

[Third Reprint]

ASSEMBLY, No. 3969

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED DECEMBER 11, 2014

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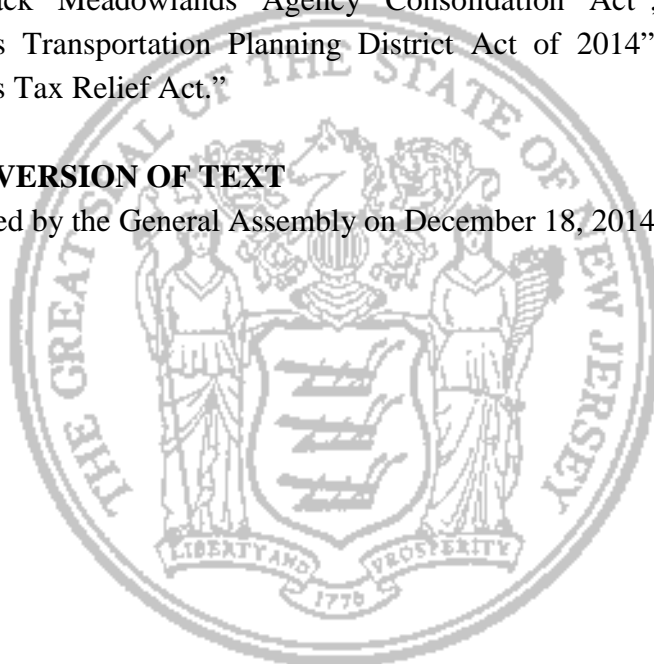
Assemblymen Caputo, Johnson and Senator Sarlo

SYNOPSIS

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

CURRENT VERSION OF TEXT

As amended by the General Assembly on December 18, 2014.



(Sponsorship Updated As Of: 12/23/2014)

1 AN ACT consolidating the New Jersey Meadowlands Commission
2 and the New Jersey Sports and Exposition Authority,
3 reestablishing the Hackensack Meadowlands Transportation
4 Planning District, ³[and]³ adjusting ³the³ funding method for the
5 intermunicipal tax sharing program in the New Jersey
6 Meadowlands, and supplementing Title 13 of the Revised
7 Statutes ³and revising various parts of the statutory law³.
8

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

11
12 1. Sections 1 through 68 of P.L. , c. (C.) (pending before
13 the Legislature as this bill) shall be known and may be cited as the
14 “Hackensack Meadowlands Agency Consolidation Act.”
15

16 2. The Legislature finds and declares that:

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

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

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

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

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:

¹Assembly ABU committee amendments adopted December 15, 2014.

²Assembly floor amendments adopted December 15, 2014.

³Assembly floor amendments adopted December 18, 2014.

1 e. The 750 acres of the New Jersey Sports and Exposition
2 Authority complex in the Hackensack Meadowlands is a significant
3 economic stimulant to the development of the meadowlands. The
4 New Jersey Sports and Exposition Authority's ability to plan,
5 construct, and maintain its holdings in the sports complex has been
6 an extraordinary feat, making it a premier sporting facility.

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

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

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

26 ³i. Nothing in P.L. , c. (C.) (pending before the
27 Legislature as this bill) is intended to revise, limit, or nullify the
28 rights of the New Jersey Sports and Exposition Authority under the
29 provisions of P.L.1971, c.137 (C.5:10-1 et seq.). In the case of any
30 conflict between P.L.1971, c.137 (C.5:10-1 et seq.) and the
31 provisions of P.L. , c. (C.) (pending before the Legislature as
32 this bill), the provisions of P.L.1971, c.137 (C.5:10-1 et seq.) shall
33 control.

34 j. Except as expressly provided in P.L. , c. (C.)
35 (pending before the Legislature as this bill) nothing is intended to
36 revise, limit, or nullify the rights of the New Jersey Meadowlands
37 Commission under P.L.1968, c.404 (C.13:17-1 et seq.). In the case
38 of any conflict between P.L.1968, c.404 (C.13:17-1 et seq.) and the
39 provisions of P.L. , c. (C.) (pending before the Legislature as
40 this bill), the provisions of P.L. , c. (C.) (pending before the
41 Legislature as this bill) shall control.

42 k. Notwithstanding anything in P.L. , c. (C.) (pending
43 before the Legislature as this bill) to the contrary, sections 8
44 through 16, 18, 23, 24, 25, 30 through 48, and 74 of P.L. ,
45 c. (C.) (pending before the Legislature as this bill) shall not
46 apply to the sports complex, and with respect to the sports complex,
47 the rights and powers of the commission shall only be those set
48 forth in P.L.1971, c.137 (C.5:10-1 et seq.).³

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

3 “Adjustment year” means the year in which the respective
4 obligations of the intermunicipal account and the constituent
5 municipalities of the district are due and payable.

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

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

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

21 “Area in need” means an area whose redevelopment is necessary
22 to effectuate the public purposes described herein, as determined by
23 the commission. An area designated as “in need” may contain lands,
24 buildings, or improvements which, of themselves, are not
25 detrimental to the public health, safety, or welfare, but nevertheless
26 must be included in the area designated as “in need,” with or
27 without change in condition, for the effective redevelopment of the
28 area of which they are a part.

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

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

35 “Commission” means the ³new agency created through the
36 consolidation of the New Jersey Meadowlands Commission and
37 the³ New Jersey Sports and Exposition Authority, ³to be known
38 as the Meadowlands Regional Commission, which may be referred
39 to as the “Meadowlands Regional Commission,”³ as established by
40 section 6 of P.L. , c. (C.) (pending before the Legislature as
41 this bill).

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

45 “Comparison year” means the second calendar year preceding
46 the adjustment year.

47 “Constituent municipalities” means the municipalities of
48 Carlstadt, East Rutherford, Little Ferry, Lyndhurst, Moonachie,

1 North Arlington, Ridgefield, Rutherford, South Hackensack, and
2 Teterboro in Bergen county; and Jersey City, Kearny, North
3 Bergen, and Secaucus in Hudson county.

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

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

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

13 “Improvement” means (1) the laying out, opening, construction,
14 widening, straightening, enlargement, extension, alteration,
15 changing of location, grading, paving, or otherwise improving, a
16 street, alley, or public highway; (2) curbing or guttering of a
17 sidewalk along a street, alley, or highway; (3) construction and
18 improvement of bridges and viaducts; (4) construction,
19 enlargement, or extension of a sewer or drain or of a sewerage or
20 drainage system including, but not limited to, such systems under
21 streets, alleys, or public highways, or works for the sanitary
22 disposal of sewerage or drainage; (5) the installation of service
23 connections to water and other utility works, including the laying,
24 construction, or placing of mains, conduits, or cables under or along
25 a street, alley, or highway; (6) the construction, enlargement, or
26 extension of water mains or water distribution works; (7) extension
27 of landfills or other facilities for the disposal of solid wastes; (8) the
28 installation of lighting standards, appliances, and appurtenances
29 required for the illumination of streets; (9) the widening, deepening,
30 or improvement of, the removal of obstructions in, and the
31 construction, enlargement, and extension of any waterway, or of
32 enclosing walls, or of a pipe or conduit along a water course; (10)
33 the development and improvement of parks, recreational facilities,
34 and flood control structures; (11) environmental enhancements and
35 remediation; and (12) the construction of buildings and other
36 structures.

37 “Intermunicipal account” means the device established and
38 administered by the commission to record all of the transactions
39 made for the purpose of calculating the meadowlands adjustment
40 payment for each constituent municipality, and to act as the
41 clearinghouse for the transfer of the meadowlands adjustment
42 payments among the constituent municipalities as required by
43 section 59 of P.L. , c. (C.) (pending before the Legislature
44 as this bill).

45 “Master plan” means the comprehensive plan for the district
46 prepared and adopted by the commission.

47 “Meadowlands adjustment payment” means the amount that is
48 payable by each constituent municipality to the intermunicipal

1 account, or the amount that is payable by the intermunicipal account
2 to each municipality, as the commission shall determine the case to
3 be.

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

8 “Person” means all individuals, partnerships, associations,
9 private or municipal corporations, and all political subdivisions of
10 the State.

11 “Project” means any plan, work, or undertaking by the
12 commission, constituent municipality, or redeveloper, pursuant to
13 the master plan or a redevelopment plan.

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

15 ¹“Public event” means any spectator sporting event, trade show,
16 exposition, concert, amusement, or other event open to the public
17 that takes place on a public venue.

18 “Public venue” means any place located within the district where
19 any facilities, which have a capacity to host 500 or more people, for
20 entertainment, amusement, or sports are provided.¹

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

27 “Redevelopment” means a plan for planning, development, and
28 redevelopment; the rehabilitation of any improvements;
29 conservation or rehabilitation work; the construction and provision
30 for construction of projects; and the grant or dedication of spaces as
31 may be appropriate or necessary in the interest of the general
32 welfare for such projects or other public purposes incidental or
33 appurtenant thereto, in accordance with the master plan or any part
34 thereof, or a redevelopment plan.

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

38 “Resident enrollment” means the number of full-time pupils who
39 are residents of the school district and who are enrolled in day
40 schools on the last day of September during the school year in
41 which calculation of aid is made and are attending the public
42 schools of the school district or a school district or State teachers’
43 college demonstration school in which the school district of
44 residence pays tuition; school district may count in its enrollment
45 any pupil regularly attending, on a full-time basis, a county
46 vocational school in the same county, for which the school district
47 pays tuition.

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

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

8 “Solid waste and recycling facilities” means the plants,
9 structures, and other real and personal property acquired,
10 constructed, or operated, or to be acquired, constructed, or operated
11 by the commission, as hereinafter provided, including landfills or
12 other plants or facilities for the treatment of recycling materials and
13 disposal of solid waste.

14 “Sports complex” means the 750 acre sports and exposition site
15 located in the Borough of East Rutherford ²and any other land
16 owned by the New Jersey Sports and Exposition Authority in
17 Hudson County or Bergen County² under the jurisdiction of the
18 New Jersey Sports and Exposition Authority as of the effective date
19 of P.L. , c. (C.) (pending before the Legislature as this bill).

20 “Special assessment” means an assessment for benefits accruing
21 from the construction of improvements by or at the direction of the
22 commission.

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

33
34 4. On and after the effective date of P.L. , c. (C.) (pending
35 before the Legislature as this bill), any reference in any law, rule,
36 regulation, order, contract, or document to the Hackensack
37 Meadowlands Development Commission ³[,] or³ the New Jersey
38 Meadowlands Commission ³[, or the New Jersey Sports and
39 Exposition Authority]³ shall mean and refer to the ³ [Meadowlands
40 Regional Commission,] New Jersey Sports and Exposition
41 Authority³ as established by ³ [section 6 of] section 4 of P.L.1971,
42 c.137 (C.5:10-4), as modified by³ P.L. , c. (C.) (pending before
43 the Legislature as this bill).

44
45 5. a. Except as otherwise provided, the commission shall carry
46 out the purposes of sections 1 through 68 of P.L. , c. (C.)

1 (pending before the Legislature as this bill) within the following
2 district:

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

6 Thence southerly along the tracks of the Erie-Lackawanna
7 Railroad--Northern Railroad of New Jersey Branch to its junction
8 with the Fairview-Ridgefield Municipal boundary;

9 Thence westerly along the Fairview-Ridgefield Municipal
10 boundary to its junction with the Fairview-North Bergen Municipal
11 boundary;

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

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

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

20 Thence westerly along a line formed by the Pulaski Skyway to a
21 point where the Port Authority Trans-Hudson tracks pass under the
22 Pulaski Skyway;

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

25 Thence northwesterly along the Harrison-Kearny Municipal
26 Boundary, as its jogs and curves, to its intersection with the Erie-
27 Lackawanna Railroad, Harrison-Kingsland connecting branch of the
28 Morris and Essex Division;

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

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

34 Thence easterly along Smith Street to its junction with Madison
35 Street;

36 Thence northerly along Madison Street to its junction with
37 Evergreen Place;

38 Thence westerly along Evergreen Place to its junction with
39 Meadow Road;

40 Thence northerly along Meadow Road to its junction with
41 Rutherford Avenue;

42 Thence northerly along a straight line drawn between the
43 intersection of Rutherford Avenue and Meadow Road and the
44 junction of Union Avenue and Erie-Lackawanna-New Jersey and
45 New York Railroad;

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

1 Thence easterly along the Wood-Ridge-Carlstadt municipal
2 boundary to its intersection with Moonachie-Wood-Ridge
3 municipal boundary;

4 Thence northerly and westerly along the Moonachie-Wood-
5 Ridge municipal boundary to its intersection with the Hasbrouck
6 Heights-Moonachie municipal boundary;

7 Thence easterly and northerly along Hasbrouck Heights-
8 Moonachie municipal boundary to its intersection with the
9 Moonachie-Teterboro municipal boundary;

10 Thence westerly and northerly along the Hasbrouck Heights-
11 Teterboro municipal boundary to its intersection with U. S. Route
12 46;

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

15 Thence southerly along the Teterboro-Little Ferry municipal
16 boundary to its intersection with the Moonachie-Little Ferry
17 boundary;

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

20 Thence southerly along Red Neck Road to its junction with
21 Moonachie Avenue in Moonachie;

22 Thence easterly along Moonachie Avenue to its junction with
23 Moonachie Road;

24 Thence northerly along Moonachie Road to its junction with
25 Maple Street;

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

28 Thence northeasterly along a straight line drawn between the
29 intersection of Maple Street and the Transcontinental gas pipeline
30 and the intersection of Bertolotto Avenue and the Moonachie-Little
31 Ferry Municipal boundary (Losen Slofe Creek);

32 Thence easterly along Bertolotto Avenue to its junction with
33 Eckel Road;

34 Thence southerly along 5th Street to its junction with Mansfield
35 Avenue;

36 Thence easterly along Columbus Avenue to its junction with
37 Mehrhof Road;

38 Thence northerly along Mehrhof Road to its junction with
39 Washington Avenue;

40 Thence easterly and northerly along Washington Avenue to its
41 junction with Main Street;

42 Thence easterly along Main Street extended to the Little Ferry-
43 Ridgefield Park Municipal boundary; (The middle of the
44 Hackensack River);

45 Thence southerly along the Little Ferry-Ridgefield Park
46 Municipal boundary (in the middle of the Hackensack River) to its
47 intersection with the Ridgefield Park-Ridgefield Municipal
48 boundary;

1 Thence easterly along the Ridgefield Park-Ridgefield Municipal
2 boundary (in the middle of Overpeck Creek) to its intersection with
3 Bergen Turnpike;

4 Thence southerly along Bergen Turnpike to its junction with
5 Hendricks Causeway;

6 Thence southeasterly along Hendricks Causeway to its junction
7 with the tracks of the Lackawanna Railroad--Northern Branch, the
8 point of beginning.

