

## CHAPTER 19

**AN ACT** consolidating the New Jersey Meadowlands Commission and the New Jersey Sports and Exposition Authority, reestablishing the Hackensack Meadowlands Transportation Planning District, adjusting the funding method for the intermunicipal tax sharing program in the New Jersey Meadowlands, and supplementing Title 13 of the Revised Statutes and revising various parts of the statutory law.

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

C.5:10A-1 Short title.

1. Sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68) shall be known and may be cited as the “Hackensack Meadowlands Agency Consolidation Act.”

C.5:10A-2 Findings, declarations relative to the “Hackensack Meadowlands Agency Consolidation Act.”

2. The Legislature finds and declares that:

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

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

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

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

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

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

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

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

i. Nothing in P.L.2015, c.19 (C.5:10A-1 et al.) is intended to revise, limit, or nullify the rights of the New Jersey Sports and Exposition Authority under the provisions of P.L.1971, c.137 (C.5:10-1 et seq.). In the case of any conflict between P.L.1971, c.137 (C.5:10-1 et seq.) and the provisions of P.L.2015, c.19 (C.5:10A-1 et al.), the provisions of P.L.1971, c.137 (C.5:10-1 et seq.) shall control.

j. Except as expressly provided in P.L.2015, c.19 (C.5:10A-1 et al.) nothing is intended to revise, limit, or nullify the rights of the New Jersey Meadowlands Commission under P.L.1968, c.404 (C.13:17-1 et seq.). In the case of any conflict between P.L.1968, c.404 (C.13:17-1 et seq.) and the provisions of P.L.2015, c.19 (C.5:10A-1 et al.), the provisions of P.L.2015, c.19 (C.5:10A-1 et al.) shall control.

k. Notwithstanding anything in P.L.2015, c.19 (C.5:10A-1 et al.) to the contrary, sections 8 through 16, 18, 23, 24, 25, 30 through 48, and 74 of P.L.2015, c.19 (C.5:10A-8 through C.5:10A-16, C.5:10A-18, C.5:10A-23 through C.5:10A-25, C.5:10A-30 through C.5:10A-48, and C.5:10A-74) shall not apply to the sports complex, and with respect to the sports complex, the rights and powers of the commission shall only be those set forth in P.L.1971, c.137 (C.5:10-1 et seq.).

C.5:10A-3 Definitions relative to the "Hackensack Meadowlands Agency Consolidation Act."

3. As used in sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68):

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

"Apportionment rate" means a rate determined as follows:

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

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

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

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

“Bonds” means any bonds, notes, interim certificates, debentures, or other obligations, issued by the commission pursuant to sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68).

“Commission” means the New Jersey Sports and Exposition Authority, which may be referred to as the “Meadowlands Regional Commission,” as established by section 6 of P.L.2015, c.19 (C.5:10A-6).

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

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

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

“District” means the Hackensack Meadowlands District, the area delineated within section 5 of P.L.2015, c.19 (C.5:10A-5).

“Hackensack meadowlands” means the Hackensack Meadowlands District as established by section 5 of P.L.2015, c.19 (C.5:10A-5).

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

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

“Intermunicipal account” means the device established and administered by the commission to record all of the transactions made for the purpose of calculating the meadowlands adjustment payment for each constituent municipality, and to act as the clearinghouse for the transfer of the meadowlands adjustment payments among the constituent municipalities as required by section 59 of P.L.2015, c.19 (C.5:10A-59).

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

“Meadowlands adjustment payment” means the amount that is payable by each constituent municipality to the intermunicipal account, or the amount that is payable by the

intermunicipal account to each municipality, as the commission shall determine the case to be.

“Owner” means all persons having any title or interest in any property, rights, easements, and interests authorized to be acquired, assessed, or regulated by sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68).

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

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

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

“Redeveloper” means any person, firm, corporation, or public or private agency that engages in development, redevelopment, or improvement of an area or any part thereof under the provisions of sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68), or in the construction of any project pursuant to the master plan or redevelopment plan.

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

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

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

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

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

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

“Sports complex” means the 750 acre sports and exposition site located in the Borough of East Rutherford and any other land owned by the New Jersey Sports and Exposition Authority in Hudson County or Bergen County under the jurisdiction of the New Jersey Sports and Exposition Authority as of the effective date of P.L.2015, c.19 (C.5:10A-1 et al.).

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

“Subdivision” means the division of a lot, tract, or parcel of land into two or more lots, sites, or other divisions of land for the purpose, whether immediate or future, of sale or building development except that the following divisions shall not be considered subdivisions within the meaning of P.L.2015, c.19 (C.5:10A-1 et al.); provided, however,

that no new streets or roads are involved; divisions of land for agricultural purposes where the resulting parcels are three acres or larger in size, divisions of property by testamentary or intestate provisions, or divisions of property pursuant to court order.

C.5:10A-4 References mean and refer to New Jersey Sport and Exposition Authority.

4. On and after the effective date of P.L.2015, c.19 (C.5:10A-1 et al.), any reference in any law, rule, regulation, order, contract, or document to the Hackensack Meadowlands Development Commission or the New Jersey Meadowlands Commission shall mean and refer to the New Jersey Sports and Exposition Authority as established by section 4 of P.L.1971, c.137 (C.5:10-4), as modified by P.L.2015, c.19 (C.5:10A-1 et al.).

C.5:10A-5 Districts delineated.

5. a. Except as otherwise provided, the commission shall carry out the purposes of sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68) within the following district:

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

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

Thence westerly along the Fairview-Ridgely Municipal boundary to its junction with the Fairview-North Bergen Municipal boundary;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b. The commission shall not carry out the purposes of sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68), take any action, or have any jurisdiction within the following district:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. The commission shall not carry out the purposes of sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68), take any action, or have any jurisdiction within the following district:

Beginning at a point on Maple Avenue at its junction with 7th Street in Secaucus;

Thence northerly and easterly along 7th Street to its junction with Paterson Plank Road;

Thence northerly along Paterson Plank Road to its junction with Farm Road;

Thence northerly along Farm Road to its junction with Meadow Lane;

Thence easterly along Meadow Lane to its junction with Stonewall Lane and Mill Ridge Road;

Thence easterly along Mill Ridge Road to its junction with Koelle Boulevard;

Thence southerly along Koelle Boulevard to its junction with Huber Street;

Thence westerly along Huber Street to its junction with Radio Avenue;

Thence southerly on Radio Avenue to its junction with Pikeview Terrace;

Thence westerly and northerly along Pikeview Terrace to its intersection with Lausecker Lane;

Thence westerly along Lausecker Lane to its junction with Paterson Plank Road;

Thence southerly along Paterson Plank Road to its junction with Maple Street;

Thence westerly along Maple Street to its junction with 7th Street, the point of beginning.

C.5:10A-6 New Jersey Meadowlands Commission dissolved.

6. The New Jersey Meadowlands Commission is dissolved. All property, funds, and assets of the New Jersey Meadowlands Commission are vested in and belong to the commission as defined by section 4 of P.L.2015, c.19 (C.5:10A-4).

C.5:10A-7 Additional powers of commission.

7. In addition to any powers established pursuant to section 5 of P.L.1971, c.137 (C.5:10-5), the commission, as defined by section 4 of P.L.2015, c.19 (C.5:10A-4), shall have the following powers:

a. To enter upon any building or property in order to conduct investigations, examinations, and surveys necessary to carry out the purposes of sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68);

b. To prepare, adopt, and implement a master plan for the physical development of all lands, which shall take into consideration any lease agreements entered into by the New Jersey Sports and Exposition Authority as of the effective date of P.L.2015, c.19 (C.5:10A-1 et al.), or a portion thereof, lying within the district, and to adopt and enforce regulations, codes, and standards for the effectuation of such plan;

c. To undertake any development or other project or improvement as it finds necessary to redevelop and improve the land within the district;

d. To recover by special assessments the cost of improvements from the increase of property values attributable to such improvements;

e. Generally to establish, charge, and collect rates, fees, and other charges for the use of any facilities operated and maintained by the commission, and to collect fees as otherwise established by law, rule, or regulation;

f. To enter into any and all agreements or contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient, or desirable for the commission to carry out its responsibilities subject to the provisions of section 6 of P.L.1984, c.128 (C.13:17-6.1);

g. To plan, establish, and implement programs promoting and facilitating economic development opportunities in the district;

h. To review and regulate plans for any subdivision or development within the district;

i. To cause to be prepared plans, specifications, designs, and estimates of costs for the construction of projects and improvements under the provisions of sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68), and to modify such plans, specifications, designs, or estimates;

j. To determine the existence of areas in need of redevelopment or rehabilitation and to approve or undertake redevelopment projects therein;

k. To provide solid waste disposal and recycling facilities for the treatment of solid waste;

