

[First Reprint]
ASSEMBLY, No. 2804

STATE OF NEW JERSEY

INTRODUCED MARCH 20, 1997

By Assemblyman DiGAETANO

1 **AN ACT** concerning the Hackensack meadowlands and the
2 Hackensack river watershed, creating the Meadowlands
3 Conservation Trust, and supplementing Titles 13, 39, and 54 of the
4 Revised Statutes.

5

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

8

9 1. This act shall be known, and may be cited, as the
10 "Meadowlands Conservation Trust Act."

11

12 2. As used in this act:

13 "Board" means the board of trustees of the Meadowlands
14 Conservation Trust established pursuant to section 4 of P.L. , c.
15 (C.) (now before the Legislature as this bill);

16 "Convey" means to sell, transfer, lease, or donate land;

17 "Governmental entity" ¹means¹ the federal government, the State,
18 a bi-state agency, a county, or a municipality, or any political
19 subdivision, department, authority, board, bureau, commission, or
20 agency thereof; an independent authority; Rutgers, The State
21 University, or any other public institution of higher education in the
22 State; or the Hackensack Meadowlands Development Commission
23 established pursuant to section 5 of P.L.1968, c.404 (C.13:17-5);

24 "Hackensack meadowlands" means the same as that term is defined
25 pursuant to section 3 of P.L.1968, c.404 (C.13:17-3);

26 "Land" or "lands" means real property, including improvements
27 thereof or thereon, rights-of-way, water, riparian and other rights,
28 easements, and privileges, and all other rights or interests of any kind
29 or description in, relating to, or connected with real property; and

30 "Trust" means the Meadowlands Conservation Trust created
31 pursuant to section 3 of P.L. , c. (C.) (now before the

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AES committee amendments adopted May 1, 1997.

1 Legislature as this bill).

2

3 3. There is created in but not of the Hackensack Meadowlands
4 Development Commission ¹₁ established pursuant to section 5 of
5 P.L.1968, c.404 (C.13:17-5), a body corporate and politic with
6 corporate succession, to be known as the Meadowlands Conservation
7 Trust. The trust is hereby constituted ¹as¹ an instrumentality
8 exercising public and essential government functions and the exercise
9 by the trust of the powers conferred by this act shall be deemed and
10 held to be an essential government function of the State. The
11 purposes of the trust shall be to acquire and hold, or acquire and
12 convey to other governmental entities or to qualified nonprofit
13 organizations, environmentally important, valuable, or sensitive lands
14 located in the Hackensack meadowlands or within the Hackensack
15 river watershed, which lands shall be permanently preserved and
16 managed in their natural state or in a largely natural or undeveloped
17 state for the purposes of conserving and enhancing natural resources,
18 protecting elements of natural diversity, providing open space, or
19 providing public outdoor passive recreational opportunities.

20

21 4. a. The powers and duties of the trust shall vest in and be
22 exercised by a board of trustees, comprised of seven voting members,
23 of whom four shall be private citizens appointed by the Governor, with
24 the advice and consent of the Senate. The four trustees thus appointed
25 shall serve for three-year terms and shall continue to serve until
26 succeeded; except, of the four trustees first appointed, two shall serve
27 a term of three years, one shall serve a term of two years, and one
28 shall serve a term of one year. A trustee may be reappointed to a
29 succeeding term or terms. ¹The Governor shall appoint the four
30 trustees from a list of 12 candidates that shall be provided by the
31 following entities within 90 days of the effective date of this section:
32 American Littoral Society - Baykeeper; The Nature Conservancy; New
33 Jersey Audubon Society; New Jersey Chapter of the Sierra Club; New
34 Jersey Conservation Foundation; and The Trust for Public Land. Each
35 of those six entities shall provide two nominees for the list of 12
36 candidates. In the event that less than 12 candidates are provided by
37 those six entities, persons suggested to the Governor by other
38 nonprofit organizations having open space preservation or
39 environmental education as their corporate purpose shall be added to
40 the list to make a total of 12 candidates to be considered by the
41 Governor for the four appointments.¹

42 The remaining three trustees, all of whom shall serve ex officio,
43 shall be: the Commissioner of Community Affairs or the
44 commissioner's designee; the executive director of the Hackensack
45 Meadowlands Development Commission, or the executive director's
46 designee; and a mayor, or elected chief executive of a municipality,

1 appointed by, and who shall serve at the pleasure of, the Hackensack
2 Meadowlands Municipal Committee established pursuant to section 7
3 of P.L.1968, c.404 (C.13:17-7).