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

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

16 Thence southerly along County Avenue to its junction with
17 Secaucus Road;

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

20 Thence northerly along a straight line drawn between the
21 intersection of Secaucus Road and the aforementioned Private Road
22 and the intersection of Pandolfi Avenue-Golden Avenue in
23 Secaucus;

24 Thence westerly along Pandolfi Avenue to its junction with 5th
25 Street;

26 Thence southerly along 5th Street to its junction with Mansfield
27 Avenue;

28 Thence westerly along Mansfield Avenue to its junction with
29 Walter Place;

30 Thence northerly along Walter Place to its junction with
31 Mansfield Avenue;

32 Thence westerly along Mansfield Avenue to its junction with 9th
33 Street;

34 Thence northerly along 9th Street to its junction with Grace
35 Street;

36 Thence easterly along Grace Street to its junction with Eighth
37 Street;

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

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

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

45 c. The commission shall not carry out the purposes of sections
46 1 through 68 of P.L. , c. (C.) (pending before the Legislature
47 as this bill), take any action, or have any jurisdiction within the
48 following district:

1 Beginning at a point on Maple Avenue at its junction with 7th
2 Street in Secaucus;
3 Thence northerly and easterly along 7th Street to its junction
4 with Paterson Plank Road;
5 Thence northerly along Paterson Plank Road to its junction with
6 Farm Road;
7 Thence northerly along Farm Road to its junction with Meadow
8 Lane;
9 Thence easterly along Meadow Lane to its junction with
10 Stonewall Lane and Mill Ridge Road;
11 Thence easterly along Mill Ridge Road to its junction with
12 Koelle Boulevard;
13 Thence southerly along Koelle Boulevard to its junction with
14 Huber Street;
15 Thence westerly along Huber Street to its junction with Radio
16 Avenue;
17 Thence southerly on Radio Avenue to its junction with Pikeview
18 Terrace;
19 Thence westerly and northerly along Pikeview Terrace to its
20 intersection with Lausecker Lane;
21 Thence westerly along Lausecker Lane to its junction with
22 Paterson Plank Road;
23 Thence southerly along Paterson Plank Road to its junction with
24 Maple Street;
25 Thence westerly along Maple Street to its junction with 7th
26 Street, the point of beginning.

27
28 6. ³[²On] On the first day of the thirteenth month next
29 following² the effective date of P.L. , c. (C.) (pending
30 before the Legislature as this bill), the] The³ ¹[New Jersey Sports
31 and Exposition Authority and the]¹ New Jersey Meadowlands
32 Commission ¹[are] is¹ dissolved. All property, funds, and assets of
33 ¹[these agencies] the New Jersey Meadowlands Commission ³[and
34 the New Jersey Sports and Exposition Authority¹]³ are vested in
35 and belong to the ³[“Meadowlands Regional Commission]
36 commission as defined by section 4 of P.L. , c. (C.) (pending
37 before the Legislature as this bill).³ ²[.]” ³[.]” provided, however,
38 that the New Jersey Sports and Exposition Authority may retain
39 those funds and assets necessary for servicing its debt obligations.

40 On and after the effective date of P.L. , c. (C.) (pending
41 before the Legislature as this bill), all approvals, permits, contracts,
42 agreements, bonds, notes or other obligations of the New Jersey
43 Sports and Exposition Authority and all findings, determinations,
44 and actions taken by the New Jersey Sports and Exposition
45 Authority with respect to such approvals, permits, contracts,
46 agreements, bonds, notes, or other obligations, are deemed to be
47 assumed, ratified, and confirmed by the commission and deemed to

1 have been authorized and executed by the commission and shall
2 remain in full force and effect.²

3 ¹Notwithstanding any law, rule, or regulation to the contrary, the
4 New Jersey Sports and Exposition Authority shall continue in
5 existence for the exclusive purposes of servicing its debt obligations
6 incurred prior to the effective date of P.L. , c. (C.) (pending
7 before the Legislature as this bill) and maintaining its tax exempt
8 status, but shall have no other powers.¹

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

19 b. The commission shall consist of ²**[11]** ¹³**13**² members
20 appointed and qualified as follows: Six citizens of the State,
21 appointed by the Governor, no more than three of whom shall be of
22 the same political party; two of whom shall be residents of the
23 constituent municipalities of Bergen county and two of whom shall
24 be residents of the constituent municipalities of Hudson county;
25 provided, however, that no more than one citizen shall be appointed
26 from any one constituent municipality; and two mayors, ex officio,
27 one from Bergen County and one from Hudson County. The
28 mayors shall be from a constituent municipality that does not have
29 representation on the commission. The Commissioner of
30 Environmental Protection, the Commissioner of Community
31 Affairs, and the Lieutenant Governor, or their designees, shall be
32 ex-officio members of the commission. ²The Speaker of the
33 General Assembly and President of the Senate shall each appoint
34 one member.²

35 c. Each ex officio member of the commission may designate an
36 officer or employee of the member’s department or agency to
37 represent the member at meetings of the commission, and each such
38 designee may lawfully vote and otherwise act on behalf of the
39 member for whom the designee is constituted. Any such
40 designation shall be in writing delivered to the commission and
41 shall continue in effect until revoked or amended by writing
42 delivered to the commission.

43 d. Each member appointed by the Governor shall serve for a
44 term of five years with the advice and consent of the Senate;
45 provided, however, that the first members appointed by the
46 Governor shall not require the advice and consent of the Senate, and
47 ²**[one]**² shall serve for a term of ²**[one year, one for a term of]**²

1 two years ²], one for a term of three years, one for a term of four
2 years, and two for a term of five years². Each member shall serve
3 for the term of his appointment and until his successor shall have
4 been appointed and qualified. Any vacancy or reappointment of a
5 member by the Governor shall be made with the advice and consent
6 of the Senate. Any vacancy shall be filled for the unexpired term
7 only.

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

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

13 g. The Governor shall designate one of the public members of
14 the commission as chairman. The commission shall select from its
15 members a vice-chairman and a treasurer, and shall employ an
16 executive director, who shall be secretary, and a chief fiscal officer.
17 The commission may also appoint, retain, and employ,
18 notwithstanding any other law to the contrary, such officers, agents,
19 employees, and experts as it may require, and it shall determine
20 their qualifications, terms of office, duties, services, and
21 compensation.

22 h. The powers of the commission shall be vested in the
23 members thereof in office. A majority of the total authorized
24 membership of the commission shall constitute a quorum at any
25 meeting thereof. Action may be taken and motions and resolutions
26 adopted by the commission at any meeting thereof by the
27 affirmative vote of a majority of the appointed members, unless the
28 by-laws of the commission, or any of the provisions of sections 1
29 through 68 of P.L. , c. (C.) (pending before the Legislature
30 as this bill), shall require a larger number. The commission may
31 designate one or more of its agents or employees to exercise
32 administrative functions, powers, and duties as the commission
33 deems proper. No vacancy in the membership of the commission
34 shall impair the right of a quorum to exercise all the rights and
35 perform all the duties of the commission, except as otherwise
36 provided in sections 1 through 68 of P.L. , c. (C.) (pending
37 before the Legislature as this bill).

38 i. A true copy of the minutes of every meeting of the
39 commission shall be forthwith delivered by and under the
40 certification of the secretary thereof to the Governor. No action
41 taken at such meeting by the commission shall have force or effect
42 until 15 days after such copy of the minutes shall have been so
43 delivered unless during such 15-day period the Governor shall
44 approve the same, in which case such action shall become effective
45 upon such approval. If, in each 15-day period, the Governor returns
46 such copy of the minutes with; veto of any action taken by the
47 commission or any member thereof at such meeting, such action
48 shall be null and void and of no effect. The powers conferred in this

1 subsection upon the Governor shall be exercised with due regard for
2 the rights of the holders of bonds and notes of the commission at
3 any time outstanding, and nothing in, or done pursuant to, this
4 subsection shall in any way limit, restrict, or alter the obligation or
5 powers of the commission or any representative or officer of the
6 authority to carry out and perform in every detail each and every
7 covenant, agreement, or contract at any time made or entered into
8 by, or on behalf of, the commission with respect to its bonds or
9 notes, or for the benefit, protection, or security of the holders
10 thereof.

11 j. Before the issuance of any bonds under the provisions of
12 sections 1 through 68 of P.L. , c. (C.) (pending before the
13 Legislature as this bill), the members and the treasurer of the
14 commission shall be covered by a surety bond or bonds in such sum
15 as provided by the rules and regulations of the commission
16 conditioned upon the faithful performance of the duties of their
17 respective offices, and executed by a surety company authorized to
18 transact business in the State of New Jersey as a surety. The
19 commission shall submit each such surety bond to the Attorney
20 General for approval and, if approved, shall file the surety bond
21 with the office of the Secretary of State prior to the issuance of any
22 bonds. The treasurer of the commission and each member shall
23 maintain all issued surety bonds in full force and effect. All costs of
24 such surety bonds shall be borne by the commission.

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

31 ¹1. The State Treasurer, in consultation with the State Auditor
32 and the commission, shall enter into a contract with a person
33 qualified to conduct an independent operations and financial audit
34 of the commission and may prescribe any supporting documentation
35 to be provided under the terms of the contract. The contract shall
36 require that the person conducting the audit provide
37 recommendations regarding a reasonable operations and
38 maintenance budget. Copies of the audit shall be submitted to the
39 commission, the State Treasurer, and the Joint Budget Oversight
40 Committee of the Legislature.¹】³

41

42 7. ³【The】 In addition to any powers established pursuant to
43 section 5 of P.L.1971, c.137 (C.5:10-5), the³ commission ³, as
44 defined by section 4 of P.L. , c. (C.) (pending before the
45 Legislature as this bill),³ shall have the following powers:

46 a. ³【To adopt, amend, and repeal suitable by-laws for the
47 management of its affairs;

- 1 b. To adopt and use an official seal and alter the same at its
2 pleasure;
- 3 c. To maintain an office at such place or places within the State
4 as it may designate;
- 5 d. To sue and be sued in its own name;
- 6 e. To acquire, hold, use, and dispose of its income, revenues,
7 funds, and moneys;
- 8 f. To acquire, lease, as lessee or lessor, rent, lease, hold, use,
9 and dispose of real or personal property for its purposes;
- 10 g. To borrow money, issue its negotiable bonds or notes, and
11 secure the same by a mortgage on its property, or any part thereof,
12 and enter into any credit agreement, and otherwise to provide for
13 and secure the payment of its bonds and notes and to provide for the
14 rights of the holders thereof;
- 15 h. ²[¹(1)¹]² To make and enter into all contracts, leases, and
16 agreements for the use or occupancy of its projects, or any part
17 thereof, or which are necessary or incidental to the performance of
18 its duties and the exercise of its powers under sections 1 through 68
19 of P.L. , c. (C.) (pending before the Legislature as this bill)
20 ²subject to the provisions of section 6 of P.L.1984, c.128 (C.13:17-
21 6.1)
- 22 [¹(2) (a) All purchases, contracts, or agreements where the cost
23 or contract price exceeds the amount determined by the Governor
24 pursuant to subsection b. of section 6 of P.L.1984, c.128 (C.13:17-
25 6.1) as of the effective date of P.L. , c. (C.) (pending before
26 the Legislature as this bill) shall be made, negotiated, or awarded
27 only after public advertisement for bids therefor and shall be
28 awarded to that responsible bidder whose bid, conforming to the
29 invitation for bids, is most advantageous to the commission, in its
30 judgment, upon consideration of price and other factors; provided,
31 however, that such advertising shall not be required when the
32 contract to be entered into is one for the furnishing or performing of
33 services of a professional nature, or when the purchase is to be
34 made through or by the Director of the Division of Purchase and
35 Property pursuant to section 1 of P.L.1959, c.40 (C.52:27B-56.1),
36 or through a contract made by any of the following: the New Jersey
37 Turnpike Authority established under section 3 of P.L.1948, c.454
38 (C.27:23-3); the New Jersey Water Supply Authority established
39 under section 4 of P.L.1981, c.293 (C.58:1B-4); the South Jersey
40 Transportation Authority established under section 4 of P.L.1991,
41 c.252 (C.27:25A-4); the Port Authority of New York and New
42 Jersey established under R.S.32:1-4; the Delaware River Port
43 Authority established under R.S.32:3-2; the Higher Education
44 Student Assistance Authority established under N.J.S.18A:71A-3.
45 Any bid may be rejected when the commission determines that it is
46 in the public interest to do so.
- 47 Any purchase, contract, or agreement where the cost or contract
48 price is less than or equal to \$25,000 or, after the effective date of

1 P.L.1999, c.440, the amount determined pursuant to subsection b. of
2 section 6 of P.L.1984, c.128 (C.13:17-6.1) may be made,
3 negotiated, or awarded by the commission without advertising and
4 in any manner which the commission, in its judgment, deems
5 necessary to serve its unique interests and purposes and which
6 promotes, whenever practicable, full and free competition by the
7 acceptance of quotations or proposals or by the use of other suitable
8 methods.

9 (b) Commencing in the fifth year after the year in which the
10 effective date of P.L. _____, c. _____ (C. _____) (pending before the
11 Legislature as this bill) takes effect, and every five years thereafter,
12 the Governor, in consultation with the Department of the Treasury,
13 shall adjust the threshold amount set forth in subsection a. of this
14 section, or after the effective date of P.L. _____, c. _____ (C. _____) (pending
15 before the Legislature as this bill), the threshold amount resulting
16 from any adjustment under this subsection, in direct proportion to
17 the rise or fall of the index rate as that term is defined in section 2
18 of P.L.1971, c.198 (C.40A:11-2), and shall round the adjustment to
19 the nearest \$1,000. The Governor shall, no later than June 1 of
20 every fifth year, notify the commission of the adjustment. The
21 adjustment shall become effective on July 1 of the year in which it
22 is made.¹²;

23 i. ³To enter upon any building or property in order to
24 conduct investigations, examinations, and surveys necessary to
25 carry out the purposes of sections 1 through 68 of P.L. _____, c. _____ (C. _____)
26 (pending before the Legislature as this bill);

27 ³[j. To acquire in the name of the commission by purchase, or
28 lease as lessee or otherwise, on such terms and conditions and in
29 such manner as it may deem proper, or by the exercise of the power
30 of eminent domain, any land or interest therein, and other property,
31 including land under water and riparian lands, land, or highways
32 held by any municipality or other governmental subdivision of the
33 State, or any fee simple absolute in, easements upon, or the benefit
34 of restrictions upon abutting property, that it may determine is
35 reasonably necessary for the performance of any of its duties;
36 provided, however, that the power of eminent domain shall not be
37 exercised by the commission to acquire any property owned or used
38 by a public utility, as defined in R.S.48:2-13;

39 k. ³[b. ³To prepare, adopt, and implement a master plan for the
40 physical development of all lands, ²which shall take into
41 consideration any lease agreements entered into by the New Jersey
42 Sports and Exposition Authority as of the effective date of P.L. _____,
43 c. _____ (C. _____) (pending before the Legislature as this bill),² or a
44 portion thereof, lying within the district, and to adopt and enforce
45 regulations, codes, and standards for the effectuation of such plan;