l. To assist and coordinate shared services among the constituent municipalities of the district and to enter into, from time to time, contracts with one or more municipalities, counties, or other public agencies for the operation of public improvements, works, facilities, services, or undertakings of such municipalities, counties, or agencies, or of the commission;

m. To undertake all the necessary steps to develop plans and undertake flood control projects and to maintain and construct necessary flood control structures and ditches;

n. To take any action necessary for the purpose of promoting and marketing tourism, entertainment, sports, and all related activities within the district or at any other location owned or operated by the commission. The commission may create a not-for-profit entity that will implement this function;

o. To preserve and protect the environment of the district and to provide programs for environmental education that benefit schools and the general public;

p. To create a transportation planning district and develop strategies to improve regional comprehensive planning;

q. To receive and accept, from any federal or other public agency or governmental entity, grants or loans for, or in aid of, the planning or construction of any project or improvement, or the acquisition of any property, and to receive and accept aid or contributions from any other source, of either money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such grants, loans, and contributions may be made, and to enter into co-operative agreements with the federal government, or any other public or governmental agency, for the performance of such acts as



may be necessary and proper for the reclamation of the Hackensack meadowlands and to comply with established requirements for such participation;

r. To establish engineering standards and a building code specifying the maximum weight, size, and density of all buildings and structures to be placed on any land within its jurisdiction;

s. To conduct examinations and investigations, hear testimony, and take proof, under oath at public and private hearings, of any material matter, require attendance of witnesses and the production of books and papers, and issue commissions for the examination of witnesses who are out of State, unable to attend, or excused from attendance;

t. To subordinate, waive, sell, assign, or release any right, title, claim, lien, or demand, however acquired, including any equity or right of redemption; to foreclose, sell, or assign any mortgage held by it, or any interest in real or personal property; and to purchase at any sale upon such terms and at such prices as it determines to be reasonable and to take title to property, real, personal, or mixed, so acquired, and to sell, exchange, assign, convey, lease, mortgage, or otherwise dispose of any such property, subject to such conditions and restrictions as it deems necessary to carry out the purposes of sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68); and

u. To collect, and disburse, the assessments authorized in section 85 of P.L.2015, c.19 (C.5:10A-85), for the purposes set forth in that section.

C.5:10A-8 Notification to municipalities of plans of the commission.

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

C.5:10A-9 Submission to the committee prior to final action.

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

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

c. The commission shall not take action on any matter required to be submitted to the committee, which matter has been formally rejected by the committee, except by an affirmative vote of the majority of authorized members of the commission.

C.5:10A-10 Master plan.

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

b. In preparing the master plan or any portion thereof or amendment thereto the commission shall consider the existing patterns of the development in constituent municipalities, and any master plan or other plan of development adopted by any constituent municipality prior to the effective date of P.L.2015, c.19 (C.5:10A-1 et al.), or prior to the preparation of the master plan by the commission.

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

d. A master plan examination and revision shall be conducted by the commission every 10 years, the first of which shall be conducted 10 years from the date on which the first master plan was adopted by the commission pursuant to this section. The master plan in effect on the effective date of P.L.2015, c.19 (C.5:10A-1 et al.) shall remain in effect until the commission's next examination and revision, which shall be within five years of the effective date of P.L.2015, c.19 (C.5:10A-1 et al.).

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

- (1) the use of land and buildings, residential, commercial, industrial, park, and other like purposes;
- (2) service-water supply, utilities, sewerage, and other like matters;
- (3) transportation, streets, parking, public transit lines and stations, both above and below ground level, freight facilities, airports, harbors, channels, docks, and wharves, and other like matters;
- (4) housing, including affordable housing, residential standards, clearance, redevelopment, rehabilitation, conservation, and other like matters;
- (5) water, soil conservation, flood control, and other like matters;
- (6) public and semipublic facilities including but not limited to civic centers, schools, libraries, parks, playgrounds, fire houses, police buildings, hospitals, and other like matters;
- (7) the distribution and density of population;
- (8) planned unit development;

- (9) community appearance;
- (10) financing and programming capital improvements;
- (11) plan and develop facilities for tourism, sports, and entertainment; and
- (12) other related elements of growth and development, including the social implications of any proposed development, and advances in technology related to any subject included in the plan.

f. In accordance with sections 1 through 68 of P.L.2015, c.15 (C.5:10A-1 through C.5:10A-68), and in addition to any other law, rule, or regulation concerning affordable housing, the master plan may also include codes and standards covering land use, comprehensive zoning, subdivisions, building construction and design, housing, and the control of air and water pollution, and other subjects necessary to carry out the plan or to undertake a workable program of community improvement. No codes or standards concerning building construction and design shall be promulgated without the certificate of the chief engineer or equivalent official of the commission that the proposed codes and standards meet the engineering standards adopted by the commission. No municipality shall adopt, and no municipal official shall enforce, any code which is inconsistent with the code contained in the master plan insofar as such code applies to property within the district; provided, however, that the governing body or other appropriate body of each constituent municipality may adopt zoning ordinances and any other codes or standards, which it is authorized by the laws of this State to adopt, for lands within the boundaries of said municipality which are subject to the jurisdiction of the commission and which will effectuate the purposes of the commission's master plan.

C.5:10A-11 Municipality, authority to approve, reject land use or zoning applications.

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

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

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

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

C.5:10A-12 Municipalities not adopting commission's master plan.

12. For those municipalities that do not adopt the commission's master plan, zoning regulations, codes, and standards, the commission shall review and regulate subdivisions and

land development within the district, in accordance with procedures and engineering and planning standards adopted by the commission, which shall require that:

- a. All subdivisions, site plans, buildings, and other development shall be in accordance with the master plan and any applicable redevelopment plan;
- b. Adequate drainage facilities and easements be provided;
- c. Road improvements be provided for subdivisions or sites when necessary to protect the safety and convenience of the traveling public, such improvements to include, but not be limited to, additional rights-of-way or pavement widths, marginal access streets, reverse frontage and highway and traffic design features necessitated by increased traffic, and potential safety hazards or traffic flow impediments caused by the subdivision or development;
- d. Public water and sewer systems be provided when necessary to protect public health and to ensure an adequate supply of water; and
- e. Performance guarantees, maintenance bonds, and agreements be provided specifying minimum standards of construction for required improvements by the commission, not to exceed the full cost of the facility and installation thereof, or the developer's proportionate share thereof. Any bonds, moneys, or guarantees received by the commission under this paragraph shall not duplicate bonds, moneys, or guarantees required by municipalities for municipal purposes.

C.5:10A-13 Submission of applications for subdivision, site plan, or building permit.

13. a. Pursuant to the commission's jurisdiction established in section 12 of P.L.2015, c.19 (C.5:10A-12), each application for a subdivision, site plan, or building permit shall be submitted to the commission for review and, when appropriate, approval, prior to any determination by the applicable local constituent municipal approving authority. Commission approval of any subdivision application shall be limited by, and based upon, the rules, regulations, and standards in a resolution adopted by the commission. The constituent municipal approval authority shall defer taking final action on a subdivision application until receipt of the commission report thereon. The commission shall report to the municipal authority within 45 days from the date of receipt of the application. If the commission fails to report to the municipal approving authority within the 45-day period, the subdivision application shall be deemed to have been approved by the commission unless, by mutual agreement between the commission and municipal approving authority, with approval of the applicant, the 45-day period shall be extended for an additional 45-day period, and any such extension shall so extend the time within which a municipal approving authority shall be required by law to act thereon.

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

C.5:10A-14 Notification by commission to certain municipalities.

14. Whenever the commission receives an application for the development, improvement, or redevelopment of, or for the construction or reconstruction of buildings or structures on, land in the district, and the municipality did not adopt the commission's master plan and zoning regulations, the commission shall notify, within seven days, in writing, the governing body of the constituent municipalities in which the land is located. Before approving an

application, the commission shall consult with the notified governing body or bodies. If the commission approves an application which the governing body or bodies oppose in any manner, the commission shall inform the governing body or bodies, in writing, by certified mail, of the reasons for approval within seven days of that approval.

C.5:10A-15 Certification of approval of commission required.

15. The county clerk or register of deeds and mortgages shall not accept for filing any subdivision plat for lands in the district unless it bears the certification of approval of the commission in addition to all other requirements for filing a subdivision plat. If the commission has not taken action on an application within the period required by section 13 of P.L.2015, c.19 (C.5:10A-13), at the request of the developer, the commission shall certify such fact upon the plat. This certification shall be sufficient authorization for further action by the municipal approving authority and filing with the appropriate county recording officer.

C.5:10A-16 Written notice of hearing to commission.

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

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

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

C.5:10A-17 Establishment of waiver of strict compliance to alleviate hardship.