4 b. (1) A trustee may be removed for cause by the appropriate
5 appointing authority.

6 (2) A vacancy on the board shall be filled in the same manner as the
7 original appointment was made.

8 (3) The trustees shall serve without compensation, but may be
9 reimbursed for all reasonable expenses necessarily incurred in the
10 discharge of their official duties.

11 (4) A majority of the full membership of the board shall constitute
12 a quorum for the transaction of business.

13 Action may be taken and motions and resolutions adopted by the
14 board at any meeting thereof by the affirmative vote of a majority of
15 the full membership of the board.

16 (5) The trustees shall elect a chairperson and a vice-chairperson
17 from the members of the board.

18 (6) The board shall meet regularly as it may determine, and shall
19 also meet at the call of the chairperson of the board or the Governor.
20 Meetings of the board shall be subject to the "Open Public Meetings
21 Act," P.L.1975, c.231 (C.10:4-6 et seq.).

22

23 5. The Meadowlands Conservation Trust shall have the power
24 ¹to¹ :

25 a. ¹[to sue] Sue¹ and be sued in its own name;

26 b. ¹[to adopt] Adopt¹ a seal and alter it at pleasure;

27 c. ¹[to adopt] Adopt¹ by-laws for the regulation of its affairs and
28 the conduct of its business, and adopt rules and regulations pursuant
29 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
30 et seq.) as necessary to implement this act;

31 d. ¹[to maintain] Maintain¹ an office or offices at such place or
32 places within the State as it may designate;

33 e. ¹[to appoint] Appoint¹ such officers, who need not be trustees,
34 in addition to a secretary and a treasurer, as the trust shall deem
35 advisable, to establish advisory groups, and to employ such other
36 employees, consultants, and agents, including an executive director, as
37 may be necessary or desirable in its judgment, to fix their
38 compensation, and to promote and discharge such officers, employees,
39 consultants, and agents, all without regard to the provisions of Title
40 11A, Civil Service, of the New Jersey Statutes;

41 f. ¹[if deemed useful, to authorize] Authorize, if deemed useful,
42 the¹ establishment by appropriate persons or organizations of a
43 nonprofit organization or organizations exempt from taxation pursuant
44 to section 501 (c)(3) of the federal Internal Revenue Code of 1986, 26
45 U.S.C. §501 (c)(3), for the purposes of assisting the trust in furthering
46 the purposes of the trust as set forth in this act;

1 g. ¹[to cooperate] Cooperate¹ with and assist, insofar as
2 practicable, any governmental entity or any private entity or person in
3 furtherance of the purposes of the trust;

4 h. ¹[to call] Call¹ to its assistance and avail itself of the services
5 of such employees of any governmental entity as it may require and as
6 may be available to it for the purpose of exercising its powers and
7 performing its duties under this act;

8 i. ¹[to incur] Incur¹ such traveling and other miscellaneous
9 expenses as it may deem necessary in the exercise of its powers and
10 the performance of its duties under this act, and as may be within the
11 limits of funds appropriated or otherwise made available to it for those
12 purposes;

13 j. ¹[to acquire] Acquire¹ in the name of the trust, hold, and
14 dispose of personal property in the exercise of its powers and the
15 performance of its duties under this act;