- 1 ³[l.] c.³ To undertake any development or other project or
2 improvement as it finds necessary to redevelop and improve the
3 land within the district;
- 4 ³[m.] d.³ To recover by special assessments the cost of
5 improvements from the increase of property values attributable to
6 such improvements;
- 7 ³[n.] e.³ Generally to establish, charge, and collect rates, fees,
8 and other charges for the use of any facilities operated and
9 maintained by the commission, and to collect fees as otherwise
10 established by law, rule, or regulation;
- 11 ³[o.] f.³ To enter into any and all agreements or contracts,
12 execute any and all instruments, and do and perform any and all
13 acts or things necessary, convenient, or desirable for the
14 commission to carry out its responsibilities ²subject to the
15 provisions of section 6 of P.L.1984, c.128 (C.13:17-6.1)²;
- 16 ³[p.] g.³ To plan, establish, and implement programs
17 promoting and facilitating economic development opportunities in
18 the district;
- 19 ³[q.] h.³ To review and regulate plans for any subdivision or
20 development within the district;
- 21 ³[r.] i.³ To cause to be prepared plans, specifications,
22 designs, and estimates of costs for the construction of projects and
23 improvements under the provisions of sections 1 through 68 of
24 P.L. , c. (C.) (pending before the Legislature as this bill), and
25 to modify such plans, specifications, designs, or estimates;
- 26 ³[s.] j.³ To determine the existence of areas in need of
27 redevelopment or rehabilitation and to approve or undertake
28 redevelopment projects therein;
- 29 ³[t.] k.³ To provide solid waste disposal and recycling
30 facilities for the treatment of solid waste;
- 31 ³[u.] l.³ To assist and coordinate shared services among the
32 constituent municipalities of the district and to enter into, from time
33 to time, contracts with one or more municipalities, counties, or
34 other public agencies for the operation of public improvements,
35 works, facilities, services, or undertakings of such municipalities,
36 counties, or agencies, or of the commission;
- 37 ³[v.] m.³ To undertake all the necessary steps to develop plans
38 and undertake flood control projects and to maintain and construct
39 necessary flood control structures and ditches;
- 40 ³[w.] n.³ To take any action necessary for the purpose of
41 promoting and marketing tourism, entertainment, sports, and all
42 related activities within the district or at any other location owned
43 or operated by the commission. The commission may create a not-
44 for-profit entity that will implement this function;
- 45 ³[x.] o.³ To preserve and protect the environment of the
46 district and to provide programs for environmental education that
47 benefit schools and the general public;

- 1 ³[y.] p.³ To create a transportation planning district and
 2 develop strategies to improve regional comprehensive planning;
- 3 ³[z.] q.³ To receive and accept, from any federal or other
 4 public agency or governmental entity, grants or loans for, or in aid
 5 of, the planning or construction of any project or improvement, or
 6 the acquisition of any property, and to receive and accept aid or
 7 contributions from any other source, of either money, property,
 8 labor, or other things of value, to be held, used, and applied only for
 9 the purposes for which such grants, loans, and contributions may be
 10 made, and to enter into co-operative agreements with the federal
 11 government, or any other public or governmental agency, for the
 12 performance of such acts as may be necessary and proper for the
 13 reclamation of the Hackensack meadowlands and to comply with
 14 established requirements for such participation;
- 15 ³[aa.] r.³ To establish engineering standards and a building
 16 code specifying the maximum weight, size, and density of all
 17 buildings and structures to be placed on any land within its
 18 jurisdiction;
- 19 ³[bb.] s.³ To conduct examinations and investigations, hear
 20 testimony, and take proof, under oath at public and private hearings,
 21 of any material matter, require attendance of witnesses and the
 22 production of books and papers, and issue commissions for the
 23 examination of witnesses who are out of State, unable to attend, or
 24 excused from attendance;
- 25 ³[cc.] t.³ To subordinate, waive, sell, assign, or release any
 26 right, title, claim, lien, or demand, however acquired, including any
 27 equity or right of redemption; to foreclose, sell, or assign any
 28 mortgage held by it, or any interest in real or personal property; and
 29 to purchase at any sale upon such terms and at such prices as it
 30 determines to be reasonable and to take title to property, real,
 31 personal, or mixed, so acquired, and to sell, exchange, assign,
 32 convey, lease, mortgage, or otherwise dispose of any such property,
 33 subject to such conditions and restrictions as it deems necessary to
 34 carry out the purposes of sections 1 through 68 of P.L. , c. (C.)
 35 (pending before the Legislature as this bill); ²[and]² ³and³
- 36 ³[dd.] u.³ To collect, and disburse, the assessments authorized
 37 in section 85 of P.L. , c. (C.) (pending before the
 38 Legislature as this bill), for the purposes set forth in that section
 39 ³[1.];
- 40 ee. To establish and enforce rules and regulations for the use or
 41 operation of its projects or the conduct of its activities, and to enter
 42 into agreements with the State Police for the policing and the
 43 security of its projects;
- 44 ff. To hold and conduct horse race meetings for stake, purse, or
 45 reward and to provide and operate a pari-mutuel system of wagering
 46 at such meetings, and to engage in any activity authorized by

1 section 7 of PL.1971, c.137 (C.5:10-7) and section 12 of P.L.2004,
2 c.116 (C.5:10-7.1); and

3 gg. To procure insurance against any losses in connection with
4 its property, operations, or assets, in such amounts and from such
5 insurers as it deems desirable¹】³.
6

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

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

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

41 c. The commission shall not take action on any matter required
42 to be submitted to the committee, which matter has been formally
43 rejected by the committee, except by an affirmative vote of
44 ³【seven】 the majority of authorized³ members of the commission.

45
46 10. a. After a public hearing and pursuant to the procedures
47 hereinafter provided, the commission shall prepare, or cause to be
48 prepared, and adopt a master plan, or portion thereof, for the

1 physical development of all lands lying within the district. The
2 master plan may include proposals for various stages for the future
3 development of the district. The commission may amend the master
4 plan in accordance with the procedures established herein. The
5 master plan shall include a report presenting the objectives,
6 assumptions, standards, and principles, as set forth in the master
7 plan. The master plan shall be a composite of the one or more
8 written proposals recommending the physical development of the
9 lands within the district, in its entirety or a portion thereof, which
10 the commission shall prepare after meetings with the governing
11 bodies of the constituent municipalities and affected counties, and
12 any agencies and instrumentalities thereof.

13 b. In preparing the master plan or any portion thereof or
14 amendment thereto the commission shall consider the existing
15 patterns of the development in constituent municipalities, and any
16 master plan or other plan of development adopted by any
17 constituent municipality prior to the effective date of P.L. _____,
18 c. (C. _____) (pending before the Legislature as this bill), or prior
19 to the preparation of the master plan by the commission.

20 c. In preparing the master plan or any portion thereof or
21 amendment thereto, the commission shall consult with any federal
22 or State agency having an interest in the district. At least 60 days
23 prior to taking any action relating to the district, any interested
24 agency shall file with the commission any proposed plans for the
25 commission's review and recommendation.

26 d. A master plan examination and revision shall be conducted
27 by the commission every 10 years, the first of which shall be
28 conducted 10 years from the date on which the first master plan was
29 adopted by the commission pursuant to this section. ¹The master
30 plan in effect on the effective date of P.L. _____, c. (C. _____) (pending
31 before the Legislature as this bill) shall remain in effect until the
32 commission's next examination and revision, which shall be within
33 five years of the effective date of P.L. _____, c. (C. _____) (pending
34 before the Legislature as this bill).¹

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

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

40 (2) service-water supply, utilities, sewerage, and other like
41 matters;

42 (3) transportation, streets, parking, public transit lines and
43 stations, both above and below ground level, freight facilities,
44 airports, harbors, channels, docks, and wharves, and other like
45 matters;

46 (4) housing, including affordable housing, residential standards,
47 clearance, redevelopment, rehabilitation, conservation, and other
48 like matters;

- 1 (5) water, soil conservation, flood control, and other like
2 matters;
- 3 (6) public and semipublic facilities including but not limited to
4 civic centers, schools, libraries, parks, playgrounds, fire houses,
5 police buildings, hospitals, and other like matters;
- 6 (7) the distribution and density of population;
- 7 (8) planned unit development;
- 8 (9) community appearance;
- 9 (10) financing and programming capital improvements;
- 10 (11) plan and develop facilities for tourism, sports, and
11 entertainment; and
- 12 (12) other related elements of growth and development,
13 including the social implications of any proposed development, and
14 advances in technology related to any subject included in the plan.
- 15 f. In accordance with sections 1 through 68 of P.L. ,
16 c. (C.) (pending before the Legislature as this bill), and in
17 addition to any other law, rule, or regulation concerning affordable
18 housing, the master plan may also include codes and standards
19 covering land use, comprehensive zoning, subdivisions, building
20 construction and design, housing, and the control of air and water
21 pollution, and other subjects necessary to carry out the plan or to
22 undertake a workable program of community improvement. No
23 codes or standards concerning building construction and design
24 shall be promulgated without the certificate of the chief engineer or
25 equivalent official of the commission that the proposed codes and
26 standards meet the engineering standards adopted by the
27 commission. No municipality shall adopt, and no municipal official
28 shall enforce, any code which is inconsistent with the code
29 contained in the master plan insofar as such code applies to
30 property within the district; provided, however, that the governing
31 body or other appropriate body of each constituent municipality
32 may adopt zoning ordinances and any other codes or standards,
33 which it is authorized by the laws of this State to adopt, for lands
34 within the boundaries of said municipality which are subject to the
35 jurisdiction of the commission and which will effectuate the
36 purposes of the commission's master plan.
- 37
- 38 11. a. A constituent municipality that adopts the commission's
39 master plan, zoning regulations, codes, and standards shall have the
40 authority to approve or reject land use or zoning applications. The
41 municipality shall provide the commission all documentation, plans,
42 and information regarding all applications. All fees generated by
43 these applications and approvals shall be retained by the
44 municipality.
- 45 b. For those municipalities that do not adopt the commission's
46 master plan, zoning regulations, codes, and standards, the
47 commission shall have the authority to issue the permit.

1 c. Any municipality which undertakes projects for public
2 recreation, public safety, and the general welfare of its citizens will
3 not be required to file an application with the commission. The
4 codes and standards of that municipality shall apply. All
5 documentation plans and necessary information regarding the
6 project shall be submitted to the commission upon completion of
7 the project.

8 d. Any project which requires a 'use' variance 'pursuant to
9 subsection d. of section 57 of P.L.1975, c.291 (C.40:55D-70)'¹ or
10 special exception from any provision of the commission's master
11 plan must be submitted directly to the commission for review and
12 approval or rejection. 'Any project which requires a bulk variance
13 pursuant to subsection c. of section 57 of P.L.1975, c.291
14 (C.40:55D-70) or approval for a minor subdivision, as defined by
15 section 3.2 of P.L.1975, c.291 (C.40:55D-5), may be approved by
16 the appropriate board of a constituent municipality.'¹

17

18 12. **1[The]** For those municipalities that do not adopt the
19 commission's master plan, zoning regulations, codes, and standards,
20 the'¹ commission shall review and regulate subdivisions and land
21 development within the district, in accordance with procedures and
22 engineering and planning standards adopted by the commission,
23 which shall require that:

24 a. All subdivisions, site plans, buildings, and other
25 development shall be in accordance with the master plan and any
26 applicable redevelopment plan;

27 b. Adequate drainage facilities and easements be provided;

28 c. Road improvements be provided for subdivisions or sites
29 when necessary to protect the safety and convenience of the
30 traveling public, such improvements to include, but not be limited
31 to, additional rights-of-way or pavement widths, marginal access
32 streets, reverse frontage and highway and traffic design features
33 necessitated by increased traffic, and potential safety hazards or
34 traffic flow impediments caused by the subdivision or development;

35 d. Public water and sewer systems be provided when necessary
36 to protect public health and to ensure an adequate supply of water;
37 and

38 e. Performance guarantees, maintenance bonds, and
39 agreements be provided specifying minimum standards of
40 construction for required improvements by the commission, not to
41 exceed the full cost of the facility and installation thereof, or the
42 developer's proportionate share thereof. Any bonds, moneys, or
43 guarantees received by the commission under this paragraph shall
44 not duplicate bonds, moneys, or guarantees required by
45 municipalities for municipal purposes.

1 13. a. ¹**[Each]** Pursuant to the commission's jurisdiction
2 established in section 12 of P.L. , c. (C.) (pending before the
3 Legislature as this bill), each¹ application for a subdivision, site
4 plan, or building permit shall be submitted to the commission for
5 review and, when appropriate, approval, prior to any determination
6 by the applicable local constituent municipal approving authority.
7 Commission approval of any subdivision application shall be
8 limited by, and based upon, the rules, regulations, and standards in
9 a resolution adopted by the commission. The constituent municipal
10 approval authority shall defer taking final action on a subdivision
11 application until receipt of the commission report thereon. The
12 commission shall report to the municipal authority within 45 days
13 from the date of receipt of the application. If the commission fails
14 to report to the municipal approving authority within the 45-day
15 period, the subdivision application shall be deemed to have been
16 approved by the commission unless, by mutual agreement between
17 the commission and municipal approving authority, with approval
18 of the applicant, the 45-day period shall be extended for an
19 additional 45-day period, and any such extension shall so extend the
20 time within which a municipal approving authority shall be required
21 by law to act thereon.

22 b. The commission shall review each subdivision plan and
23 building permit application and withhold approval if an application
24 does not meet the requirements adopted by the commission. In the
25 event of the withholding of approval or the disapproval of any such
26 application, the reasons for such action shall be set forth in writing,
27 and a copy thereof shall be forwarded to the applicant and the
28 municipality.

29
30 14. Whenever the commission receives an application for the
31 development, improvement, or redevelopment of, or for the
32 construction or reconstruction of buildings or structures on, land in
33 the district, and the municipality did not adopt the commission's
34 master plan and zoning regulations, the commission shall notify,
35 within seven days, in writing, the governing body of the constituent
36 municipalities in which the land is located. Before approving an
37 application, the commission shall consult with the notified
38 governing body or bodies. If the commission approves an
39 application which the governing body or bodies oppose in any
40 manner, the commission shall inform the governing body or bodies,
41 in writing, by certified mail, of the reasons for approval within
42 seven days of that approval.

43
44 15. The county clerk or register of deeds and mortgages shall
45 not accept for filing any subdivision plat for lands in the district
46 unless it bears the certification of approval of the commission in
47 addition to all other requirements for filing a subdivision plat. If the
48 commission has not taken action on an application within the period

1 required by section 13 of P.L. , c. (C.) (pending before the
2 Legislature as this bill), at the request of the developer, the
3 commission shall certify such fact upon the plat. This certification
4 shall be sufficient authorization for further action by the municipal
5 approving authority and filing with the appropriate county
6 recording officer.

7
8 16. a. Whenever notice and a hearing is required in any
9 constituent municipality or affected county with respect to the
10 adoption or amendment of a master plan, official map, zoning or
11 subdivision regulations, or the granting of variances or special
12 exceptions, involving property within the district or within 200 feet
13 of its borders, the person required to give such notice shall also, at
14 least 30 days prior to the hearing, provide written notice of the
15 hearing to the commission by registered or certified mail. This
16 notice of hearing shall contain a brief description of the property
17 involved, its location, a concise statement of the matters to be
18 heard, and a copy of any plan, code, regulations, or standards to be
19 considered at the hearing.

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

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

42
43 17. The commission may establish provisions for the waiver,
44 according to definite criteria, of strict compliance with the
45 standards promulgated, when necessary to alleviate hardship. A
46 developer can request that the chief engineer grant a waiver based
47 on the defined criteria. The chief engineer shall make a

1 recommendation to the commission concerning whether the
2 hardship criteria has been met.

3

4 18. a. If any person ³transfers, sells, or rents, or agrees to
5 transfer, sell, or rent any land, building, or other structure, or³
6 constructs or alters any building or structure within the district, ³or
7 directly causes the transfer, sale, or rental, or arranges for an
8 agreement to transfer, sell, or rent any land, building, or other
9 structure,³ or directly causes the construction or alteration of any
10 building or structure within the district, without first obtaining the
11 approval of the commission or municipality of any application for a
12 subdivision, site plan or building permit as may be required by
13 sections 1 through 68 of P.L. , c. (C.) (pending before the
14 Legislature as this bill), the person shall be subject to a fine of not
15 more than \$5,000, and each parcel, lot, plot, building, or rental unit
16 so disposed of or agreed or caused to be disposed of shall be
17 deemed a separate violation.

