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[First Reprint]

**SENATE, No. 2647**

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**STATE OF NEW JERSEY**  
**216th LEGISLATURE**

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INTRODUCED DECEMBER 11, 2014

**Sponsored by:**

**Senator PAUL A. SARLO**

**District 36 (Bergen and Passaic)**

**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 reported by the Senate Budget and Appropriations Committee on December 15, 2014, with amendments.



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, and adjusting funding method for the  
5 intermunicipal tax sharing program in the New Jersey  
6 Meadowlands, and supplementing Title 13 of the Revised  
7 Statutes.

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.

44 e. The 750 acres of the New Jersey Sports and Exposition

**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:

<sup>1</sup>Senate SBA committee amendments adopted December 15, 2014.

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

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

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

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

25

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

28 "Adjustment year" means the year in which the respective  
29 obligations of the intermunicipal account and the constituent  
30 municipalities of the district are due and payable.

31 "Apportionment rate" means a rate determined as follows:

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

36 (2) The aggregate true value of all taxable real property,  
37 exclusive of Class II railroad property, located in the municipality,  
38 both within and without the district, in the comparison year, as  
39 determined by the Director of the Division of Taxation in the  
40 Department of the Treasury on October 1 of the comparison year,  
41 pursuant to section 2 of P.L.1954, c.86 (C.54:1-35.2), or as  
42 modified by the tax court. If a tax appeal is resolved after  
43 calculations are finalized for an adjustment year, the next year's  
44 calculations must show a retroactive correction for the applicable  
45 preceding two years.

46 "Area in need" means an area whose redevelopment is necessary  
47 to effectuate the public purposes described herein, as determined by  
48 the commission. An area designated as "in need" may contain lands,

1 buildings, or improvements which, of themselves, are not  
2 detrimental to the public health, safety, or welfare, but nevertheless  
3 must be included in the area designated as “in need,” with or  
4 without change in condition, for the effective redevelopment of the  
5 area of which they are a part.

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

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

12 “Commission” means the new agency created through the  
13 consolidation of the New Jersey Meadowlands Commission and the  
14 New Jersey Sports and Exposition Authority, to be known as the  
15 Meadowlands Regional Commission, as established by section 6 of  
16 P.L. , c. (C. ) (pending before the Legislature as this bill).

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

20 “Comparison year” means the second calendar year preceding  
21 the adjustment year.

22 “Constituent municipalities” means the municipalities of  
23 Carlstadt, East Rutherford, Little Ferry, Lyndhurst, Moonachie,  
24 North Arlington, Ridgefield, Rutherford, South Hackensack, and  
25 Teterboro in Bergen county; and Jersey City, Kearny, North  
26 Bergen, and Secaucus in Hudson county.

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

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

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

36 “Improvement” means (1) the laying out, opening, construction,  
37 widening, straightening, enlargement, extension, alteration,  
38 changing of location, grading, paving, or otherwise improving, a  
39 street, alley, or public highway; (2) curbing or guttering of a  
40 sidewalk along a street, alley, or highway; (3) construction and  
41 improvement of bridges and viaducts; (4) construction,  
42 enlargement, or extension of a sewer or drain or of a sewerage or  
43 drainage system including, but not limited to, such systems under  
44 streets, alleys, or public highways, or works for the sanitary  
45 disposal of sewerage or drainage; (5) the installation of service  
46 connections to water and other utility works, including the laying,  
47 construction, or placing of mains, conduits, or cables under or along  
48 a street, alley, or highway; (6) the construction, enlargement, or

1 extension of water mains or water distribution works; (7) extension  
2 of landfills or other facilities for the disposal of solid wastes; (8) the  
3 installation of lighting standards, appliances, and appurtenances  
4 required for the illumination of streets; (9) the widening, deepening,  
5 or improvement of, the removal of obstructions in, and the  
6 construction, enlargement, and extension of any waterway, or of  
7 enclosing walls, or of a pipe or conduit along a water course; (10)  
8 the development and improvement of parks, recreational facilities,  
9 and flood control structures; (11) environmental enhancements and  
10 remediation; and (12) the construction of buildings and other  
11 structures.

12 “Intermunicipal account” means the device established and  
13 administered by the commission to record all of the transactions  
14 made for the purpose of calculating the meadowlands adjustment  
15 payment for each constituent municipality, and to act as the  
16 clearinghouse for the transfer of the meadowlands adjustment  
17 payments among the constituent municipalities as required by  
18 section 59 of P.L. , c. (C. ) (pending before the Legislature as  
19 this bill).

20 “Master plan” means the comprehensive plan for the district  
21 prepared and adopted by the commission.

22 “Meadowlands adjustment payment” means the amount that is  
23 payable by each constituent municipality to the intermunicipal  
24 account, or the amount that is payable by the intermunicipal account  
25 to each municipality, as the commission shall determine the case to  
26 be.

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

31 “Person” means all individuals, partnerships, associations,  
32 private or municipal corporations, and all political subdivisions of  
33 the State.

34 “Project” means any plan, work, or undertaking by the  
35 commission, constituent municipality, or redeveloper, pursuant to  
36 the master plan or a redevelopment plan.

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

38 <sup>1</sup>“Public event” means any spectator sporting event, trade show,  
39 exposition, concert, amusement, or other event open to the public  
40 that takes place on a public venue.

41 “Public venue” means any place located within the district where  
42 any facilities, which have a capacity to host 500 or more people, for  
43 entertainment, amusement, or sports are provided.<sup>1</sup>

44 “Redeveloper” means any person, firm, corporation, or public or  
45 private agency that engages in development, redevelopment, or  
46 improvement of an area or any part thereof under the provisions of  
47 sections 1 through 68 of P.L. , c. (C. ) (pending before the

1 Legislature as this bill), or in the construction of any project  
2 pursuant to the master plan or redevelopment plan.

3 “Redevelopment” means a plan for planning, development, and  
4 redevelopment; the rehabilitation of any improvements;  
5 conservation or rehabilitation work; the construction and provision  
6 for construction of projects; and the grant or dedication of spaces as  
7 may be appropriate or necessary in the interest of the general  
8 welfare for such projects or other public purposes incidental or  
9 appurtenant thereto, in accordance with the master plan or any part  
10 thereof, or a redevelopment plan.

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

14 “Resident enrollment” means the number of full-time pupils who  
15 are residents of the school district and who are enrolled in day  
16 schools on the last day of September during the school year in  
17 which calculation of aid is made and are attending the public  
18 schools of the school district or a school district or State teachers’  
19 college demonstration school in which the school district of  
20 residence pays tuition; school district may count in its enrollment  
21 any pupil regularly attending, on a full-time basis, a county  
22 vocational school in the same county, for which the school district  
23 pays tuition.

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

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

31 “Solid waste and recycling facilities” means the plants,  
32 structures, and other real and personal property acquired,  
33 constructed, or operated, or to be acquired, constructed, or operated  
34 by the commission, as hereinafter provided, including landfills or  
35 other plants or facilities for the treatment of recycling materials and  
36 disposal of solid waste.

37 “Sports complex” means the 750 acre sports and exposition site  
38 located in the Borough of East Rutherford and any other land  
39 owned by the New Jersey Sports and Exposition Authority in  
40 Hudson County or Bergen County<sup>1</sup> under the jurisdiction of the  
41 New Jersey Sports and Exposition Authority as of the effective date  
42 of P.L. , c. (C. ) (pending before the Legislature as this bill).

43 “Special assessment” means an assessment for benefits accruing  
44 from the construction of improvements by or at the direction of the  
45 commission.

46 “Subdivision” means the division of a lot, tract, or parcel of land  
47 into two or more lots, sites, or other divisions of land for the  
48 purpose, whether immediate or future, of sale or building

1 development except that the following divisions shall not be  
2 considered subdivisions within the meaning of P.L. , c. (C. )  
3 (pending before the Legislature as this bill); provided, however, that  
4 no new streets or roads are involved; divisions of land for  
5 agricultural purposes where the resulting parcels are three acres or  
6 larger in size, divisions of property by testamentary or intestate  
7 provisions, or divisions of property pursuant to court order.

8  
9 4. On and after the effective date of P.L. , c. (C. ) (pending  
10 before the Legislature as this bill), any reference in any law, rule,  
11 regulation, order, contract, or document to the Hackensack  
12 Meadowlands Development Commission, the New Jersey  
13 Meadowlands Commission, or the New Jersey Sports and  
14 Exposition Authority shall mean and refer to the Meadowlands  
15 Regional Commission, as established by section 6 of P.L. ,  
16 c. (C. ) (pending before the Legislature as this bill).

17  
18 5. a. Except as otherwise provided, the commission shall carry  
19 out the purposes of sections 1 through 68 of P.L. , c. (C. )  
20 (pending before the Legislature as this bill) within the following  
21 district:

22 Beginning at a point on Hendricks Causeway at its junction with  
23 the tracks of the Erie-Lackawanna Railroad--Northern Railroad of  
24 New Jersey Branch in Ridgfield;

25 Thence southerly along the tracks of the Erie-Lackawanna  
26 Railroad--Northern Railroad of New Jersey Branch to its junction  
27 with the Fairview-Ridgfield Municipal boundary;

28 Thence westerly along the Fairview-Ridgfield Municipal  
29 boundary to its junction with the Fairview-North Bergen Municipal  
30 boundary;

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

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

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

39 Thence westerly along a line formed by the Pulaski Skyway to a  
40 point where the Port Authority Trans-Hudson tracks pass under the  
41 Pulaski Skyway;

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

44 Thence northwesterly along the Harrison-Kearny Municipal  
45 Boundary, as its jogs and curves, to its intersection with the Erie-  
46 Lackawanna Railroad, Harrison-Kingsland connecting branch of the  
47 Morris and Essex Division;

1       Thence northerly along the tracks of the Erie-Lackawanna  
2 Railroad, Harrison-Kingsland connecting branch of the Morris and  
3 Essex Division to its junction with Orient Way in Lyndhurst;  
4       Thence northerly along Orient Way to its junction with Valley  
5 Brook Avenue-Smith Street;  
6       Thence easterly along Smith Street to its junction with Madison  
7 Street;  
8       Thence northerly along Madison Street to its junction with  
9 Evergreen Place;  
10       Thence westerly along Evergreen Place to its junction with  
11 Meadow Road;  
12       Thence northerly along Meadow Road to its junction with  
13 Rutherford Avenue;  
14       Thence northerly along a straight line drawn between the  
15 intersection of Rutherford Avenue and Meadow Road and the  
16 junction of Union Avenue and Erie-Lackawanna-New Jersey and  
17 New York Railroad;  
18       Thence northerly along the tracks of the Erie-Lackawanna-New  
19 Jersey and New York Railroad to its intersection with the Wood-  
20 Ridge-Carlstadt municipal boundary;  
21       Thence easterly along the Wood-Ridge-Carlstadt municipal  
22 boundary to its intersection with Moonachie-Wood-Ridge  
23 municipal boundary;  
24       Thence northerly and westerly along the Moonachie-Wood-  
25 Ridge municipal boundary to its intersection with the Hasbrouck  
26 Heights-Moonachie municipal boundary;  
27       Thence easterly and northerly along Hasbrouck Heights-  
28 Moonachie municipal boundary to its intersection with the  
29 Moonachie-Teterboro municipal boundary;  
30       Thence westerly and northerly along the Hasbrouck Heights-  
31 Teterboro municipal boundary to its intersection with U. S. Route  
32 46;  
33       Thence easterly along U. S. Route 46 to its intersection with the  
34 Teterboro-Little Ferry municipal boundary;  
35       Thence southerly along the Teterboro-Little Ferry municipal  
36 boundary to its intersection with the Moonachie-Little Ferry  
37 boundary;  
38       Thence southerly along the Moonachie-Little Ferry municipal  
39 boundary to its intersection with Red Neck Road;  
40       Thence southerly along Red Neck Road to its junction with  
41 Moonachie Avenue in Moonachie;  
42       Thence easterly along Moonachie Avenue to its junction with  
43 Moonachie Road;  
44       Thence northerly along Moonachie Road to its junction with  
45 Maple Street;  
46       Thence easterly along Maple Street approximately 930 feet to its  
47 intersection with the Transcontinental gas pipeline;



1 Thence northeasterly along a straight line drawn between the  
2 intersection of Maple Street and the Transcontinental gas pipeline  
3 and the intersection of Bertolotto Avenue and the Moonachie-Little  
4 Ferry Municipal boundary (Losen Slofe Creek);

5 Thence easterly along Bertolotto Avenue to its junction with  
6 Eckel Road;

7 Thence southerly along 5th Street to its junction with Mansfield  
8 Avenue;

9 Thence easterly along Columbus Avenue to its junction with  
10 Mehrhof Road;

11 Thence northerly along Mehrhof Road to its junction with  
12 Washington Avenue;

13 Thence easterly and northerly along Washington Avenue to its  
14 junction with Main Street;

15 Thence easterly along Main Street extended to the Little Ferry-  
16 Ridgefield Park Municipal boundary; (The middle of the  
17 Hackensack River);

18 Thence southerly along the Little Ferry-Ridgefield Park  
19 Municipal boundary (in the middle of the Hackensack River) to its  
20 intersection with the Ridgefield Park-Ridgefield Municipal  
21 boundary;

22 Thence easterly along the Ridgefield Park-Ridgefield Municipal  
23 boundary (in the middle of Overpeck Creek) to its intersection with  
24 Bergen Turnpike;

25 Thence southerly along Bergen Turnpike to its junction with  
26 Hendricks Causeway;

27 Thence southeasterly along Hendricks Causeway to its junction  
28 with the tracks of the Lackawanna Railroad--Northern Branch, the  
29 point of beginning.