16 k. ¹[to make] Make¹, enter into, and perform all contracts and
17 agreements necessary or incidental to the exercise of its powers and
18 the performance of its duties under this act. No contract on behalf of
19 the trust shall be entered into for the doing of any work, or for the
20 hiring of equipment or vehicles, if the sum to be expended exceeds the
21 appropriate amount set forth in, or the amount calculated by the
22 Governor pursuant to, section 2 of P.L.1954, c.48 (C.52:34-7), unless
23 the trust first publicly advertises for bids therefor, and awards the
24 contract to the lowest responsible, qualified bidder; but advertising is
25 not required if the contract to be entered into is one for furnishing or
26 performing services of a professional nature, if there is only one source
27 for the product or service being procured, or if the product or service
28 is supplied or rendered by a public utility subject to the jurisdiction of
29 the Board of Public Utilities, and tariffs and schedules of the charges
30 made, charged, or exacted by the public utility for such products to be
31 supplied or services to be rendered are filed with the Board of Public
32 Utilities. The provisions of this subsection shall not prevent the trust
33 from having any work done by its own employees, nor does it apply to
34 repairs, or to the furnishing of materials, supplies or labor, or the
35 hiring of equipment or vehicles, when the safety or protection of its or
36 other public property or the public convenience requires, or the
37 exigency of the circumstances will not admit of such advertisement.
38 In such case the trust shall, by resolution passed by the affirmative
39 vote of a majority of the trustees in attendance, declare the exigency
40 or emergency to exist, and set forth in the resolution the nature thereof
41 and the approximate amount to be expended;

42 l. ¹[to apply] Apply¹ for and accept any grant or aid, whether
43 from a governmental entity, a nonprofit organization, a foundation or
44 trust, or any other public or private source, that might be or may
45 become available for programs in furtherance of the purposes of the
46 trust, to subscribe to and comply with any rule or regulation with

1 respect to the application of such grant or aid, and to enter into and
2 perform any contract or agreement with respect to the application of
3 such grant or aid;

4 m. ¹[to solicit] Solicit¹ and to accept gifts, donations, legacies,
5 bequests, and endowments, including but not limited to land, money,
6 securities, or other property of value from public or private sources,
7 to enable the trust to acquire and hold or convey land for any purpose
8 which falls within those of the trust; and, unless otherwise specified by
9 the person making such a gift, donation, legacy, bequest, or
10 endowment of money or securities, to invest it in whole or in part as
11 provided in section 6 of P.L. , c. (C.) (now before the
12 Legislature as this bill);

13 n. ¹[to solicit] Solicit¹ and accept rents or royalties, if
14 appropriate, and to apply them to furthering the purposes of the trust;

15 o. ¹[to apply] Apply¹ all moneys, assets, property, or other things
16 of value it may receive as an incident to its operation to furthering the
17 purposes of the trust;

18 p. ¹[to plan] Plan¹ and implement strategies to maximize land
19 acquisition and preservation and environmental enhancement in the
20 Hackensack meadowlands and the Hackensack river watershed in
21 keeping with the purposes of the trust;

22 q. ¹[to acquire] Acquire¹ and hold, or acquire and convey to other
23 governmental entities, including but not limited to the New Jersey
24 Natural Lands Trust created pursuant to P.L.1968, c.425 (C.13:1B-
25 15.119 et seq.), or to qualified nonprofit organizations,
26 environmentally important, valuable, or sensitive lands located in the
27 Hackensack meadowlands or within the Hackensack river watershed;
28 and to preserve and manage those lands in their natural state or in a
29 largely natural or undeveloped state for the purposes of conserving
30 and enhancing natural resources, including but not limited to wetlands
31 mitigation sites and banks, and protecting elements of natural
32 diversity, providing open space, or providing public outdoor passive
33 recreational opportunities;

34 r. ¹[to establish] Establish¹ a special working relationship with
35 the Hackensack Meadowlands Development Commission established
36 pursuant to section 5 of P.L.1968, c.404 (C.13:17-5) and the
37 Hackensack Meadowlands Municipal Committee established pursuant
38 to section 7 of P.L.1968, c.404 (C.13:17-7) in furthering the purposes
39 of the trust;

