of any other law, no officer or  
37 employee of the State shall be deemed to have forfeited or shall  
38 forfeit **[his]** the officer's or employee's office or employment or  
39 any benefits or emoluments thereof by reason of **[his]** the officer's  
40 or employee's acceptance of the office of ex officio member of the  
41 authority or **[his]** the officer's or employee's services therein.

42 g. Each ex officio member of the authority may designate an  
43 officer or employee of **[his]** the member's department or agency  
44 to represent **[him]** the member at meetings of the authority, and  
45 each such designee may lawfully vote and otherwise act on behalf  
46 of the member for whom **[he constitutes]** the designee is  
47 constituted. Any such designation shall be in writing delivered to

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8 State.

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14 15-day period the Governor shall approve the same, in which case  
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16 15-day period, the Governor returns such copy of the minutes with  
17 veto of any action taken by the authority or any member thereof at  
18 such meeting, such action shall be null and void and of no effect.  
19 The powers conferred in this subsection [I.] i. upon the Governor  
20 shall be exercised with due regard for the rights of the holders of  
21 bonds and notes of the authority at any time outstanding, and  
22 nothing in, or done pursuant to, this subsection [I.] i. shall in any  
23 way limit, restrict or alter the obligation or powers of the authority  
24 or any representative or officer of the authority to carry out and  
25 perform in every detail each and every covenant, agreement or  
26 contract at any time made or entered into by or on behalf of the  
27 authority with respect to its bonds or notes or for the benefit,  
28 protection or security of the holders thereof.

29 (cf: P.L.2004, c.116, s.13)

30

31 3. Section 5 of P.L.1977, c.137 (C.5:10-5) is amended to read  
32 as follows:

33 5. Except as otherwise limited by the act, the authority shall  
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38 management and for the conduct of its affairs and business;

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41 e. To acquire, hold, use and dispose of its income, revenues,  
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43 f. To acquire, lease as lessee or lessor, rent, lease, hold, use  
44 and dispose of real or personal property for its purposes;

45 g. To borrow money and to issue its negotiable bonds or notes  
46 and to secure the same by a mortgage on its property or any part  
47 thereof, and to enter into any credit agreement, and otherwise to

- 1 provide for and secure the payment of its bonds and notes and to  
2 provide for the rights of the holders thereof;
- 3 h. To make and enter into all contracts, leases, and agreements  
4 for the use or occupancy of its projects or any part thereof or which  
5 are necessary or incidental to the performance of its duties and the  
6 exercise of its powers under the act;
- 7 i. To make surveys, maps, plans for, and estimates of the cost  
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20 rendered by the authority;
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23 for the policing and the security of its projects;
- 24 m. To acquire in the name of the authority by purchase or  
25 otherwise, on such terms and conditions and in such manner as it  
26 may deem proper, or, except with respect to the State, by the  
27 exercise of the power of eminent domain, any land and other  
28 property, including land under water, meadowlands, and riparian  
29 rights, which it may determine is reasonably necessary for any of its  
30 projects or for the relocation or reconstruction of any highway by  
31 the authority and any and all rights, title and interest in such land  
32 and other property, including public lands, reservations, highways  
33 or parkways, owned by or in which the State or any county, city,  
34 borough, town, township, village, public corporation, or other  
35 political subdivision of the State has any right, title or interest, or  
36 parts thereof or rights therein and any fee simple absolute or any  
37 lesser interest in private property, and any fee simple absolute in,  
38 easements upon or the benefit of restrictions upon abutting  
39 property, to preserve and protect any project, except that the  
40 authority shall not have the right to exercise the power of eminent  
41 domain in connection with projects authorized under paragraphs  
42 (5), (6), and (7) of subsection a. of section 6 of P.L.1971, c.137  
43 (C.5:10-6);
- 44 n. To provide through its employees, or by the grant of one or  
45 more concessions, or in part through its employees and in part by  
46 grant of one or more concessions, for the furnishing of services and  
47 things for the accommodation of persons admitted to or using its  
48 projects or any part thereof;