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

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

37 Thence southerly along County Avenue to its junction with  
38 Secaucus Road;

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

41 Thence northerly along a straight line drawn between the  
42 intersection of Secaucus Road and the aforementioned Private Road  
43 and the intersection of Pandolfi Avenue-Golden Avenue in  
44 Secaucus;

45 Thence westerly along Pandolfi Avenue to its junction with 5th  
46 Street;

47 Thence southerly along 5th Street to its junction with Mansfield  
48 Avenue;

1       Thence westerly along Mansfield Avenue to its junction with  
2 Walter Place;  
3       Thence northerly along Walter Place to its junction with  
4 Mansfield Avenue;  
5       Thence westerly along Mansfield Avenue to its junction with 9th  
6 Street;  
7       Thence northerly along 9th Street to its junction with Grace  
8 Street;  
9       Thence easterly along Grace Street to its junction with Eighth  
10 Street;  
11       Thence northerly along Eighth Street to its junction with Old  
12 New Jersey Route 3 (Route 153);  
13       Thence easterly along Old New Jersey Route 3 (Route 153) to its  
14 junction with Paterson Plank Road;  
15       Thence easterly continuing along Old New Jersey Route 3  
16 (Route 153) (Paterson Plank Road) to its junction with County  
17 Avenue, the point of beginning.  
18       c. The commission shall not carry out the purposes of sections  
19 1 through 68 of P.L. , c. (C. ) (pending before the Legislature  
20 as this bill), take any action, or have any jurisdiction within the  
21 following district:  
22       Beginning at a point on Maple Avenue at its junction with 7th  
23 Street in Secaucus;  
24       Thence northerly and easterly along 7th Street to its junction  
25 with Paterson Plank Road;  
26       Thence northerly along Paterson Plank Road to its junction with  
27 Farm Road;  
28       Thence northerly along Farm Road to its junction with Meadow  
29 Lane;  
30       Thence easterly along Meadow Lane to its junction with  
31 Stonewall Lane and Mill Ridge Road;  
32       Thence easterly along Mill Ridge Road to its junction with  
33 Koelle Boulevard;  
34       Thence southerly along Koelle Boulevard to its junction with  
35 Huber Street;  
36       Thence westerly along Huber Street to its junction with Radio  
37 Avenue;  
38       Thence southerly on Radio Avenue to its junction with Pikeview  
39 Terrace;  
40       Thence westerly and northerly along Pikeview Terrace to its  
41 intersection with Lausecker Lane;  
42       Thence westerly along Lausecker Lane to its junction with  
43 Paterson Plank Road;  
44       Thence southerly along Paterson Plank Road to its junction with  
45 Maple Street;  
46       Thence westerly along Maple Street to its junction with 7th  
47 Street, the point of beginning.

1       6. <sup>1</sup>["On] On the first day of the thirteenth month next  
2 following<sup>1</sup> the effective date of P.L. , c. (C. ) (pending  
3 before the Legislature as this bill), the <sup>1</sup>["New Jersey Sports and  
4 Exposition Authority and the]<sup>1</sup> New Jersey Meadowlands  
5 Commission <sup>1</sup>["are] is<sup>1</sup> dissolved. All property, funds, and assets of  
6 <sup>1</sup>["these agencies] the New Jersey Meadowlands Commission and  
7 the New Jersey Sports and Exposition Authority<sup>1</sup> are vested in and  
8 belong to the "Meadowlands Regional Commission <sup>1</sup>[".] ,"  
9 provided, however, that the New Jersey Sports and Exposition  
10 Authority may retain those funds and assets necessary for servicing  
11 its debt obligations.

12       On and after the effective date of P.L. , c. (C. ) (pending  
13 before the Legislature as this bill), all approvals, permits, contracts,  
14 agreements, bonds, notes or other obligations of the New Jersey  
15 Sports and Exposition Authority and all findings, determinations,  
16 and actions taken by the New Jersey Sports and Exposition  
17 Authority with respect to such approvals, permits, contracts,  
18 agreements, bonds, notes, or other obligations, are deemed to be  
19 assumed, ratified, and confirmed by the commission and deemed to  
20 have been authorized and executed by the commission and shall  
21 remain in full force and effect.

22       Notwithstanding any law, rule, or regulation to the contrary, the  
23 New Jersey Sports and Exposition Authority shall continue in  
24 existence for the exclusive purposes of servicing its debt obligations  
25 incurred prior to the effective date of P.L. , c. (C. ) (pending  
26 before the Legislature as this bill) and maintaining its tax exempt  
27 status, but shall have no other powers.<sup>1</sup>

28       a. There is hereby established in, but not of, the Department of  
29 State, a public body corporate and politic, with corporate  
30 succession, to be known as the "Meadowlands Regional  
31 Commission." The commission shall constitute a political  
32 subdivision of the State established as an instrumentality exercising  
33 public and essential governmental functions, and the exercise by the  
34 commission of the powers conferred by sections 1 through 68 of  
35 P.L. , c. (C. ) (pending before the Legislature as this bill), shall  
36 be deemed and held to be an essential governmental function of the  
37 State.

38       b. The commission shall consist of <sup>1</sup>["11] 13<sup>1</sup> members  
39 appointed and qualified as follows: Six citizens of the State,  
40 appointed by the Governor, no more than three of whom shall be of  
41 the same political party; two of whom shall be residents of the  
42 constituent municipalities of Bergen county and two of whom shall  
43 be residents of the constituent municipalities of Hudson county;  
44 provided, however, that no more than one citizen shall be appointed  
45 from any one constituent municipality; and two mayors, ex officio,  
46 one from Bergen County and one from Hudson County. The  
47 mayors shall be from a constituent municipality that does not have

1 representation on the commission. The Commissioner of  
2 Environmental Protection, the Commissioner of Community  
3 Affairs, and the Lieutenant Governor, or their designees, shall be  
4 ex-officio members of the commission. <sup>1</sup>The Speaker of the  
5 General Assembly and President of the Senate shall each appoint  
6 one member.<sup>1</sup>

7 c. Each ex officio member of the commission may designate an  
8 officer or employee of the member's department or agency to  
9 represent the member at meetings of the commission, and each such  
10 designee may lawfully vote and otherwise act on behalf of the  
11 member for whom the designee is constituted. Any such  
12 designation shall be in writing delivered to the commission and  
13 shall continue in effect until revoked or amended by writing  
14 delivered to the commission.

15 d. Each member appointed by the Governor shall serve for a  
16 term of five years with the advice and consent of the Senate;  
17 provided, however, that the first members appointed by the  
18 Governor shall not require the advice and consent of the Senate ,  
19 and <sup>1</sup>~~one~~<sup>1</sup> shall serve for a term of <sup>1</sup>~~one year, one for a term of~~<sup>1</sup>  
20 ~~two years~~ <sup>1</sup>~~], one for a term of three years, one for a term of four~~  
21 ~~years, and two for a term of five years]~~<sup>1</sup>. Each member shall serve  
22 for the term of his appointment and until his successor shall have  
23 been appointed and qualified. Any vacancy or reappointment of a  
24 member by the Governor shall be made with the advice and consent  
25 of the Senate. Any vacancy shall be filled for the unexpired term  
26 only.

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

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

32 g. The Governor shall designate one of the public members of  
33 the commission as chairman. The commission shall select from its  
34 members a vice-chairman and a treasurer, and shall employ an  
35 executive director, who shall be secretary, and a chief fiscal officer.  
36 The commission may also appoint, retain, and employ,  
37 notwithstanding any other law to the contrary, such officers, agents,  
38 employees, and experts as it may require, and it shall determine  
39 their qualifications, terms of office, duties, services, and  
40 compensation.

41 h. The powers of the commission shall be vested in the members  
42 thereof in office. A majority of the total authorized membership of  
43 the commission shall constitute a quorum at any meeting thereof.  
44 Action may be taken and motions and resolutions adopted by the  
45 commission at any meeting thereof by the affirmative vote of a  
46 majority of the appointed members, unless the by-laws of the  
47 commission, or any of the provisions of sections 1 through 68 of  
48 P.L. , c. (C. ) (pending before the Legislature as this bill), shall

1 require a larger number. The commission may designate one or  
2 more of its agents or employees to exercise administrative  
3 functions, powers, and duties as the commission deems proper. No  
4 vacancy in the membership of the commission shall impair the right  
5 of a quorum to exercise all the rights and perform all the duties of  
6 the commission, except as otherwise provided in sections 1 through  
7 68 of P.L. , c. (C. ) (pending before the Legislature as this bill).

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

29 j. Before the issuance of any bonds under the provisions of  
30 sections 1 through 68 of P.L. , c. (C. ) (pending before the  
31 Legislature as this bill), the members and the treasurer of the  
32 commission shall be covered by a surety bond or bonds in such sum  
33 as provided by the rules and regulations of the commission  
34 conditioned upon the faithful performance of the duties of their  
35 respective offices, and executed by a surety company authorized to  
36 transact business in the State of New Jersey as a surety. The  
37 commission shall submit each such surety bond to the Attorney  
38 General for approval and, if approved, shall file the surety bond  
39 with the office of the Secretary of State prior to the issuance of any  
40 bonds. The treasurer of the commission and each member shall  
41 maintain all issued surety bonds in full force and effect. All costs of  
42 such surety bonds shall be borne by the commission.

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

1       <sup>1</sup>1. The State Treasurer, in consultation with the State Auditor  
2 and the commission, shall enter into a contract with a person  
3 qualified to conduct an independent operations and financial audit  
4 of the commission and may prescribe any supporting documentation  
5 to be provided under the terms of the contract. The contract shall  
6 require that the person conducting the audit provide  
7 recommendations regarding a reasonable operations and  
8 maintenance budget. Copies of the audit shall be submitted to the  
9 commission, the State Treasurer, and the Joint Budget Oversight  
10 Committee of the Legislature.<sup>1</sup>

11

12       7. The commission shall have the following powers:

13       a. To adopt, amend, and repeal suitable by-laws for the  
14 management of its affairs;

15       b. To adopt and use an official seal and alter the same at its  
16 pleasure;

17       c. To maintain an office at such place or places within the State  
18 as it may designate;

19       d. To sue and be sued in its own name;

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

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

24       g. To borrow money, issue its negotiable bonds or notes, and  
25 secure the same by a mortgage on its property, or any part thereof,  
26 and enter into any credit agreement, and otherwise to provide for  
27 and secure the payment of its bonds and notes and to provide for the  
28 rights of the holders thereof;

29       h. To make and enter into all contracts, leases, and agreements  
30 for the use or occupancy of its projects, or any part thereof, or  
31 which are necessary or incidental to the performance of its duties  
32 and the exercise of its powers under sections 1 through 68 of P.L. ,

33       c. (C. ) (pending before the Legislature as this bill) <sup>1</sup>subject to  
34 the provisions of section 6 of P.L.1984, c.128 (C.13:17-6.1)<sup>1</sup> ;

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

39       j. To acquire in the name of the commission by purchase, or  
40 lease as lessee or otherwise, on such terms and conditions and in  
41 such manner as it may deem proper, or by the exercise of the power  
42 of eminent domain, any land or interest therein, and other property,  
43 including land under water and riparian lands, land, or highways  
44 held by any municipality or other governmental subdivision of the  
45 State, or any fee simple absolute in, easements upon, or the benefit  
46 of restrictions upon abutting property, that it may determine is  
47 reasonably necessary for the performance of any of its duties;  
48 provided, however, that the power of eminent domain shall not be

- 1 exercised by the commission to acquire any property owned or used  
2 by a public utility, as defined in R.S.48:2-13;
- 3 k. To prepare, adopt, and implement a master plan for the  
4 physical development of all lands, 'which shall take into  
5 consideration any lease agreements entered into by the New Jersey  
6 Sports and Exposition Authority as of the effective date of P.L. \_\_\_\_\_,  
7 c. (C. ) (pending before the Legislature as this bill),<sup>1</sup> or a portion  
8 thereof, lying within the district, and to adopt and enforce  
9 regulations, codes, and standards for the effectuation of such plan;
- 10 l. To undertake any development or other project or  
11 improvement as it finds necessary to redevelop and improve the  
12 land within the district;
- 13 m. To recover by special assessments the cost of improvements  
14 from the increase of property values attributable to such  
15 improvements;
- 16 n. Generally to establish, charge, and collect rates, fees, and  
17 other charges for the use of any facilities operated and maintained  
18 by the commission, and to collect fees as otherwise established by  
19 law, rule, or regulation;
- 20 o. To enter into any and all agreements or contracts, execute any  
21 and all instruments, and do and perform any and all acts or things  
22 necessary, convenient, or desirable for the commission to carry out  
23 its responsibilities 'subject to the provisions of section 6 of  
24 P.L.1984, c.128 (C.13:17-6.1)<sup>1</sup>;
- 25 p. To plan, establish, and implement programs promoting and  
26 facilitating economic development opportunities in the district;
- 27 q. To review and regulate plans for any subdivision or  
28 development within the district;
- 29 r. To cause to be prepared plans, specifications, designs, and  
30 estimates of costs for the construction of projects and improvements  
31 under the provisions of sections 1 through 68 of P.L. \_\_\_\_\_, c. (C. )  
32 (pending before the Legislature as this bill), and to modify such  
33 plans, specifications, designs, or estimates;
- 34 s. To determine the existence of areas in need of redevelopment  
35 or rehabilitation and to approve or undertake redevelopment  
36 projects therein;
- 37 t. To provide solid waste disposal and recycling facilities for the  
38 treatment of solid waste;
- 39 u. To assist and coordinate shared services among the constituent  
40 municipalities of the district and to enter into, from time to time,  
41 contracts with one or more municipalities, counties, or other public  
42 agencies for the operation of public improvements, works, facilities,  
43 services, or undertakings of such municipalities, counties, or  
44 agencies, or of the commission;
- 45 v. To undertake all the necessary steps to develop plans and  
46 undertake flood control projects and to maintain and construct  
47 necessary flood control structures and ditches;