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

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

37 (1) for injunctive relief;

38 (2) ³to set aside and invalidate any conveyance or lease made
39 pursuant to contract for sale or otherwise in violation of subsection
40 a. of this section;

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

44 ³[(4)] (3)³ to restrain, correct, or abate such violation;

45 ³[(5)] (4)³ to prevent the occupancy of said dwelling, structure,
46 or land; and

1 ³[(6)] (5)³ to prevent any illegal act, conduct, business, or use
2 in, or about, such premises.

3
4 19. The commission shall safeguard the environmental resources
5 of the district and provide quality public recreation and educational
6 opportunities. The commission shall:

7 a. Target and prioritize potential preservation sites for
8 acquisition, deed restriction, and conservation easements, including
9 large tracts of wetlands sites;

10 b. Preserve wetlands to protect wildlife, water quality, and
11 flood storage value;

12 c. Review preservation sites for potential wetland enhancement
13 and mitigation;

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

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

20 f. Increase both active and passive recreational uses;

21 g. Eliminate or control the presence of other invasive plant and
22 animal species;

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

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

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

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

31 l. Continue monitoring water quality by collecting and
32 analyzing data to determine trends, document improvements, and
33 assess the need for additional, or more stringent, measures.
34 Monitoring should include the analysis of historic data to form a
35 baseline to measure the degree of change over time; ³[and]³

36 m. ³Evaluate, approve, and implement any plan or plans for the
37 further preservation, development, enhancement, or improvement of
38 Liberty State Park and the buildings, structures, properties, and
39 appurtenances related thereto, or incidental to, necessary for, or
40 complimentary to the park. The commission may avail itself of any
41 plans under review by the Department of Environmental Protection
42 from any source that may promote expanded and diverse
43 recreational, cultural, and educational opportunities for visitors to
44 Liberty State Park and provide greater access to park facilities. Any
45 approved plans shall constitute a project of the commission, and
46 shall be adopted as part of the master plan; and

1 n.³ The commission shall operate a not-for-profit organization
2 which shall continue research opportunities of the Meadowlands
3 Environmental Research Institute.

4
5 20. The commission shall develop strategies and seek funding
6 for flood control infrastructure based on flood modeling for the
7 district and surrounding areas.

8 a. The commission shall:

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

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

12 b. The commission may:

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

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

17
18 21. In providing the solid waste and recycling disposal facilities,
19 the commission shall, prior to preparing any plans or specifications
20 for such facilities, consult with those persons utilizing the district
21 for the treatment and disposal of solid waste, and contract with any
22 such persons who desire to utilize solid waste disposal facilities
23 provided by the commission. In providing such facilities, the
24 commission may:

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

29 b. Operate and maintain any such facilities, as owner, lessor, or
30 lessee, and generally fix and collect rates, fees, or other charges for
31 any such facilities in the same manner, and pursuant to the same
32 procedure, provided for any other facilities operated and maintained
33 by the commission;

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

40 d. Permit, by contract or agreement, any agency,
41 instrumentality, or authority created by the State, or by any political
42 subdivision thereof, for the purpose of treating or disposing of solid
43 waste, to acquire, construct, or operate and maintain any solid waste
44 disposal facilities which such agency, instrumentality, or authority
45 is authorized by law to acquire, construct, or operate and maintain.
46 Any such facilities acquired, constructed, or operated and
47 maintained by any such agency, instrumentality, or authority may
48 be located either within the district or without the district, but shall

1 be within the jurisdiction of such agency, instrumentality, or
2 authority.

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

12

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

23 b. The commission may establish a surcharge on solid waste
24 which enters into its facilities. Revenue collected pursuant to this
25 subsection shall be dedicated, exclusively, to the Municipal
26 Assistance Program fund created by the commission pursuant to
27 subsection a. of this section.

28

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

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

39 c. The commission shall thereupon cause a hearing to be held
40 at an appointed time and place for the purpose of hearing persons
41 interested in, or who would be affected by, a determination that the
42 area is an area in need, as defined in section 3 of P.L. , c. (C.)
43 (pending before the Legislature as this bill), and who are in favor
44 of, or are opposed to, such determination.

45 d. A notice of such hearing shall be given setting forth the
46 general boundaries of the area to be investigated and stating that a
47 map has been prepared and can be inspected at the office of the
48 commission. The commission shall cause the publication of the

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

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

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

38 g. If the determination is that an area is in need, the
39 commission may acquire the real property within the area by
40 purchase, or by eminent domain proceedings in accordance with the
41 "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.),
42 and may proceed with the clearance, planning, development, or
43 redevelopment of the area as a public purpose and for public use, or
44 the commission may, by resolution, agree that a redeveloper may
45 undertake such clearance, planning, development, or
46 redevelopment.

- 1 24. a. The commission shall prepare and adopt a redevelopment
2 plan for each area in the district determined by the commission to
3 be an area in need.
- 4 b. A municipality which has land subject to the jurisdiction of
5 the commission and adopts the commission's redevelopment plan
6 shall have the authority to approve or reject an application for a
7 permit. The municipality shall provide the commission all
8 documentation, plans, and information regarding all applications.
9 All fees generated by these applications and approvals shall be
10 retained by the municipality. Any approval of any plan review or
11 subdivision application by a municipality pursuant to this
12 subsection shall be limited by, and based upon, the rules,
13 regulations, and standards in a resolution adopted by the
14 commission and the municipality. All fees generated by these
15 applications and approvals shall be retained by the municipality.
- 16 c. For those municipalities that do not adopt the commission's
17 redevelopment plan, the commission may issue the permit for the
18 proposed construction or alteration as being in conformity with the
19 redevelopment plan. Any variations and modifications of the
20 redevelopment plan shall be the responsibility of the commission. A
21 permit shall not be issued without a certificate from the chief
22 engineer or equivalent official of the commission that the proposal
23 is in conformity with the commission's redevelopment plan.
- 24 d. In undertaking projects pursuant to any redevelopment plan,
25 the commission may:
- 26 (1) Acquire, by condemnation or otherwise, real or personal
27 property, or any interest therein, including such property as it may
28 deem necessary or proper, although temporarily not required for
29 such purposes, in an area in need and in any area within the district
30 designated by the commission as necessary for relocation of
31 residents, industry, or commerce displaced from a redevelopment
32 area;
- 33 (2) clear or reclaim any area so acquired and install, construct,
34 or reconstruct projects therein necessary to prepare such area for
35 development;
- 36 (3) relocate or arrange or contract with public or private
37 agencies for the relocation of residents, industry, or commerce
38 displaced from the area in need;
- 39 (4) dispose of real property so acquired by sale, lease, or
40 exchange for the uses and purposes specified in the redevelopment
41 plan, to any person or public agency;
- 42 (5) study the recommendations of the constituent municipality's
43 planning board impacted by the redevelopment plan for
44 redevelopment of any area within that municipality and make its
45 own investigations as to current trends in the area in need, as
46 established by the commission;
- 47 (6) by contract or contracts with public agencies or redevelopers
48 or by its own employees' or consultants' plan, plan, construct,

1 reconstruct, operate, maintain, and repair any redevelopment or
2 other project or any part thereof; and

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

9

10 25. All agreements, leases, deeds, and other instruments between
11 the commission and a redeveloper shall contain, at least, the
12 following provisions:

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

16 b. A provision that the redeveloper shall be without power to
17 sell, lease, or otherwise transfer the redevelopment area or project,
18 or any part thereof, without the prior written consent of the
19 commission; ³and³

20 c. ³[In the case of a lease to a developer, a requirement that all
21 improvements shall become the property of the commission;

22 d. ³ Any other covenants, provisions, and continuing controls
23 as may be deemed necessary to effectuate the purposes of sections 1
24 through 68 of P.L. , c. (C.) (pending before the Legislature as
25 this bill), including, but not limited to, deed restrictions or
26 easements to promote environmental and ecological sustainability.

27

28 26. The commission may issue negotiable bonds and notes for
29 any corporate purpose ³[, and may renew any bonds and notes by
30 the issuance of new bonds and notes, whether the bonds and notes
31 to be renewed have, or have not, matured. The commission may
32 issue bonds and notes partly to renew bonds and notes, or to
33 discharge other obligations then outstanding, and partly for any
34 other purpose. The notes may be authorized, sold, executed, and
35 delivered in the same manner as bonds. The commission may issue
36 bonds and notes on which the principal and interest are payable (1)
37 exclusively from the income and revenues of the improvements or
38 projects financed with the proceeds of such bonds or notes; (2)
39 exclusively from the income and revenue of certain designated
40 improvements or projects whether or not they are financed in whole
41 or in part with the proceeds of such bonds or notes; or (3) from
42 other available funds. Any such bonds or notes may be additionally
43 secured by a pledge of any grant or contribution from any
44 department or agency of the United States or the State, person, or a
45 pledge of any money, income, or revenues of the commission from
46 any source whatsoever] in accordance with the power provided to

1 the commission in subsection g. of section 5 of P.L.1971, c.137
2 (C.5:10-5)³.
3

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

15 28. a. ³**]**The commission, by resolution, shall designate the 750
16 acre sports complex site as a sports ²**[and],²** entertainment ²,
17 amusement, retail, hotel, office, convention, and tourist¹ area ¹, or
18 for such other uses as it may determine from time to time in its
19 master plan,² and recognize it as such in its regulations, master
20 plan, and zoning maps. The commission shall aid in promoting the
21 sports ²**[and entertainment]** complex² area for tourism,
22 entertainment, sports, ²amusement, retail, hotel, office, convention,²
23 and all related activities, and to support efforts to attract events to
24 the sports and entertainment area.

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

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

45 d. ³**]** b.³ The commission shall make a vigorous effort to
46 establish collaboration among private tourist marketing operations,
47 and between those operations and the commission, through

1 conversations with leaders of such operations, as well as
2 stakeholders associated with such operations.

3 ³[e.] c.³ The commission shall promote the image of “one-
4 stop shopping” for those seeking tourist information and assistance
5 or wishing to host an event.

6 ³[f.] d.³ The commission ³[shall] may³ establish a not-for-
7 profit organization that will be responsible for the operation of the
8 sports and entertainment area, and ³[shall] may³ collaborate with
9 the Division of Travel and Tourism and the Meadowlands
10 Convention and Visitors Bureau to attract major events to the area.
11 The not-for-profit organization established pursuant to this section
12 ³[shall] may³ be a public-private partnership and may raise funds
13 to support these activities. The goal of the not-for-profit
14 organization is to consolidate event planning and establish sources
15 of revenue as part of an overall strategy to create positive economic
16 development opportunities that will impact the Hackensack
17 meadowlands.

18
19 29. ³[If] Subject to the limitations established in subsection m.
20 of section 5 of P.L.1971, c.137 (C.5:10-5), if³ for any of its
21 authorized purposes, including temporary purposes, the commission
22 shall find it necessary or convenient to acquire any real property
23 within its jurisdiction, or if for any of its authorized purposes,
24 including temporary construction purposes, the commission shall
25 find it necessary to acquire any real property contiguous to property
26 within its jurisdiction, whether for immediate or future use, the
27 commission may take such action in accordance with the “Eminent
28 Domain Act of 1971,” P.L.1971, c.361 (C.20:3-1 et seq.).

29
30 30. ³[a.]³ All projects, lands, and other property of the
31 commission are hereby declared to be public property devoted to an
32 essential public and governmental function and purpose ³[and shall
33 be exempt from all taxes and special assessments of the State or any
34 political subdivision thereof; provided, however, that whenever any
35 part of a project area not occupied or to be occupied by facilities of
36 the project is leased by the commission to another whose property is
37 not exempt and the leasing of which does not make the real estate
38 taxable, the estate created by the lease and the appurtenances
39 thereto shall be listed as the property of the lessee thereof, or an
40 assignee, and be assessed and taxed as real estate. All bonds or
41 notes issued pursuant to sections 1 through 68 of P.L. , c. (C.)
42 (pending before the Legislature as this bill) are hereby declared to
43 be issued by a body corporate and public of the State and for an
44 essential public and governmental purpose, and such bonds and
45 notes, together with the interest thereon and the income therefrom,
46 and all funds, revenues, income, and other moneys received, or to
47 be received by the commission, and pledged or available to pay or

1 secure the payment of such bonds or notes, or interest thereon, shall
2 at all times be exempt from taxation except for transfer, inheritance,
3 and estate taxes.

4 b. To the end that municipalities and counties may not suffer
5 undue loss of tax revenue by reason of the acquisition and
6 ownership of property therein by the commission, the commission
7 is hereby authorized, empowered, and directed to enter into an
8 agreement with any constituent municipality or affected county,
9 whereby the commission will undertake to pay a fair and reasonable
10 sum or sums to compensate the municipality or county for a loss of
11 property tax revenue in connection with any property acquired and
12 owned by the commission in carrying out the provisions of sections
13 1 through 68 of P.L. , c. (C.) (pending before the Legislature
14 as this bill). Any such payment or payments which the commission
15 is hereby authorized, empowered, and directed to make may be
16 made on an annual basis. Every constituent municipality and
17 county wherein the commission owns the property may enter into
18 such agreements with the commission to accept these payments³.

19 ³The provisions of section 9 of P.L.1978, c.1 (C.5:10-35) and
20 section 18 of P.L.1971, c.137 (C.5:10-18) shall be applicable to all
21 projects, lands, and other property of the commission.³

22

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

27

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

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

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

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

42 b. The State, its political subdivisions, or any other public
43 agency or instrumentality owning land in the district shall be
44 required to certify to the commission, by a date established by the
45 commission, whether said lands are in class one or class two; and in
46 the case of land being in class one, the State, its political
47 subdivisions, or any other public agency or instrumentality, as
48 appropriate, shall indicate the nature of the present or ultimate use.

1 The commission shall approve or modify the certifications by
2 resolution. The commission may also reclassify lands by a majority
3 vote, upon the request of the State, its political subdivisions, or any
4 other public agency or instrumentality owning land in the district
5 for such reclassification.

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

11

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

26

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

35

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

1 any land by reason of such improvement, having due regard to the
2 rights and interests of all persons concerned, and the increment in
3 the value of the land benefited thereby and levy the same.

4
5 36. All assessments levied under section 35 of P.L. , c. (C.)
6 (pending before the Legislature as this bill) for any improvement
7 shall, in each case, be as nearly as may be in proportion to, and not
8 in excess of, the benefit, advantage, or increase in value which
9 respective lots and parcels of land shall be deemed to receive by
10 reason of such improvement.

11
12 37. In addition to the making of assessments for benefits, the
13 appropriate officer of the commission shall fix and determine the
14 amount, if any, the property is damaged incidentally to the making
15 of the improvement and deduct such amount from the amount of
16 benefits assessed thereon. If the amount of any such damages, as
17 confirmed by the commission, shall exceed the benefits assessed on
18 the same property, if in case no benefits shall accrue thereto, or if
19 such property is damaged subsequent to the levying and collection
20 of an assessment which shall be confirmed by the commission to be
21 a direct result of the making of the improvement, the balance or
22 amount of such damages so fixed, may be raised from the general
23 revenues of the commission and shall be paid by the commission to
24 the owner of the property so damaged. Any person aggrieved by
25 such assessment or award of damages may after the same has been
26 confirmed by the commission, appeal therefrom as provided in
27 section 48 of this P.L. , c. (C.) (pending before the Legislature
28 as this bill).