- 1       o. To hold and conduct horse race meetings for stake, purse or  
2 reward and to provide and operate a parimutuel system of wagering  
3 at such meetings, but subject only to the provisions of section 7 of  
4 the act;
- 5       p. To acquire, construct, operate, maintain, improve, and make  
6 capital contributions to others for transportation and other facilities,  
7 services and accommodations for the public's use of its projects and  
8 to lease or otherwise contract for the operation thereof;
- 9       q. Subject to any agreement with bondholders or noteholders,  
10 to invest moneys of the authority not required for immediate use,  
11 including proceeds from the sale of any bonds or notes, in such  
12 obligations, securities and other investments as the authority shall  
13 deem prudent;
- 14       r. To contract for and to accept any gifts or grants or loans of  
15 funds or property or financial or other aid in any form from the  
16 United States of America or any agency or instrumentality thereof,  
17 or from the State or any agency, instrumentality or political  
18 subdivision thereof, or from any other source and to comply,  
19 subject to the provisions of the act, with the terms and conditions  
20 thereof;
- 21       s. Subject to any agreements with bondholders or noteholders,  
22 to purchase bonds or notes of the authority out of any funds or  
23 money of the authority available therefor, and to hold, cancel or  
24 resell such bonds or notes;
- 25       t. To appoint and employ a president, who shall be the chief  
26 executive officer, and such additional officers, who need not be  
27 members of the authority, and accountants, attorneys, financial  
28 advisors or experts and all such other or different officers, agents  
29 and employees as it may require and to determine their  
30 qualifications, terms of office, duties and compensation, all without  
31 regard to the provisions of Title 11A of the New Jersey Statutes;  
32 provided that it is the express intent of the Legislature that the  
33 authority within its sole discretion shall utilize, to the fullest extent  
34 feasible, the services of the officers, personnel and consultants of  
35 the Meadowlands Commission, in connection with its project in the  
36 Meadowlands complex;
- 37       u. To do and perform any acts and things authorized by the act,  
38 under, through, or by means of its officers, agents or employees or  
39 by contract with any person, firm or corporation;
- 40       v. To procure insurance against any losses in connection with  
41 its property, operations or assets, in such amounts and from such  
42 insurers as it deems desirable;
- 43       w. To do any and all things, including, but not limited to, the  
44 creation or formation of profit or not-for-profit corporations,  
45 necessary or convenient to carry out its purposes and exercise the  
46 powers given and granted in the act;
- 47       x. To determine the location, type and character of a project or  
48 any part thereof and all other matters in connection with all or any

1 part of a project, notwithstanding any land use plan, zoning  
2 regulation, building code or similar regulation heretofore or  
3 hereafter adopted by the State, any municipality, county, public  
4 body politic and corporate, including but not limited to the  
5 Meadowlands Commission, or any other political subdivision of the  
6 State, except that all projects constructed after the effective date of  
7 this 1987 amendatory and supplementary act shall conform to the  
8 Barrier-Free Sub-Code promulgated as part of the State Uniform  
9 Construction Code pursuant to P.L.1975, c.217 (C.52:27D-119 et  
10 seq.) and further excepted that the authority shall consult with the  
11 Meadowlands Commission before making any determination as to  
12 the location, type and character of any project under the jurisdiction  
13 of the Meadowlands Commission; **[and]**

14 y. To provide, with or without charge as it deems appropriate,  
15 through or by means of its officers, agents or employees, advisory,  
16 consulting, management or operating services to any political  
17 subdivision of the State, or any agency or instrumentality of the  
18 State or of any political subdivision of the State, with regard to a  
19 stadium, arena, concert hall or other sports or entertainment facility  
20 in operation as of January 1, 2004 and owned or operated by such  
21 entity as of January 1, 2004. ; and

22 z. To consult, collaborate, and work in partnership with the  
23 Division of Travel and Tourism and the Motion Picture and  
24 Television Development Commission to coordinate economic  
25 development and promotional and marketing efforts related to  
26 tourism, entertainment, sports, and related activities and to assist  
27 the division and the Commission in fulfilling their respective duties  
28 and responsibilities as prescribed by law.