- 1 w. To take any action necessary for the purpose of promoting  
2 and marketing tourism, entertainment, sports, and all related  
3 activities within the district or at any other location owned or  
4 operated by the commission. The commission may create a not-for-  
5 profit entity that will implement this function;
- 6 x. To preserve and protect the environment of the district and to  
7 provide programs for environmental education that benefit schools  
8 and the general public;
- 9 y. To create a transportation planning district and develop  
10 strategies to improve regional comprehensive planning;
- 11 z. To receive and accept, from any federal or other public  
12 agency or governmental entity, grants or loans for, or in aid of, the  
13 planning or construction of any project or improvement, or the  
14 acquisition of any property, and to receive and accept aid or  
15 contributions from any other source, of either money, property,  
16 labor, or other things of value, to be held, used, and applied only for  
17 the purposes for which such grants, loans, and contributions may be  
18 made, and to enter into co-operative agreements with the federal  
19 government, or any other public or governmental agency, for the  
20 performance of such acts as may be necessary and proper for the  
21 reclamation of the Hackensack meadowlands and to comply with  
22 established requirements for such participation;
- 23 aa. To establish engineering standards and a building code  
24 specifying the maximum weight, size, and density of all buildings  
25 and structures to be placed on any land within its jurisdiction;
- 26 bb. To conduct examinations and investigations, hear testimony,  
27 and take proof, under oath at public and private hearings, of any  
28 material matter, require attendance of witnesses and the production  
29 of books and papers, and issue commissions for the examination of  
30 witnesses who are out of State, unable to attend, or excused from  
31 attendance;
- 32 cc. To subordinate, waive, sell, assign, or release any right, title,  
33 claim, lien, or demand, however acquired, including any equity or  
34 right of redemption; to foreclose, sell, or assign any mortgage held  
35 by it, or any interest in real or personal property; and to purchase at  
36 any sale upon such terms and at such prices as it determines to be  
37 reasonable and to take title to property, real, personal, or mixed, so  
38 acquired, and to sell, exchange, assign, convey, lease, mortgage, or  
39 otherwise dispose of any such property, subject to such conditions  
40 and restrictions as it deems necessary to carry out the purposes of  
41 sections 1 through 68 of P.L. , c. (C. ) (pending before the  
42 Legislature as this bill); <sup>1</sup>**[and]**<sup>1</sup>
- 43 dd. To collect, and disburse, the assessments authorized in  
44 section 85 of P.L. , c. (C. ) (pending before the  
45 Legislature as this bill), for the purposes set forth in that section <sup>1</sup>;
- 46 ee. To establish and enforce rules and regulations for the use or  
47 operation of its projects or the conduct of its activities, and to enter



1 into agreements with the State Police for the policing and the  
2 security of its projects;

3 ff. To hold and conduct horse race meetings for stake, purse, or  
4 reward and to provide and operate a pari-mutuel system of wagering  
5 at such meetings, and to engage in any activity authorized by  
6 section 7 of PL.1971, c.137 (C.5:10-7) and section 12 of P.L.2004,  
7 c.116 (C.5:10-7.1); and

8 gg. To procure insurance against any losses in connection with  
9 its property, operations, or assets, in such amounts and from such  
10 insurers as it deems desirable<sup>1</sup>.

11

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

26

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

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

46 c. The commission shall not take action on any matter required  
47 to be submitted to the committee, which matter has been formally

1 rejected by the committee, except by an affirmative vote of seven  
2 members of the commission.

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

19 b. In preparing the master plan or any portion thereof or  
20 amendment thereto the commission shall consider the existing  
21 patterns of the development in constituent municipalities, and any  
22 master plan or other plan of development adopted by any  
23 constituent municipality prior to the effective date of P.L. , c. (C. )  
24 (pending before the Legislature as this bill), or prior to the  
25 preparation of the master plan by the commission.

26 c. In preparing the master plan or any portion thereof or  
27 amendment thereto, the commission shall consult with any federal  
28 or State agency having an interest in the district. At least 60 days  
29 prior to taking any action relating to the district, any interested  
30 agency shall file with the commission any proposed plans for the  
31 commission's review and recommendation.

32 d. A master plan examination and revision shall be conducted by  
33 the commission every 10 years, the first of which shall be  
34 conducted 10 years from the date on which the first master plan was  
35 adopted by the commission pursuant to this section. <sup>1</sup>The master  
36 plan in effect on the effective date of P.L. , c. (C. ) (pending  
37 before the Legislature as this bill) shall remain in effect until the  
38 commission's next examination and revision, which shall be within  
39 five years of the effective date of P.L. , c. (C. ) (pending  
40 before the Legislature as this bill).<sup>1</sup>

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

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

46 (2) service-water supply, utilities, sewerage, and other like  
47 matters;

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

5 (4) housing, including affordable housing, residential standards,  
6 clearance, redevelopment, rehabilitation, conservation, and other  
7 like matters;

8 (5) water, soil conservation, flood control, and other like matters;

9 (6) public and semipublic facilities including but not limited to  
10 civic centers, schools, libraries, parks, playgrounds, fire houses,  
11 police buildings, hospitals, and other like matters;

12 (7) the distribution and density of population;

13 (8) planned unit development;

14 (9) community appearance;

15 (10) financing and programming capital improvements;

16 (11) plan and develop facilities for tourism, sports, and  
17 entertainment; and

18 (12) other related elements of growth and development,  
19 including the social implications of any proposed development, and  
20 advances in technology related to any subject included in the plan.

21 f. In accordance with sections 1 through 68 of P.L. , c. (C. )  
22 (pending before the Legislature as this bill), and in addition to any  
23 other law, rule, or regulation concerning affordable housing, the  
24 master plan may also include codes and standards covering land  
25 use, comprehensive zoning, subdivisions, building construction and  
26 design, housing, and the control of air and water pollution, and  
27 other subjects necessary to carry out the plan or to undertake a  
28 workable program of community improvement. No codes or  
29 standards concerning building construction and design shall be  
30 promulgated without the certificate of the chief engineer or  
31 equivalent official of the commission that the proposed codes and  
32 standards meet the engineering standards adopted by the  
33 commission. No municipality shall adopt, and no municipal official  
34 shall enforce, any code which is inconsistent with the code  
35 contained in the master plan insofar as such code applies to  
36 property within the district; provided, however, that the governing  
37 body or other appropriate body of each constituent municipality  
38 may adopt zoning ordinances and any other codes or standards,  
39 which it is authorized by the laws of this State to adopt, for lands  
40 within the boundaries of said municipality which are subject to the  
41 jurisdiction of the commission and which will effectuate the  
42 purposes of the commission's master plan.

43

44 11. a. A constituent municipality that adopts the commission's  
45 master plan, zoning regulations, codes, and standards shall have the  
46 authority to approve or reject land use or zoning applications. The  
47 municipality shall provide the commission all documentation, plans,  
48 and information regarding all applications. All fees generated by

1 these applications and approvals shall be retained by the  
2 municipality.

3 b. For those municipalities that do not adopt the commission's  
4 master plan, zoning regulations, codes, and standards, the  
5 commission shall have the authority to issue the permit.

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

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

22

23 12. **1[The]** For those municipalities that do not adopt the  
24 commission's master plan, zoning regulations, codes, and standards,  
25 the'<sup>1</sup> commission shall review and regulate subdivisions and land  
26 development within the district, in accordance with procedures and  
27 engineering and planning standards adopted by the commission,  
28 which shall require that:

29 a. All subdivisions, site plans, buildings, and other development  
30 shall be in accordance with the master plan and any applicable  
31 redevelopment plan;

32 b. Adequate drainage facilities and easements be provided;

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

40 d. Public water and sewer systems be provided when necessary  
41 to protect public health and to ensure an adequate supply of water;  
42 and

43 e. Performance guarantees, maintenance bonds, and agreements  
44 be provided specifying minimum standards of construction for  
45 required improvements by the commission, not to exceed the full  
46 cost of the facility and installation thereof, or the developer's  
47 proportionate share thereof. Any bonds, moneys, or guarantees

1 received by the commission under this paragraph shall not duplicate  
2 bonds, moneys, or guarantees required by municipalities for  
3 municipal purposes.

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

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

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

1       15. The county clerk or register of deeds and mortgages shall  
2 not accept for filing any subdivision plat for lands in the district  
3 unless it bears the certification of approval of the commission in  
4 addition to all other requirements for filing a subdivision plat. If the  
5 commission has not taken action on an application within the period  
6 required by section 13 of P.L. , c. (C. ) (pending before the  
7 Legislature as this bill), at the request of the developer, the  
8 commission shall certify such fact upon the plat. This certification  
9 shall be sufficient authorization for further action by the municipal  
10 approving authority and filing with the appropriate county  
11 recording officer.

12

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

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

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

1       17. The commission may establish provisions for the waiver,  
2 according to definite criteria, of strict compliance with the  
3 standards promulgated, when necessary to alleviate hardship. A  
4 developer can request that the chief engineer grant a waiver based  
5 on the defined criteria. The chief engineer shall make a  
6 recommendation to the commission concerning whether the  
7 hardship criteria has been met.

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

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

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

42       (1) for injunctive relief;

43       (2) to set aside and invalidate any conveyance or lease made  
44 pursuant to contract for sale or otherwise in violation of subsection  
45 a. of this section;

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

48       (4) to restrain, correct, or abate such violation;

1 (5) to prevent the occupancy of said dwelling, structure, or land;  
2 and

3 (6) to prevent any illegal act, conduct, business, or use in, or  
4 about, such premises.

5

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

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

12 b. Preserve wetlands to protect wildlife, water quality, and  
13 flood storage value;

14 c. Review preservation sites for potential wetland enhancement  
15 and mitigation;

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

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

22 f. Increase both active and passive recreational uses;

23 g. Eliminate or control the presence of other invasive plant and  
24 animal species;

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

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

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

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

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

38 m. The commission shall operate a not-for-profit organization  
39 which shall continue research opportunities of the Meadowlands  
40 Environmental Research Institute.

41

42 20. The commission shall develop strategies and seek funding  
43 for flood control infrastructure based on flood modeling for the  
44 district and surrounding areas.

45 a. The commission shall:

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

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



1       b. The commission may:

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

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

6  
7       21. In providing the solid waste and recycling disposal facilities,  
8 the commission shall, prior to preparing any plans or specifications  
9 for such facilities, consult with those persons utilizing the district  
10 for the treatment and disposal of solid waste, and contract with any  
11 such persons who desire to utilize solid waste disposal facilities  
12 provided by the commission. In providing such facilities, the  
13 commission may:

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

18       b. Operate and maintain any such facilities, as owner, lessor, or  
19 lessee, and generally fix and collect rates, fees, or other charges for  
20 any such facilities in the same manner, and pursuant to the same  
21 procedure, provided for any other facilities operated and maintained  
22 by the commission;

23       c. Join and participate with any agency, municipality, county, or  
24 authority created by the State, or by any political subdivision or  
25 subdivisions thereof, through an intergovernmental agreement  
26 without need for that agency, municipality, county, or authority to  
27 go to public bid for the purpose of treating or disposing of solid  
28 waste and recycling;

29       d. Permit, by contract or agreement, any agency,  
30 instrumentality, or authority created by the State, or by any political  
31 subdivision thereof, for the purpose of treating or disposing of solid  
32 waste, to acquire, construct, or operate and maintain any solid waste  
33 disposal facilities which such agency, instrumentality, or authority  
34 is authorized by law to acquire, construct, or operate and maintain.  
35 Any such facilities acquired, constructed, or operated and  
36 maintained by any such agency, instrumentality, or authority may  
37 be located either within the district or without the district, but shall  
38 be within the jurisdiction of such agency, instrumentality, or  
39 authority.

40       e. For the purposes of acquiring or constructing any solid waste  
41 disposal facility, the commission is authorized to issue bonds and  
42 notes and to pay or redeem said bonds and notes from revenue  
43 derived from the fees and other charges collected for such facilities.  
44 Any cost incurred by the commission in providing any solid waste  
45 disposal facilities shall be charged to the persons utilizing such  
46 facilities, and nothing herein contained shall be interpreted as  
47 requiring the commission to bear the cost of any solid waste  
48 disposal facility provided by the commission.

1       22. a. In the event that surplus moneys become available from  
2 the operation of solid waste disposal facilities by the commission,  
3 which are not required by any contract with the holders of any  
4 bonds, notes, or other obligations of the commission to be retained  
5 in any fund or account for the security of the commission's bonds,  
6 notes, or other obligations, then 75 percent of that surplus shall be  
7 used by the commission for any lawful purpose and 25 percent of  
8 that surplus shall be placed in a special Municipal Assistance  
9 Program fund established by the commission for the purpose of  
10 infrastructure improvements.

11       b. The commission may establish a surcharge on solid waste  
12 which enters into its facilities. Revenue collected pursuant to this  
13 subsection shall be dedicated, exclusively, to the Municipal  
14 Assistance Program fund created by the commission pursuant to  
15 subsection a. of this section.

16

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

20       b. Prior to declaring any portion of the district as an area in  
21 need, the commission, by resolution, shall provide for a preliminary  
22 investigation. Upon the adoption of such a resolution, the  
23 commission shall prepare a map showing the boundaries of the  
24 proposed area and the location of the various parcels of property  
25 located therein, and shall append thereto a statement setting forth  
26 the reasons for the investigation.

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

33       d. A notice of such hearing shall be given setting forth the  
34 general boundaries of the area to be investigated and stating that a  
35 map has been prepared and can be inspected at the office of the  
36 commission. The commission shall cause the publication of the  
37 notice in a newspaper of general circulation in the district once each  
38 week for two consecutive weeks, and the last publication shall be  
39 not less than 10 days prior to the date set for the hearing. A copy of  
40 the notice shall be mailed at least 10 days prior to the date set for  
41 the hearing to the last known owner, if any, of each parcel of  
42 property within the area according to the assessment records of the  
43 municipality where the parcel is located. Such notice shall be sent  
44 to the last known postal address of such owners. The commission  
45 shall also send notice to any persons at their last known address, if  
46 any, whose names appear on said assessment records as claimants  
47 of an interest in any such parcel. The assessor of a constituent  
48 municipality shall make such a notation upon the said records when

1 requested so to do by any person claiming to have an interest in any  
2 parcel of property in such municipality. Failure to mail notice as  
3 required by this section shall not invalidate the investigation or  
4 determination thereon.