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

criteria. The chief engineer shall make a recommendation to the commission concerning whether the hardship criteria has been met.

C.5:10A-18 Approval required prior to construction, alteration of building or structure; violations, fines, civil action.

18. a. If any person constructs or alters any building or structure within the district, or directly causes the construction or alteration of any building or structure within the district, without first obtaining the approval of the commission or municipality of any application for a subdivision, site plan or building permit as may be required by sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68), the person shall be subject to a fine of not more than \$5,000, and each parcel, lot, plot, building, or rental unit so disposed of or agreed or caused to be disposed of shall be deemed a separate violation.

b. The commission and or municipality may cancel and revoke any permit, approval, or certificate required or permitted to be granted or issued to any person pursuant to P.L.2015, c.19 (C.5:10A-1 et al.), if the commission finds that the person has violated this section. When any violation of this section is of a continuing nature, each day during which the continuing violation remains unabated, after the date fixed by the commission or municipality in any order or notice for the correction or termination of the violation, constitutes an additional, separate, and distinct violation. The commission, in the exercise of its administrative authority pursuant to this act, may levy and collect the fines in the amounts set forth in this section. If an administrative penalty order has not been satisfied, the penalty may be recovered by the commission in a civil action brought in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

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

- (1) for injunctive relief;
- (2) to prevent such unlawful sale, rental, erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use;
- (3) to restrain, correct, or abate such violation;
- (4) to prevent the occupancy of said dwelling, structure, or land; and
- (5) to prevent any illegal act, conduct, business, or use in, or about, such premises.

C.5:10A-19 Safeguarding of environmental resources of district.

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

- a. Target and prioritize potential preservation sites for acquisition, deed restriction, and conservation easements, including large tracts of wetlands sites;
- b. Preserve wetlands to protect wildlife, water quality, and flood storage value;
- c. Review preservation sites for potential wetland enhancement and mitigation;
- d. Improve connections among the district's trails and habitats, reducing fragmentation;
- e. Identify missing links in the existing trail system, as well as key locations for connecting to wildlife viewing stations, environmental venues, boat launches, docks, and other active and passive recreational attractions;
- f. Increase both active and passive recreational uses;
- g. Eliminate or control the presence of other invasive plant and animal species;
- h. Maintain and improve targeted habitats relative to breeding, wintering, feeding, and other wildlife activities;

- i. Maintain the value of the Hackensack meadowlands as an urban sanctuary for birds using the Atlantic Flyway;
- j. Seek available funding for land acquisition, protection, and management of wildlife preserves;
- k. Maintain and restore the ecology of the waterways, including the estuary, shorelines, and nursery habitat for fish;
- l. Continue monitoring water quality by collecting and analyzing data to determine trends, document improvements, and assess the need for additional, or more stringent, measures. Monitoring should include the analysis of historic data to form a baseline to measure the degree of change over time;
- m. Evaluate, approve, and implement any plan or plans for the further preservation, development, enhancement, or improvement of Liberty State Park and the buildings, structures, properties, and appurtenances related thereto, or incidental to, necessary for, or complimentary to the park. The commission may avail itself of any plans under review by the Department of Environmental Protection from any source that may promote expanded and diverse recreational, cultural, and educational opportunities for visitors to Liberty State Park and provide greater access to park facilities. Any approved plans shall constitute a project of the commission, and shall be adopted as part of the master plan; and
- n. The commission shall operate a not-for-profit organization which shall continue research opportunities of the Meadowlands Environmental Research Institute.

C.5:10A-20 Strategies, funding for flood control infrastructure.

20. The commission shall develop strategies and seek funding for flood control infrastructure based on flood modeling for the district and surrounding areas.
- a. The commission shall:
    - (1) identify all drainage basins in the district and any drainage areas that directly impact the district; and
    - (2) develop strategies to address the major causes of flooding.
  - b. The commission may:
    - (1) use special assessment powers to fund flood control projects in, or near, the drainage areas that impact the Hackensack meadowlands; and
    - (2) maintain flood control infrastructure that it constructed.

C.5:10A-21 Provision of solid waste and recycling disposal facilities.

21. In providing the solid waste and recycling disposal facilities, the commission shall, prior to preparing any plans or specifications for such facilities, consult with those persons utilizing the district for the treatment and disposal of solid waste, and contract with any such persons who desire to utilize solid waste disposal facilities provided by the commission. In providing such facilities, the commission may:
- a. Acquire or construct any such facilities as an improvement, and may recover the cost of such acquisition or construction in the same manner, and pursuant to the same procedure, provided for any other improvement undertaken by the commission;
  - b. Operate and maintain any such facilities, as owner, lessor, or lessee, and generally fix and collect rates, fees, or other charges for any such facilities in the same manner, and pursuant to the same procedure, provided for any other facilities operated and maintained by the commission;
  - c. Join and participate with any agency, municipality, county, or authority created by the State, or by any political subdivision or subdivisions thereof, through an intergovernmental

agreement without need for that agency, municipality, county, or authority to go to public bid for the purpose of treating or disposing of solid waste and recycling;

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

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

C.5:10A-22 Municipal Assistance Program Fund.

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

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

C.5:10A-23 Declaration of area in need.

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

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

c. The commission shall thereupon cause a hearing to be held at an appointed time and place for the purpose of hearing persons interested in, or who would be affected by, a determination that the area is an area in need, as defined in section 3 of P.L.2015, c.19 (C.5:10A-3), and who are in favor of, or are opposed to, such determination.

d. A notice of such hearing shall be given setting forth the general boundaries of the area to be investigated and stating that a map has been prepared and can be inspected at the office of the commission. The commission shall cause the publication of the notice in a newspaper of general circulation in the district once each week for two consecutive weeks, and the last publication shall be not less than 10 days prior to the date set for the hearing. A copy of the



notice shall be mailed at least 10 days prior to the date set for the hearing to the last known owner, if any, of each parcel of property within the area according to the assessment records of the municipality where the parcel is located. Such notice shall be sent to the last known postal address of such owners. The commission shall also send notice to any persons at their last known address, if any, whose names appear on said assessment records as claimants of an interest in any such parcel. The assessor of a constituent municipality shall make such a notation upon the said records when requested so to do by any person claiming to have an interest in any parcel of property in such municipality. Failure to mail notice as required by this section shall not invalidate the investigation or determination thereon.

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

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

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

#### C.5:10A-24 Preparation, adoption of redevelopment plans.

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

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

c. For those municipalities that do not adopt the commission's redevelopment plan, the commission may issue the permit for the proposed construction or alteration as being in conformity with the redevelopment plan. Any variations and modifications of the redevelopment plan shall be the responsibility of the commission. A permit shall not be

issued without a certificate from the chief engineer or equivalent official of the commission that the proposal is in conformity with the commission's redevelopment plan.

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

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

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

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

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

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

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

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

#### C.5:10A-25 Provisions of agreements, leases, deeds, other instruments.

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

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

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

c. Any other covenants, provisions, and continuing controls as may be deemed necessary to effectuate the purposes of sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68), including, but not limited to, deed restrictions or easements to promote environmental and ecological sustainability.

#### C.5:10A-26 Issuance of negotiable bonds and notes.

26. The commission may issue negotiable bonds and notes for any corporate purpose in accordance with the power provided to the commission in subsection g. of section 5 of P.L.1971, c.137 (C.5:10-5).

#### C.5:10A-27 Bonds, notes not deemed debt or liability of State.

27. Except as otherwise provided by or pursuant to Section II of Article VIII of the State Constitution and approved by a majority of the legally constituted voters of the State voting

thereon, or except when any county or municipality shall have guaranteed principal or interest thereon, bonds and notes issued by the commission shall not be deemed to constitute a debt or liability of the State, or of any political subdivision thereof, or a pledge of the faith and credit of the State, or of any political subdivision except the commission, and all such bonds or notes shall contain on the face thereof a statement to that effect.

C.5:10A-28 Collaboration; establishment of not-for-profit organization.

28. a. The commission shall collaborate with the Division of Travel and Tourism in the Department of State and the Meadowlands Convention and Visitors Bureau. The tourism structure should work closely, or integrate with, the work of agencies within the Department of State dedicated to advancing an economic development plan developed pursuant to subsection g. of section 7 of P.L.2015, c.19 (C.5:10A-7).

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

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

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

C.5:10A-29 Acquisition of real property.

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

C.5:10A-30 Projects, lands, property declared public property.

30. All projects, lands, and other property of the commission are hereby declared to be public property devoted to an essential public and governmental function and purpose. The provisions of section 9 of P.L.1978, c.1 (C.5:10-35) and section 18 of P.L.1971, c.137 (C.5:10-18) shall be applicable to all projects, lands, and other property of the commission.