29
30 38. When owners of any property have been or shall have been
31 awarded damages as incidental to any improvement undertaken
32 pursuant to sections 1 through 68 of P.L. , c. (C.) (pending
33 before the Legislature as this bill), and such award has been or shall
34 have been duly confirmed, the amount thereof shall be tendered to
35 the person or persons entitled thereto. If there is uncertainty as to
36 the person entitled to receive the award or if the party entitled to
37 receive the amount awarded shall refuse upon tender thereof to
38 receive the same, or shall be out of the State or under any legal
39 disability, or if several parties interested in the fund shall not agree
40 as to the distribution thereof, or the lands damaged are encumbered
41 by any mortgage, judgment, or other lien, or if for any other reason
42 the commission cannot safely pay the amount awarded to any
43 person, in all such cases the amount awarded may, with leave of the
44 Superior Court, be paid into said court and thereupon distributed
45 according to law, on the application of any person interested
46 therein.

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

9
10 40. The report submitted pursuant to section 39 of P.L. ,
11 c. (C.) (pending before the Legislature as this bill) may be
12 considered by the commission at any meeting, notice whereof shall
13 be published in a newspaper circulating in the district, once each
14 week for two weeks prior to the meeting, and also by mailing a
15 copy of the notice to the owners named in the report, directed to
16 their last known post-office addresses, and the affidavit of the
17 appropriate officer of the commission shall be conclusive as to such
18 mailing. The notice shall briefly state the object of the meeting
19 with reference to the assessment. At that, or any subsequent
20 meeting, the commission, after considering the report and map, may
21 adopt and confirm the report and map, with or without alterations,
22 and may refer such matter to any committee of the commission, or
23 to the officer making the assessment, for revision or correction
24 before taking final action thereon. When the commission adopts the
25 report, with or without alterations, it shall be final and conclusive,
26 and may be appealed directly to the Appellate Division of the
27 Superior Court by an appropriate party as a matter of right in
28 accordance with other laws, rules, or regulations. Failure to mail
29 the notice required by this section shall not invalidate the
30 proceedings.

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

43
44 42. a. Special assessments levied against land in class one shall
45 be considered to be of general benefit to the entire district and areas
46 outside of the district, as it relates to flood control projects, and
47 shall be included as a charge against general revenues of the

1 commission, or paid out of any funds of the commission which shall
2 be available for such purpose.

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

6
7 43. Every assessment for any improvement, together with
8 interest thereon and all costs and charges connected therewith, shall
9 be, upon authorization of the assessment by resolution of the
10 commission, a first lien on the land described in the assessment,
11 paramount to all prior or subsequent alienations and descents of
12 such land or encumbrances thereon, and shall constitute a lien in the
13 same manner as taxes and assessments for State purposes,
14 notwithstanding any mistake in the name or names of any owner or
15 owners, or any omission to name any owner or owners who are
16 unknown, and notwithstanding any lack of form therein, or in any
17 proceeding which does not impair the substantial rights of the
18 owner or owners or person or persons having a lien upon or interest
19 in any such land. Confirmation of the amount of the assessment by
20 the commission, or by the court, shall be considered as determining
21 the amount of the existing lien and not as establishing the lien. All
22 assessments for improvements shall be presumed to have been
23 regularly assessed and confirmed, and every assessment or
24 proceeding preliminary thereto shall be presumed to have been
25 regularly made or conducted until the contrary be demonstrated.

26
27 44. In all cases in which any assessment incident to any
28 improvement has been set aside by a court of competent
29 jurisdiction, and the improvement shall have been actually made in
30 the manner provided by law, the officer charged with the duty of
31 making assessments for benefits for improvements shall make a
32 new assessment of benefits upon the property benefited by the
33 improvement, in the manner and by the proceeding herein provided.
34 All such new assessments shall become a lien upon the land so
35 assessed in the same manner and with like effect and be enforceable
36 in the same way as an original assessment for like improvements.

37
38 45. When any court of competent jurisdiction shall decide that
39 any assessment has been illegally made, the commission shall
40 refund the amount thereof, if the same has been paid, and if a new
41 assessment of less amount is to be made, then the difference
42 between the new assessment and the amount paid shall be refunded.

43
44 46. The commission may, by resolution, provide that the owner
45 of any land, upon which any assessments for any improvement shall
46 have been made, pay such assessments in equal yearly installments,
47 for a number of years as may be provided by the rules and
48 regulations of the commission, with legal interest thereon, provided

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

9
10 47. When any unpaid assessment, interest thereon, or other
11 charges for collection thereof, remains in arrears on July 1 of the
12 calendar year following the calendar year when the same became in
13 arrears, the appropriate officer of the commission shall enforce the
14 lien by selling the property in the manner set forth in R.S.54:5-19
15 through R.S.54:5-129.

16
17 48. The owner of any property assessed for benefits, or awarded
18 damages incident to any improvement under sections 1 through 68
19 of P.L. , c. (C.) (pending before the Legislature as this bill),
20 may, within 30 days after confirmation of such assessment or
21 award, appeal the determination to the Appellate Division of the
22 Superior Court by serving written notice of such appeal upon the
23 tax collector, and a duplicate upon the appropriate officer of the
24 commission. The court shall determine whether the record contains
25 substantial evidence that the assessment or award appealed from is
26 just and fair, and, if not, shall make an order correcting the same,
27 or, if the court upholds the assessment or award, shall so order. The
28 determination shall be by order or judgment for the amount
29 determined and shall be enforceable pursuant to procedures set forth
30 in R.S.40:56-57. The commission may proceed with the
31 prosecution and completion of the improvement and the issuing of
32 bonds and other indebtedness in connection with said improvements
33 notwithstanding any such appeal.

34
35 49. The commission shall, in 2017, and every year thereafter,
36 submit a report to the Governor and the Legislature pursuant to
37 section 2 of P.L.1991, c.164 (C.52:14-19.1) relating to the operation
38 of the intermunicipal account in the prior year, and shall
39 recommend, when it deems necessary, amendments to sections 1
40 through 68 of P.L. , c. (C.) (pending before the Legislature as
41 this bill) as it deems necessary to carry out the legislative intent
42 herein stated.

43
44 50. Except as provided in sections 1 through 68 of P.L. ,
45 c. (C.) (pending before the Legislature as this bill), the laws
46 relating to the assessment and taxation of real and personal property
47 shall apply to all constituent municipalities.

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

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

9
10 52. On or before November 15, 2017, and on or before
11 November 15 of each year thereafter, the secretary, superintendent,
12 or a person designated by the school board of each school district of
13 each constituent municipality shall certify to the commission the
14 resident enrollment as of September 30 of that year. The
15 certification shall show the number, address, and grade enrolled of
16 pupils who reside within the district, and the number who reside
17 outside, in a manner to be prescribed by the Commissioner of
18 Education.

19
20 53. a. In the adjustment year 2017, and in each adjustment year
21 thereafter, the commission shall establish an intermunicipal account
22 and shall compute the amount payable to each constituent
23 municipality from said account for that year pursuant to section 55
24 of P.L. , c. (C.) (pending before the Legislature as this bill).

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

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

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

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

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

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

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

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

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

21
22 54. Notwithstanding the provision of any law, rule, or regulation
23 to the contrary, no constituent municipality shall pay out, or receive
24 an adjustment payment for any adjustment year in which its
25 municipal equalized valuation per capita, as defined in section 1 of
26 P.L.1978, c.14 (C.52:27D-178) and as certified by the Director of
27 the Division of Local Government Services in the Department of
28 Community Affairs exceeds \$1,000,000.

29
30 55. a. The guarantee payment payable by the intermunicipal
31 account to each constituent municipality in any adjustment year
32 shall be computed as follows:

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

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

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

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

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

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

27
28 56. For school district services, the service payment payable by
29 the intermunicipal account to a constituent municipality in any
30 adjustment year shall be found by dividing the total local school tax
31 levy, as shown on the Table of Aggregates pursuant to R.S.54:4-52
32 for the comparison year, by the school resident enrollment on
33 September 30 of such comparison year, as certified pursuant to
34 section 52 of P.L. , c. (C.) (pending before the Legislature as
35 this bill), and multiplying the result by the increase, if any, in
36 resident enrollment within the district boundaries of that constituent
37 municipality between September 30 of the year of enactment of
38 P.L. , c. (C.) (pending before the Legislature as this bill) and
39 September 30 of the comparison year.

40
41 57. a. If, in any adjustment year, the amount payable to the
42 constituent municipalities by the intermunicipal account for
43 guarantee payments and school district service payments is less than
44 the amount payable to the intermunicipal account pursuant to
45 section 55 of P.L. , c. (C.) (pending before the Legislature as
46 this bill), the balance, if any, shall be apportioned among the
47 constituent municipalities in the same ratio as the number of acres
48 within the district of each constituent municipality bears to the total

1 number of acres in the district, and shall be known as an
2 apportionment payment.

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

5
6 58. If, in any adjustment year, the amount payable to the
7 constituent municipalities by the intermunicipal account for
8 guarantee payments and service payments exceeds the amount
9 payable to said account pursuant to section 55 of P.L. , c. (C.)
10 (pending before the Legislature as this bill), the total service
11 payments payable to all constituent municipalities shall be reduced
12 by the amount of the deficit and the service payment payable to
13 each constituent municipality shall be reduced by the same ratio as
14 the total service payment to all constituent municipalities was
15 reduced.

16
17 59. a. On or before February 1, 2017 and on or before February
18 1 of each year thereafter, the commission shall certify to the chief
19 financial officer of each constituent municipality an amount,
20 identified as the meadowlands adjustment payment. The
21 meadowlands adjustment payment for each constituent municipality
22 shall be determined by adding all the payments payable to that
23 municipality from the intermunicipal account for school district
24 service payments, guarantee payments, and apportionment
25 payments, if any. The amount so derived shall be referred to as the
26 meadowlands pre-adjustment payment. For calendar year 2015, the
27 meadowlands adjustment payment shall be the average of the
28 meadowlands pre-adjustment payments for calendar years 2014 and
29 2015. For calendar year 2016, the meadowlands adjustment
30 payment shall be the average of the meadowlands pre-adjustment
31 payments for calendar years 2013, 2014, and 2015. For calendar
32 year 2017 and subsequent years, the meadowlands adjustment
33 payment shall be the average of the meadowlands pre-adjustment
34 payments for the prior three calendar years.

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

43
44 60. There is established the Hackensack Meadowlands Tax
45 Sharing Stabilization Fund in the commission. The fund shall be
46 comprised of revenues made available from the State of New Jersey
47 and from interest payments on sanitary landfill closure accounts
48 maintained by the commission or such other revenues which are

1 made available for these purposes. Moneys in the fund shall be
2 used to fully compensate municipalities from excessive fluctuations
3 in payments from the intermunicipal account in 2014 and
4 subsequent years. In the event that there are insufficient monies in
5 the fund to fully compensate all municipalities in any year, the
6 amount paid to each municipality shall constitute the same
7 proportion of the total amount of money available to all
8 municipalities as each municipality would receive if the amount of
9 money in the fund were sufficient to fully compensate all
10 municipalities in that year.

11 For the purposes of this section, any decrease in a payment
12 required to be made from the intermunicipal account to a
13 constituent municipality which is in excess of five percent below
14 the previous year's payment shall be considered an "excessive
15 fluctuation."
16

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

20 a. An operating budget covering administrative, operating, and
21 maintenance expenses of each office, activity, or project of the
22 commission, plus contingent expenses of up to 5 percent of the
23 amount stated;

24 b. A capital budget, including deposits in any capital
25 improvement fund or capital reserve fund, down payments, or
26 expenditures for capital projects, and interest payments, sinking
27 fund deposits, principal maturities, and redemption premiums
28 payable in such year on bond and notes of the commission;

29 c. Deferred charges; and

30 d. Estimates of the following revenues:

31 (1) Cash balances and surplus;

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

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

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

39 (5) Payments by municipalities or other governmental bodies
40 pursuant to contracts for services performed by the commission;
41 and

42 (6) Miscellaneous other revenues and receipts.
43

44 62. For the purpose of aiding and cooperating with the
45 commission, including the planning, undertaking, construction, or
46 operation of its activities, any public body may, with or without
47 consideration, as it may determine:

- 1 a. Dedicate, sell, convey, or lease any of its property to the
2 commission or the federal government;
 - 3 b. Cause parks, playgrounds, recreational, community,
4 educational, water, sewer, or any other works which it is otherwise
5 empowered to undertake, to be furnished adjacent to, or in
6 connection with, projects of the commission;
 - 7 c. Furnish, dedicate, close, pave, install, grade, regrade, or plan
8 streets, roads, roadways, alleys, sidewalks, or other places which it
9 is otherwise empowered to undertake;
 - 10 d. Plan, zone, or rezone any part of such public body;
 - 11 e. Make exceptions from building regulations and ordinances
12 and change its map;
 - 13 f. Enter into agreements, which, notwithstanding any law, rule,
14 or regulation to the contrary, may extend over any period, with the
15 commission or the federal government respecting action to be taken
16 by such public body;
 - 17 g. Do any and all things necessary or convenient to aid and co-
18 operate in planning, undertakings, construction, or operations of the
19 commission;
 - 20 h. Cause services to be furnished to the commission of the
21 character which the public body is otherwise empowered to furnish;
 - 22 i. Purchase, or legally invest in, any of the bonds of the
23 commission, and exercise all of the rights of any holder of such
24 bonds;
 - 25 j. In connection with any public improvements made by a
26 public body in exercising the powers herein granted, the public
27 body may incur the entire expense thereof. Notwithstanding any
28 law, rule, or regulation to the contrary, any grant, sale, conveyance,
29 lease, or agreement provided for in this section may be made by a
30 public body without appraisal, public notice, advertisement, or
31 public bidding; or
 - 32 k. Upon such terms as it may deem advisable, with or without
33 consideration, grant, sell, convey, or lease any of its property,
34 including real property already devoted to a public use, whether
35 held in a proprietary or governmental capacity to the commission,
36 provided, that the public body making the grant or lease determines
37 that the premises are no longer required for the public purposes to
38 which the property is devoted, and that it is in the public interest so
39 to grant, sell, convey, or lease said property.
40
- 41 63. a. The commission may enter into contracts with one or
42 more municipalities, counties, or other public agencies for the
43 operation of public improvements, works, facilities, services, or
44 undertakings of the municipalities, counties, or agencies, or of the
45 commission.
- 46 b. Contracts entered into pursuant to this section shall
47 specifically provide for the services or improvements to be
48 undertaken, the fee or fees to be charged for such services or

1 facilities, the method of apportionment of such fees among the
2 contracting parties, persons, officers, or agencies responsible for the
3 performance of the contract, and other appropriate terms and
4 conditions of participation.

5 c. Contracts entered into pursuant to this section shall be
6 subject to approval, by resolution, of the commission and of the
7 governing body of each participating municipality, county, or other
8 participating agency.

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

12
13 64. The State Auditor and his legally authorized representatives
14 may, at any time, examine the accounts and books of the
15 commission, including its receipts, disbursements, contracts,
16 sinking funds, investments, and any other matters relating to its
17 financial standing.

18
19 65. The commission may call to its assistance and avail itself of
20 the services of such employees of any State department or agency,
21 as it may require, and as may be available to it for said purpose. The
22 commission may enter into an agreement with any political
23 subdivision of the State by which the commission may be of
24 assistance in the permitting of projects that take place within the
25 district.