5 e. At the hearing, the commission shall hear all persons  
6 interested in the investigation and shall consider any written  
7 objections that may be filed, and any evidence which may be  
8 introduced, in support of the objections, or any opposition to a  
9 determination that the area is in need. After the hearing, the  
10 commission shall, by resolution, determine that the area or any part  
11 thereof is, or is not, in need. A determination that an area is in  
12 need, if supported by substantial evidence, shall be binding and  
13 conclusive upon all persons affected by the determination. If the  
14 determination is that an area is in need, the commission, within 10  
15 days after such determination, shall mail a copy of the resolution to  
16 each person who filed a written objection at, or prior to, the hearing,  
17 so long as the address of the objector was stated in, or to, the  
18 written objection.

19 f. Any person who shall have filed such a written objection with  
20 the commission may have a determination that an area is in need  
21 reviewed by the Superior Court by procedure in lieu of prerogative  
22 writs. An action for any such review shall be commenced within 30  
23 days after the determination by the commission. In any such action,  
24 the court may make any incidental order that shall be deemed by the  
25 court to be proper.

26 g. If the determination is that an area is in need, the commission  
27 may acquire the real property within the area by purchase, or by  
28 eminent domain proceedings in accordance with the "Eminent  
29 Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.), and may  
30 proceed with the clearance, planning, development, or  
31 redevelopment of the area as a public purpose and for public use, or  
32 the commission may, by resolution, agree that a redeveloper may  
33 undertake such clearance, planning, development, or  
34 redevelopment.

35  
36 24. a. The commission shall prepare and adopt a redevelopment  
37 plan for each area in the district determined by the commission to  
38 be an area in need.

39 b. A municipality which has land subject to the jurisdiction of  
40 the commission and adopts the commission's redevelopment plan  
41 shall have the authority to approve or reject an application for a  
42 permit. The municipality shall provide the commission all  
43 documentation, plans, and information regarding all applications.  
44 All fees generated by these applications and approvals shall be  
45 retained by the municipality. Any approval of any plan review or  
46 subdivision application by a municipality pursuant to this  
47 subsection shall be limited by, and based upon, the rules,  
48 regulations, and standards in a resolution adopted by the

1 commission and the municipality. All fees generated by these  
2 applications and approvals shall be retained by the municipality.

3 c. For those municipalities that do not adopt the commission's  
4 redevelopment plan, the commission may issue the permit for the  
5 proposed construction or alteration as being in conformity with the  
6 redevelopment plan. Any variations and modifications of the  
7 redevelopment plan shall be the responsibility of the commission. A  
8 permit shall not be issued without a certificate from the chief  
9 engineer or equivalent official of the commission that the proposal  
10 is in conformity with the commission's redevelopment plan.

11 d. In undertaking projects pursuant to any redevelopment plan,  
12 the commission may:

13 (1) Acquire, by condemnation or otherwise, real or personal  
14 property, or any interest therein, including such property as it may  
15 deem necessary or proper, although temporarily not required for  
16 such purposes, in an area in need and in any area within the district  
17 designated by the commission as necessary for relocation of  
18 residents, industry, or commerce displaced from a redevelopment  
19 area;

20 (2) clear or reclaim any area so acquired and install, construct, or  
21 reconstruct projects therein necessary to prepare such area for  
22 development;

23 (3) relocate or arrange or contract with public or private agencies  
24 for the relocation of residents, industry, or commerce displaced  
25 from the area in need;

26 (4) dispose of real property so acquired by sale, lease, or  
27 exchange for the uses and purposes specified in the redevelopment  
28 plan, to any person or public agency;

29 (5) study the recommendations of the constituent municipality's  
30 planning board impacted by the redevelopment plan for  
31 redevelopment of any area within that municipality and make its  
32 own investigations as to current trends in the area in need, as  
33 established by the commission;

34 (6) by contract or contracts with public agencies or redevelopers  
35 or by its own employees' or consultants' plan, plan, construct,  
36 reconstruct, operate, maintain, and repair any redevelopment or  
37 other project or any part thereof; and

38 (7) make and adopt plans for carrying out a program of voluntary  
39 repair and rehabilitation of buildings and improvements, and for the  
40 enforcement of codes and laws relating to the use of land, the use  
41 and occupancy of buildings and improvements, and the control over  
42 the pollution of water and air and the disposal of solid waste.

43

44 25. All agreements, leases, deeds, and other instruments between  
45 the commission and a redeveloper shall contain, at least, the  
46 following provisions:

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

4 b. A provision that the redeveloper shall be without power to  
5 sell, lease, or otherwise transfer the redevelopment area or project,  
6 or any part thereof, without the prior written consent of the  
7 commission;

8 c. In the case of a lease to a developer, a requirement that all  
9 improvements shall become the property of the commission;

10 d. Any other covenants, provisions, and continuing controls as  
11 may be deemed necessary to effectuate the purposes of sections 1  
12 through 68 of P.L. , c. (C. ) (pending before the Legislature as  
13 this bill), including, but not limited to, deed restrictions or  
14 easements to promote environmental and ecological sustainability.  
15

16 26. The commission may issue negotiable bonds and notes for  
17 any corporate purpose, and may renew any bonds and notes by the  
18 issuance of new bonds and notes, whether the bonds and notes to be  
19 renewed have, or have not, matured. The commission may issue  
20 bonds and notes partly to renew bonds and notes, or to discharge  
21 other obligations then outstanding, and partly for any other purpose.  
22 The notes may be authorized, sold, executed, and delivered in the  
23 same manner as bonds. The commission may issue bonds and notes  
24 on which the principal and interest are payable (1) exclusively from  
25 the income and revenues of the improvements or projects financed  
26 with the proceeds of such bonds or notes; (2) exclusively from the  
27 income and revenue of certain designated improvements or projects  
28 whether or not they are financed in whole or in part with the  
29 proceeds of such bonds or notes; or (3) from other available funds.  
30 Any such bonds or notes may be additionally secured by a pledge of  
31 any grant or contribution from any department or agency of the  
32 United States or the State, person, or a pledge of any money,  
33 income, or revenues of the commission from any source  
34 whatsoever.  
35

36 27. Except as otherwise provided by or pursuant to Section II of  
37 Article VIII of the State Constitution and approved by a majority of  
38 the legally constituted voters of the State voting thereon, or except  
39 when any county or municipality shall have guaranteed principal or  
40 interest thereon, bonds and notes issued by the commission shall not  
41 be deemed to constitute a debt or liability of the State, or of any  
42 political subdivision thereof, or a pledge of the faith and credit of  
43 the State, or of any political subdivision except the commission, and  
44 all such bonds or notes shall contain on the face thereof a statement  
45 to that effect.  
46

47 28. a. The commission, by resolution, shall designate the 750  
48 acre sports complex site as a sports <sup>1</sup>**[and]**<sup>1</sup> entertainment <sup>1</sup>,

1 amusement, retail, hotel, office, convention, and tourist<sup>1</sup> area <sup>1</sup>, or  
2 for such other uses as it may determine from time to time in its  
3 master plan,<sup>1</sup> and recognize it as such in its regulations, master  
4 plan, and zoning maps. The commission shall aid in promoting the  
5 sports <sup>1</sup>**[and entertainment]** complex<sup>1</sup> area for tourism,  
6 entertainment, sports, <sup>1</sup>amusement, retail, hotel, office, convention,<sup>1</sup>  
7 and all related activities, and to support efforts to attract events to  
8 the sports and entertainment area.

9 b. The commission shall collaborate with the Division of  
10 Travel and Tourism in the Department of State and the  
11 Meadowlands Convention and Visitors Bureau. The tourism  
12 structure should work closely, or integrate with, the work of  
13 agencies within the Department of State dedicated to advancing an  
14 economic development plan developed pursuant to subsection p. of  
15 section 7 of P.L. , c. (C. ) (pending before the Legislature as  
16 this bill).

17 c. The commission shall be responsible to carry out the  
18 provisions of the leases with the entities that have, or will have,  
19 leases in the sports <sup>1</sup>**[and entertainment area]** complex, and any  
20 lease concerning horse racing operations on property owned by the  
21 New Jersey Sports and Exposition Authority on the effective date of  
22 P.L. , c. (C. ) (pending before the Legislature as this bill)<sup>1</sup> .  
23 The commission shall divest itself of any facility still owned by the  
24 State of New Jersey. The commission shall manage, maintain, and  
25 repair, indirectly, the sports complex site through its lessees,  
26 licensees, or agents. The commission shall enter into agreements  
27 with its lessees to provide services to assist its lessees in their  
28 operations.

29 d. The commission shall make a vigorous effort to establish  
30 collaboration among private tourist marketing operations, and  
31 between those operations and the commission, through  
32 conversations with leaders of such operations, as well as  
33 stakeholders associated with such operations.

34 e. The commission shall promote the image of “one-stop  
35 shopping” for those seeking tourist information and assistance or  
36 wishing to host an event.

37 f. The commission shall establish a not-for-profit organization  
38 that will be responsible for the operation of the sports and  
39 entertainment area, and shall collaborate with the Division of Travel  
40 and Tourism and the Meadowlands Convention and Visitors Bureau  
41 to attract major events to the area. The not-for-profit organization  
42 established pursuant to this section shall be a public-private  
43 partnership and may raise funds to support these activities. The  
44 goal of the not-for-profit organization is to consolidate event  
45 planning and establish sources of revenue as part of an overall  
46 strategy to create positive economic development opportunities that  
47 will impact the Hackensack meadowlands.

1       29. If for any of its authorized purposes, including temporary  
2 purposes, the commission shall find it necessary or convenient to  
3 acquire any real property within its jurisdiction, or if for any of its  
4 authorized purposes, including temporary construction purposes, the  
5 commission shall find it necessary to acquire any real property  
6 contiguous to property within its jurisdiction, whether for  
7 immediate or future use, the commission may take such action in  
8 accordance with the "Eminent Domain Act of 1971," P.L.1971,  
9 c.361 (C.20:3-1 et seq.).

10  
11       30. a. All projects, lands, and other property of the commission  
12 are hereby declared to be public property devoted to an essential  
13 public and governmental function and purpose and shall be exempt  
14 from all taxes and special assessments of the State or any political  
15 subdivision thereof; provided, however, that whenever any part of a  
16 project area not occupied or to be occupied by facilities of the  
17 project is leased by the commission to another whose property is  
18 not exempt and the leasing of which does not make the real estate  
19 taxable, the estate created by the lease and the appurtenances  
20 thereto shall be listed as the property of the lessee thereof, or an  
21 assignee, and be assessed and taxed as real estate. All bonds or  
22 notes issued pursuant to sections 1 through 68 of P.L. , c. (C. )  
23 (pending before the Legislature as this bill) are hereby declared to  
24 be issued by a body corporate and public of the State and for an  
25 essential public and governmental purpose, and such bonds and  
26 notes, together with the interest thereon and the income therefrom,  
27 and all funds, revenues, income, and other moneys received, or to  
28 be received by the commission, and pledged or available to pay or  
29 secure the payment of such bonds or notes, or interest thereon, shall  
30 at all times be exempt from taxation except for transfer, inheritance,  
31 and estate taxes.

32       b. To the end that municipalities and counties may not suffer  
33 undue loss of tax revenue by reason of the acquisition and  
34 ownership of property therein by the commission, the commission  
35 is hereby authorized, empowered, and directed to enter into an  
36 agreement with any constituent municipality or affected county,  
37 whereby the commission will undertake to pay a fair and reasonable  
38 sum or sums to compensate the municipality or county for a loss of  
39 property tax revenue in connection with any property acquired and  
40 owned by the commission in carrying out the provisions of sections  
41 1 through 68 of P.L. , c. (C. ) (pending before the Legislature  
42 as this bill). Any such payment or payments which the commission  
43 is hereby authorized, empowered, and directed to make may be  
44 made on an annual basis. Every constituent municipality and  
45 county wherein the commission owns the property may enter into  
46 such agreements with the commission to accept these payments.

1       31. The commission may form, within the district, flood  
2 improvement zones for any authorized purpose in order to levy  
3 special assessments against real estate located within such zones for  
4 benefits rendered.

5  
6       32. a. All land within the district shall be divided by the  
7 commission into three classes as follows:

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

13       (2) Class two--Land owned by the State of New Jersey, any of its  
14 political subdivisions, or any other public agency or instrumentality  
15 which enjoys the privilege of general property tax exemption under  
16 the laws of the State, and which land is designated by the owner as  
17 ultimately disposable to private ownership, or usable by private  
18 parties.

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

20       b. The State, its political subdivisions, or any other public  
21 agency or instrumentality owning land in the district shall be  
22 required to certify to the commission, by a date established by the  
23 commission, whether said lands are in class one or class two; and in  
24 the case of land being in class one, the State, its political  
25 subdivisions, or any other public agency or instrumentality, as  
26 appropriate, shall indicate the nature of the present or ultimate use.  
27 The commission shall approve or modify the certifications by  
28 resolution. The commission may also reclassify lands by a majority  
29 vote, upon the request of the State, its political subdivisions, or any  
30 other public agency or instrumentality owning land in the district  
31 for such reclassification.

32       c. In the case that the title of lands designated to be in class  
33 three passes to the State of New Jersey, its political subdivisions, or  
34 any other public agency or instrumentality, the commission shall  
35 change the designation of the class of that land to reflect the future  
36 use of that land.

37  
38       33. If, in its judgment, public necessity or interest demands the  
39 construction of improvements which would benefit lands within an  
40 area in need, the commission shall pass a resolution of its intention  
41 to undertake any such improvement and shall give notice of the  
42 proposal by advertising in one or more newspapers circulating in  
43 the district. The advertisement shall fix a time and place, not earlier  
44 than two weeks after notice, for a hearing on said proposed action  
45 and, prior to said hearing, the commission shall prepare a tentative  
46 assessment which shall be presented at the hearing and open to  
47 inspection. Any person desiring to testify concerning the proposal  
48 shall have the right to do so. After such hearing, if the commission



1 decides to carry out the proposals, the commission shall pass a  
2 resolution setting forth this determination, acquire the necessary  
3 funding for the project, and proceed to make such improvements.