C.5:10A-31 Flood improvement zones.

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

C.5:10A-32 Division of land into classes.

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

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

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

(3) Class three--All other land.

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

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

C.5:10A-33 Procedure for construction of improvements.

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

C.5:10A-34 Statement showing cost of improvement.

34. The appropriate officer of the commission shall prepare a statement showing, in detail, the cost of the improvement proposed pursuant to section 33 of P.L.2015, c.19 (C.5:10A-33). Such statement shall also show the proportion of the amount to the whole cost of improvement, if any, paid or contributed by any public body or by any individual or entity. The total amount of assessment levied upon the land benefited by the improvement shall not exceed the cost thereof.

C.5:10A-35 Hearing relative to improvement.

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

C.5:10A-36 Assessments levied.

36. All assessments levied under section 35 of P.L.2015, c.19 (C.5:10A-35) for any improvement shall, in each case, be as nearly as may be in proportion to, and not in excess of, the benefit, advantage, or increase in value which respective lots and parcels of land shall be deemed to receive by reason of such improvement.

C.5:10A-37 Damage deducted from amount of benefits assessed.

37. In addition to the making of assessments for benefits, the appropriate officer of the commission shall fix and determine the amount, if any, the property is damaged incidentally to the making of the improvement and deduct such amount from the amount of benefits assessed thereon. If the amount of any such damages, as confirmed by the commission, shall exceed the benefits assessed on the same property, if in case no benefits shall accrue thereto, or if such property is damaged subsequent to the levying and collection of an assessment which shall be confirmed by the commission to be a direct result of the making of the improvement, the balance or amount of such damages so fixed, may be raised from the general revenues of the commission and shall be paid by the commission to the owner of the property so damaged. Any person aggrieved by such assessment or award of damages may after the same has been confirmed by the commission, appeal therefrom as provided in section 48 of P.L.2015, c.19 (C.5:10A-48).

C.5:10A-38 Award for damages.

38. When owners of any property have been or shall have been awarded damages as incidental to any improvement undertaken pursuant to sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68), and such award has been or shall have been duly confirmed, the amount thereof shall be tendered to the person or persons entitled thereto. If there is uncertainty as to the person entitled to receive the award or if the party entitled to receive the amount awarded shall refuse upon tender thereof to receive the same, or shall be out of the State or under any legal disability, or if several parties interested in the fund shall not agree as to the distribution thereof, or the lands damaged are encumbered by any mortgage, judgment, or other lien, or if for any other reason the commission cannot safely pay the amount awarded to any person, in all such cases the amount awarded may, with leave of the Superior Court, be paid into said court and thereupon distributed according to law, on the application of any person interested therein.

C.5:10A-39 Certification of benefits, awards.

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

C.5:10A-40 Consideration of report, map; adoption.

40. The report submitted pursuant to section 39 of P.L.2015, c.19 (C.5:10A-39) may be considered by the commission at any meeting, notice whereof shall be published in a newspaper circulating in the district, once each week for two weeks prior to the meeting, and also by mailing a copy of the notice to the owners named in the report, directed to their last known post-office addresses, and the affidavit of the appropriate officer of the commission shall be conclusive as to such mailing. The notice shall briefly state the object of the meeting with reference to the assessment. At that, or any subsequent meeting, the commission, after considering the report and map, may adopt and confirm the report and map, with or without alterations, and may refer such matter to any committee of the commission, or to the officer making the assessment, for revision or correction before taking final action thereon. When the commission adopts the report, with or without alterations, it shall be final and conclusive, and may be appealed directly to the Appellate Division of the Superior Court by an appropriate party as a matter of right in accordance with other laws, rules, or regulations. Failure to mail the notice required by this section shall not invalidate the proceedings.

C.5:10A-41 Bills for assessment.

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

C.5:10A-42 Special assessments.

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

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

C.5:10A-43 Assessment for improvement first lien on land.

43. Every assessment for any improvement, together with interest thereon and all costs and charges connected therewith, shall be, upon authorization of the assessment by resolution of the commission, a first lien on the land described in the assessment, paramount to all prior

or subsequent alienations and descents of such land or encumbrances thereon, and shall constitute a lien in the same manner as taxes and assessments for State purposes, notwithstanding any mistake in the name or names of any owner or owners, or any omission to name any owner or owners who are unknown, and notwithstanding any lack of form therein, or in any proceeding which does not impair the substantial rights of the owner or owners or person or persons having a lien upon or interest in any such land. Confirmation of the amount of the assessment by the commission, or by the court, shall be considered as determining the amount of the existing lien and not as establishing the lien. All assessments for improvements shall be presumed to have been regularly assessed and confirmed, and every assessment or proceeding preliminary thereto shall be presumed to have been regularly made or conducted until the contrary be demonstrated.

C.5:10A-44 New assessment.

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

C.5:10A-45 Refund of illegally made assessment.

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

C.5:10A-46 Payment of assessment in installments.

46. The commission may, by resolution, provide that the owner of any land, upon which any assessments for any improvement shall have been made, pay such assessments in equal yearly installments, for a number of years as may be provided by the rules and regulations of the commission, with legal interest thereon, provided that any person assessed may pay the whole of any assessment, or any balance of installments, with accrued interest thereon, at one time. If any such installment becomes due and is not paid, the whole assessment, or balance due thereon, shall become immediately due, draw interest at the rate of six percent, and be collected in the same manner as is provided in sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68) for other past due assessments.

C.5:10A-47 Sale of property to enforce lien.

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

C.5:10A-48 Appeal.

48. The owner of any property assessed for benefits, or awarded damages incident to any improvement under sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-

68), may, within 30 days after confirmation of such assessment or award, appeal the determination to the Appellate Division of the Superior Court by serving written notice of such appeal upon the tax collector, and a duplicate upon the appropriate officer of the commission. The court shall determine whether the record contains substantial evidence that the assessment or award appealed from is just and fair, and, if not, shall make an order correcting the same, or, if the court upholds the assessment or award, shall so order. The determination shall be by order or judgment for the amount determined and shall be enforceable pursuant to procedures set forth in R.S.40:56-57. The commission may proceed with the prosecution and completion of the improvement and the issuing of bonds and other indebtedness in connection with said improvements notwithstanding any such appeal.

C.5:10A-49 Report to Governor, Legislature.

49. The commission shall, in 2017, and every year thereafter, submit a report to the Governor and the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) relating to the operation of the intermunicipal account in the prior year, and shall recommend, when it deems necessary, amendments to sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68) as it deems necessary to carry out the legislative intent herein stated.

C.5:10A-50 Laws applicable.

50. Except as provided in sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68), the laws relating to the assessment and taxation of real and personal property shall apply to all constituent municipalities.

C.5:10A-51 List of owners of taxable property; locations.

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

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

C.5:10A-52 School district to certify resident enrollment.

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

C.5:10A-53 Establishment of intermunicipal account.

53. a. In the adjustment year 2017, and in each adjustment year thereafter, the commission shall establish an intermunicipal account and shall compute the amount payable to each constituent municipality from said account for that year pursuant to section 55 of P.L.2015, c.19 (C.5:10A-55).

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



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

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

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

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

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

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

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

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

#### C.5:10A-54 Conditions for nonpayment of adjustment.

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

#### C.5:10A-55 Computation of guarantee payment.

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

If there is a decrease in the aggregate true value of taxable real property of any constituent municipality, as determined pursuant to subsection b. of section 53 of P.L.2015, c.19 (C.5:10A-53), the commission shall, subject to the provision of subsection b. of this section, calculate the amount of decreased aggregate true value, occurring in the comparison year, by reason of the acquisition, through purchase, eminent domain, or gift, during the year preceding the comparison year, of taxable real property by a governmental body or agency to be used for a public purpose, whereby said taxable real property parcels or portions thereof became exempt from local real property taxes. Such decreased aggregate true value shall be

calculated in the same manner as aggregate true value is determined pursuant to subsection b. of section 53 of P.L.2015, c.19 (C.5:10A-53) and shall be based on the assessed value in the year of acquisition, of the parcels or portions thereof affected.

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

(1) the amount of the decrease in aggregate true value determined pursuant to subsection b. of section 53 of P.L.2015, c.19 (C.5:10A-53); and

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

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

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

#### C.5:10A-56 Service payment for school district services.

56. For school district services, the service payment payable by the intermunicipal account to a constituent municipality in any adjustment year shall be found by dividing the total local school tax levy, as shown on the Table of Aggregates pursuant to R.S.54:4-52 for the comparison year, by the school resident enrollment on September 30 of such comparison year, as certified pursuant to section 52 of P.L.2015, c.19 (C.5:10A-52), and multiplying the result by the increase, if any, in resident enrollment within the district boundaries of that constituent municipality between September 30 of the year of enactment of P.L.2015, c.19 (C.5:10A-1 et al.) and September 30 of the comparison year.