29 (cf: P.L.2004, c.116, s.14)

30

31 4. This act shall take effect immediately.

32

33

34

#### STATEMENT

35

36 The bill transfers the New Jersey Sports and Exposition  
37 Authority (NJSEA) from the Department of Community Affairs to  
38 the Department of State (DOS) for the purpose of repositioning the  
39 NJSEA to coordinate and work collaboratively with the Motion  
40 Picture and Television Development Commission, presently  
41 existing in DOS's Business Action Center, and the Division of  
42 Travel and Tourism, also presently existing in DOS, on a wide  
43 range of sports, entertainment, and tourism issues in New Jersey.



ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 3097**

**STATE OF NEW JERSEY**

DATED: JUNE 21, 2012

The Assembly Budget Committee reports favorably Assembly Bill No. 3097.

This bill transfers the New Jersey Sports and Exposition Authority from the Department of Community Affairs to the Department of State.

The bill grants the authority additional powers to consult, collaborate, and work in partnership with the Division of Travel and Tourism and the Motion Picture and Television Development Commission to coordinate economic development and promotional and marketing efforts related to tourism, entertainment, sports, and related activities, and to assist the division and the commission in fulfilling their respective duties and responsibilities.

The bill requires the transfer of the authority to be made in accordance with the provisions of the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

The bill makes various technical changes to revise certain references to the authority in the Department of Community Affairs and the Hackensack Meadowlands Development Commission under current law, and makes technical corrections as to certain internal cross references and the use of the masculine gender in provisions of underlying law amended by the bill.

The bill takes effect immediately upon enactment.

FISCAL IMPACT:

The bill is not certified as requiring a fiscal note.

# SENATE, No. 2065

## STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED JUNE 14, 2012

**Sponsored by:**

**Senator KEVIN J. O'TOOLE**

**District 40 (Bergen, Essex, Morris and Passaic)**

**Senator PAUL A. SARLO**

**District 36 (Bergen and Passaic)**

**SYNOPSIS**

Transfers New Jersey Sports and Exposition Authority from DCA to Department of State.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 6/22/2012)

1 AN ACT transferring the New Jersey Sports and Exposition  
2 Authority from the Department of Community Affairs to the  
3 Department of State and amending and supplementing P.L.1971,  
4 c.137 (C.5:10-1 et seq.).

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

8  
9 1. (New section) The New Jersey Sports and Exposition  
10 Authority, established as a public body corporate and politic in the  
11 Department of Community Affairs pursuant to section 4 of  
12 P.L.1971, c.137 (C.5:10-4), together with its functions, powers and  
13 duties, is transferred as a public body corporate and politic to the  
14 Department of State. The transfer made pursuant to this section  
15 shall be made in accordance with the provisions of the "State  
16 Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

17  
18 2. Section 4 of P.L.1971, c.137 (C.5:10-4) is amended to read as  
19 follows:

20 4. a. There is hereby established in the Department of  
21 **[Community Affairs]** State a public body corporate and politic,  
22 with corporate succession, to be known as the "New Jersey Sports  
23 and Exposition Authority." The authority is hereby constituted as an  
24 instrumentality of the State exercising public and essential  
25 governmental functions, and the exercise by the authority of the  
26 powers conferred by **[the act]** P.L.1971, c.137 (C.5:10-1 et seq.)  
27 shall be deemed and held to be an essential governmental function  
28 of the State and the application of the revenue derived from the  
29 projects to the purposes provided in **[this act]** P.L.1971, c.137  
30 (C.5:10-1 et seq.) shall be deemed and held to be applied in support  
31 of government.

