

# ASSEMBLY, No. 621

## STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman IMPREVEDUTO

1   **AN ACT** increasing the membership of the Hackensack Meadowlands  
2   Development Commission and amending P.L.1968, c.404.

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

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7   1. Section 5 of P.L.1968, c.404 (C.13:17-5) is amended to read as  
8   follows:

9       5. (a) There is hereby established in, but not of, the Department  
10      of Community Affairs a public body corporate and politic, with  
11      corporate succession, to be known as the "Hackensack Meadowlands  
12      Development Commission." The commission shall constitute a  
13      political subdivision of the State established as an instrumentality  
14      exercising public and essential governmental functions, and the  
15      exercise by the commission of the powers conferred by this act shall  
16      be deemed and held to be an essential governmental function of the  
17      State.

18       (b) The commission shall consist of [7] nine Members appointed  
19      and qualified as follows:

20          (1) The Commissioner [of the Department] of Community Affairs,  
21      ex officio; provided that he may appoint an alternate to act in his place  
22      and stead, with the authority to attend, vote and perform any duty or  
23      function assigned to the Commissioner [of the Department] of  
24      Community Affairs in his absence. The alternate shall serve during the  
25      term of the Commissioner [of the Department] of Community Affairs,  
26      subject to removal at his pleasure. In the event of a vacancy in the  
27      position of alternate, it shall be filled in the same manner as an original  
28      appointment and only for the unexpired term.

29          (2) [Six] Eight citizens of the State, appointed by the Governor,  
30      with the advice and consent of the Senate [and], no more than [3]  
31      four of whom shall be of the same political party; [two] four of whom  
32      shall be residents of the constituent municipalities of Bergen county

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

Matter underlined thus is new matter.

1 and [two] four of whom shall be residents of the constituent  
2 municipalities of Hudson county]. Two of the citizens appointed by  
3 the Governor shall be residents of constituent municipalities that have  
4 more than 85% of the land within their respective corporate  
5 boundaries located within the district; provided, however, that no  
6 more than one citizen shall be appointed from any one constituent  
7 municipality [; one of whom shall be a resident of Bergen county and  
8 one of whom shall be a resident of Hudson county]. The  
9 Commissioner [of the State Department] of Transportation, the  
10 Commissioner of [the Department of Conservation and Economic  
11 Development] Environmental Protection, and a representative of the  
12 United States Army Corps of Engineers, may, within the limits of their  
13 respective responsibilities and at the request of the commission, serve  
14 as non-voting advisors to the commission. The members of the liaison  
15 committee established, as hereinafter provided, by the Hackensack  
16 Meadowlands Municipal Committee, shall also serve as non-voting  
17 advisors to the commission;

18 (c) The Commissioner [of the Department] of Community Affairs  
19 shall serve on the commission during his term of office and shall be  
20 succeeded by his successor in office. Each member appointed by the  
21 Governor shall serve for terms of five years; provided that of the first  
22 members appointed by the Governor one shall serve for a term of one  
23 year, one for a term of two years, one for a term of three years, one  
24 for a term of four years, and two for a term of five years. Of the first  
25 members appointed by the Governor pursuant to P.L.19 , c. (now  
26 before the Legislature as this bill), one shall serve for a term of two  
27 years and one shall serve for a term of three years. Each member shall  
28 serve for the term of his appointment and until his successor shall have  
29 been appointed and qualified. Any vacancy shall be filled in the same  
30 manner as the original appointment for the unexpired term only.

31 (d) Any member of the commission may be removed by the  
32 Governor for cause after a public hearing.

33 (e) Each member of the commission before entering upon his duties  
34 shall take and subscribe an oath to perform the duties of his office  
35 faithfully, impartially and justly to the best of his ability. A record of  
36 such oaths shall be filed in the office of the Secretary of State.

37 (f) The members of the commission shall serve without  
38 compensation, but the commission may reimburse its members for  
39 necessary expenses incurred in the discharge of their duties.

40 (g) The Governor shall designate one of the members of the  
41 commission as chairman. The commission shall select from its  
42 members a vice-chairman and a treasurer, and shall employ an  
43 executive director, who shall be secretary, and a chief fiscal officer.  
44 The commission may also appoint, retain and employ, without regard  
45 to the provisions of Title [11] 11A, Civil Service, of the [Revised]  
46 New Jersey Statutes, such officers, agents, employees and experts as

1 it may require, and it shall determine their qualifications, terms of  
2 office, duties, services and compensation.

3 (h) The powers of the commission shall be vested in the members  
4 thereof in office from time to time and a majority of the total  
5 authorized membership of the commission shall constitute a quorum  
6 at any meeting thereof. Action may be taken and motions and  
7 resolutions adopted by the commission at any meeting thereof by the  
8 affirmative vote of a majority of the members, unless in any case the  
9 by-laws of the commission or any of the provisions of [this act]  
10 P.L.1968, c.404 (C.13:17-1 et seq.) shall require a larger number;  
11 provided that the commission may designate one or more of its agents  
12 or employees to exercise such administrative functions, powers and  
13 duties as it may deem proper, under its supervision and control. No  
14 vacancy in the membership of the commission shall impair the right of  
15 a quorum to exercise all the rights and perform all the duties of the  
16 commission, except as provided by section 8 of P.L.1968, c.404  
17 (C.13:17-8).