#### C.5:10A-57 Apportionment of balance of payments.

57. a. If, in any adjustment year, the amount payable to the constituent municipalities by the intermunicipal account for guarantee payments and school district service payments is less than the amount payable to the intermunicipal account pursuant to section 55 of P.L.2015, c.19 (C.5:10A-55), the balance, if any, shall be apportioned among the constituent municipalities in the same ratio as the number of acres within the district of each constituent municipality bears to the total number of acres in the district, and shall be known as an apportionment payment.

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

#### C.5:10A-58 Reduction of total service payments.

58. If, in any adjustment year, the amount payable to the constituent municipalities by the intermunicipal account for guarantee payments and service payments exceeds the amount payable to said account pursuant to section 55 of P.L.2015, c.19 (C.5:10A-55), the total

service payments payable to all constituent municipalities shall be reduced by the amount of the deficit and the service payment payable to each constituent municipality shall be reduced by the same ratio as the total service payment to all constituent municipalities was reduced.

C.5:10A-59 Meadowlands adjustment payment.

59. a. On or before February 1, 2017 and on or before February 1 of each year thereafter, the commission shall certify to the chief financial officer of each constituent municipality an amount, identified as the meadowlands adjustment payment. The meadowlands adjustment payment for each constituent municipality shall be determined by adding all the payments payable to that municipality from the intermunicipal account for school district service payments, guarantee payments, and apportionment payments, if any. The amount so derived shall be referred to as the meadowlands pre-adjustment payment. For calendar year 2015, the meadowlands adjustment payment shall be the average of the meadowlands pre-adjustment payments for calendar years 2014 and 2015. For calendar year 2016, the meadowlands adjustment payment shall be the average of the meadowlands pre-adjustment payments for calendar years 2013, 2014, and 2015. For calendar year 2017 and subsequent years, the meadowlands adjustment payment shall be the average of the meadowlands pre-adjustment payments for the prior three calendar years.

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

C.5:10A-60 Hackensack Meadowlands Tax Sharing Stabilization Fund.

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

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

C.5:10A-61 Adoption of annual budget.

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

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

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

c. Deferred charges; and

d. Estimates of the following revenues:

(1) Cash balances and surplus;

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

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

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

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

(6) Miscellaneous other revenues and receipts.

C.5:10A-62 Actions by public bodies to aid, cooperate.

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

a. Dedicate, sell, convey, or lease any of its property to the commission or the federal government;

b. Cause parks, playgrounds, recreational, community, educational, water, sewer, or any other works which it is otherwise empowered to undertake, to be furnished adjacent to, or in connection with, projects of the commission;

c. Furnish, dedicate, close, pave, install, grade, regrade, or plan streets, roads, roadways, alleys, sidewalks, or other places which it is otherwise empowered to undertake;

d. Plan, zone, or rezone any part of such public body;

e. Make exceptions from building regulations and ordinances and change its map;

f. Enter into agreements, which, notwithstanding any law, rule, or regulation to the contrary, may extend over any period, with the commission or the federal government respecting action to be taken by such public body;

g. Do any and all things necessary or convenient to aid and co-operate in planning, undertakings, construction, or operations of the commission;

h. Cause services to be furnished to the commission of the character which the public body is otherwise empowered to furnish;

i. Purchase, or legally invest in, any of the bonds of the commission, and exercise all of the rights of any holder of such bonds;

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

k. Upon such terms as it may deem advisable, with or without consideration, grant, sell, convey, or lease any of its property, including real property already devoted to a public use, whether held in a proprietary or governmental capacity to the commission, provided, that the public body making the grant or lease determines that the premises are no longer required for

the public purposes to which the property is devoted, and that it is in the public interest so to grant, sell, convey, or lease said property.

C.5:10A-63 Contracts, apportionment of costs and expenses.

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

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

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

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

C.5:10A-64 Examination by State Auditor.

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

C.5:10A-65 Additional powers of commission.

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

C.5:10A-66 Addition, alternate method.

66. Sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68) shall be deemed to provide an additional and alternative method for effectuating the purposes authorized thereby, and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing.

C.5:10A-67 Severability.

67. If the provisions of any section or clause of sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68) or the application thereof to any person shall be judged invalid by a court of competent jurisdiction, such order or judgment shall be confined in its operation to the controversy in which it was rendered, and shall not affect or invalidate the remainder of any provision of any section or clause of sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68), or the application of any part thereof to any other person or circumstance and, to this end, the provisions of each section of sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68) are declared to be severable.

C.5:10A-68 Payment of expenses.

68. All expenses incurred in carrying out the provisions of sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68) shall be payable from funds provided the commission therefor, and no liability or obligation shall be incurred by the commission hereunder beyond the extent to which moneys shall have been provided therefor.

C.5:10A-69 Short title.

69. Sections 69 through 81 of P.L.2015, c.19 (C.5:10A-69 through C.5:10A-81) shall be known and may be cited as the “Hackensack Meadowlands Transportation Planning District Act of 2015.”

C.5:10A-70 Findings, declarations relative to the “Hackensack Meadowlands Transportation Planning District Act of 2015.”

70. The Legislature finds and declares that:

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

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

c. Sections 69 through 81 of P.L.2015, c.19 (C.5:10A-69 through C.5:10A-81) develops the concept of a transportation planning district, which permits the assessment of fees on future development to ensure that adequate transportation infrastructure is put into place to accommodate the vehicular and pedestrian traffic caused by future development.

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

e. In assessing development fees under sections 69 through 81 of P.L.2015, c.19 (C.5:10A-69 through C.5:10A-81), the commission recognizes that: (1) those fees supplement, but do not replace, the public investment needed in the transportation system; (2) the costs of remedying pre-existing problems shall not be charged to a new development; (3) the fee charged to any particular development shall be reasonably related to the impact of that development on the transportation system of the district and shall not exceed the development's fair share of the cost of the improvements and related allowable administrative costs; and (4) no development shall be subject to any assessment or fees for transportation improvements by the State, a county, or a municipality, except as provided

pursuant to sections 69 through 81 of P.L.2015, c.19 (C.5:10A-69 through C.5:10A-81). In determining the basis for assessing development fees, the commission shall develop reasonable formulas that rely on established planning models.

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

C.5:10A-71 Definitions relative to the transportation planning district.

71. As used in sections 69 through 81 of P.L.2015, c.19 (C.5:10A-69 through C.5:10A-81):

“Allowable administrative costs” means expenses incurred by the commission or the board in developing a district transportation plan, including a financial element, and in managing a transportation planning district.

“Board” means the Meadowlands Transportation Planning Board established by section 72 of P.L.2015, c.15 (C.5:10A-72).

“Chief fiscal officer” means the chief fiscal officer of the commission.

“Commission” means the New Jersey Sports and Exposition Authority, which may be referred to as the “Meadowlands Regional Commission,” as established by section 6 of P.L.2015, c.19 (C.5:10A-6).

“Commissioner” means the Commissioner of Transportation.

“Department” means the Department of Transportation.

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

“Development” means any project for which zoning approval is required pursuant to sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68), or rules or regulations promulgated pursuant thereto.

“Development fee” means a fee assessed on a development pursuant to a resolution of the commission adopted under section 74 of P.L.2015, c.19 (C.5:10A-74).

“District transportation plan” or “plan” means the plan adopted pursuant to section 73 of P.L.2015, c.19 (C.5:10A-73).

“Hackensack Meadowlands District” or “Meadowlands District” means the area within the jurisdiction of the commission set forth in section 5 of P.L.2015, c.19 (C.5:10A-5).

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

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

“Public transportation project” means, in connection with public transportation service or regional ridesharing programs, passenger stations, shelters and terminals, automobile parking facilities, ferries and ferry facilities including capital projects for ferry terminals, approach roadways, pedestrian accommodations, parking, docks, and other necessary land-side

improvements, ramps, track connections, signal systems, power systems, information and communication systems, roadbeds, transit lands or rights-of-way, equipment storage and servicing facilities, bridges, grade crossings, rail cars, locomotives, motorbus and other motor vehicles, maintenance and garage facilities, revenue handling equipment, and any other equipment, facility, or property useful for, or related to, the provision of public transportation service or regional ridesharing programs.

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

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

#### C.5:10A-72 Establishment of transportation planning district.

72. a. There is hereby established a transportation planning district which shall consist of those lands which comprise the Meadowlands District. The Meadowlands Transportation Planning Board, created pursuant to subsection b. of this section, shall be the managing authority to administer and manage the transportation planning district and to carry out such additional functions as provided in sections 69 through 81 of P.L.2015, c.19 (C.5:10A-69 through C.5:10A-81).