32 b. The authority shall consist of the State Treasurer, the  
33 President of the New Jersey Sports and Exposition Authority, and a  
34 member of the **[Hackensack]** New Jersey Meadowlands  
35 **[Development]** Commission, to be appointed by the Governor, who  
36 shall be members ex officio, 11 members appointed by the  
37 Governor with the advice and consent of the Senate, one member  
38 appointed by the President of the Senate and one member appointed  
39 by the Speaker of the General Assembly, for terms of four years.  
40 Each member shall hold office for the term of **[his]** the member's  
41 appointment and until **[his]** the member's successor shall have  
42 been appointed and qualified. A member shall be eligible for  
43 reappointment. Any vacancy in the membership occurring other  
44 than by expiration of term shall be filled in the same manner as the

**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 original appointment but for the unexpired term only.

2 c. Each appointed member may be removed from office by the  
3 Governor, for cause, after a public hearing, and may be suspended  
4 by the Governor pending the completion of such hearing. Each  
5 member before entering upon **[his]** the member's duties shall take  
6 and subscribe an oath to perform the duties of **[his]** the member's  
7 office faithfully, impartially and justly to the best of **[his]** the  
8 member's ability. A record of such oaths shall be filed in the office  
9 of the Secretary of State.

10 d. The **[chairman]** chair shall be appointed by the Governor  
11 from the members of the authority other than ex officio members,  
12 and the members of the authority shall elect one of their number as  
13 vice **[chairman]** chair thereof. The authority shall elect a secretary  
14 and a treasurer, who need not be members, and the same person  
15 may be elected to serve both as secretary and treasurer. The powers  
16 of the authority shall be vested in the members thereof in office  
17 from time to time and nine members of the authority shall constitute  
18 a quorum at any meeting thereof. Action may be taken and motions  
19 and resolutions adopted by the authority at any meeting thereof by  
20 the affirmative vote of at least eight members of the authority. No  
21 vacancy in the membership of the authority shall impair the right of  
22 a quorum of the members to exercise all the powers and perform all  
23 the duties of the authority.

24 e. Each member and the treasurer of the authority shall execute a  
25 bond to be conditioned upon the faithful performance of the duties  
26 of such member or treasurer, as the case may be, in such form and  
27 amount as may be prescribed by the Director of the Division of  
28 Budget and Accounting in the Department of the Treasury. Such  
29 bonds shall be filed in the office of the Secretary of State. At all  
30 times thereafter the members and treasurer of the authority shall  
31 maintain such bonds in full force and effect. All costs of such  
32 bonds shall be borne by the authority.

33 f. The members of the authority shall serve without  
34 compensation, but the authority shall reimburse its members for  
35 actual expenses necessarily incurred in the discharge of their duties.  
36 Notwithstanding the provisions of any other law, no officer or  
37 employee of the State shall be deemed to have forfeited or shall  
38 forfeit **[his]** the officer's or employee's office or employment or  
39 any benefits or emoluments thereof by reason of **[his]** the officer's  
40 or employee's acceptance of the office of ex officio member of the  
41 authority or **[his]** the officer's or employee's services therein.

42 g. Each ex officio member of the authority may designate an  
43 officer or employee of **[his]** the member's department or agency  
44 to represent **[him]** the member at meetings of the authority, and  
45 each such designee may lawfully vote and otherwise act on behalf  
46 of the member for whom **[he constitutes]** the designee is  
47 constituted. Any such designation shall be in writing delivered to

1 the authority and shall continue in effect until revoked or amended  
2 by writing delivered to the authority.

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

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

29 (cf: P.L.2004, c.116, s.13)

30

31 3. Section 5 of P.L.1977, c.137 (C.5:10-5) is amended to read as  
32 follows:

33 5. Except as otherwise limited by the act, the authority shall  
34 have power:

35 a. To sue and be sued;

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

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

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

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

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

45 g. To borrow money and to issue its negotiable bonds or notes  
46 and to secure the same by a mortgage on its property or any part  
47 thereof, and to enter into any credit agreement, and otherwise to