40 s. ¹[to establish] Establish¹ incentive programs to encourage
41 landowners within the Hackensack meadowlands or the Hackensack
42 river watershed to (1) convey land to the trust or to other public or
43 private entities seeking to preserve land in keeping with the purposes
44 of the trust, or (2) manage their lands in keeping with the purposes of
45 the trust;

46 t. ¹[to establish] Establish¹ a volunteer stewardship program, and

1 take all reasonable action necessary for management and maintenance
2 of trust property;

3 u. ¹[to procure] Procure ¹insurance against any losses in
4 connection with its property, operations, or assets, in such amounts
5 and from such insurers as it deems desirable;

6 v. ¹[to exercise] Exercise ¹its powers and perform its duties as
7 required pursuant to sections 9 through 14 of P.L. , c. (C.)
8 (now before the Legislature as this bill) pertaining to the issuance of
9 Meadowlands conservation license plates; and

10 w. ¹[to do] Do¹ all acts and things necessary or convenient to
11 exercising its powers and performing its duties under this act in
12 furthering the purposes of the trust.

13

14 6. a. There is established in the Meadowlands Conservation Trust
15 a trust fund, to be known as the "Meadowlands Conservation Trust
16 Fund," and the moneys therein are to be held in those depositories as
17 the State Treasurer may select. The State Treasurer shall deposit into
18 the trust fund all moneys: (1) received as a grant or other form of aid
19 by the trust or by the State and designated for the trust; (2) given,
20 donated, bequeathed, or endowed to the trust from public or private
21 sources; (3) received as rent or as a royalty by the trust or by the State
22 on behalf of the trust; (4) received as net revenues from the Division
23 of Motor Vehicles in the Department of Transportation in connection
24 with the issuance of Meadowlands conservation license plates as
25 provided pursuant to sections 9 through 14 of P.L. , c. (C.)
26 (now before the Legislature as this bill); and (5) appropriated or
27 otherwise made available to the trust by the State. The moneys in the
28 trust fund are specifically dedicated and shall be utilized only for the
29 purposes of the trust as set forth in this act. Such grants,
30 contributions, donations, and reimbursements from federal aid
31 programs as may be lawfully used for the purposes of the trust as set
32 forth in this act shall also be held in the trust fund. Moneys in the trust
33 fund shall not be expended except in accordance with appropriations
34 from the trust fund made by law. Any act appropriating moneys from
35 the trust fund to acquire land shall identify the particular project or
36 projects to be funded by the moneys, and any expenditure for a land
37 acquisition project for which the location is not identified by
38 municipality and county in the appropriation shall require the approval
39 of the Joint Budget Oversight Committee or its successor. Pending
40 their application to the purposes set forth in this act, the moneys in the
41 trust fund shall be invested and reinvested as are trust funds in the
42 custody of the State Treasurer, in the manner provided by law. Net
43 earnings received from the investment or deposit of moneys in the
44 trust fund shall be redeposited therein and become part of the trust
45 fund to be used only for the purposes of the trust.

46 b. (1) No moneys in the Meadowlands Conservation Trust Fund

1 shall be utilized for the development of any land for any purpose or for
2 the acquisition of land that will not remain in a natural or largely
3 natural or undeveloped state, except that up to 5% of the moneys
4 annually received and deposited into the trust fund may be utilized to
5 pay for development of sites to allow for public access and
6 environmental education and interpretation and for the development
7 of trails, and up to 2% of the moneys annually received and deposited
8 into the trust fund may be utilized to pay for promotional and program
9 awareness efforts.

10 (2) No moneys in the trust fund shall be utilized to pay or
11 discharge the principal of or interest on any indebtedness incurred for
12 any purpose by the trust or any other governmental entity.

13 c. Notwithstanding any law, rule, or regulation to the contrary,
14 any proceeds returned to the trust or the State from the conveyance of
15 lands acquired by the trust with moneys from the "Meadowlands
16 Conservation Trust Fund" or from other sources shall be redeposited
17 therein and become part of the trust fund to be used only for the
18 purposes of the trust.