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

c. In furtherance of the development of a coherent and sustainable transportation system for the district, the board shall initiate a joint planning process with participation by: State departments and agencies, corporations, commissions, boards, and authorities; those bi-state authorities, metropolitan planning organizations, and counties and municipalities with jurisdiction in the district; and private representatives. The board shall oversee the development and updating of a comprehensive, future-oriented district transportation plan in accordance with the provisions of section 73 of P.L.2015, c.19 (C.5:10A-73).

The provisions of sections 69 through 81 of P.L.2015, c.19 (C.5:10A-69 through C.5:10A-81) shall be retroactive to January 1, 2014.

#### C.5:10A-73 District transportation plan goals, policies, needs, improvement priorities.

73. a. The district transportation plan shall establish goals, policies, needs, and improvement priorities for all modes of transportation, including walking and bicycling, within the district for the ensuing 20 years following the effective date of sections 69 through 81 of P.L.2015, c.19 (C.5:10A-69 through C.5:10A-81) and shall be consistent with the master plan adopted by the commission pursuant to section 10 of P.L.2015, c.19 (C.5:10A-10). The district transportation plan shall be based on a reasonable assessment of likely future growth reflected in that master plan.

b. The plan shall quantify transportation needs arising from anticipated future traffic passing within or through the district based upon future development anticipated to occur



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

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

d. The plan shall include a financial element setting forth a statement of projected revenue and expenses, including all project costs. The financial element of the plan shall identify public and private financial resources which may be available to fund, in whole or in part, those transportation projects set forth in the plan. The financial element shall make recommendations for the types and rates of development fees to be assessed under section 74 of P.L.2015, c.19 (C.5:10A-74), formulas to govern the assessment of those fees, and the projected annual revenue to be derived therefrom.

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

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

#### C.5:10A-74 Assessment, collection of development fees.

74. a. After the adoption of the plan by the commission pursuant to subsection f. of section 73 of P.L.2015, c.19 (C.5:10A-73), the commission may, by resolution, provide for the assessment and collection of development fees on developments within the district as provided hereunder.

b. Development fees assessed by the commission shall be based upon the growth and development forecasts contained in the plan and shall be levied in order to raise only those amounts needed to accomplish the transportation projects set forth in the plan and allowable administrative costs. Those fees shall be assessed based upon the formula or formulas contained in the resolution and shall be uniformly applied, with such exceptions as are authorized or required by sections 69 through 81 of P.L.2015, c.19 (C.5:10A-69 through C.5:10A-81).

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

d. The resolution may provide for credits against assessed development fees for payments made, or expenses incurred, which have been determined by the commission to be

in furtherance of the district transportation plan, including, but not limited to, contributions to transportation improvements, other than those required for safe and efficient highway access to a development, and costs attributable to the promotion of public transit, walking, bicycling, or ridesharing.

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

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

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

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

i. Upon the adoption by the commission of a resolution pursuant to subsection a. of this section, a separate assessment for off-site transportation improvements within the district shall not be made by the State, a county, or a municipality except as permitted pursuant to sections 69 through 81 of P.L.2015, c.19 (C.5:10A-69 through C.5:10A-81).

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

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

#### C.5:10A-75 Assessment of development fee at time of issuance of zoning approval.

75. a. A development fee shall be assessed on a development at the time the applicable zoning approval is issued. Any development for which a zoning approval has been issued prior to the adoption of the resolution pursuant to section 74 of P.L.2015, c.19 (C.5:10A-74), or pursuant to any other law authorizing such a resolution, or that has an approved development agreement with the governing State agency or municipality within the district having primary jurisdiction over the development, or for which construction of a material portion of the development has commenced after the date on which a development agreement was executed, shall be exempt from the assessment of a development fee. The assessment shall be adjusted upon the issuance of a revised zoning approval and any development which requires a revised zoning approval after the adoption of the resolution shall be subject to the development fee.

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

C.5:10A-76 Enforcement of payments due.

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

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

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

C.5:10A-77 Transportation planning district fund.

77. a. A resolution adopted by the commission pursuant to section 74 of P.L.2015, c.19 (C.5:10A-74) shall provide for the establishment of a transportation planning district fund under the control of the chief fiscal officer. All monies collected from development fees shall be deposited into the fund, which shall be invested in an interest-bearing account. Monies deposited in the fund shall be used to defray project costs and allowable administrative costs.

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

C.5:10A-78 Refund of certain fees.

78. a. Any fees collected, plus earned interest, not committed to a transportation project under a project agreement entered into under section 77 of P.L.2015, c.19 (C.5:10A-77) within 10 years of the date of collection, or not used for other allowable administrative costs within 10 years of the date of collection, shall be refunded to the fee-payer under a procedure prescribed by the commission; provided, however, that if the fee-payer transfers the development or any portion thereof, the fee-payer shall enter into an agreement with the grantee in a form as shall be provided by the commission which shall indicate who shall be entitled to receive any refund, and that agreement shall be filed with the chief fiscal officer.

b. Any person who has been assessed a development fee may request in writing a reconsideration of the fee and a hearing by an employee so delegated by the commission within 90 days of the receipt of notification of the amount of the fee on the grounds that the commission or its officers or employees, in issuing the fee, did not abide by the provisions of sections 74 and 75 of P.L.2015, c.19 (C.5:10A-74 and C.5:10A-75) or the provisions of the resolution adopted by the commission pursuant to subsection a. of section 74 of P.L.2015, c.19 (C.5:10A-74).

C.5:10A-79 Appeal.

79. A person may appeal to the commission any decision made in connection with the reconsideration of a fee as authorized pursuant to subsection b. of section 78 of P.L.2015, c.19 (C.5:10A-78). The commission shall review the record of the hearing and render its decision, which shall constitute an administrative action subject to review by the Appellate Division of the Superior Court. Nothing contained herein shall be construed as limiting the ability of any person so assessed from filing an appeal based upon an agreement to pay or actual payment of the fee.

C.5:10A-80 Acceptance of loans.

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

C.5:10A-81 Rules, regulations.

81. a. Notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the commission may, immediately upon filing proper notice with the Office of Administrative Law, adopt rules and regulations to implement sections 69 through 80 of P.L.2015, c.19 (C.5:10A-69 through C.5:10A-80).

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

C.5:10A-82 Short title.

82. Sections 82 through 85 of P.L.2015, c.19 (C.5:10A-82 through C.5:10A-85) shall be known and may be cited as the "New Jersey Meadowlands Tax Relief Act."

C.5:10A-83 Findings, declarations relative to the "New Jersey Meadowlands Tax Relief Act."

83. The Legislature finds and declares that:

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

b. A vital component of the comprehensive plan for the development of the Hackensack Meadowlands was an intermunicipal tax-sharing program. The intermunicipal tax sharing program was established to create a fair and equitable method of distributing the benefits and

costs of economic development and land use decisions made by the New Jersey Meadowlands Commission among the 14 municipalities located in the Meadowlands District. Under this program, as originally conceived, the municipalities with fewer development restrictions are required to deposit a share of their tax ratables into a special intermunicipal account administered by the commission. Money in this account is annually distributed to the municipalities with greater development restrictions to make up for their loss of tax ratable growth opportunity. Currently, seven municipalities pay into the intermunicipal account while the remaining seven municipalities receive distributions from the account.

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

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

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

#### C.5:10A-84 Definitions relative to the "New Jersey Meadowlands Tax Relief Act."

84. As used in sections 82 through 85 of P.L.2015, c.19 (C.5:10A-82 through C.5:10A-85):

"Commission" means the New Jersey Sports and Exposition Authority, which may be referred to as the "Meadowlands Regional Commission," as established by section 6 of P.L.2015, c.19 (C.5:10A-6).

"Meadowlands district" means the Hackensack Meadowlands District, the area delineated within section 5 of P.L.2015, c.19 (C.5:10A-5).

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

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

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

C.5:10A-85 Meadowlands regional hotel use assessment.

85. a. Beginning on the first day of the first month next following the enactment of P.L.2015, c.19 (C.5:10A-1 et al.), there is imposed a Meadowlands regional hotel use assessment on the rent for the occupancy of every room in every hotel located in the Meadowlands district, including any hotels located on land owned by the State. The assessment imposed under this subsection shall be 3% of the rent charged for every occupancy of a room or rooms in a hotel subject to taxation pursuant to subsection (d) of section 3 of P.L.1966, c.30 (C.54:32B-3), and shall be paid to the Director of the Division of Taxation by each person required to collect the tax not later than the 10th day of each month based on the occupancy of rooms in that hotel during the previous calendar month.

b. In carrying out the provisions of subsection a. this section, the director shall have all of the powers and authority granted in P.L.1966, c.30 (C.54:32B-1 et seq.). The tax shall be filed and paid in a manner prescribed by the Director of the Division of Taxation. The director shall promulgate such rules and regulations as the director determines are necessary to effectuate the provisions of this section.