- 1 provide for and secure the payment of its bonds and notes and to  
2 provide for the rights of the holders thereof;
- 3 h. To make and enter into all contracts, leases, and agreements  
4 for the use or occupancy of its projects or any part thereof or which  
5 are necessary or incidental to the performance of its duties and the  
6 exercise of its powers under the act;
- 7 i. To make surveys, maps, plans for, and estimates of the cost  
8 of its projects;
- 9 j. To establish, acquire, construct, lease the right to construct,  
10 rehabilitate, repair, improve, own, operate, and maintain its  
11 projects, and let, award and enter into construction contracts,  
12 purchase orders and other contracts with respect thereto in such  
13 manner as the authority shall determine, subject only to the  
14 provisions of sections 1 through 3 of P.L.1981, c.447 (C.5:10-21.1  
15 through 5:10-21.3) and section 3 of P.L.1987, c.318 (C.5:10-21.1a);
- 16 k. To fix and revise from time to time and charge and collect  
17 rents, tolls, fees and charges for the use, occupancy or services of  
18 its projects or any part thereof or for admission thereto, and for the  
19 grant of concessions therein and for things furnished or services  
20 rendered by the authority;
- 21 l. To establish and enforce rules and regulations for the use or  
22 operation of its projects or the conduct of its activities, and provide  
23 for the policing and the security of its projects;
- 24 m. To acquire in the name of the authority by purchase or  
25 otherwise, on such terms and conditions and in such manner as it  
26 may deem proper, or, except with respect to the State, by the  
27 exercise of the power of eminent domain, any land and other  
28 property, including land under water, meadowlands, and riparian  
29 rights, which it may determine is reasonably necessary for any of its  
30 projects or for the relocation or reconstruction of any highway by  
31 the authority and any and all rights, title and interest in such land  
32 and other property, including public lands, reservations, highways  
33 or parkways, owned by or in which the State or any county, city,  
34 borough, town, township, village, public corporation, or other  
35 political subdivision of the State has any right, title or interest, or  
36 parts thereof or rights therein and any fee simple absolute or any  
37 lesser interest in private property, and any fee simple absolute in,  
38 easements upon or the benefit of restrictions upon abutting  
39 property, to preserve and protect any project, except that the  
40 authority shall not have the right to exercise the power of eminent  
41 domain in connection with projects authorized under paragraphs  
42 (5), (6), and (7) of subsection a. of section 6 of P.L.1971, c.137  
43 (C.5:10-6);
- 44 n. To provide through its employees, or by the grant of one or  
45 more concessions, or in part through its employees and in part by  
46 grant of one or more concessions, for the furnishing of services and  
47 things for the accommodation of persons admitted to or using its  
48 projects or any part thereof;

1       o. To hold and conduct horse race meetings for stake, purse or  
2 reward and to provide and operate a parimutuel system of wagering  
3 at such meetings, but subject only to the provisions of section 7 of  
4 the act;

5       p. To acquire, construct, operate, maintain, improve, and make  
6 capital contributions to others for transportation and other facilities,  
7 services and accommodations for the public's use of its projects and  
8 to lease or otherwise contract for the operation thereof;

9       q. Subject to any agreement with bondholders or noteholders,  
10 to invest moneys of the authority not required for immediate use,  
11 including proceeds from the sale of any bonds or notes, in such  
12 obligations, securities and other investments as the authority shall  
13 deem prudent;

14       r. To contract for and to accept any gifts or grants or loans of  
15 funds or property or financial or other aid in any form from the  
16 United States of America or any agency or instrumentality thereof,  
17 or from the State or any agency, instrumentality or political  
18 subdivision thereof, or from any other source and to comply,  
19 subject to the provisions of the act, with the terms and conditions  
20 thereof;

21       s. Subject to any agreements with bondholders or noteholders,  
22 to purchase bonds or notes of the authority out of any funds or  
23 money of the authority available therefor, and to hold, cancel or  
24 resell such bonds or notes;