4  
5 34. The appropriate officer of the commission shall prepare a  
6 statement showing, in detail, the cost of the improvement proposed  
7 pursuant to section 33 of P.L. , c. (C. ) (pending before the  
8 Legislature as this bill). Such statement shall also show the  
9 proportion of the amount to the whole cost of improvement, if any,  
10 paid or contributed by any public body or by any individual or  
11 entity. The total amount of assessment levied upon the land  
12 benefited by the improvement shall not exceed the cost thereof.

13  
14 35. The appropriate officer of the commission shall examine the  
15 estimated cost of the work of any improvement and view all lands  
16 benefited thereby and shall thereupon fix the time and place for  
17 hearing all persons interested. Notice of the time and place of the  
18 hearing shall be mailed to owners of land affected, directed to their  
19 last known post-office addresses, and shall be published at least 10  
20 days before the hearing. Failure to mail the notice shall not  
21 invalidate any proceeding or assessment. Such officer of the  
22 commission shall attend the hearing, scheduled at the time and  
23 place designated by the commission, and shall give all parties  
24 interested or affected by an improvement the opportunity to be  
25 heard upon the subject of assessment. Thereafter, such officer shall  
26 make a just and equitable assessment of the benefits conferred upon  
27 any land by reason of such improvement, having due regard to the  
28 rights and interests of all persons concerned, and the increment in  
29 the value of the land benefited thereby and levy the same.

30  
31 36. All assessments levied under section 35 of P.L. , c. (C. )  
32 (pending before the Legislature as this bill) for any improvement  
33 shall, in each case, be as nearly as may be in proportion to, and not  
34 in excess of, the benefit, advantage, or increase in value which  
35 respective lots and parcels of land shall be deemed to receive by  
36 reason of such improvement.

37  
38 37. In addition to the making of assessments for benefits, the  
39 appropriate officer of the commission shall fix and determine the  
40 amount, if any, the property is damaged incidentally to the making  
41 of the improvement and deduct such amount from the amount of  
42 benefits assessed thereon. If the amount of any such damages, as  
43 confirmed by the commission, shall exceed the benefits assessed on  
44 the same property, if in case no benefits shall accrue thereto, or if  
45 such property is damaged subsequent to the levying and collection  
46 of an assessment which shall be confirmed by the commission to be  
47 a direct result of the making of the improvement, the balance or  
48 amount of such damages so fixed, may be raised from the general

1 revenues of the commission and shall be paid by the commission to  
2 the owner of the property so damaged. Any person aggrieved by  
3 such assessment or award of damages may after the same has been  
4 confirmed by the commission, appeal therefrom as provided in  
5 section 48 of this P.L. , c. (C. ) (pending before the Legislature  
6 as this bill).

7  
8 38. When owners of any property have been or shall have been  
9 awarded damages as incidental to any improvement undertaken  
10 pursuant to sections 1 through 68 of P.L. , c. (C. ) (pending  
11 before the Legislature as this bill), and such award has been or shall  
12 have been duly confirmed, the amount thereof shall be tendered to  
13 the person or persons entitled thereto. If there is uncertainty as to  
14 the person entitled to receive the award or if the party entitled to  
15 receive the amount awarded shall refuse upon tender thereof to  
16 receive the same, or shall be out of the State or under any legal  
17 disability, or if several parties interested in the fund shall not agree  
18 as to the distribution thereof, or the lands damaged are encumbered  
19 by any mortgage, judgment, or other lien, or if for any other reason  
20 the commission cannot safely pay the amount awarded to any  
21 person, in all such cases the amount awarded may, with leave of the  
22 Superior Court, be paid into said court and thereupon distributed  
23 according to law, on the application of any person interested  
24 therein.

25  
26 39. Assessments for benefits for any improvement together with  
27 any accompanying awards for incidental damages and all awards of  
28 damages for land or interests therein taken from any improvement  
29 shall be certified by the officer making the assessment to the  
30 commission by a report, in writing, signed by the officer. The  
31 report shall be accompanied by a map showing the land taken,  
32 damaged, or benefited by the improvement and for which damages  
33 or benefits have been assessed.

34  
35 40. The report submitted pursuant to section 39 of P.L. ,  
36 c. (C. ) (pending before the Legislature as this bill) may be  
37 considered by the commission at any meeting, notice whereof shall  
38 be published in a newspaper circulating in the district, once each  
39 week for two weeks prior to the meeting, and also by mailing a  
40 copy of the notice to the owners named in the report, directed to  
41 their last known post-office addresses, and the affidavit of the  
42 appropriate officer of the commission shall be conclusive as to such  
43 mailing. The notice shall briefly state the object of the meeting  
44 with reference to the assessment. At that, or any subsequent  
45 meeting, the commission, after considering the report and map, may  
46 adopt and confirm the report and map, with or without alterations,  
47 and may refer such matter to any committee of the commission, or  
48 to the officer making the assessment, for revision or correction

1 before taking final action thereon. When the commission adopts the  
2 report, with or without alterations, it shall be final and conclusive,  
3 and may be appealed directly to the Appellate Division of the  
4 Superior Court by an appropriate party as a matter of right in  
5 accordance with other laws, rules, or regulations. Failure to mail  
6 the notice required by this section shall not invalidate the  
7 proceedings.

8  
9 41. Immediately after the confirmation of any assessment, a  
10 duplicate thereof, duly certified by the commission, shall be  
11 delivered to the appropriate officer of the commission, who shall  
12 immediately thereafter send out by mail, or deliver, to owners of  
13 such land, bills for such assessment. Such officer shall mail or  
14 deliver a bill for an assessment in the manner required in  
15 connection with local improvements and shall keep a record and  
16 books of assessments in the same manner required for local  
17 improvements under R.S.40:56-31. The commission may make  
18 additional requirements for recording, accounting for, and  
19 collecting assessments.

20  
21 42. a. Special assessments levied against land in class one shall  
22 be considered to be of general benefit to the entire district and areas  
23 outside of the district, as it relates to flood control projects, and  
24 shall be included as a charge against general revenues of the  
25 commission, or paid out of any funds of the commission which shall  
26 be available for such purpose.

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

30  
31 43. Every assessment for any improvement, together with  
32 interest thereon and all costs and charges connected therewith, shall  
33 be, upon authorization of the assessment by resolution of the  
34 commission, a first lien on the land described in the assessment,  
35 paramount to all prior or subsequent alienations and descents of  
36 such land or encumbrances thereon, and shall constitute a lien in the  
37 same manner as taxes and assessments for State purposes,  
38 notwithstanding any mistake in the name or names of any owner or  
39 owners, or any omission to name any owner or owners who are  
40 unknown, and notwithstanding any lack of form therein, or in any  
41 proceeding which does not impair the substantial rights of the  
42 owner or owners or person or persons having a lien upon or interest  
43 in any such land. Confirmation of the amount of the assessment by  
44 the commission, or by the court, shall be considered as determining  
45 the amount of the existing lien and not as establishing the lien. All  
46 assessments for improvements shall be presumed to have been  
47 regularly assessed and confirmed, and every assessment or

1 proceeding preliminary thereto shall be presumed to have been  
2 regularly made or conducted until the contrary be demonstrated.

3 44. In all cases in which any assessment incident to any  
4 improvement has been set aside by a court of competent  
5 jurisdiction, and the improvement shall have been actually made in  
6 the manner provided by law, the officer charged with the duty of  
7 making assessments for benefits for improvements shall make a  
8 new assessment of benefits upon the property benefited by the  
9 improvement, in the manner and by the proceeding herein provided.  
10 All such new assessments shall become a lien upon the land so  
11 assessed in the same manner and with like effect and be enforceable  
12 in the same way as an original assessment for like improvements.

13

14 45. When any court of competent jurisdiction shall decide that  
15 any assessment has been illegally made, the commission shall  
16 refund the amount thereof, if the same has been paid, and if a new  
17 assessment of less amount is to be made, then the difference  
18 between the new assessment and the amount paid shall be refunded.

19

20 46. The commission may, by resolution, provide that the owner  
21 of any land, upon which any assessments for any improvement shall  
22 have been made, pay such assessments in equal yearly installments,  
23 for a number of years as may be provided by the rules and  
24 regulations of the commission, with legal interest thereon, provided  
25 that any person assessed may pay the whole of any assessment, or  
26 any balance of installments, with accrued interest thereon, at one  
27 time. If any such installment becomes due and is not paid, the  
28 whole assessment, or balance due thereon, shall become  
29 immediately due, draw interest at the rate of six percent, and be  
30 collected in the same manner as is provided in sections 1 through 68  
31 of P.L. , c. (C. ) (pending before the Legislature as this bill) for  
32 other past due assessments.

33

34 47. When any unpaid assessment, interest thereon, or other  
35 charges for collection thereof, remains in arrears on July 1 of the  
36 calendar year following the calendar year when the same became in  
37 arrears, the appropriate officer of the commission shall enforce the  
38 lien by selling the property in the manner set forth in R.S.54:5-19  
39 through R.S.54:5-129.

40

41 48. The owner of any property assessed for benefits, or awarded  
42 damages incident to any improvement under sections 1 through 68  
43 of P.L. , c. (C. ) (pending before the Legislature as this bill),  
44 may, within 30 days after confirmation of such assessment or  
45 award, appeal the determination to the Appellate Division of the  
46 Superior Court by serving written notice of such appeal upon the  
47 tax collector, and a duplicate upon the appropriate officer of the  
48 commission. The court shall determine whether the record contains

1 substantial evidence that the assessment or award appealed from is  
2 just and fair, and, if not, shall make an order correcting the same,  
3 or, if the court upholds the assessment or award, shall so order. The  
4 determination shall be by order or judgment for the amount  
5 determined and shall be enforceable pursuant to procedures set forth  
6 in R.S.40:56-57. The commission may proceed with the  
7 prosecution and completion of the improvement and the issuing of  
8 bonds and other indebtedness in connection with said improvements  
9 notwithstanding any such appeal.

10

11 49. The commission shall, in 2017, and every year thereafter,  
12 submit a report to the Governor and the Legislature pursuant to  
13 section 2 of P.L.1991, c.164 (C.52:14-19.1) relating to the operation  
14 of the intermunicipal account in the prior year, and shall  
15 recommend, when it deems necessary, amendments to sections 1  
16 through 68 of P.L. , c. (C. ) (pending before the Legislature as  
17 this bill) as it deems necessary to carry out the legislative intent  
18 herein stated.

19

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

24

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

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

33

34 52. On or before November 15, 2017, and on or before  
35 November 15 of each year thereafter, the secretary, superintendent,  
36 or a person designated by the school board of each school district of  
37 each constituent municipality shall certify to the commission the  
38 resident enrollment as of September 30 of that year. The  
39 certification shall show the number, address, and grade enrolled of  
40 pupils who reside within the district, and the number who reside  
41 outside, in a manner to be prescribed by the Commissioner of  
42 Education.

43

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

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

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

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

9       c. Aggregate true value of all taxable real property shall be  
10 determined by aggregating the assessed value of all real property  
11 within the district boundaries in each constituent municipality, and  
12 dividing the total by the average assessment ratio, as promulgated  
13 by the Director of the Division of Taxation in the Department of the  
14 Treasury for State school aid purposes, on October 1 of the  
15 respective years for which aggregate true value is to be determined,  
16 pursuant to P.L.1954, c.86 (C.54:1-35.1 et seq.), or as modified by  
17 the tax court.

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

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

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

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

34       e. If, during any comparison year, a constituent municipality  
35 has received a payment in lieu of real estate taxes on property  
36 located within the district, then, for the purpose of calculating the  
37 increase or decrease in the municipality's aggregate true value  
38 under subsection b. of this section, there shall be added to the  
39 aggregate true value for such comparison year an amount  
40 determined by dividing the amount of the in lieu payment by the  
41 municipal tax rate for the comparison year and dividing the result  
42 by the average assessment ratio for school aid purposes as  
43 promulgated by the Director of the Division of Taxation in the  
44 Department of the Treasury.

45

46       54. Notwithstanding the provision of any law, rule, or regulation  
47 to the contrary, no constituent municipality shall pay out, or receive  
48 an adjustment payment for any adjustment year in which its

1 municipal equalized valuation per capita, as defined in section 1 of  
2 P.L.1978, c.14 (C.52:27D-178) and as certified by the Director of  
3 the Division of Local Government Services in the Department of  
4 Community Affairs exceeds \$1,000,000.

5  
6 55. a. The guarantee payment payable by the intermunicipal  
7 account to each constituent municipality in any adjustment year  
8 shall be computed as follows:

9 If there is a decrease in the aggregate true value of taxable real  
10 property of any constituent municipality, as determined pursuant to  
11 subsection b. of section 53 of P.L. , c. (C. ) (pending before the  
12 Legislature as this bill), the commission shall, subject to the  
13 provision of subsection b. of this section, calculate the amount of  
14 decreased aggregate true value, occurring in the comparison year,  
15 by reason of the acquisition, through purchase, eminent domain, or  
16 gift, during the year preceding the comparison year, of taxable real  
17 property by a governmental body or agency to be used for a public  
18 purpose, whereby said taxable real property parcels or portions  
19 thereof became exempt from local real property taxes. Such  
20 decreased aggregate true value shall be calculated in the same  
21 manner as aggregate true value is determined pursuant to subsection  
22 b. of section 53 of P.L. , c. (C. ) (pending before the  
23 Legislature as this bill) and shall be based on the assessed value in  
24 the year of acquisition, of the parcels or portions thereof affected.

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

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

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

35 c. If, in any comparison year and with respect to any constituent  
36 municipality, no amount of decrease in aggregate true value is  
37 found to be attributable to the conversion from taxable to exempt  
38 status specified in subsection a. of this section, no guarantee  
39 payment shall be payable to any such municipality in the applicable  
40 adjustment year.