19

20 7. The trustees may request, and upon such request shall receive,
21 from the Attorney General of the State of New Jersey, all legal counsel
22 and services necessary to further the purposes of the trust.

23

24 8. The trust shall report annually to the Governor and the
25 Legislature of the State of New Jersey as to its activities during the
26 preceding year, together with any recommendations or requests the
27 trustees deem appropriate to further the purposes of the trust.

28

29 9. The Director of the Division of Motor Vehicles in the
30 Department of Transportation shall, upon proper application therefor,
31 issue Meadowlands conservation license plates for any motor vehicle
32 owned or leased and registered in the State. In addition to the
33 registration number and other markings or identification otherwise
34 prescribed by law, a Meadowlands conservation license plate shall
35 display words or a slogan and an emblem indicating support for, or an
36 interest in, conservation of the Hackensack meadowlands and the
37 Hackensack river watershed. The words or slogan and emblem shall
38 be chosen by the director; however, the director shall solicit, in
39 conjunction with the Legislature, input ¹on the design of the plate¹
40 from the general public and from the board of trustees of the
41 Meadowlands Conservation Trust created pursuant to section 4 of
42 P.L. , c. (C.) (now before the Legislature as this bill) ¹[on the
43 design of the plate] ¹ and shall review the submissions prior to
44 choosing the design. Issuance of Meadowlands conservation license
45 plates in accordance with this section shall be subject to the provisions
46 of chapter 3 of Title 39 of the Revised Statutes, except as hereinafter

1 otherwise specifically provided.

2

3 10. a. Application for issuance of a Meadowlands conservation
4 license plate shall be made to the Division of Motor Vehicles on forms
5 and in a manner as may be prescribed by the director. In order to be
6 deemed complete, an application shall be accompanied by a fee of \$50
7 payable to the Division of Motor Vehicles, which fee shall be in
8 addition to all fees otherwise required by law for the registration of the
9 motor vehicle.

10 b. The annual fee for the registration certificate of a motor vehicle
11 that has been issued a Meadowlands conservation license plate
12 pursuant to the provisions of sections 9 through 14 of P.L. , c.
13 (C.) (now before the Legislature as this bill) shall include in each
14 year subsequent to the year of issuance a fee in the amount of \$10,
15 which fee shall be in addition to all fees otherwise required by law for
16 the renewal of the registration of the motor vehicle and shall be
17 collected by the Division of Motor Vehicles and remitted to the
18 Meadowlands Conservation Trust created pursuant to section 3 of
19 P.L. , c. (C.) (now before the Legislature as this bill) for deposit
20 in the Meadowlands Conservation Trust Fund created pursuant to
21 section 6 of P.L. , c. (C.) (now before the Legislature as this
22 bill).

23

24 11. There shall be deposited in the Meadowlands Conservation
25 Trust Fund created pursuant to section 6 of P.L. , c. (C.) (now
26 before the Legislature as this bill) the amount collected from all license
27 plate fees collected pursuant to section 10 of P.L. , c. (C.) (now
28 before the Legislature as this bill), less the amounts necessary to
29 reimburse the Division of Motor Vehicles for all costs authorized
30 pursuant to section 12 of P.L. , c. (C.) (now before the
31 Legislature as this bill).

32

33 12. a. Prior to the deposit of license plate fees collected pursuant
34 to section 10 of P.L. , c. (C.) (now before the Legislature as
35 this bill) into the Meadowlands Conservation Trust Fund created
36 pursuant to section 6 of P.L. , c. (C.) (now before the
37 Legislature as this bill), amounts thereof as are necessary shall be used
38 to reimburse the Division of Motor Vehicles for all costs reasonably
39 and actually incurred, as stipulated by the director, for:

40 (1) producing, issuing, renewing, and publicizing the availability of
41 Meadowlands conservation license plates; and

42 (2) any initial computer programming changes that may be
43 necessary to implement the Meadowlands conservation license plate
44 program established pursuant to sections 9 through 14 of P.L. ,
45 c. (C.) (now before the Legislature as this bill).