18 (i) Before the issuance of any bonds under the provisions of [this  
19 act] P.L.1968, c.404 (C.13:17-1 et seq.), the members and the officer  
20 of the commission charged with the handling of the commission's  
21 moneys shall be covered by a surety bond or bonds in such sum as  
22 provided by the rules and regulations of the commission conditioned  
23 upon the faithful performance of the duties of their respective offices,  
24 and executed by a surety company authorized to transact business in  
25 the State of New Jersey as a surety. Each such surety bond shall be  
26 submitted to the Attorney General for his approval and upon his  
27 approval shall be filed in the office of the Secretary of State prior to  
28 the issuance of any bonds by the commission. At all times after the  
29 issuance of any bonds by the commission the officer of the commission  
30 charged with the handling of the commission's moneys and each  
31 member shall maintain such surety bonds in full force and effect. All  
32 costs of such surety bonds shall be borne by the commission.

33 (j) On or before March 31 in each year the commission shall make  
34 an annual report of its activities for the preceding calendar year to the  
35 Governor and to the Legislature. Each such report shall set forth a  
36 complete operating and financial statement covering its operations  
37 during the year.

38 (k) The commission shall cause an audit of its books and accounts  
39 to be made at least once in each year and the cost thereof shall be  
40 treated as one incurred by the commission in the administration of [this  
41 act] P.L.1968, c.404 (C.13:17-1 et seq.), and a copy thereof shall be  
42 filed with the State Treasurer, all as more fully provided in section 76  
43 of [this act] P.L.1968, c.404 (C.13:17-78).

44 (l) (1) No member, officer, employee or agent of the commission  
45 shall be financially interested, either directly or indirectly, in any  
46 project or any part of a project area (other than a residence) or in any

1 contract, sale, purchase, lease or transfer of real or personal property  
2 to which the commission is a party;

3 (2) Any contract or agreement knowingly made in contravention  
4 of this [section] subsection is voidable;

5 (3) Any person who shall willfully violate any of the provisions of  
6 this [section] subsection shall forfeit his office or employment and  
7 shall be guilty of a misdemeanor.

8 (cf: P.L.1968, c.404, s.5)

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10 2. Section 8 of P.L.1968, c.404 (C.13:17-8) is amended to read as  
11 follows:

12 8. (a) The commission shall submit to the committee for review,  
13 prior to final action thereon, codes and standards formulated by the  
14 commission, the district master plan and amendments thereto,  
15 development and redevelopment plans, and improvement plans. The  
16 commission may also submit to the committee any other matter which  
17 the commission deems advisable.

18 (b) The committee shall review matters submitted to it by the  
19 commission pursuant to this section and shall indicate its position in  
20 writing to the commission. Failure of the committee to state its  
21 position within 45 days of the receipt of any matter so referred to the  
22 committee shall be deemed to constitute approval of the proposed  
23 action of the commission. Except that, the committee shall have 120  
24 days after receipt of the master plan to state its position, in writing, to  
25 the commission.

26 (c) The commission shall not take any final action on any matter  
27 required to be submitted to the committee pursuant to this section,  
28 which matter has been formally rejected by the committee, except by  
29 a vote of [5/7 of the full membership] at least six members of the  
30 commission.

31 (d) The committee may make recommendations to the commission  
32 on any matter it deems advisable whether or not such matter was  
33 submitted to said committee by said commission.

34 (cf: P.L.1968, c.404, s.8)

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36 3. This act shall take effect on the 90th day following enactment.

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## 39 STATEMENT

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41 The bill, amends the "Hackensack Meadowlands Reclamation and  
42 Development Act" to increase the number of members of the  
43 Hackensack Meadowlands Development Commission (HMDC) from  
44 seven to nine, to provide that no more than four citizen members shall  
45 be of the same political party, to require that four citizen members be  
46 residents of the constituent municipalities of Bergen County, that four

1 be residents of the constituent municipalities of Hudson County, and  
2 that two of the eight citizen members shall be residents of those  
3 constituent municipalities that have more than 85 percent of the land  
4 within their respective corporate boundaries located within the  
5 Meadowlands district.

6 In addition, the bill amends section 8 of P.L.1968, c,404  
7 (C.13:17-8) to increase the number of votes needed from five-sevenths  
8 of the full membership to at least six members with regard to taking  
9 final action on matters required to be submitted to the Hackensack  
10 Meadowlands Municipal Committee which were formally rejected by  
11 the committee.

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16 Increases membership of Hackensack Meadowlands Development  
17 Commission.