

**Effective:[See Text Amendments]**

New Jersey Statutes Annotated Currentness

Title 13. Conservation and Development--Parks and Reservations (Refs & Annos)

▣ Chapter 17. Hackensack Meadowlands Reclamation and Development (Refs & Annos)

▣ Article 11. Meadowlands Conservation Trust

→ → **13:17-87. Short title**

This act shall be known, and may be cited, as the “Meadowlands Conservation Trust Act.”

CREDIT(S)

L.1999, c. 31, § 1, eff. March 2, 1999.

**HISTORICAL AND STATUTORY NOTES**

2003 Main Volume

L.1999, c. 31, § 16, approved March 2, 1999, provides:

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

**RESEARCH REFERENCES**

2011 Electronic Update

Treatises and Practice Aids

Bogert - The Law of Trusts and Trustees § 41, The Settlor.

13C N.J. Prac. Series § 46.37, New Jersey Meadowlands Commission--In General.

N. J. S. A. 13:17-87, NJ ST 13:17-87

Current with laws effective through L.2011, c. 136 and J.R. No. 8.

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→ → **13:17-88. Definitions**

As used in this act:

“Board” means the board of trustees of the Meadowlands Conservation Trust established pursuant to section 4 of P.L.1999, c. 31 (C.13:17-90);

“Convey” means to sell, transfer, lease, or donate land;

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

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

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

“Trust” means the Meadowlands Conservation Trust created pursuant to section 3 of P.L.1999, c. 31 (C.13:17-89).

CREDIT(S)

L.1999, c. 31, § 2, eff. March 2, 1999.

HISTORICAL AND STATUTORY NOTES

2003 Main Volume

For effective date of L.1999, c. 31, see note set out under § 13:17-87.

N. J. S. A. 13:17-88, NJ ST 13:17-88

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New Jersey Statutes Annotated Currentness

Title 13. Conservation and Development--Parks and Reservations (Refs & Annos)

▣ Chapter 17. Hackensack Meadowlands Reclamation and Development (Refs & Annos)

▣ Article 11. Meadowlands Conservation Trust

→→ **13:17-89. Meadowlands Conservation Trust established**

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

## CREDIT(S)

L.1999, c. 31, § 3, eff. March 2, 1999.


## HISTORICAL AND STATUTORY NOTES

2003 Main Volume

For effective date of L.1999, c. 31, see note set out under § 13:17-87.

## LIBRARY REFERENCES

2003 Main Volume

Municipal Corporations  8, 60.

Westlaw Topic No. 268.

C.J.S. Municipal Corporations §§ 14, 17 to 18, 138, 151.

## RESEARCH REFERENCES

2011 Electronic Update

Treatises and Practice Aids

13C N.J. Prac. Series § 46.37, New Jersey Meadowlands Commission--In General.

N. J. S. A. 13:17-89, NJ ST 13:17-89

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## New Jersey Statutes Annotated Currentness

## Title 13. Conservation and Development--Parks and Reservations (Refs &amp; Annos)

## Chapter 17. Hackensack Meadowlands Reclamation and Development (Refs &amp; Annos)

## Article 11. Meadowlands Conservation Trust

**→ → 13:17-90. Board of trustees**

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

The remaining three trustees, all of whom shall serve ex officio, shall be: the Commissioner of Community Affairs or the commissioner's designee; the executive director of the Hackensack Meadowlands Development Commission, or the executive director's designee; and a mayor, or elected chief executive of a municipality, appointed by, and who shall serve at the pleasure of, the Hackensack Meadowlands Municipal Committee established pursuant to section 7 of P.L.1968, c. 404 (C.13:17-7).

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

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

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

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

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

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

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

CREDIT(S)

L.1999, c. 31, § 4, eff. March 2, 1999.


HISTORICAL AND STATUTORY NOTES

2003 Main Volume

For effective date of L.1999, c. 31, see note set out under § 13:17-87.

LIBRARY REFERENCES

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Municipal Corporations  126, 131.

Westlaw Topic No. 268.

C.J.S. Municipal Corporations §§ 332 to 334, 355, 367.

N. J. S. A. 13:17-90, NJ ST 13:17-90

Current with laws effective through L.2011, c. 136 and J.R. No. 8.

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Title 13. Conservation and Development--Parks and Reservations (Refs & Annos)

▣ Chapter 17. Hackensack Meadowlands Reclamation and Development (Refs & Annos)

▣ Article 11. Meadowlands Conservation Trust

→ → **13:17-91. Powers and duties**

The Meadowlands Conservation Trust shall have the power to:

- a. Sue and be sued in its own name;
- b. Adopt a seal and alter it at pleasure;
- c. Adopt bylaws for the regulation of its affairs and the conduct of its business, and adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c. 410 (C.52:14B-1 et seq.) as necessary to implement this act;
- d. Maintain an office or offices at such place or places within the State as it may designate;
- e. Appoint such officers, who need not be trustees, in addition to a secretary and a treasurer, as the trust shall deem advisable, to establish advisory groups, and to employ such other employees, consultants, and agents, including an executive director, as may be necessary or desirable in its judgment, to fix their compensation, and to promote and discharge such officers, employees, consultants, and agents, all without regard to the provisions of Title 11A, Civil Service, of the New Jersey Statutes;
- f. Authorize, if deemed useful, the establishment by appropriate persons or organizations of a nonprofit organization or organizations exempt from taxation pursuant to section 501(c)(3) of the federal Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(3), for the purposes of assisting the trust in furthering the purposes of the trust as set forth in this act;
- g. Cooperate with and assist, insofar as practicable, any governmental entity or any private entity or person in furtherance of the purposes of the trust;
- h. Call to its assistance and avail itself of the services of such employees of any governmental entity as it may require and as may be available to it for the purpose of exercising its powers and performing its duties under this act;
- i. Incur such traveling and other miscellaneous expenses as it may deem necessary in the exercise of its powers and the performance of its duties under this act, and as may be within the limits of funds appropriated or otherwise made available to it for those purposes;
- j. Acquire in the name of the trust, hold, and dispose of personal property in the exercise of its powers and the performance of its duties under this act;
- k. Make, enter into, and perform all contracts and agreements necessary or incidental to the exercise of its powers and