41 d. The commission shall not be required to make the calculation  
42 prescribed in subsection a. of this section, unless the governing  
43 body of any constituent municipality claiming a decrease in  
44 aggregate true value attributable to the conversion of real property  
45 from a taxable to an exempt status specified subsection a. of this  
46 section, no later than December 1 in the comparison year, files with  
47 the commission a statement to such effect, setting forth a  
48 description of the parcels, or portions thereof, involved, together

1 with such other information as may be pertinent, in such form as the  
2 commission shall prescribe.

3  
4 56. For school district services, the service payment payable by  
5 the intermunicipal account to a constituent municipality in any  
6 adjustment year shall be found by dividing the total local school tax  
7 levy, as shown on the Table of Aggregates pursuant to R.S.54:4-52  
8 for the comparison year, by the school resident enrollment on  
9 September 30 of such comparison year, as certified pursuant to  
10 section 52 of P.L. , c. (C. ) (pending before the Legislature as  
11 this bill), and multiplying the result by the increase, if any, in  
12 resident enrollment within the district boundaries of that constituent  
13 municipality between September 30 of the year of enactment of  
14 P.L. , c. (C. ) (pending before the Legislature as this bill) and  
15 September 30 of the comparison year.

16  
17 57. a. If, in any adjustment year, the amount payable to the  
18 constituent municipalities by the intermunicipal account for  
19 guarantee payments and school district service payments is less than  
20 the amount payable to the intermunicipal account pursuant to  
21 section 55 of P.L. , c. (C. ) (pending before the Legislature as  
22 this bill), the balance, if any, shall be apportioned among the  
23 constituent municipalities in the same ratio as the number of acres  
24 within the district of each constituent municipality bears to the total  
25 number of acres in the district, and shall be known as an  
26 apportionment payment.

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

29  
30 58. If, in any adjustment year, the amount payable to the  
31 constituent municipalities by the intermunicipal account for  
32 guarantee payments and service payments exceeds the amount  
33 payable to said account pursuant to section 55 of P.L. , c. (C. )  
34 (pending before the Legislature as this bill), the total service  
35 payments payable to all constituent municipalities shall be reduced  
36 by the amount of the deficit and the service payment payable to  
37 each constituent municipality shall be reduced by the same ratio as  
38 the total service payment to all constituent municipalities was  
39 reduced.

40  
41 59. a. On or before February 1, 2017 and on or before February  
42 1 of each year thereafter, the commission shall certify to the chief  
43 financial officer of each constituent municipality an amount,  
44 identified as the meadowlands adjustment payment. The  
45 meadowlands adjustment payment for each constituent municipality  
46 shall be determined by adding all the payments payable to that  
47 municipality from the intermunicipal account for school district  
48 service payments, guarantee payments, and apportionment



1 payments, if any. The amount so derived shall be referred to as the  
2 meadowlands pre-adjustment payment. For calendar year 2015, the  
3 meadowlands adjustment payment shall be the average of the  
4 meadowlands pre-adjustment payments for calendar years 2014 and  
5 2015. For calendar year 2016, the meadowlands adjustment  
6 payment shall be the average of the meadowlands pre-adjustment  
7 payments for calendar years 2013, 2014, and 2015. For calendar  
8 year 2017 and subsequent years, the meadowlands adjustment  
9 payment shall be the average of the meadowlands pre-adjustment  
10 payments for the prior three calendar years.

11 b. If the meadowlands adjustment payment for any constituent  
12 municipality in any adjustment year is payable to the constituent  
13 municipality, the amount of this payment shall be identified in the  
14 municipal budget of that municipality for that year as  
15 "meadowlands adjustment" within the category "miscellaneous  
16 revenues anticipated," and shall be due and payable in three equal  
17 installments by the intermunicipal account on May 15, August 15,  
18 and November 15 of that year.

19

20 60. There is established the Hackensack Meadowlands Tax  
21 Sharing Stabilization Fund in the commission. The fund shall be  
22 comprised of revenues made available from the State of New Jersey  
23 and from interest payments on sanitary landfill closure accounts  
24 maintained by the commission or such other revenues which are  
25 made available for these purposes. Moneys in the fund shall be  
26 used to fully compensate municipalities from excessive fluctuations  
27 in payments from the intermunicipal account in 2014 and  
28 subsequent years. In the event that there are insufficient monies in  
29 the fund to fully compensate all municipalities in any year, the  
30 amount paid to each municipality shall constitute the same  
31 proportion of the total amount of money available to all  
32 municipalities as each municipality would receive if the amount of  
33 money in the fund were sufficient to fully compensate all  
34 municipalities in that year.

35 For the purposes of this section, any decrease in a payment  
36 required to be made from the intermunicipal account to a  
37 constituent municipality which is in excess of five percent below  
38 the previous year's payment shall be considered an "excessive  
39 fluctuation."

40

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

44 a. An operating budget covering administrative, operating, and  
45 maintenance expenses of each office, activity, or project of the  
46 commission, plus contingent expenses of up to 5 percent of the  
47 amount stated;

- 1       b. A capital budget, including deposits in any capital  
2 improvement fund or capital reserve fund, down payments, or  
3 expenditures for capital projects, and interest payments, sinking  
4 fund deposits, principal maturities, and redemption premiums  
5 payable in such year on bond and notes of the commission;
- 6       c. Deferred charges; and
- 7       d. Estimates of the following revenues:
- 8           (1) Cash balances and surplus;
- 9           (2) Federal, State, and other grants-in-aid;
- 10          (3) Revenues from charges and fees for the use of the  
11 commission's facilities;
- 12          (4) Receipts from special assessments, but not in excess of the  
13 amount budgeted in such year for interest, principal maturities,  
14 sinking fund deposits, and redemption premiums on bonds secured  
15 by such assessments, until all bonds so secured are paid in full;
- 16          (5) Payments by municipalities or other governmental bodies  
17 pursuant to contracts for services performed by the commission;  
18 and
- 19          (6) Miscellaneous other revenues and receipts.
- 20
- 21       62. For the purpose of aiding and cooperating with the  
22 commission, including the planning, undertaking, construction, or  
23 operation of its activities, any public body may, with or without  
24 consideration, as it may determine:
- 25          a. Dedicate, sell, convey, or lease any of its property to the  
26 commission or the federal government;
- 27          b. Cause parks, playgrounds, recreational, community,  
28 educational, water, sewer, or any other works which it is otherwise  
29 empowered to undertake, to be furnished adjacent to, or in  
30 connection with, projects of the commission;
- 31          c. Furnish, dedicate, close, pave, install, grade, regrade, or plan  
32 streets, roads, roadways, alleys, sidewalks, or other places which it  
33 is otherwise empowered to undertake;
- 34          d. Plan, zone, or rezone any part of such public body;
- 35          e. Make exceptions from building regulations and ordinances  
36 and change its map;
- 37          f. Enter into agreements, which, notwithstanding any law, rule,  
38 or regulation to the contrary, may extend over any period, with the  
39 commission or the federal government respecting action to be taken  
40 by such public body;
- 41          g. Do any and all things necessary or convenient to aid and co-  
42 operate in planning, undertakings, construction, or operations of the  
43 commission;
- 44          h. Cause services to be furnished to the commission of the  
45 character which the public body is otherwise empowered to furnish;
- 46          i. Purchase, or legally invest in, any of the bonds of the  
47 commission, and exercise all of the rights of any holder of such  
48 bonds;

1       j. In connection with any public improvements made by a public  
2 body in exercising the powers herein granted, the public body may  
3 incur the entire expense thereof. Notwithstanding any law, rule, or  
4 regulation to the contrary, any grant, sale, conveyance, lease, or  
5 agreement provided for in this section may be made by a public  
6 body without appraisal, public notice, advertisement, or public  
7 bidding; or

8       k. Upon such terms as it may deem advisable, with or without  
9 consideration, grant, sell, convey, or lease any of its property,  
10 including real property already devoted to a public use, whether  
11 held in a proprietary or governmental capacity to the commission,  
12 provided, that the public body making the grant or lease determines  
13 that the premises are no longer required for the public purposes to  
14 which the property is devoted, and that it is in the public interest so  
15 to grant, sell, convey, or lease said property.

16  
17       63. a. The commission may enter into contracts with one or  
18 more municipalities, counties, or other public agencies for the  
19 operation of public improvements, works, facilities, services, or  
20 undertakings of the municipalities, counties, or agencies, or of the  
21 commission.

22       b. Contracts entered into pursuant to this section shall  
23 specifically provide for the services or improvements to be  
24 undertaken, the fee or fees to be charged for such services or  
25 facilities, the method of apportionment of such fees among the  
26 contracting parties, persons, officers, or agencies responsible for the  
27 performance of the contract, and other appropriate terms and  
28 conditions of participation.

29       c. Contracts entered into pursuant to this section shall be subject  
30 to approval, by resolution, of the commission and of the governing  
31 body of each participating municipality, county, or other  
32 participating agency.

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

36  
37       64. The State Auditor and his legally authorized representatives  
38 may, at any time, examine the accounts and books of the  
39 commission, including its receipts, disbursements, contracts,  
40 sinking funds, investments, and any other matters relating to its  
41 financial standing.

42  
43       65. The commission may call to its assistance and avail itself of  
44 the services of such employees of any State department or agency,  
45 as it may require, and as may be available to it for said purpose. The  
46 commission may enter into an agreement with any political  
47 subdivision of the State by which the commission may be of

1 assistance in the permitting of projects that take place within the  
2 district.

3

4 66. Sections 1 through 68 of P.L. , c. (C. ) (pending before  
5 the Legislature as this bill) shall be deemed to provide an additional  
6 and alternative method for effectuating the purposes authorized  
7 thereby, and shall be regarded as supplemental and additional to  
8 powers conferred by other laws, and shall not be regarded as in  
9 derogation of any powers now existing.

10

11 67. If the provisions of any section or clause of sections 1  
12 through 68 of P.L. , c. (C. ) (pending before the Legislature as  
13 this bill) or the application thereof to any person shall be judged  
14 invalid by a court of competent jurisdiction, such order or judgment  
15 shall be confined in its operation to the controversy in which it was  
16 rendered, and shall not affect or invalidate the remainder of any  
17 provision of any section or clause of sections 1 through 68 of  
18 P.L. , c. (C. ) (pending before the Legislature as this bill), or  
19 the application of any part thereof to any other person or  
20 circumstance and, to this end, the provisions of each section of  
21 sections 1 through 68 of P.L. , c. (C. ) (pending before the  
22 Legislature as this bill) are declared to be severable.

23

24 68. All expenses incurred in carrying out the provisions of  
25 sections 1 through 68 of P.L. , c. (C. ) (pending before the  
26 Legislature as this bill) shall be payable from funds provided the  
27 commission therefor, and no liability or obligation shall be incurred  
28 by the commission hereunder beyond the extent to which moneys  
29 shall have been provided therefor.

30

31 69. Sections 69 through 81 of P.L. , c. (C. ) (pending before  
32 the Legislature as this bill) shall be known and may be cited as the  
33 “Hackensack Meadowlands Transportation Planning District Act of  
34 2014.”

35

36 70. The Legislature finds and declares that:

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

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

47 c. Sections 69 through 81 of P.L. , c. (C. ) (pending  
48 before the Legislature as this bill) develops the concept of a

1 transportation planning district, which permits the assessment of  
2 fees on future development to ensure that adequate transportation  
3 infrastructure is put into place to accommodate the vehicular and  
4 pedestrian traffic caused by future development.

5 d. Existing financial resources and existing mechanisms for  
6 securing financial commitments for transportation improvements  
7 are inadequate to meet transportation improvement needs which are  
8 the result of new development in growth areas and, therefore, it is  
9 appropriate for the State to make special provisions for the  
10 financing of needed transportation improvements in the  
11 Meadowlands District, including the assessment of fees on new  
12 developments which are responsible for the travel demand burdens  
13 on the transportation system. Creation of a transportation planning  
14 district provides a mechanism through which the State, counties,  
15 and municipalities, and the Meadowlands Regional Commission, as  
16 well as the private sector, will have the means to work together to  
17 respond to transportation needs on a regional basis as determined by  
18 travel conditions or transportation needs in developed areas rather  
19 than upon preexisting boundaries. The Meadowlands Regional  
20 Commission and the Meadowlands Transportation Planning Board  
21 shall oversee the development of a district-wide transportation plan  
22 through a consultative planning process which relies upon the  
23 participation of public and private sector interests.

24 e. In assessing development fees under sections 69 through 81  
25 of P.L. , c. (C. ) (pending before the Legislature as this bill),  
26 the commission recognizes that: (1) those fees supplement, but do  
27 not replace, the public investment needed in the transportation  
28 system; (2) the costs of remedying pre-existing problems shall not  
29 be charged to a new development; (3) the fee charged to any  
30 particular development shall be reasonably related to the impact of  
31 that development on the transportation system of the district and  
32 shall not exceed the development's fair share of the cost of the  
33 improvements and related allowable administrative costs; and (4) no  
34 development shall be subject to any assessment or fees for  
35 transportation improvements by the State, a county, or a  
36 municipality, except as provided pursuant to sections 69 through 81  
37 of P.L. , c. (C. ) (pending before the Legislature as this bill).  
38 In determining the basis for assessing development fees, the  
39 commission shall develop reasonable formulas that rely on  
40 established planning models.

41 f. The creation of a transportation planning district shall be  
42 accompanied by the development of strategies to improve regional  
43 comprehensive planning, to encourage transportation-efficient land  
44 uses, to reduce automobile dependency, to improve pedestrian and  
45 bicyclist safety, and to encourage alternatives to peak-hour  
46 automobile trips.