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

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

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

c. Assessment revenue shall be collected by the Director of the Division of Taxation and shall be deposited by the Director of the Division of Taxation into the intermunicipal account established pursuant to section 53 of P.L.2015, c.19 (C.5:10A-53), and shall be used to pay meadowlands adjustment payments to municipalities in the Meadowlands district pursuant to the provisions of sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68). If in any year, assessment revenue in the intermunicipal account exceeds the amount necessary to pay meadowlands adjustment payments to municipalities in the Meadowlands district, that remaining assessment revenue may be used for the purposes set forth in subsection e. of this section.

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

e. In the event that in any year, after the required meadowlands adjustment payments have been made to municipalities in the Meadowlands district, assessment revenue remains

in the intermunicipal account, that remaining assessment revenue may be used in that year for the following purposes:

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

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

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

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

Not later than the first day of the third month next following the enactment of P.L.2015, c.19 (C.5:10A-1 et al.) and pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the commission shall adopt, by resolution, standards for the disbursement in any year of any remaining assessment revenue for projects and uses set forth in subsection e. of this section.

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

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

C.5:10-4 "New Jersey Sports and Exposition Authority."

4. a. There is hereby established in the Department of State a public body corporate and politic, with corporate succession, to be known as the "New Jersey Sports and Exposition Authority." The authority is hereby constituted as an instrumentality of the State exercising public and essential governmental functions, and the exercise by the authority of the powers conferred by P.L.1971, c.137 (C.5:10-1 et seq.) shall be deemed and held to be an essential governmental function of the State and the application of the revenue derived from the projects to the purposes provided in P.L.1971, c.137 (C.5:10-1 et seq.) shall be deemed and held to be applied in support of government.

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

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

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

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

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

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

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

i. A true copy of the minutes of every meeting of the authority shall be forthwith delivered by and under the certification of the secretary thereof to the Governor. No action taken at such meeting by the authority shall have force or effect until 15 days after such copy of the minutes shall have been so delivered unless during such 15-day period the Governor shall approve the same, in which case such action shall become effective upon such approval. If, in said 15-day period, the Governor returns such copy of the minutes with veto of any action taken by the authority or any member thereof at such meeting, such action shall be null and void and of no effect. The powers conferred in this subsection i. upon the Governor



shall be exercised with due regard for the rights of the holders of bonds and notes of the authority at any time outstanding, and nothing in, or done pursuant to, this subsection i. shall in any way limit, restrict or alter the obligation or powers of the authority or any representative or officer of the authority to carry out and perform in every detail each and every covenant, agreement or contract at anytime made or entered into by or on behalf of the authority with respect to its bonds or notes or for the benefit, protection or security of the holders thereof.

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

C.5:10-5 Powers of authority.

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

- a. To sue and be sued;
- b. To have an official seal and alter the same at pleasure;
- c. To make and alter bylaws for its organization and internal management and for the conduct of its affairs and business;
- d. To maintain an office at such place or places within the State as it may determine;
- e. To acquire, hold, use and dispose of its income, revenues, funds and moneys;
- f. To acquire, lease as lessee or lessor, rent, lease, hold, use and dispose of real or personal property for its purposes;
- g. To borrow money and to issue its negotiable bonds or notes and to secure the same by a mortgage on its property or any part thereof, and to enter into any credit agreement, and otherwise to provide for and secure the payment of its bonds and notes and to provide for the rights of the holders thereof;
- h. To make and enter into all contracts, leases, and agreements for the use or occupancy of its projects or any part thereof or which are necessary or incidental to the performance of its duties and the exercise of its powers under the act;
- i. To make surveys, maps, plans for, and estimates of the cost of its projects;
- j. To establish, acquire, construct, lease the right to construct, rehabilitate, repair, improve, own, operate, and maintain its projects, and let, award and enter into construction contracts, purchase orders and other contracts with respect thereto in such manner as the authority shall determine, subject only to the provisions of sections 1 through 3 of P.L.1981, c.447 (C.5:10-21.1 through 5:10-21.3) and section 3 of P.L.1987, c.318 (C.5:10-21.1a);
- k. To fix and revise from time to time and charge and collect rents, tolls, fees and charges for the use, occupancy or services of its projects or any part thereof or for admission thereto, and for the grant of concessions therein and for things furnished or services rendered by the authority;
- l. To establish and enforce rules and regulations for the use or operation of its projects or the conduct of its activities, and provide for the policing and the security of its projects;
- m. To acquire in the name of the authority by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or, except with respect to the State, by the exercise of the power of eminent domain, any land and other property, including land under water, meadowlands, and riparian rights, which it may determine is reasonably necessary for any of its projects or for the relocation or reconstruction of any highway by the authority and any and all rights, title and interest in such land and other property, including public lands, reservations, highways or parkways, owned by or in which the State or any county, city, borough, town, township, village, public corporation, or other political subdivision of the State has any right, title or interest, or parts thereof or rights therein and

any fee simple absolute or any lesser interest in private property, and any fee simple absolute in, easements upon or the benefit of restrictions upon abutting property, to preserve and protect any project, except that the authority shall not have the right to exercise the power of eminent domain in connection with projects authorized under paragraphs (5), (6), and (7) of subsection a. of section 6 of P.L.1971, c.137 (C.5:10-6);

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

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

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

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

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

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

t. To appoint and employ a president, who shall be the chief executive officer, and such additional officers, who need not be members of the authority, and accountants, attorneys, financial advisors or experts and all such other or different officers, agents and employees as it may require and to determine their qualifications, terms of office, duties and compensation, all without regard to the provisions of Title 11A of the New Jersey Statutes;

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

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

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

x. To determine the location, type and character of a project or any part thereof and all other matters in connection with all or any part of a project, notwithstanding any land use plan, zoning regulation, building code or similar regulation heretofore or hereafter adopted by the State, any municipality, county, public body politic and corporate, or any other political subdivision of the State, except that all projects constructed after the effective date of this 1987 amendatory and supplementary act shall conform to the Barrier-Free Sub-Code promulgated as part of the State Uniform Construction Code pursuant to P.L.1975, c.217 (C.52:27D-119 et seq.) and further excepted that the authority shall consult with the

Meadowlands Commission before making any determination as to the location, type and character of any project under the jurisdiction of the Meadowlands Commission;

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

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

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

C.5:10-6 Authority projects.

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

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

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

facilities related to, incidental to, necessary for, or complementary to the purposes of that project or any facility thereof.

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

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

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

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

(4) To establish, develop, construct, acquire, own, operate, manage, promote, maintain, repair, reconstruct, restore, improve and otherwise effectuate, either directly or indirectly through lessees, licensees or agents, a project consisting of an exposition or entertainment center or hotel or office complex, including any buildings, structures, properties and appurtenances related thereto, incidental thereto, necessary therefor, or complementary thereto, such project to include driveways, roads, approaches, parking areas, parks, recreation areas, vending facilities, restaurants, transportation structures, systems, and equipment, furnishings and all other structures and appurtenances related to, incidental to, necessary for, or complementary to, the purposes of that project. A project authorized under this paragraph may be located within, immediately contiguous to, or immediately across any public road which borders the site of any other project of the authority, except the site of a racetrack authorized by paragraph (5) of this subsection and acquired by the authority prior to 1986.

(5) To establish, develop, construct, acquire, own, operate, manage, promote, maintain, repair, reconstruct, restore, improve and otherwise effectuate, either directly or indirectly through lessees, licensees or agents, projects consisting of (a) racetrack facilities located within the State of New Jersey, but outside of the meadowlands complex, (b) their contiguous properties, and (c) their auxiliary facilities, including, without limitation, pavilions, stands, field houses, clubhouses, training tracks for horses, racetracks for the holding of horse race meetings, fairgrounds, other exposition facilities, and other buildings, structures, facilities, properties and appurtenances related to, incidental to, necessary for, or complementary to a complex suitable for the holding of horse race meetings, other sporting

events, or trade shows, exhibitions, spectacles, public meetings, entertainment events or other expositions, including, but not limited to, driveways, roads, approaches, parking areas, parks, recreation areas, lodging facilities, vending facilities, restaurants, transportation structures, systems and facilities, equipment, furnishings, and all other structures and appurtenant facilities related to, incidental to, necessary for, or complementary to the purposes of any of those projects or any facility thereof.