26
27 66. Sections 1 through 68 of P.L. , c. (C.) (pending before
28 the Legislature as this bill) shall be deemed to provide an additional
29 and alternative method for effectuating the purposes authorized
30 thereby, and shall be regarded as supplemental and additional to
31 powers conferred by other laws, and shall not be regarded as in
32 derogation of any powers now existing.

33
34 67. If the provisions of any section or clause of sections 1
35 through 68 of P.L. , c. (C.) (pending before the Legislature as
36 this bill) or the application thereof to any person shall be judged
37 invalid by a court of competent jurisdiction, such order or judgment
38 shall be confined in its operation to the controversy in which it was
39 rendered, and shall not affect or invalidate the remainder of any
40 provision of any section or clause of sections 1 through 68 of
41 P.L. , c. (C.) (pending before the Legislature as this bill), or
42 the application of any part thereof to any other person or
43 circumstance and, to this end, the provisions of each section of
44 sections 1 through 68 of P.L. , c. (C.) (pending before the
45 Legislature as this bill) are declared to be severable.

46
47 68. All expenses incurred in carrying out the provisions of
48 sections 1 through 68 of P.L. , c. (C.) (pending before the

1 Legislature as this bill) shall be payable from funds provided the
2 commission therefor, and no liability or obligation shall be incurred
3 by the commission hereunder beyond the extent to which moneys
4 shall have been provided therefor.

5
6 69. Sections 69 through 81 of P.L. , c. (C.) (pending before
7 the Legislature as this bill) shall be known and may be cited as the
8 “Hackensack Meadowlands Transportation Planning District Act of
9 2014.”

10
11 70. The Legislature finds and declares that:

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

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

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

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

47 e. In assessing development fees under sections 69 through 81
48 of P.L. , c. (C.) (pending before the Legislature as this bill),

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

16 f. The creation of a transportation planning district shall be
17 accompanied by the development of strategies to improve regional
18 comprehensive planning, to encourage transportation-efficient land
19 uses, to reduce automobile dependency, to improve pedestrian and
20 bicyclist safety, and to encourage alternatives to peak-hour
21 automobile trips.

22
23 71. As used in sections 69 through 81 of P.L. , c. (C.)
24 (pending before the Legislature as this bill):

25 "Allowable administrative costs" means expenses incurred by the
26 commission or the board in developing a district transportation
27 plan, including a financial element, and in managing a
28 transportation planning district.

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

32 "Chief fiscal officer" means the chief fiscal officer of the
33 ³**[Meadowlands Regional Commission] commission**³.

34 "Commission" means the ³New Jersey Sports and Exposition
35 Authority, which may be referred to as the "Meadowlands Regional
36 Commission,"³ as established by section 6 of P.L. , c. (C.)
37 (pending before the Legislature as this bill) ³**[Meadowlands**
38 **Regional Commission established by section 6 of P.L. , c. (C.)**
39 **(pending before the Legislature as this bill)]**³.

40 "Commissioner" means the Commissioner of Transportation.

41 "Department" means the Department of Transportation.

42 "Developer" means the legal or beneficial owner or owners of a
43 lot or of any land proposed to be included in a proposed
44 development, including the holder of an option or contract to
45 purchase, or other person having an enforceable proprietary interest
46 in that land.

47 "Development" means any project for which zoning approval is
48 required pursuant to sections 1 through 68 of P.L. , c. (C.)

1 (pending before the Legislature as this bill), or rules or regulations
2 promulgated pursuant thereto.

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

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

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

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

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

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

41 “Transportation planning district” or “district” means the
42 Meadowlands District.

43 “Transportation project” or “transportation improvement” means,
44 in addition to public highways and public transportation projects,
45 any equipment, facility, or property useful or related to the
46 provision of any ground, waterborne, or air transportation for the
47 movement of people and goods within or through the district,
48 including rail freight infrastructure.

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

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

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

33 ³The provisions of sections 69 through 81 of P.L. , c. (C.)
34 (pending before the Legislature as this bill) shall be retroactive to
35 January 1, 2014.³

36
37 73. a. The district transportation plan shall establish goals,
38 policies, needs, and improvement priorities for all modes of
39 transportation, including walking and bicycling, within the district
40 for the ensuing 20 years following the effective date of sections 69
41 through 81 of P.L. , c. (C.) (pending before the
42 Legislature as this bill) and shall be consistent with the master plan
43 adopted by the commission pursuant to section 10 of P.L. ,
44 c. (C.) (pending before the Legislature as this bill). The
45 district transportation plan shall be based on a reasonable
46 assessment of likely future growth reflected in that master plan.

47 b. The plan shall quantify transportation needs arising from
48 anticipated future traffic passing within or through the district based

1 upon future development anticipated to occur within or through the
2 district, and reflected in the master plan. The plan shall set forth
3 proposed transportation projects designed to address that future
4 development, prioritized over increments of five years, the
5 allocation of public and private shares of project costs and
6 allowable administrative costs, and the amount, schedule, and
7 collection of development fees. If new developments are proposed
8 in the district which are not considered in the plan which is
9 currently in effect, the plan shall be reevaluated, notwithstanding
10 the five-year increment provision.

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

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

29 e. The board shall make copies of the plan available to the
30 public for inspection no less than 14 days prior to taking any formal
31 action to recommend the plan to the commission for adoption
32 thereof. In addition, the board shall take steps to notify members of
33 the business community and other interested parties of the plan and
34 shall hold a public hearing thereon after having given public notice
35 of the hearing.

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

38

39 74. a. After the adoption of the plan by the commission pursuant
40 to subsection f. of section 73 of P.L. , c. (C.) (pending
41 before the Legislature as this bill), the commission may, by
42 resolution, provide for the assessment and collection of
43 development fees on developments within the district as provided
44 hereunder.

45 b. Development fees assessed by the commission shall be
46 based upon the growth and development forecasts contained in the
47 plan and shall be levied in order to raise only those amounts needed
48 to accomplish the transportation projects set forth in the plan and

1 allowable administrative costs. Those fees shall be assessed based
2 upon the formula or formulas contained in the resolution and shall
3 be uniformly applied, with such exceptions as are authorized or
4 required by sections 69 through 81 of P.L. , c. (C.) (pending
5 before the Legislature as this bill).

6 c. A formula or formulas adopted by the commission by
7 resolution shall reflect a methodology which relates the use of land
8 to the impact of the proposed development on the transportation
9 system, including, but not limited to: vehicle trips generated by the
10 development; the square footage of an occupied structure; the
11 number of employees regularly employed at the development; the
12 number of parking spaces located at the development; or any
13 combination thereof.

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

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

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

35 g. The assessment of a development fee shall be reasonably
36 related to the impact of the proposed development on the
37 transportation system of the district and shall not exceed the
38 development's fair share of the cost of the transportation
39 improvement necessary to accommodate the additional burden on
40 the district's transportation system that is attributable to the
41 proposed development and related allowable administrative costs.

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

46 i. Upon the adoption by the commission of a resolution
47 pursuant to subsection a. of this section, a separate assessment for
48 off-site transportation improvements within the district shall not be

1 made by the State, a county, or a municipality except as permitted
2 pursuant to sections 69 through 81 of P.L. , c. (C.) (pending
3 before the Legislature as this bill).

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

8 k. At least ¹~~25%~~ 30%¹ of any development fees collected in
9 accordance with this section shall be used for transportation related
10 projects within the municipality where the development, for which a
11 particular fee was collected, is located.

12

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

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

33

34 76. a. The payments due to the commission, whether as a lump
35 sum or as balances due when a series of payments is to be made,
36 shall be enforceable by the commission as a lien on the land and
37 any improvements thereon. The lien shall be recorded by the
38 county clerk or register of deeds and mortgages in the record book
39 of the county office.

40 b. When the fee is paid in full on the development or portion
41 thereof, the lien on the development or portion thereof, as
42 appropriate, shall be removed. When a series of payments is to be
43 made, failure to make any one payment within 30 days after receipt
44 of a notice of late payment shall constitute a default and shall
45 obligate the person owing the unpaid balance to pay that balance in
46 its entirety.

47 c. All amounts assessed as a lien pursuant to this section shall
48 be a lien upon the land against which they are assessed in the same

1 manner that taxes are made a lien against land pursuant to Title 54
2 of the Revised Statutes, and the payment thereof shall be enforced
3 within the same time, in the same manner, and by the same
4 proceedings as the payment of taxes is otherwise enforced under
5 Title 54 of the Revised Statutes.

6
7 77. a. A resolution adopted by the commission pursuant to
8 section 74 of P.L. , c. (C.) (pending before the Legislature
9 as this bill) shall provide for the establishment of a transportation
10 planning district fund under the control of the chief fiscal officer.
11 All monies collected from development fees shall be deposited into
12 the fund, which shall be invested in an interest-bearing account.
13 Monies deposited in the fund shall be used to defray project costs
14 and allowable administrative costs.

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

24
25 78. a. Any fees collected, plus earned interest, not committed to
26 a transportation project under a project agreement entered into
27 under section 77 of P.L. , c. (C.) (pending before the
28 Legislature as this bill) within 10 years of the date of collection, or
29 not used for other allowable administrative costs within 10 years of
30 the date of collection, shall be refunded to the fee-payer under a
31 procedure prescribed by the commission; provided, however, that if
32 the fee-payer transfers the development or any portion thereof, the
33 fee-payer shall enter into an agreement with the grantee in a form as
34 shall be provided by the commission which shall indicate who shall
35 be entitled to receive any refund, and that agreement shall be filed
36 with the chief fiscal officer.

37 b. Any person who has been assessed a development fee may
38 request in writing a reconsideration of the fee and a hearing by an
39 employee so delegated by the commission within 90 days of the
40 receipt of notification of the amount of the fee on the grounds that
41 the commission or its officers or employees, in issuing the fee, did
42 not abide by the provisions of sections 74 and 75 of P.L. ,
43 c. (C.) (pending before the Legislature as this bill) or the
44 provisions of the resolution adopted by the commission pursuant to
45 subsection a. of section 74 of P.L. , c. (C.) (pending before
46 the Legislature as this bill).

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

11
12 80. A transportation planning district may accept loans from any
13 public or private source, including, but not limited to, the State
14 Transportation Infrastructure Bank established under section 2 of
15 P.L.1997, c.142 (C.27:1B-21.11), pursuant to a project agreement
16 for the purpose of undertaking and completing a transportation
17 project as permitted by the commission. In this event, the project
18 agreement shall include the obligation of the commission to make
19 payments to the public or private source for repayment of the loan
20 from a transportation planning fund or other available sources
21 according to an agreed upon schedule of payments.

22
23 81. a. Notwithstanding the provisions of the "Administrative
24 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the
25 contrary, the commission may, immediately upon filing proper
26 notice with the Office of Administrative Law, adopt rules and
27 regulations to implement sections 69 through 80 of P.L. , c. (C.)
28 (pending before the Legislature as this bill).

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

35
36 82. Sections 82 through 85 of P.L. , c. (C.) (pending
37 before the Legislature as this bill) shall be known and may be cited
38 as the "New Jersey Meadowlands Tax Relief Act."

39
40 83. The Legislature finds and declares that:
41 a. The New Jersey Meadowlands Commission is the zoning
42 and planning agency for a 30.4-square-mile area along the
43 Hackensack River known as the Hackensack Meadowlands,
44 covering parts of 14 municipalities in Bergen and Hudson Counties
45 in New Jersey. The Meadowlands Regional Commission will
46 oversee the development, and redevelopment, of the Hackensack
47 Meadowlands in an orderly and comprehensive fashion, with

1 special consideration to the ecological factors constituting the
2 environment of the Hackensack Meadowlands.

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

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

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

42 e. It is also appropriate and necessary to recognize the
43 consistent impact on the Hackensack Meadowlands District of
44 tourist-related activities and attractions, including sports and
45 entertainment activities and construction at the properties located in
46 the heart of the district, and to require that patrons of those tourist-
47 related activities and attractions shall contribute to the financial

1 needs of the municipalities that comprise the Meadowlands district
2 in order to reduce the property tax burden on their residents.

3

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

6 “Commission” means the ³new agency created through the
7 consolidation of the New Jersey Meadowlands Commission and
8 the³ New Jersey Sports and Exposition Authority, ³to be known
9 as the Meadowlands Regional Commission, which may be referred
10 to as the “Meadowlands Regional Commission,”³ as established by
11 section 6 of P.L. , c. (C.) (pending before the Legislature as
12 this bill).

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

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

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

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

28

29 85. a. ¹There Beginning on the first day of the first month
30 next following the enactment of P.L. , c. (C.) (pending before
31 the Legislature as this bill), there¹ is imposed a Meadowlands
32 regional hotel use assessment on ¹the rent for the occupancy of¹
33 every room in every hotel located in the Meadowlands district¹,
34 including any hotels located on land owned by the State¹. The
35 assessment imposed under this subsection shall be 3% of
36 ¹revenues received from the rent charged for¹ every occupancy of
37 a room or rooms in a hotel ¹subject to taxation pursuant to
38 subsection (d) of section 3 of P.L.1966, c.30 (C.54:32B-3)¹, and
39 shall be paid to the ¹commission Director of the Division of
40 Taxation¹ by each ¹hotel person required to collect the tax¹ not
41 later than the 10th day of each month based on the occupancy of
42 rooms in that hotel during the previous calendar month.

43 b. ¹Every person required to collect an assessment imposed by
44 this section shall be personally liable for the assessment imposed,
45 collected, or required to be collected hereunder. Any such person
46 shall have the same right in respect to collecting the assessment
47 from his customer or in respect to nonpayment of the assessment by

1 the customer as if the assessment were a part of the service charge
2 and payable at the same time; provided, however, that the chief
3 fiscal officer of the commission shall be joined as a party in any
4 action or proceeding brought to collect the assessment.】 In
5 carrying out the provisions of subsection a. this section, the director
6 shall have all of the powers and authority granted in P.L.1966, c.30
7 (C.54:32B-1 et seq.). The tax shall be filed and paid in a manner
8 prescribed by the Director of the Division of Taxation. The director
9 shall promulgate such rules and regulations as the director
10 determines are necessary to effectuate the provisions of this section.

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

20 For purposes of this subsection, "person" includes: an
21 individual, partnership, corporation, or an officer, director,
22 stockholder, or employee of a corporation, or a member or
23 employee of a partnership, who as such officer, director,
24 stockholder, employee, or member is under the duty to perform the
25 act in respect of which the violation occurs.¹

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

29 ¹【A person required to collect any assessment imposed under
30 this section shall not advertise or hold out to any person or to the
31 public in general, in any manner, directly or indirectly, that the
32 assessment is not considered as an element in the charge payable by
33 the customer, that the person will pay the assessment, that the
34 assessment will not be separately charged and stated to the
35 customer, or that the assessment will be refunded to the customer.】¹

36 c. Assessment revenue ¹shall be¹ collected ¹【under this
37 section】 by the Director of the Division of Taxation and¹ shall be
38 deposited by the ¹【commission】 Director of the Division of
39 Taxation¹ into the intermunicipal account established pursuant to
40 section 53 of P.L. , c. (C.) (pending before the Legislature
41 as this bill), and shall be used to pay meadowlands adjustment
42 payments to municipalities in the Meadowlands district pursuant to
43 the provisions of sections 1 through 68 of P.L. , c. (C.)
44 (pending before the Legislature as this bill). If in any year,
45 assessment revenue in the intermunicipal account exceeds the
46 amount necessary to pay meadowlands adjustment payments to
47 municipalities in the Meadowlands district, that remaining

1 assessment revenue may be used for the purposes set forth in
2 subsection e. of this section.