46 b. The Director of the Division of Motor Vehicles shall annually

1 certify to the board of trustees of the Meadowlands Conservation
2 Trust created pursuant to section 4 of P.L. , c. (C.) (now before
3 the Legislature as this bill) the average cost per license plate incurred
4 in the immediately preceding year by the Division of Motor Vehicles
5 in producing, issuing, renewing, and publicizing the availability of
6 Meadowlands conservation license plates. The annual certification of
7 the average cost per license plate shall be approved by the Joint
8 Budget Oversight Committee or its successor.

9 c. In the event that the average cost per license plate as certified
10 by the director and approved by the Joint Budget Oversight
11 Committee, or its successor, is greater than the \$50 application fee
12 established in subsection a. of section 10 of P.L. , c. (C.) (now
13 before the Legislature as this bill) in two consecutive fiscal years, the
14 director may discontinue the issuance of Meadowlands conservation
15 license plates.

16

17 13. The Director of the Division of Motor Vehicles shall notify
18 eligible motorists of the opportunity to obtain Meadowlands
19 conservation license plates by including a notice with all motor vehicle
20 registration renewals, and by posting appropriate posters or signs in
21 all facilities and offices of the Division of Motor Vehicles. The
22 notices, posters, and signs shall be designed by the board of trustees
23 of the Meadowlands Conservation Trust created pursuant to section
24 4 of P.L. , c. (C.) (now before the Legislature as this bill). The
25 designs shall be subject to the approval of the director, and the board
26 of trustees of the Meadowlands Conservation Trust shall supply the
27 Division of Motor Vehicles with the notices, posters, and signs to be
28 circulated or posted by that division.

29

30 14. The board of trustees of the Meadowlands Conservation Trust
31 created pursuant to section 4 of P.L. , c. (C.) (now before the
32 Legislature as this bill), the Director of the Division of Motor
33 Vehicles, and the State Treasurer shall develop and enter into an
34 interagency memorandum of agreement setting forth the procedures
35 to be followed by those parties in carrying out their respective
36 responsibilities under sections 9 through 14 of P.L. , c. (C.)
37 (now before the Legislature as this bill).

38

39 15. Notwithstanding any law, rule, or regulation to the contrary,
40 real property acquired by the Meadowlands Conservation Trust
41 created pursuant to P.L. , c. (C.) (now before the Legislature
42 as this bill) pursuant to purchase, conveyance, bequest, exchange,
43 donation, acceptance, or otherwise shall become exempt from taxation
44 and the payment of any in lieu of tax obligation as of the date of
45 acquisition by the trust. If, at the time of acquisition by the trust, the
46 prior owner has paid the taxes or any in lieu of tax obligation for the

1 current tax year in full or for a period beyond the date of acquisition
2 by the trust, the prior owner shall be entitled to a prorated refund from
3 the taxing authority of the taxes or in lieu of tax obligations paid by
4 the prior owner for the remaining portion of the tax year beyond the
5 date of acquisition by the trust. If insufficient or no taxes, or
6 insufficient or no in lieu of tax obligations, shall have been paid by the
7 prior owner for the portion of the tax year prior to acquisition by the
8 trust, the prior owner shall pay the amount due for that period to the
9 appropriate taxing authority.

10

11 16. '[This act shall take effect immediately] Sections 1 through 8
12 and section 15 of this act shall take effect immediately and sections 9
13 through 14 of this act shall take effect on the 180th day after the date
14 of enactment, but the State Treasurer, the Director of the Division of
15 Motor Vehicles, and the board of trustees of the Meadowlands
16 Conservation Trust, created pursuant to section 4 of this act, may take
17 such anticipatory acts in advance of the 180th day after the date of
18 enactment as may be necessary for the timely implementation of
19 sections 9 through 14 of this act upon the effective date thereof'.

20

21

22

23

24 Creates Meadowlands Conservation Trust to preserve land in the
25 Hackensack meadowlands and the Hackensack river watershed for
26 conservation purposes; and creates Meadowlands conservation license
27 plate to raise revenue therefor.