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

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

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

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

(9) To acquire by purchase, lease or otherwise, and to develop, construct, operate, own, lease, manage, repair, reconstruct, restore, improve, enlarge or otherwise effectuate, either directly or through lessees, licensees or agents, a project which may hereinafter be referred to as either the Atlantic City convention center project or a convention center project in the city of Atlantic City, Atlantic County, consisting of the existing convention hall and a new convention hall or center, and associated parking areas and railroad terminal facilities and including the leasing of adjacent land for hotel facilities. In connection therewith, the authority is authorized to:

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

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

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

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

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

(11) To provide funding to public or private institutions of higher education in the State to establish, develop, acquire, construct, reconstruct or improve facilities located or to be located on property owned, leased, or otherwise used by an institution, consisting of sports facilities and the buildings, structures, properties and appurtenances related thereto, or incidental to, necessary for, or complementary to those sports facilities, such facilities to include driveways, access roads, approaches, parking areas, parks, recreation areas, vending facilities, restaurants, transportation structures, systems and equipment, furnishings and all other structures and appurtenances related or incidental to, necessary for, or complementary to the purposes of those facilities.

(12) To acquire by purchase, lease, or otherwise, including all right, title and interest of the Greater Wildwood Tourism Improvement Development Authority in any property, and to

develop, construct, operate, own, lease, manage, repair, reconstruct, restore, improve, enlarge or otherwise effectuate, either directly or through lessees, licensees or agents, a convention center facility in the City of Wildwood, Cape May County, consisting of and including any existing and acquired buildings, structures, properties and appurtenances and including restaurants, retail businesses, access roads, approaches, parking areas, transportation structures and systems, recreation areas, equipment, furnishings, vending facilities, and all other structures and appurtenances incidental to, necessary for, or complementary to the purpose of such Wildwood convention center facility. In connection therewith, the authority is expressly authorized to:

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

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

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

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

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

(13) To acquire by purchase, lease or otherwise, and to develop, construct, own, lease, manage, repair, reconstruct, restore, improve, enlarge or otherwise effectuate, either directly or through lessees, licensees, or agents, all right, title, or interest in the Garden State Arts Center in Holmdel, Monmouth County, and any related or auxiliary facilities and to transfer its interest in the Garden State Arts Center and any related or auxiliary facilities to such other public body that is authorized to own and operate such a facility, or other entity, according to such terms and process as the authority may establish in its discretion.

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

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

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

c. Revenues, moneys or other funds, if any, derived from the operation or ownership of the meadowlands complex, including the conduct of horse race meetings, shall be applied, in accordance with the resolution or resolutions authorizing or relating to the issuance of bonds or notes of the authority, to the following purposes and in the following order:

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

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

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

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

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

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

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

(8) The balance remaining after application in accordance with the above shall be deposited in the General State Fund, provided that (a) there shall be appropriated for authorized State purposes from the amount so deposited that amount which shall be calculated by the State Treasurer to be the debt service savings realized with respect to the refinancing of the initial project as defined in section 1 of P.L.1973, c.286 (C.5:10-14.1) at the meadowlands complex, by the issuance of bonds of the authority guaranteed by the State.

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



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

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

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

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

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

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

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

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

(1) To pay the principal, sinking fund installments and redemption premiums of and interest on any bonds or notes of the authority, including bonds or notes of the authority issued for the purpose of refunding bonds or notes, issued for purposes of (i) the initial acquisition of the existing properties which will constitute part of the Atlantic City convention center project, if the bonds or notes shall be payable under the terms of the resolution of the authority relating thereto from luxury tax revenues, or (ii) providing improvements, additions or replacements to the Atlantic City convention center project, if the bonds or notes shall be payable under the terms of the resolution of the authority relating thereto from luxury tax revenues; and to pay any amounts due from the authority under any credit agreement entered into by the authority in connection with the bonds or notes.

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

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

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

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

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

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

(i) to permit the State Treasurer to remit to the authority, for deposit to the Luxury Tax Revenue Fund established under the Luxury Tax Bond Resolution, luxury tax revenues held by the State Treasurer in the fund established pursuant to section 5 of P.L.1979, c.273 (C.40:48-8.30) in an amount sufficient to (A) pay the principal, sinking fund installments and redemption premiums, if any, of and interest on any bonds, notes, or other obligations, including any credit agreement, of the authority issued and outstanding or entered into pursuant to the Luxury Tax Bond Resolution, and (B) maintain any reserves required to be held by the trustee pursuant to the Luxury Tax Bond Resolution, and to remit the balance of the luxury tax revenues held by the State Treasurer in such fund, including interest thereon, to the Atlantic City Convention and Visitors Authority to be applied as provided in section 25 of P.L.2008, c.47 (C.52:27H-41.13) subject, however, to the lien of the Luxury Tax Bond Resolution, until all bonds, notes, and other obligations, including any credit agreement, of the authority issued and outstanding or entered into pursuant to the Luxury Tax Bond Resolution have been paid or defeased in full.

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

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

(b) Upon obtaining such consents, approvals, waivers or non-objections or upon the reasonable determination by the authority or the State Treasurer that such consents, approvals or non-objections have been obtained, are unnecessary or that the absence of such consents, approvals or non-objections shall not result in a material default, the State Treasurer shall thereafter remit to the authority from the fund only those monies required to satisfy the obligations of subparagraphs (a)(i)(A) and (a)(i)(B) of this paragraph; the balance

of the luxury tax revenues held by the State Treasurer in such fund, including interest thereon, shall be paid promptly to the Atlantic City Convention and Visitors Authority to be applied as provided in section 25 of P.L.2008, c.47 (C.52:27H-41.13), subject, however, to the lien of the Luxury Tax Bond Resolution until all bonds, notes, and other obligations, including any credit agreement, of the authority issued and outstanding or entered into pursuant to the Luxury Tax Bond Resolution have been paid or defeased in full.

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

g. Revenues, moneys or other funds, if any, derived from the ownership or operation of the Wildwood convention center facility shall be applied to the costs of operating and maintaining the Wildwood convention center facility and to the other purposes set forth in this subsection as shall be provided by resolution of the authority.

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

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

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

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

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

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

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

C.5:10-8 Relocation of public highways; entry on lands, waters or premises; regulations for public utility facilities.

8. a. If the authority shall find it necessary in connection with the undertaking of any of its projects to change the location of any portion of any public highway or road, it may contract with any government agency or public or private corporation, which may have jurisdiction over said public highway or road, to cause said public highway or road to be constructed at such location as the authority shall deem most favorable. The cost of such reconstruction and any damage incurred in changing the location of any such highway shall be ascertained and paid by the authority as a part of the cost of any project. Any public highway affected by the construction of a project may be vacated or relocated by the authority in the manner now provided by law for the vacation or relocation of public roads, and any damages awarded on account thereof shall be paid by the authority as part of the cost of the project. In all

undertakings authorized by this subsection the authority shall consult and obtain the approval of the New Jersey Department of Transportation.

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

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

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

C.5:10-18 Tax exemption; projects and property of authority; bonds or notes; payments in-lieu-of property taxes.

18. a. All projects and other property of the authority, except an off-track wagering facility or account wagering system facility established pursuant to P.L.2001, c.199, is hereby declared to be public property devoted to an essential public and governmental function and purpose and shall be exempt from all taxes and special assessments of the State or any political subdivision thereof; provided, however, that when any part of the project site not occupied or to be occupied by facilities of the project is leased by the authority to another whose property is not exempt and the leasing of which does not make the real estate taxable, the estate created by the lease and the appurtenances thereto shall be listed as the property of the lessee thereof, or his assignee, and be assessed and taxed as real estate. All bonds or notes issued pursuant to the act are hereby declared to be issued by a body corporate and public of the State and for an essential public and governmental purpose and such bonds and notes, and the interest thereon and the income therefrom, and all funds, revenues, income and other moneys received or to be received by the authority and pledged or available to pay or

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

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

c. The authority is further authorized and empowered to enter into any agreement or agreements with any county or municipality located in whole or part within the Hackensack meadowlands whereby the authority will undertake to pay any additional amounts to compensate for any loss of tax revenues by reason of the acquisition of any real property by the authority for the meadowlands complex or to pay amounts to be used by such county or municipality in furtherance of the development of the Hackensack meadowlands, including the meadowlands complex. Every such county and municipality is authorized and empowered to enter into such agreements with the authority and to accept payments which the authority makes thereunder.

d. All payments to municipalities pursuant to subsections b. and c. shall be treated as payments in-lieu-of-property taxes for all purposes of article 9 of P.L.1968, c.404 (C.13:17-60 to 13:17-76).

Repealer.

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

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

C.5:10-23 Ecological factors.

23. It is the express intent of the Legislature that the authority in undertaking the meadowlands complex shall consult with the Department of Environmental Protection with respect to the ecological factors constituting the environment of the Hackensack meadowlands to the end that the delicate environmental balance of the Hackensack meadowlands may be maintained and preserved.

93. This act shall take effect immediately.

Approved February 5, 2015.