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

9 e. In the event that in any year, after the required meadowlands
10 adjustment payments have been made to municipalities in the
11 Meadowlands district, assessment revenue remains in the
12 intermunicipal account, that remaining assessment revenue may be
13 used in that year for the following purposes:

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

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

25 (3) the commission may fund the acquisition of property for the
26 purpose of open space preservation and the costs associated
27 therewith including the costs of appraisal, economic and
28 environmental analyses or engineering, surveying, or other
29 professional services; or

30 (4) the commission may fund the creation of parks and other
31 recreational facilities and the costs associated therewith, including
32 the costs of appraisal, economic and environmental analyses or
33 engineering planning, design, architectural, surveying, or other
34 professional services.

35 Not later than the first day of the third month next following the
36 enactment of P.L. _____, c. _____ (C. _____) (pending before the
37 Legislature as this bill) and pursuant to the "Administrative
38 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the
39 commission shall ¹adopt any rules and regulations necessary to
40 effectuate the collection of the assessments imposed under this
41 section, and shall also¹ adopt, by resolution, standards for the
42 disbursement in any year of any remaining assessment revenue for
43 projects and uses set forth in subsection e. of this section.

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

46
47 ³[¹86. Nothing in P.L. _____, c. _____ (C. _____) (pending before the
48 Legislature as this bill) shall impact the existence, operations, or

1 management of the New Jersey Hall of Fame, established pursuant
2 to section 1 of P.L.1985, c. 323 (C.5:10-6.1) or the Hackensack
3 Meadowlands Municipal Committee established pursuant to the
4 “Hackensack Meadowlands Redevelopment Act,” P.L.1968, c.404
5 (C.13:17-1 et seq.).¹】³
6

7 ³【²87. a. There is established the “Meadowlands Regional
8 Commission Transition Committee” to oversee the transition of
9 administrative function from the New Jersey Sports and Exposition
10 Authority and the New Jersey Meadowlands Commission to the
11 Meadowlands Regional Commission.

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

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

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

37 e. The Meadowlands Regional Commission Transition
38 Committee shall dissolve itself 15 months next following enactment
39 of P.L. _____, c. (C. _____) (pending before the Legislature as this
40 bill).²】³
41

42 ³86. Section 4 of P.L.1971, c.137 (C.5:10-4) is amended to read
43 as follows:

44 4. a. There is hereby established in the Department of State a
45 public body corporate and politic, with corporate succession, to be
46 known as the "New Jersey Sports and Exposition Authority." The
47 authority is hereby constituted as an instrumentality of the State
48 exercising public and essential governmental functions, and the

1 exercise by the authority of the powers conferred by P.L.1971,
2 c.137 (C.5:10-1 et seq.) shall be deemed and held to be an essential
3 governmental function of the State and the application of the
4 revenue derived from the projects to the purposes provided in
5 P.L.1971, c.137 (C.5:10-1 et seq.) shall be deemed and held to be
6 applied in support of government.

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

23 c. Each appointed member may be removed from office by the
24 Governor, for cause, after a public hearing, and may be suspended
25 by the Governor pending the completion of such hearing. Each
26 member before entering upon the member's duties shall take and
27 subscribe an oath to perform the duties of the member's office
28 faithfully, impartially and justly to the best of the member's ability.
29 A record of such oaths shall be filed in the office of the Secretary of
30 State.

31 d. The chair shall be appointed by the Governor from the
32 members of the authority other than ex officio members, and the
33 members of the authority shall elect one of their number as vice
34 chair thereof. The authority shall elect a secretary and a treasurer,
35 who need not be members, and the same person may be elected to
36 serve both as secretary and treasurer. The powers of the authority
37 shall be vested in the members thereof in office from time to time
38 and nine members of the authority shall constitute a quorum at any
39 meeting thereof. Action may be taken and motions and resolutions
40 adopted by the authority at any meeting thereof by the affirmative
41 vote of at least eight members of the authority. No vacancy in the
42 membership of the authority shall impair the right of a quorum of
43 the members to exercise all the powers and perform all the duties of
44 the authority.

45 e. Each member and the treasurer of the authority shall execute
46 a bond to be conditioned upon the faithful performance of the duties
47 of such member or treasurer, as the case may be, in such form and
48 amount as may be prescribed by the Director of the Division of

1 Budget and Accounting in the Department of the Treasury. Such
2 bonds shall be filed in the office of the Secretary of State. At all
3 times thereafter the members and treasurer of the authority shall
4 maintain such bonds in full force and effect. All costs of such
5 bonds shall be borne by the authority.

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

15 g. Each ex officio member of the authority may designate an
16 officer or employee of the member's department or agency to
17 represent the member at meetings of the authority, and each such
18 designee may lawfully vote and otherwise act on behalf of the
19 member for whom the designee is constituted. Any such
20 designation shall be in writing delivered to the authority and shall
21 continue in effect until revoked or amended by writing delivered to
22 the authority.

23 h. The authority may be dissolved by act of the Legislature on
24 condition that the authority has no debts or obligations outstanding
25 or that provision has been made for the payment or retirement of
26 such debts or obligations. Upon any such dissolution of the
27 authority all property, funds and assets thereof shall be vested in the
28 State.

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

1 respect to its bonds or notes or for the benefit, protection or security
2 of the holders thereof.³

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

4

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

7 5. Except as otherwise limited by the act, the authority shall
8 have power:

9 a. To sue and be sued;

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

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

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

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

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

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

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

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

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

37 k. To fix and revise from time to time and charge and collect
38 rents, tolls, fees and charges for the use, occupancy or services of
39 its projects or any part thereof or for admission thereto, and for the
40 grant of concessions therein and for things furnished or services
41 rendered by the authority;

42 l. To establish and enforce rules and regulations for the use or
43 operation of its projects or the conduct of its activities, and provide
44 for the policing and the security of its projects;

45 m. To acquire in the name of the authority by purchase or
46 otherwise, on such terms and conditions and in such manner as it
47 may deem proper, or, except with respect to the State, by the
48 exercise of the power of eminent domain, any land and other

1 property, including land under water, meadowlands, and riparian
2 rights, which it may determine is reasonably necessary for any of its
3 projects or for the relocation or reconstruction of any highway by
4 the authority and any and all rights, title and interest in such land
5 and other property, including public lands, reservations, highways
6 or parkways, owned by or in which the State or any county, city,
7 borough, town, township, village, public corporation, or other
8 political subdivision of the State has any right, title or interest, or
9 parts thereof or rights therein and any fee simple absolute or any
10 lesser interest in private property, and any fee simple absolute in,
11 easements upon or the benefit of restrictions upon abutting
12 property, to preserve and protect any project, except that the
13 authority shall not have the right to exercise the power of eminent
14 domain in connection with projects authorized under paragraphs
15 (5), (6), and (7) of subsection a. of section 6 of P.L.1971, c.137
16 (C.5:10-6);

17 n. To provide through its employees, or by the grant of one or
18 more concessions, or in part through its employees and in part by
19 grant of one or more concessions, for the furnishing of services and
20 things for the accommodation of persons admitted to or using its
21 projects or any part thereof;

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

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

30 q. Subject to any agreement with bondholders or noteholders,
31 to invest moneys of the authority not required for immediate use,
32 including proceeds from the sale of any bonds or notes, in such
33 obligations, securities and other investments as the authority shall
34 deem prudent;

35 r. To contract for and to accept any gifts or grants or loans of
36 funds or property or financial or other aid in any form from the
37 United States of America or any agency or instrumentality thereof,
38 or from the State or any agency, instrumentality or political
39 subdivision thereof, or from any other source and to comply,
40 subject to the provisions of the act, with the terms and conditions
41 thereof;

42 s. Subject to any agreements with bondholders or noteholders,
43 to purchase bonds or notes of the authority out of any funds or
44 money of the authority available therefor, and to hold, cancel or
45 resell such bonds or notes;

46 t. To appoint and employ a president, who shall be the chief
47 executive officer, and such additional officers, who need not be
48 members of the authority, and accountants, attorneys, financial

- 1 advisors or experts and all such other or different officers, agents
2 and employees as it may require and to determine their
3 qualifications, terms of office, duties and compensation, all without
4 regard to the provisions of Title 11A of the New Jersey Statutes];
5 provided that it is the express intent of the Legislature that the
6 authority within its sole discretion shall utilize, to the fullest extent
7 feasible, the services of the officers, personnel and consultants of
8 the Meadowlands Commission, in connection with its project in the
9 Meadowlands complex];
- 10 u. To do and perform any acts and things authorized by the act,
11 under, through, or by means of its officers, agents or employees or
12 by contract with any person, firm or corporation;
- 13 v. To procure insurance against any losses in connection with
14 its property, operations or assets, in such amounts and from such
15 insurers as it deems desirable;
- 16 w. To do any and all things, including, but not limited to, the
17 creation or formation of profit or not-for-profit corporations,
18 necessary or convenient to carry out its purposes and exercise the
19 powers given and granted in the act;
- 20 x. To determine the location, type and character of a project or
21 any part thereof and all other matters in connection with all or any
22 part of a project, notwithstanding any land use plan, zoning
23 regulation, building code or similar regulation heretofore or
24 hereafter adopted by the State, any municipality, county, public
25 body politic and corporate], including but not limited to the
26 Meadowlands Commission], or any other political subdivision of
27 the State, except that all projects constructed after the effective date
28 of this 1987 amendatory and supplementary act shall conform to the
29 Barrier-Free Sub-Code promulgated as part of the State Uniform
30 Construction Code pursuant to P.L.1975, c.217 (C.52:27D-119 et
31 seq.) and further excepted that the authority shall consult with the
32 Meadowlands Commission before making any determination as to
33 the location, type and character of any project under the jurisdiction
34 of the Meadowlands Commission;
- 35 y. To provide, with or without charge as it deems appropriate,
36 through or by means of its officers, agents or employees, advisory,
37 consulting, management or operating services to any political
38 subdivision of the State, or any agency or instrumentality of the
39 State or of any political subdivision of the State, with regard to a
40 stadium, arena, concert hall or other sports or entertainment facility
41 in operation as of January 1, 2004 and owned or operated by such
42 entity as of January 1, 2004; and
- 43 z. To consult, collaborate, and work in partnership with the
44 Division of Travel and Tourism and the Motion Picture and
45 Television Development Commission to coordinate economic
46 development and promotional and marketing efforts related to
47 tourism, entertainment, sports, and related activities and to assist

1 the division and the Commission in fulfilling their respective duties
2 and responsibilities as prescribed by law.³

3 (cf: P.L.2012, c.15, s.3)

4

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

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

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

36 (2) To establish, develop, construct, acquire, lease or own,
37 operate, manage, promote, maintain, repair, reconstruct, restore,
38 improve and otherwise effectuate, either directly or indirectly
39 through lessees, licensees or agents, a project, at a site within the
40 State of New Jersey, consisting of a baseball stadium and other
41 buildings, structures, facilities, properties and appurtenances related
42 thereto, or incidental to, necessary for, or complementary to a
43 complex suitable for the holding of professional baseball games and
44 other athletic contests or sporting events, or trade shows,
45 exhibitions, spectacles, public meetings, entertainment events or
46 other expositions, such project to include driveways, roads,
47 approaches, parking areas, parks, recreation areas, vending
48 facilities, restaurants, transportation structures, systems and

1 facilities, and equipment, furnishings and all other structures and
2 appurtenant facilities related to, incidental to, necessary for, or
3 complementary to the purposes of that project or any facility
4 thereof.

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

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

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

33 (c) With regard to an aquarium project located within the
34 meadowlands complex, the authority is authorized to enter into such
35 agreements as it determines are necessary for the construction of the
36 aquarium, including agreements providing for the acquisition of any
37 land that may be necessary, for the ownership and for payment of
38 costs of the aquarium, and for the operation thereof.

39 (4) To establish, develop, construct, acquire, own, operate,
40 manage, promote, maintain, repair, reconstruct, restore, improve
41 and otherwise effectuate, either directly or indirectly through
42 lessees, licensees or agents, a project consisting of an exposition or
43 entertainment center or hotel or office complex, including any
44 buildings, structures, properties and appurtenances related thereto,
45 incidental thereto, necessary therefor, or complementary thereto,
46 such project to include driveways, roads, approaches, parking areas,
47 parks, recreation areas, vending facilities, restaurants, transportation
48 structures, systems, and equipment, furnishings and all other

1 structures and appurtenances related to, incidental to, necessary for,
2 or complementary to, the purposes of that project. A project
3 authorized under this paragraph may be located within, immediately
4 contiguous to, or immediately across any public road which borders
5 the site of any other project of the authority, except the site of a
6 racetrack authorized by paragraph (5) of this subsection and
7 acquired by the authority prior to 1986.

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

29 Notwithstanding any law to the contrary, the acquisition of any
30 existing racetrack facility in and licensed by the State of New
31 Jersey shall be permitted on the condition that payments equivalent
32 to all municipal, school board and county taxes due to each entity
33 shall be paid by the authority to the extent and in accordance with
34 the same payment schedule as taxes would have been paid each
35 year, as though the racetrack facility remained in private ownership.
36 In the event the authority conveys lands or other parts of the
37 racetrack facility to others, the authority shall receive a reduction of
38 such payments commensurate with the amount required to be paid
39 by the subsequent owner of the lands and improvements disposed of
40 by the authority. In addition, the authority shall be responsible for
41 paying all existing local franchise fees, license and parking tax fees
42 in effect at the time of the acquisition.

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

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

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

40 (9) To acquire by purchase, lease or otherwise, and to develop,
41 construct, operate, own, lease, manage, repair, reconstruct, restore,
42 improve, enlarge or otherwise effectuate, either directly or through
43 lessees, licensees or agents, a project which may hereinafter be
44 referred to as either the Atlantic City convention center project or a
45 convention center project in the city of Atlantic City, Atlantic
46 County, consisting of the existing convention hall and a new
47 convention hall or center, and associated parking areas and railroad
48 terminal facilities and including the leasing of adjacent land for

1 hotel facilities. In connection therewith, the authority is authorized
2 to:

3 (a) Assume existing leasehold or other contractual obligations
4 pertaining to any such facilities or properties or to make provision
5 for the payment or retirement of any debts and obligations of the
6 governmental entity operating any such convention hall or center or
7 of any bonds or other obligations payable from and secured by a
8 lien on or pledge of the luxury tax revenues;

9 (b) Make loans or payments in aid of construction with respect
10 to infrastructure and site development for properties located in the
11 area between the sites of the existing convention hall and a new
12 convention center or located contiguous to or across any public road
13 which borders the area;

14 (c) Convert the existing convention hall or any facilities,
15 structures or properties thereof, or any part thereof, not disposed of
16 by the authority, to any sports, exposition, exhibition, or
17 entertainment use or to use as a forum for public events or
18 meetings, or to any other use which the authority shall determine to
19 be consistent with its operation of the Atlantic City convention
20 center project;

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

37 (10)To provide a feasibility study for the use and development of
38 the existing convention center in the city of Asbury Park, county of
39 Monmouth and to provide a feasibility study for the construction,
40 use and development of a convention center or recreational facility
41 in any other municipality.