- 1       71. As used in sections 69 through 81 of P.L.     , c.     (C.     )  
2 (pending before the Legislature as this bill):
- 3       “Allowable administrative costs” means expenses incurred by the  
4 commission or the board in developing a district transportation  
5 plan, including a financial element, and in managing a  
6 transportation planning district.
- 7       “Board” means the Meadowlands Transportation Planning Board  
8 established by section 72 of P.L.     , c.     (C.     ) (pending before  
9 the Legislature as this bill).
- 10       “Chief fiscal officer” means the chief fiscal officer of the  
11 Meadowlands Regional Commission.
- 12       “Commission” means the Meadowlands Regional Commission  
13 established by section 6 of P.L.     , c.     (C.     ) (pending before the  
14 Legislature as this bill).
- 15       “Commissioner” means the Commissioner of Transportation.
- 16       “Department” means the Department of Transportation.
- 17       “Developer” means the legal or beneficial owner or owners of a  
18 lot or of any land proposed to be included in a proposed  
19 development, including the holder of an option or contract to  
20 purchase, or other person having an enforceable proprietary interest  
21 in that land.
- 22       “Development” means any project for which zoning approval is  
23 required pursuant to sections 1 through 68 of P.L.     , c.     (C.     )  
24 (pending before the Legislature as this bill), or rules or regulations  
25 promulgated pursuant thereto.
- 26       “Development fee” means a fee assessed on a development  
27 pursuant to a resolution of the commission adopted under section 74  
28 of P.L.     , c.     (C.     ) (pending before the Legislature as this bill).
- 29       “District transportation plan” or “plan” means the plan adopted  
30 pursuant to section 73 of P.L.     , c.     (C.     ) (pending before the  
31 Legislature as this bill).
- 32       “Hackensack Meadowlands District” or “Meadowlands District”  
33 means the area within the jurisdiction of the commission set forth in  
34 section 5 of P.L.     , c.     (C.     ) (pending before the Legislature as  
35 this bill).
- 36       “Project costs” means expenses incurred in the planning, design,  
37 engineering, and construction of any transportation project, and  
38 shall include debt service.
- 39       “Public highways” means public roads, streets, expressways,  
40 freeways, parkways, motorways, and boulevards including bridges,  
41 tunnels, overpasses, underpasses, interchanges, rest areas, express  
42 bus roadways, bus pullouts and turnarounds, park-ride facilities,  
43 traffic circles, grade separations, traffic control devices, the  
44 elimination or improvement of crossings of railroads and highways,  
45 whether at grade or not at grade, bicycle and pedestrian pathways,  
46 and pedestrian and bicycle bridges traversing public highways and  
47 any facilities, equipment, property, rights-of-way, easements, and

1 interests therein needed for the construction, improvement, and  
2 maintenance of highways.

3 “Public transportation project” means, in connection with public  
4 transportation service or regional ridesharing programs, passenger  
5 stations, shelters and terminals, automobile parking facilities,  
6 ferries and ferry facilities including capital projects for ferry  
7 terminals, approach roadways, pedestrian accommodations, parking,  
8 docks, and other necessary land-side improvements, ramps, track  
9 connections, signal systems, power systems, information and  
10 communication systems, roadbeds, transit lands or rights-of-way  
11 equipment storage and servicing facilities, bridges, grade crossings,  
12 rail cars, locomotives, motorbus and other motor vehicles,  
13 maintenance and garage facilities, revenue handling equipment, and  
14 any other equipment, facility, or property useful for, or related to,  
15 the provision of public transportation service or regional ridesharing  
16 programs.

17 “Transportation planning district” or “district” means the  
18 Meadowlands District.

19 “Transportation project” or “transportation improvement” means,  
20 in addition to public highways and public transportation projects,  
21 any equipment, facility, or property useful or related to the  
22 provision of any ground, waterborne, or air transportation for the  
23 movement of people and goods within or through the district,  
24 including rail freight infrastructure.

25

26 72. a. There is hereby established a transportation planning  
27 district which shall consist of those lands which comprise the  
28 Meadowlands District. The Meadowlands Transportation Planning  
29 Board, created pursuant to subsection b. of this section, shall be the  
30 managing authority to administer and manage the transportation  
31 planning district and to carry out such additional functions as  
32 provided in sections 69 through 81 of P.L. , c. (C. ) (pending  
33 before the Legislature as this bill).

34 b. There is established in, but not of, the Department of  
35 Community Affairs, the Meadowlands Transportation Planning  
36 Board. The board shall consist of: the Commissioner of  
37 Community Affairs or the commissioner’s designee; the  
38 Commissioner of Transportation or the commissioner’s designee; a  
39 representative from the ridesharing organization EZ Ride or its  
40 successor organization; a representative of the Hackensack  
41 Meadowlands Municipal Committee; a representative of the  
42 Meadowlands Regional Chamber of Commerce; and four public  
43 members appointed by the Governor, with the advice and consent of  
44 the Senate. The executive director of the commission shall serve as  
45 the secretary of the board. The board shall be staffed by the  
46 employees of the commission.

47 c. In furtherance of the development of a coherent and  
48 sustainable transportation system for the district, the board shall

1 initiate a joint planning process with participation by: State  
2 departments and agencies, corporations, commissions, boards, and  
3 authorities; those bi-state authorities, metropolitan planning  
4 organizations, and counties and municipalities with jurisdiction in  
5 the district; and private representatives. The board shall oversee the  
6 development and updating of a comprehensive, future-oriented  
7 district transportation plan in accordance with the provisions of  
8 section 73 of P.L. , c. (C. ) (pending before the Legislature  
9 as this bill).

10

11 73. a. The district transportation plan shall establish goals,  
12 policies, needs, and improvement priorities for all modes of  
13 transportation, including walking and bicycling, within the district  
14 for the ensuing 20 years following the effective date of sections 69  
15 through 81 of P.L. , c. (C. ) (pending before the  
16 Legislature as this bill) and shall be consistent with the master plan  
17 adopted by the commission pursuant to section 10 of P.L. ,  
18 c. (C. ) (pending before the Legislature as this bill). The  
19 district transportation plan shall be based on a reasonable  
20 assessment of likely future growth reflected in that master plan.

21 b. The plan shall quantify transportation needs arising from  
22 anticipated future traffic passing within or through the district based  
23 upon future development anticipated to occur within or through the  
24 district, and reflected in the master plan. The plan shall set forth  
25 proposed transportation projects designed to address that future  
26 development, prioritized over increments of five years, the  
27 allocation of public and private shares of project costs and  
28 allowable administrative costs, and the amount, schedule, and  
29 collection of development fees. If new developments are proposed  
30 in the district which are not considered in the plan which is  
31 currently in effect, the plan shall be reevaluated, notwithstanding  
32 the five-year increment provision.

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

41 d. The plan shall include a financial element setting forth a  
42 statement of projected revenue and expenses, including all project  
43 costs. The financial element of the plan shall identify public and  
44 private financial resources which may be available to fund, in whole  
45 or in part, those transportation projects set forth in the plan. The  
46 financial element shall make recommendations for the types and  
47 rates of development fees to be assessed under section 74 of  
48 P.L. , c. (C. ) (pending before the Legislature as this bill),



1 formulas to govern the assessment of those fees, and the projected  
2 annual revenue to be derived therefrom.

3 e. The board shall make copies of the plan available to the  
4 public for inspection no less than 14 days prior to taking any formal  
5 action to recommend the plan to the commission for adoption  
6 thereof. In addition, the board shall take steps to notify members of  
7 the business community and other interested parties of the plan and  
8 shall hold a public hearing thereon after having given public notice  
9 of the hearing.

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

12

13 74. a. After the adoption of the plan by the commission  
14 pursuant to subsection f. of section 73 of P.L. , c. (C. )  
15 (pending before the Legislature as this bill), the commission may,  
16 by resolution, provide for the assessment and collection of  
17 development fees on developments within the district as provided  
18 hereunder.

19 b. Development fees assessed by the commission shall be  
20 based upon the growth and development forecasts contained in the  
21 plan and shall be levied in order to raise only those amounts needed  
22 to accomplish the transportation projects set forth in the plan and  
23 allowable administrative costs. Those fees shall be assessed based  
24 upon the formula or formulas contained in the resolution and shall  
25 be uniformly applied, with such exceptions as are authorized or  
26 required by sections 69 through 81 of P.L. , c. (C. ) (pending  
27 before the Legislature as this bill).

28 c. A formula or formulas adopted by the commission by  
29 resolution shall reflect a methodology which relates the use of land  
30 to the impact of the proposed development on the transportation  
31 system, including, but not limited to: vehicle trips generated by the  
32 development; the square footage of an occupied structure; the  
33 number of employees regularly employed at the development; the  
34 number of parking spaces located at the development; or any  
35 combination thereof.

36 d. The resolution may provide for credits against assessed  
37 development fees for payments made, or expenses incurred, which  
38 have been determined by the commission to be in furtherance of the  
39 district transportation plan, including, but not limited to,  
40 contributions to transportation improvements, other than those  
41 required for safe and efficient highway access to a development,  
42 and costs attributable to the promotion of public transit, walking,  
43 bicycling, or ridesharing.

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

1 f. The resolution may provide for a reduced rate of  
2 development fees for developers submitting a peak-hour automobile  
3 trip reduction plan approved by the commission under standards  
4 adopted by the commission. Standards for the approval of peak-  
5 hour automobile trip reduction plans may include, but need not be  
6 limited to: physical design for improved transit, ridesharing, and  
7 pedestrian access; design of developments which include a mix of  
8 residential and nonresidential uses; and proximity to potential labor  
9 pools.

10 g. The assessment of a development fee shall be reasonably  
11 related to the impact of the proposed development on the  
12 transportation system of the district and shall not exceed the  
13 development's fair share of the cost of the transportation  
14 improvement necessary to accommodate the additional burden on  
15 the district's transportation system that is attributable to the  
16 proposed development and related allowable administrative costs.

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

21 i. Upon the adoption by the commission of a resolution  
22 pursuant to subsection a. of this section, a separate assessment for  
23 off-site transportation improvements within the district shall not be  
24 made by the State, a county, or a municipality except as permitted  
25 pursuant to sections 69 through 81 of P.L. , c. (C. ) (pending  
26 before the Legislature as this bill).

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

31 k. At least <sup>1</sup>~~25%~~ 30%<sup>1</sup> of any development fees collected in  
32 accordance with this section shall be used for transportation related  
33 projects within the municipality where the development, for which a  
34 particular fee was collected, is located.

35  
36 75. a. A development fee shall be assessed on a development at  
37 the time the applicable zoning approval is issued. Any development  
38 for which a zoning approval has been issued prior to the adoption of  
39 the resolution pursuant to section 74 of P.L. , c. (C. )  
40 (pending before the Legislature as this bill), or pursuant to any  
41 other law authorizing such a resolution, or that has an approved  
42 development agreement with the governing State agency or  
43 municipality within the district having primary jurisdiction over the  
44 development, or for which construction of a material portion of the  
45 development has commenced after the date on which a development  
46 agreement was executed, shall be exempt from the assessment of a  
47 development fee. The assessment shall be adjusted upon the  
48 issuance of a revised zoning approval and any development which

1 requires a revised zoning approval after the adoption of the  
2 resolution shall be subject to the development fee.

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

8

9 76. a. The payments due to the commission, whether as a lump  
10 sum or as balances due when a series of payments is to be made,  
11 shall be enforceable by the commission as a lien on the land and  
12 any improvements thereon. The lien shall be recorded by the  
13 county clerk or register of deeds and mortgages in the record book  
14 of the county office.

15 b. When the fee is paid in full on the development or portion  
16 thereof, the lien on the development or portion thereof, as  
17 appropriate, shall be removed. When a series of payments is to be  
18 made, failure to make any one payment within 30 days after receipt  
19 of a notice of late payment shall constitute a default and shall  
20 obligate the person owing the unpaid balance to pay that balance in  
21 its entirety.

22 c. All amounts assessed as a lien pursuant to this section shall  
23 be a lien upon the land against which they are assessed in the same  
24 manner that taxes are made a lien against land pursuant to Title 54  
25 of the Revised Statutes, and the payment thereof shall be enforced  
26 within the same time, in the same manner, and by the same  
27 proceedings as the payment of taxes is otherwise enforced under  
28 Title 54 of the Revised Statutes.

29

30 77. a. A resolution adopted by the commission pursuant to  
31 section 74 of P.L. , c. (C. ) (pending before the Legislature  
32 as this bill) shall provide for the establishment of a transportation  
33 planning district fund under the control of the chief fiscal officer.  
34 All monies collected from development fees shall be deposited into  
35 the fund, which shall be invested in an interest-bearing account.  
36 Monies deposited in the fund shall be used to defray project costs  
37 and allowable administrative costs.

38 b. Every transportation project funded, in whole or in part, by  
39 funds from a transportation planning district fund shall be subject to  
40 a project agreement to which the relevant entities are parties. The  
41 expenditure of funds for this purpose shall not be made from a  
42 transportation planning district fund, except by appropriation of the  
43 commission and upon certification of the chief fiscal officer that the  
44 expenditure is in accordance with a project agreement entered into  
45 pursuant to this subsection or is otherwise a project cost and has the  
46 approval of the commission.

1       78. a. Any fees collected, plus earned interest, not committed to  
2 a transportation project under a project agreement entered into  
3 under section 77 of P.L.       , c.       (C.       ) (pending before the  
4 Legislature as this bill) within 10 years of the date of collection, or  
5 not used for other allowable administrative costs within 10 years of  
6 the date of collection, shall be refunded to the fee-payer under a  
7 procedure prescribed by the commission; provided, however, that if  
8 the fee-payer transfers the development or any portion thereof, the  
9 fee-payer shall enter into an agreement with the grantee in a form as  
10 shall be provided by the commission which shall indicate who shall  
11 be entitled to receive any refund, and that agreement shall be filed  
12 with the chief fiscal officer.

13       b. Any person who has been assessed a development fee may  
14 request in writing a reconsideration of the fee and a hearing by an  
15 employee so delegated by the commission within 90 days of the  
16 receipt of notification of the amount of the fee on the grounds that  
17 the commission or its officers or employees, in issuing the fee, did  
18 not abide by the provisions of sections 74 and 75 of P.L.       ,  
19 c.       (C.       ) (pending before the Legislature as this bill) or the  
20 provisions of the resolution adopted by the commission pursuant to  
21 subsection a. of section 74 of P.L.       , c.       (C.       ) (pending before  
22 the Legislature as this bill).