25       t. To appoint and employ a president, who shall be the chief  
26 executive officer, and such additional officers, who need not be  
27 members of the authority, and accountants, attorneys, financial  
28 advisors or experts and all such other or different officers, agents  
29 and employees as it may require and to determine their  
30 qualifications, terms of office, duties and compensation, all without  
31 regard to the provisions of Title 11A of the New Jersey Statutes;  
32 provided that it is the express intent of the Legislature that the  
33 authority within its sole discretion shall utilize, to the fullest extent  
34 feasible, the services of the officers, personnel and consultants of  
35 the Meadowlands Commission, in connection with its project in the  
36 Meadowlands complex;

37       u. To do and perform any acts and things authorized by the act,  
38 under, through, or by means of its officers, agents or employees or  
39 by contract with any person, firm or corporation;

40       v. To procure insurance against any losses in connection with  
41 its property, operations or assets, in such amounts and from such  
42 insurers as it deems desirable;

43       w. To do any and all things, including, but not limited to, the  
44 creation or formation of profit or not-for-profit corporations,  
45 necessary or convenient to carry out its purposes and exercise the  
46 powers given and granted in the act;

47       x. To determine the location, type and character of a project or  
48 any part thereof and all other matters in connection with all or any

1 part of a project, notwithstanding any land use plan, zoning  
2 regulation, building code or similar regulation heretofore or  
3 hereafter adopted by the State, any municipality, county, public  
4 body politic and corporate, including but not limited to the  
5 Meadowlands Commission, or any other political subdivision of the  
6 State, except that all projects constructed after the effective date of  
7 this 1987 amendatory and supplementary act shall conform to the  
8 Barrier-Free Sub-Code promulgated as part of the State Uniform  
9 Construction Code pursuant to P.L.1975, c.217 (C.52:27D-119 et  
10 seq.) and further excepted that the authority shall consult with the  
11 Meadowlands Commission before making any determination as to  
12 the location, type and character of any project under the jurisdiction  
13 of the Meadowlands Commission; **[and]**

14 y. To provide, with or without charge as it deems appropriate,  
15 through or by means of its officers, agents or employees, advisory,  
16 consulting, management or operating services to any political  
17 subdivision of the State, or any agency or instrumentality of the  
18 State or of any political subdivision of the State, with regard to a  
19 stadium, arena, concert hall or other sports or entertainment facility  
20 in operation as of January 1, 2004 and owned or operated by such  
21 entity as of January 1, 2004. ; and

22 z. To consult, collaborate, and work in partnership with the  
23 Division of Travel and Tourism and the Motion Picture and  
24 Television Development Commission to coordinate economic  
25 development and promotional and marketing efforts related to  
26 tourism, entertainment, sports, and related activities and to assist  
27 the division and the Commission in fulfilling their respective duties  
28 and responsibilities as prescribed by law.

29 (cf: P.L.2004, c.116, s.14)

30

31 4. This act shall take effect immediately.

32

33

34

#### STATEMENT

35

36 The bill transfers the New Jersey Sports and Exposition  
37 Authority (NJSEA) from the Department of Community Affairs to  
38 the Department of State (DOS) for the purpose of repositioning the  
39 NJSEA to coordinate and work collaboratively with the Motion  
40 Picture and Television Development Commission, presently  
41 existing in DOS's Business Action Center, and the Division of  
42 Travel and Tourism, also presently existing in DOS, on a wide  
43 range of sports, entertainment, and tourism issues in New Jersey.



# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE, No. 2065

# STATE OF NEW JERSEY

DATED: JUNE 21, 2012

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2065.

The bill transfers the New Jersey Sports and Exposition Authority (NJSEA) from the Department of Community Affairs to the Department of State (DOS) for the purpose of repositioning the NJSEA to coordinate and work collaboratively with the Motion Picture and Television Development Commission, presently existing in DOS's Business Action Center, and the Division of Travel and Tourism, also presently existing in DOS, on a wide range of sports, entertainment, and tourism issues in New Jersey.

FISCAL IMPACT:

This bill is not certified as requiring a Fiscal Note.