42 (11)To provide funding to public or private institutions of higher
43 education in the State to establish, develop, acquire, construct,
44 reconstruct or improve facilities located or to be located on property
45 owned, leased, or otherwise used by an institution, consisting of
46 sports facilities and the buildings, structures, properties and
47 appurtenances related thereto, or incidental to, necessary for, or
48 complementary to those sports facilities, such facilities to include

1 driveways, access roads, approaches, parking areas, parks,
2 recreation areas, vending facilities, restaurants, transportation
3 structures, systems and equipment, furnishings and all other
4 structures and appurtenances related or incidental to, necessary for,
5 or complementary to the purposes of those facilities.

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

21 (a) assume any existing mortgages, leaseholds or other
22 contractual obligations or encumbrances with respect to the site of
23 the Wildwood convention center facility and any other existing and
24 acquired buildings, structures, properties, and appurtenances;

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

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

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

38 (e) convert any existing convention hall or any facilities,
39 structures or properties thereof, or any part thereof, not disposed of
40 by the authority, to any use which the authority shall determine to
41 be consistent with the operation of the Wildwood convention center
42 facility.

43 (13) To acquire by purchase, lease or otherwise, and to develop,
44 construct, own, lease, manage, repair, reconstruct, restore, improve,
45 enlarge or otherwise effectuate, either directly or through lessees,
46 licensees, or agents, all right, title, or interest in the Garden State
47 Arts Center in Holmdel, Monmouth County, and any related or
48 auxiliary facilities and to transfer its interest in the Garden State

1 Arts Center and any related or auxiliary facilities to such other
2 public body that is authorized to own and operate such a facility, or
3 other entity, according to such terms and process as the authority
4 may establish in its discretion.

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

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

28 b. The authority, pursuant to the provisions of P.L.1971, c.137
29 (C.5:10-1 et seq.), is authorized (1) to make, as part of any of the
30 projects, capital contributions to others for transportation and other
31 facilities, and accommodations for the public's use of any of those
32 projects, (2) to lease any part of any of those project sites not
33 occupied or to be occupied by the facilities of any of those projects,
34 for purposes determined by the authority to be consistent with or
35 related to the purposes of those projects, including, but not limited
36 to, hotels and other accommodations for transients and other
37 facilities related to or incidental to any of those projects, and (3) to
38 sell or dispose of any real or personal property, including, but not
39 limited to, such portion of the site of any of those projects not
40 occupied or to be occupied by the facilities of any of those projects,
41 at not less than the fair market value of the property, except in the
42 case of sale or disposition to the State, any political subdivision of
43 the State or any agency or instrumentality of the State or any
44 political subdivision of the State.

45 c. Revenues, moneys or other funds, if any, derived from the
46 operation or ownership of the meadowlands complex, including the
47 conduct of horse race meetings, shall be applied, in accordance with
48 the resolution or resolutions authorizing or relating to the issuance

1 of bonds or notes of the authority, to the following purposes and in
2 the following order:

3 (1) The costs of operation and maintenance of the meadowlands
4 complex and reserves therefor;

5 (2) Principal, sinking fund installments and redemption
6 premiums of and interest on any bonds or notes of the authority
7 payable from such revenues, moneys or other funds and issued for
8 the purposes of the meadowlands complex or for the purposes of
9 refunding the same, including reserves and payments with respect to
10 credit agreements therefor;

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

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

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

17 (6) Except to the extent payments with respect to bonds or notes
18 are provided with priority in accordance with paragraph (2) of this
19 subsection, payments required to be made in accordance with the
20 resolution authorizing or relating to the issuance of bonds or notes
21 of the authority, for the purposes of any project authorized by this
22 act, including payments and reserves with respect to any bonds or
23 notes of the authority with respect to the meadowlands complex
24 which are not provided with priority in accordance with paragraph
25 (2) of this subsection;

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

28 (8) The balance remaining after application in accordance with
29 the above shall be deposited in the General State Fund, provided
30 that (a) there shall be appropriated for authorized State purposes
31 from the amount so deposited that amount which shall be calculated
32 by the State Treasurer to be the debt service savings realized with
33 respect to the refinancing of the initial project as defined in section
34 1 of P.L.1973, c.286 (C.5:10-14.1) at the meadowlands complex, by
35 the issuance of bonds of the authority guaranteed by the State], and
36 (b) after such appropriation, 40% of any balance remaining from the
37 amounts so deposited shall be appropriated to the Meadowlands
38 Commission for any of its purposes authorized by P.L.1968, c.404,
39 and any amendments or supplements thereto].

40 d. Revenues, moneys or other funds, if any, derived from the
41 operation or ownership of any project other than the meadowlands
42 complex, the Atlantic City convention center project, or the
43 Wildwood convention center facility and other than a baseball
44 stadium project or an office complex project located on the site of a
45 baseball stadium shall be applied for such purposes, in such manner
46 and subject to such conditions as shall be provided in the resolution
47 authorizing or relating to the issuance of bonds or notes of the
48 authority for the purposes of such project, and the balance, if any,

1 remaining after such application may be applied, to the extent not
2 contrary to or inconsistent with the resolution, in the following
3 order: (1) to the purposes of the meadowlands complex, unless
4 otherwise agreed upon by the State Treasurer and the authority, (2)
5 to the purposes of any other project of the authority; and, the
6 balance remaining, if any, shall be deposited in the General Fund.

7 e. Revenues, moneys or other funds, if any, derived from the
8 operation, ownership, or leasing of a baseball stadium project or an
9 office complex project located on the site of a baseball stadium
10 shall be applied for the purposes, in the manner and subject to the
11 conditions as shall be provided in the resolution authorizing or
12 relating to the issuance of bonds or notes of the authority for the
13 purposes of a baseball stadium project or an office complex project
14 located on the site of a baseball stadium, if any, and the balance, if
15 any, remaining after such application shall be applied, to the extent
16 not contrary to or inconsistent with the resolution, to the following
17 purposes and in the following order:

18 (1) The costs of operation and maintenance of a baseball
19 stadium project and an office complex project located on the site of
20 a baseball stadium and reserves therefor;

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

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

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

29 f. Revenues, moneys or other funds, if any, including earned
30 interest, derived from the operation, ownership or leasing of the
31 Atlantic City convention center project shall be applied to the costs
32 of operating, maintaining and promoting the Atlantic City
33 convention center project and to the other purposes set forth in
34 paragraphs (1) through (5) of this subsection, except as provided in
35 paragraph (6) of this subsection.

36 Subject to paragraph (6) of this subsection, luxury tax revenues
37 paid to the authority by the State Treasurer pursuant to section 14 of
38 P.L.1991, c.375 (C.5:10-14.4), including earned interest, shall be
39 deposited by the authority in a separate fund or account and applied
40 to the following purposes and in the following order:

41 (1) To pay the principal, sinking fund installments and
42 redemption premiums of and interest on any bonds or notes of the
43 authority, including bonds or notes of the authority issued for the
44 purpose of refunding bonds or notes, issued for purposes of (i) the
45 initial acquisition of the existing properties which will constitute
46 part of the Atlantic City convention center project, if the bonds or
47 notes shall be payable under the terms of the resolution of the
48 authority relating thereto from luxury tax revenues, or (ii) providing

1 improvements, additions or replacements to the Atlantic City
2 convention center project, if the bonds or notes shall be payable
3 under the terms of the resolution of the authority relating thereto
4 from luxury tax revenues; and to pay any amounts due from the
5 authority under any credit agreement entered into by the authority
6 in connection with the bonds or notes.

7 (2) To pay the costs of operation, maintenance and promotion of
8 the Atlantic City convention center project, including amounts
9 payable as operating expenses under the Luxury Tax Bond
10 Resolution or the terms of the bonds, notes, leases or other
11 financing documents, assignments, agreements or arrangements
12 issued or entered into to finance or refinance, in whole or in part, or
13 incurred in connection with, the Atlantic City convention center
14 project.

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

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

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

26 The authority may pledge the luxury tax revenues paid to it as
27 provided for in section 14 of P.L.1991, c.375 (C.5:10-14.4) as
28 security for the payment of the principal of and interest or premium
29 on the bonds or notes issued for the purposes set forth above in
30 paragraph (1) of this subsection f. in the same manner, to the same
31 extent and with the same effect as the pledge of any of its other
32 revenues, receipts and funds authorized by P.L.1971, c.137 (C.5:10-
33 1 et seq.).

34 (6) (a) The authority shall promptly and diligently pursue all
35 consents, approvals, waivers or non-objections under the bonds,
36 notes, leases, or other financing documents, assignments,
37 agreements or arrangements issued or entered into to finance or
38 refinance, in whole or in part, or incurred in connection with, the
39 Atlantic City convention center project, that are required for the
40 following actions, which actions may be implemented at the same
41 or at different times:

42 (i) to permit the State Treasurer to remit to the authority, for
43 deposit to the Luxury Tax Revenue Fund established under the
44 Luxury Tax Bond Resolution, luxury tax revenues held by the State
45 Treasurer in the fund established pursuant to section 5 of P.L.1979,
46 c.273 (C.40:48-8.30) in an amount sufficient to (A) pay the
47 principal, sinking fund installments and redemption premiums, if
48 any, of and interest on any bonds, notes, or other obligations,

1 including any credit agreement, of the authority issued and
2 outstanding or entered into pursuant to the Luxury Tax Bond
3 Resolution, and (B) maintain any reserves required to be held by the
4 trustee pursuant to the Luxury Tax Bond Resolution, and to remit
5 the balance of the luxury tax revenues held by the State Treasurer in
6 such fund, including interest thereon, to the Atlantic City
7 Convention and Visitors Authority to be applied as provided in
8 section 25 of P.L.2008, c.47 (C.52:27H-41.13) subject, however, to
9 the lien of the Luxury Tax Bond Resolution, until all bonds, notes,
10 and other obligations, including any credit agreement, of the
11 authority issued and outstanding or entered into pursuant to the
12 Luxury Tax Bond Resolution have been paid or defeased in full.

13 (ii) to permit the authority to transfer its ownership interest or
14 other rights and obligations, other than any bonds, notes, or other
15 obligations, including any credit agreement, of the authority issued
16 and outstanding, or then in effect, on the date of such transfer under
17 the Luxury Tax Bond Resolution, in the Atlantic City convention
18 center project to the Atlantic City Convention and Visitors
19 Authority, and cease any supervision of the Atlantic City
20 Convention and Visitors Authority.

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

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

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

47 g. Revenues, moneys or other funds, if any, derived from the
48 ownership or operation of the Wildwood convention center facility

1 shall be applied to the costs of operating and maintaining the
2 Wildwood convention center facility and to the other purposes set
3 forth in this subsection as shall be provided by resolution of the
4 authority.

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

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

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

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

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

22 The balance, if any, of any tourism related tax revenues not
23 allocated to any of the purposes set forth in the previous paragraphs
24 and remaining at the end of the calendar year shall be paid to the
25 State Treasurer for deposit in the General Fund.³

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

27

28 ³89. Section 8 of P.L.1971, c.137 (C.5:10-8) is amended to read
29 as follows:

30 8. a. If the authority shall find it necessary in connection with
31 the undertaking of any of its projects to change the location of any
32 portion of any public highway or road, it may contract with any
33 government agency or public or private corporation, which may
34 have jurisdiction over said public highway or road, to cause said
35 public highway or road to be constructed at such location as the
36 authority shall deem most favorable **【**and, as to its project in the
37 meadowlands complex, in consultation with the Meadowlands
38 Commission**】**. The cost of such reconstruction and any damage
39 incurred in changing the location of any such highway shall be
40 ascertained and paid by the authority as a part of the cost of any
41 project. Any public highway affected by the construction of a
42 project may be vacated or relocated by the authority in the manner
43 now provided by law for the vacation or relocation of public roads,
44 and any damages awarded on account thereof shall be paid by the
45 authority as part of the cost of the project. In all undertakings
46 authorized by this subsection the authority shall consult and obtain
47 the approval of the New Jersey Department of Transportation.

1 b. In addition to the foregoing powers, the authority and its
2 authorized agents and employees may enter upon any lands, waters
3 and premises for the purpose of making surveys, soundings,
4 drillings and examinations as it may deem necessary or convenient
5 for the purposes of the act, all in accordance with due process of
6 law, and such entry shall not be deemed a trespass nor shall an
7 entry for such purpose be deemed an entry under any condemnation
8 proceedings which may be then pending. The authority shall make
9 reimbursement for any actual damages resulting to such lands,
10 waters and premises as a result of such activities.

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

37 (cf: P.L.1984, c.215, s.6)

38

39 ³90. Section 18 of P.L.1971, c.137 (C.5:10-18) is amended to
40 read as follows:

41 18. a. All projects and other property of the authority, except an
42 off-track wagering facility or account wagering system facility
43 established pursuant to P.L.2001, c.199, is hereby declared to be
44 public property devoted to an essential public and governmental
45 function and purpose and shall be exempt from all taxes and special
46 assessments of the State or any political subdivision thereof;
47 provided, however, that when any part of the project site not
48 occupied or to be occupied by facilities of the project is leased by

1 the authority to another whose property is not exempt and the
2 leasing of which does not make the real estate taxable, the estate
3 created by the lease and the appurtenances thereto shall be listed as
4 the property of the lessee thereof, or his assignee, and be assessed
5 and taxed as real estate. All bonds or notes issued pursuant to the
6 act are hereby declared to be issued by a body corporate and public
7 of the State and for an essential public and governmental purpose
8 and such bonds and notes, and the interest thereon and the income
9 therefrom, and all funds, revenues, income and other moneys
10 received or to be received by the authority and pledged or available
11 to pay or secure the payment of such bonds or notes, or interest
12 thereon, shall at all times be exempt from taxation except for
13 transfer, inheritance and estate taxes.

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

30 c. The authority is further authorized and empowered to enter
31 into any agreement or agreements with **【the Meadowlands**
32 **Commission or with】** any county or municipality located in whole
33 or part within the Hackensack meadowlands whereby the authority
34 will undertake to pay any additional amounts to compensate for any
35 loss of tax revenues by reason of the acquisition of any real
36 property by the authority for the meadowlands complex or to pay
37 amounts to be used by such **【commission,】** county or municipality
38 in furtherance of the development of the Hackensack meadowlands,
39 including the meadowlands complex. **【The commission and every】**
40 Every such county and municipality is authorized and empowered
41 to enter into such agreements with the authority and to accept
42 payments which the authority makes thereunder.

43 d. All payments to municipalities pursuant to subsections b.
44 and c. shall be treated as payments in-lieu-of-property taxes for all
45 purposes of article 9 of P.L.1968, c.404 (C.13:17-60 to 13:17-76).³
46 (cf: P.L.2001, c.199, s.39)

1 ³91. Section 22 of P.L.1971, c.137 (C.5:10-22) is repealed.³

2

3 ³92. Section 23 of P.L.1971, c.137 (C.5:10-23) is amended to
4 read as follows:

5 It is the express intent of the Legislature that the authority in
6 undertaking the meadowlands complex shall consult with **【the**
7 Meadowlands Commission and**】** the Department of Environmental
8 Protection with respect to the ecological factors constituting the
9 environment of the Hackensack meadowlands to the end that the
10 delicate environmental balance of the Hackensack meadowlands
11 may be maintained and preserved.³

12 (cf: P.L.1971, c.137, s.23)

13

14 ¹**【86.】** ²**【87.1】** ³**【88.2】** 93.³ This act shall take effect
15 immediately.