23  
24       79. A person may appeal to the commission any decision made  
25 in connection with the reconsideration of a fee as authorized  
26 pursuant to subsection b. of section 78 of P.L.       , c.       (C.       )  
27 (pending before the Legislature as this bill). The commission shall  
28 review the record of the hearing and render its decision, which shall  
29 constitute an administrative action subject to review by the  
30 Appellate Division of the Superior Court. Nothing contained herein  
31 shall be construed as limiting the ability of any person so assessed  
32 from filing an appeal based upon an agreement to pay or actual  
33 payment of the fee.

34  
35       80. A transportation planning district may accept loans from any  
36 public or private source, including, but not limited to, the State  
37 Transportation Infrastructure Bank established under section 2 of  
38 P.L.1997, c.142 (C.27:1B-21.11), pursuant to a project agreement  
39 for the purpose of undertaking and completing a transportation  
40 project as permitted by the commission. In this event, the project  
41 agreement shall include the obligation of the commission to make  
42 payments to the public or private source for repayment of the loan  
43 from a transportation planning fund or other available sources  
44 according to an agreed upon schedule of payments.

45  
46       81. a. Notwithstanding the provisions of the “Administrative  
47 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) to the  
48 contrary, the commission may, immediately upon filing proper

1 notice with the Office of Administrative Law, adopt rules and  
2 regulations to implement sections 69 through 80 of P.L. , c. (C. )  
3 (pending before the Legislature as this bill).

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

10

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

14

15 83. The Legislature finds and declares that:

16 a. The New Jersey Meadowlands Commission is the zoning  
17 and planning agency for a 30.4-square-mile area along the  
18 Hackensack River known as the Hackensack Meadowlands,  
19 covering parts of 14 municipalities in Bergen and Hudson Counties  
20 in New Jersey. The Meadowlands Regional Commission will  
21 oversee the development, and redevelopment, of the Hackensack  
22 Meadowlands in an orderly and comprehensive fashion, with  
23 special consideration to the ecological factors constituting the  
24 environment of the Hackensack Meadowlands.

25 b. A vital component of the comprehensive plan for the  
26 development of the Hackensack Meadowlands was an  
27 intermunicipal tax-sharing program. The intermunicipal tax sharing  
28 program was established to create a fair and equitable method of  
29 distributing the benefits and costs of economic development and  
30 land use decisions made by the New Jersey Meadowlands  
31 Commission among the 14 municipalities located in the  
32 Meadowlands District. Under this program, as originally  
33 conceived, the municipalities with fewer development restrictions  
34 are required to deposit a share of their tax ratables into a special  
35 intermunicipal account administered by the commission. Money in  
36 this account is annually distributed to the municipalities with  
37 greater development restrictions to make up for their loss of tax  
38 ratable growth opportunity. Currently, seven municipalities pay  
39 into the intermunicipal account while the remaining seven  
40 municipalities receive distributions from the account.

41 c. The New Jersey Meadowlands Commission, the predecessor  
42 to the Meadowlands Regional Commission, has been successful in  
43 providing orderly and comprehensive development, solid waste  
44 management, and environmental protection in the Hackensack  
45 Meadowlands District, as well as providing for the investment of  
46 many millions of dollars in development, municipal services, and  
47 significant infrastructure projects, among other things.

1 d. It is fitting and proper to establish new sources of funding  
2 to replace the intermunicipal tax sharing program in order to  
3 facilitate the future of the Hackensack Meadowlands District as a  
4 vibrant area of economic growth in the State of New Jersey, as well  
5 as a tourism destination and an area of continued environmental  
6 significance and improvement. The new sources of funding should  
7 recognize the concerns of the district's seven municipalities that  
8 must contribute significant amounts of property tax dollars to the  
9 intermunicipal tax sharing program. These municipalities have  
10 been especially challenged to provide services to municipal  
11 residents and contribute to the intermunicipal tax sharing program,  
12 while operating under the significant restrictions of the 2% property  
13 tax levy cap. In effect, the cost of the State policy to preserve the  
14 Hackensack Meadowlands has been borne by the property taxpayers  
15 of the seven municipalities required to deposit tax revenue into the  
16 intermunicipal account.

17 e. It is also appropriate and necessary to recognize the  
18 consistent impact on the Hackensack Meadowlands District of  
19 tourist-related activities and attractions, including sports and  
20 entertainment activities and construction at the properties located in  
21 the heart of the district, and to require that patrons of those tourist-  
22 related activities and attractions shall contribute to the financial  
23 needs of the municipalities that comprise the Meadowlands district  
24 in order to reduce the property tax burden on their residents.

25  
26 84. As used in sections 82 through 85 of P.L. , c. (C. )  
27 (pending before the Legislature as this bill):

28 "Commission" means the new agency created through the  
29 consolidation of the New Jersey Meadowlands Commission and the  
30 New Jersey Sports and Exposition Authority, to be known as the  
31 Meadowlands Regional Commission, as established by section 6 of  
32 P.L. , c. (C. ) (pending before the Legislature as this bill).

33 "Meadowlands district" means the Hackensack Meadowlands  
34 District, the area delineated within section 5 of P.L. , c. (C. )  
35 (pending before the Legislature as this bill).

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

40 "Public venue" means any place located within the Meadowlands  
41 district, whether publicly or privately owned, where any facilities  
42 for entertainment, amusement, or sports are provided, but shall not  
43 include a movie theater.

44 "Public event" means any spectator sporting event, trade show,  
45 exposition, concert, amusement, or other event open to the public  
46 that takes place at a public venue, but shall not include a major  
47 league football game.

1       85. a. <sup>1</sup>~~【There】~~ Beginning on the first day of the first month  
2 next following the enactment of P.L. , c. (C. ) (pending before  
3 the Legislature as this bill), there<sup>1</sup> is imposed a Meadowlands  
4 regional hotel use assessment on <sup>1</sup>the rent for the occupancy of<sup>1</sup>  
5 every room in every hotel located in the Meadowlands district <sup>1</sup>,  
6 including any hotels located on land owned by the State<sup>1</sup>. The  
7 assessment imposed under this subsection shall be 3% of  
8 <sup>1</sup>【revenues received from】 the rent charged for<sup>1</sup> every occupancy of  
9 a room or rooms in a hotel <sup>1</sup>subject to taxation pursuant to  
10 subsection (d) of section 3 of P.L.1966, c.30 (C.54:32B-3)<sup>1</sup>, and  
11 shall be paid to the <sup>1</sup>【commission】 Director of the Division of  
12 Taxation<sup>1</sup> by each <sup>1</sup>【hotel】 person required to collect the tax<sup>1</sup> not  
13 later than the 10th day of each month based on the occupancy of  
14 rooms in that hotel during the previous calendar month.

15       b. <sup>1</sup>~~【Every person required to collect an assessment imposed by~~  
16 this section shall be personally liable for the assessment imposed,  
17 collected, or required to be collected hereunder. Any such person  
18 shall have the same right in respect to collecting the assessment  
19 from his customer or in respect to nonpayment of the assessment by  
20 the customer as if the assessment were a part of the service charge  
21 and payable at the same time; provided, however, that the chief  
22 fiscal officer of the commission shall be joined as a party in any  
23 action or proceeding brought to collect the assessment.】 In  
24 carrying out the provisions of subsection a. this section, the director  
25 shall have all of the powers and authority granted in P.L.1966, c.30  
26 (C.54:32B-1 et seq.). The tax shall be filed and paid in a manner  
27 prescribed by the Director of the Division of Taxation. The director  
28 shall promulgate such rules and regulations as the director  
29 determines are necessary to effectuate the provisions of this section.

30       Each person required to collect the assessment shall be  
31 personally liable for the assessment imposed, collected, or required  
32 to be paid, collected, or remitted under this section. Any such  
33 person shall have the same right in respect to collecting the fee from  
34 that person's customer or in respect to non-payment of the fee by  
35 the customer as if the fee were a part of the purchase price of the  
36 occupancy or rent, as the case may be, and payable at the same  
37 time; provided, however, that the director shall be joined as a party  
38 in any action or proceeding brought to collect the fee.

39       For purposes of this subsection, "person" includes: an  
40 individual, partnership, corporation, or an officer, director,  
41 stockholder, or employee of a corporation, or a member or  
42 employee of a partnership, who as such officer, director,  
43 stockholder, employee, or member is under the duty to perform the  
44 act in respect of which the violation occurs.<sup>1</sup>

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

1       <sup>1</sup>【A person required to collect any assessment imposed under  
2 this section shall not advertise or hold out to any person or to the  
3 public in general, in any manner, directly or indirectly, that the  
4 assessment is not considered as an element in the charge payable by  
5 the customer, that the person will pay the assessment, that the  
6 assessment will not be separately charged and stated to the  
7 customer, or that the assessment will be refunded to the customer.】<sup>1</sup>

8       c. Assessment revenue <sup>1</sup>shall be<sup>1</sup> collected <sup>1</sup>【under this  
9 section】 by the Director of the Division of Taxation and<sup>1</sup> shall be  
10 deposited by the <sup>1</sup>【commission】 Director of the Division of  
11 Taxation<sup>1</sup> into the intermunicipal account established pursuant to  
12 section 53 of P.L. , c. (C. ) (pending before the Legislature as  
13 this bill), and shall be used to pay meadowlands adjustment  
14 payments to municipalities in the Meadowlands district pursuant to  
15 the provisions of sections 1 through 68 of P.L. , c. (C. )  
16 (pending before the Legislature as this bill). If in any year,  
17 assessment revenue in the intermunicipal account exceeds the  
18 amount necessary to pay meadowlands adjustment payments to  
19 municipalities in the Meadowlands district, that remaining  
20 assessment revenue may be used for the purposes set forth in  
21 subsection e. of this section.

22       d. In the event sufficient assessment revenue is unavailable in  
23 any year to pay all of the required meadowlands adjustment  
24 payments to municipalities in the Meadowlands district, the State  
25 Treasurer shall provide the commission with such funds as may be  
26 necessary to make all of the required payments to those  
27 municipalities.

28       e. In the event that in any year, after the required meadowlands  
29 adjustment payments have been made to municipalities in the  
30 Meadowlands district, assessment revenue remains in the  
31 intermunicipal account, that remaining assessment revenue may be  
32 used in that year for the following purposes:

33       (1) the commission may perform projects in the areas of flood  
34 control, traffic, renewable energy, or other infrastructure  
35 improvement projects and utilize monies from the project fund for  
36 property acquisition, demolition, clearance, removal, relocation,  
37 renovation, alteration, construction, reconstruction, installation, or  
38 repair of a structure or improvement, and the costs associated  
39 therewith including the costs of appraisal, economic and  
40 environmental analyses or engineering, planning, design,  
41 architectural, surveying, or other professional services;

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

44       (3) the commission may fund the acquisition of property for the  
45 purpose of open space preservation and the costs associated  
46 therewith including the costs of appraisal, economic and



1 environmental analyses or engineering, surveying, or other  
2 professional services; or

3 (4) the commission may fund the creation of parks and other  
4 recreational facilities and the costs associated therewith, including  
5 the costs of appraisal, economic and environmental analyses or  
6 engineering planning, design, architectural, surveying, or other  
7 professional services.

8 Not later than the first day of the third month next following the  
9 enactment of P.L. , c. (C. ) (pending before the  
10 Legislature as this bill) and pursuant to the "Administrative  
11 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the  
12 commission shall <sup>1</sup>adopt any rules and regulations necessary to  
13 effectuate the collection of the assessments imposed under this  
14 section, and shall also<sup>1</sup> adopt, by resolution, standards for the  
15 disbursement in any year of any remaining assessment revenue for  
16 projects and uses set forth in subsection e. of this section.

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

19

20 <sup>1</sup>86. Nothing in P.L. , c. (C. ) (pending before the  
21 Legislature as this bill) shall impact the existence, operations, or  
22 management of the New Jersey Hall of Fame, established pursuant  
23 to section 1 of P.L.1985, c. 323 (C.5:10-6.1) or the Hackensack  
24 Meadowlands Municipal Committee established pursuant to the  
25 "Hackensack Meadowlands Redevelopment Act," P.L.1968, c.404  
26 (C.13:17-1 et seq.).<sup>1</sup>

27

28 <sup>1</sup>87. a. There is established the "Meadowlands Regional  
29 Commission Transition Committee" to oversee the transition of  
30 administrative function from the New Jersey Sports and Exposition  
31 Authority and the New Jersey Meadowlands Commission to the  
32 Meadowlands Regional Commission.

33 b. The committee shall consist of seven members appointed and  
34 qualified as follows: two members of the New Jersey Sports and  
35 Exposition Authority; two members of the New Jersey  
36 Meadowlands Commission; one citizen of the State appointed by  
37 the Speaker of the General Assembly; one citizen of the State  
38 appointed by the President of the Senate; and one citizen of the  
39 State, appointed by the Governor, who shall serve as the chair of the  
40 committee. Except for the committee's chair, all committee  
41 members shall be residents of the constituent municipalities of  
42 Bergen and Hudson counties.

43 c. The New Jersey Sports and Exposition Authority and the New  
44 Jersey Meadowlands Commission shall continue to operate pursuant  
45 to the responsibilities and powers provided to them by law for a  
46 period of one year following enactment of P.L. , c. (C. )  
47 (pending before the Legislature as this bill so long as such powers

1 are consistent with the express provisions of P.L. , c. (C. )  
2 (pending before the Legislative as this bill) in order to transition  
3 their lawful duties to the Meadowlands Regional Commission.  
4 d. The executive directors of the New Jersey Sports and  
5 Exposition Authority and the New Jersey Meadowlands  
6 Commission shall, upon request, make every reasonable effort to  
7 assist the Meadowlands Regional Commission Transition  
8 Committee in effectuating the purpose of P.L. , c. (C. )  
9 (pending before the Legislature as this bill).  
10 e. The Meadowlands Regional Commission Transition  
11 Committee shall dissolve itself 15 months next following enactment  
12 of P.L. , c. (C. ) (pending before the Legislature as this  
13 bill).<sup>1</sup>

14  
15 <sup>1</sup>**[86.]** 88.<sup>1</sup> This act shall take effect immediately.