the performance of its duties under this act. No contract on behalf of the trust shall be entered into for the doing of any work, or for the hiring of equipment or vehicles, if the sum to be expended exceeds the appropriate amount set forth in, or the amount calculated by the Governor pursuant to, section 2 of P.L.1954, c. 48 (C.52:34-7), unless the trust first publicly advertises for bids therefor, and awards the contract to the lowest responsible, qualified bidder; but advertising is not required if the contract to be entered into is one for furnishing or performing services of a professional nature, if there is only one source for the product or service being procured, or if the product or service is supplied or rendered by a public utility subject to the jurisdiction of the Board of Public Utilities, and tariffs and schedules of the charges made, charged, or exacted by the public utility for such products to be supplied or services to be rendered are filed with the Board of Public Utilities. The provisions of this subsection shall not prevent the trust from having any work done by its own employees, nor does it apply to repairs, or to the furnishing of materials, supplies or labor, or the hiring of equipment or vehicles, when the safety or protection of its or other public property or the public convenience requires, or the exigency of the circumstances will not admit of such advertisement. In such case the trust shall, by resolution passed by the affirmative vote of a majority of the trustees in attendance, declare the exigency or emergency to exist, and set forth in the resolution the nature thereof and the approximate amount to be expended;

*l.* Apply for and accept any grant or aid, whether from a governmental entity, a nonprofit organization, a foundation or trust, or any other public or private source, that might be or may become available for programs in furtherance of the purposes of the trust, to subscribe to and comply with any rule or regulation with respect to the application of such grant or aid, and to enter into and perform any contract or agreement with respect to the application of such grant or aid;

*m.* Solicit and to accept gifts, donations, legacies, bequests, and endowments, including but not limited to land, money, securities, or other property of value from public or private sources, to enable the trust to acquire and hold or convey land for any purpose which falls within those of the trust; and, unless otherwise specified by the person making such a gift, donation, legacy, bequest, or endowment of money or securities, to invest it in whole or in part as provided in section 6 of P.L.1999, c. 31 (C.13:17-92);

*n.* Solicit and accept rents or royalties, if appropriate, and to apply them to furthering the purposes of the trust;

*o.* Apply all moneys, assets, property, or other things of value it may receive as an incident to its operation to furthering the purposes of the trust;

*p.* Plan and implement strategies to maximize land acquisition and preservation and environmental enhancement in the Hackensack meadowlands and the Hackensack river watershed in keeping with the purposes of the trust;

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

*r.* Establish a special working relationship with the Hackensack Meadowlands Development Commission established pursuant to section 5 of P.L.1968, c. 404 (C.13:17-5) and the Hackensack Meadowlands Municipal Committee established pursuant to section 7 of P.L.1968, c. 404 (C.13:17-7) in furthering the purposes of the trust;

*s.* Establish incentive programs to encourage landowners within the Hackensack meadowlands or the Hackensack river watershed to (1) convey land to the trust or to other public or private entities seeking to preserve land in keeping with the purposes of the trust, or (2) manage their lands in keeping with the purposes of the trust;



t. Establish a volunteer stewardship program, and take all reasonable action necessary for management and maintenance of trust property;

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

v. Exercise its powers and perform its duties as required pursuant to sections 9 through 14 of P.L.1999, c. 31 (C.39:3-27.100 et seq.) pertaining to the issuance of Meadowlands conservation license plates; and

w. Do all acts and things necessary or convenient to exercising its powers and performing its duties under this act in furthering the purposes of the trust.

CREDIT(S)

L.1999, c. 31, § 5, eff. March 2, 1999.


#### HISTORICAL AND STATUTORY NOTES

2003 Main Volume

For effective date of L.1999, c. 31, see note set out under § 13:17-87.

#### LIBRARY REFERENCES

2003 Main Volume

Municipal Corporations  60.  
Westlaw Topic No. 268.  
C.J.S. Municipal Corporations §§ 138, 151.

N. J. S. A. 13:17-91, NJ ST 13:17-91

Current with laws effective through L.2011, c. 136 and J.R. No. 8.

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## Article 11. Meadowlands Conservation Trust

**→ → 13:17-92. Meadowlands Conservation Trust Fund established**

a. There is established in the Meadowlands Conservation Trust a trust fund, to be known as the "Meadowlands Conservation Trust Fund," and the moneys therein are to be held in those depositories as the State Treasurer may select. The State Treasurer shall deposit into the trust fund all moneys: (1) received as a grant or other form of aid by the trust or by the State and designated for the trust; (2) given, donated, bequeathed, or endowed to the trust from public or private sources; (3) received as rent or as a royalty by the trust or by the State on behalf of the trust; (4) received as net revenues from the Division of Motor Vehicles in the Department of Transportation in connection with the issuance of Meadowlands conservation license plates as provided pursuant to sections 9 through 14 of P.L.1999, c. 31 (C.39:3-27.100 C.39:3-27.105); and (5) appropriated or otherwise made available to the trust by the State. The moneys in the trust fund are specifically dedicated and shall be utilized only for the purposes of the trust as set forth in this act. Such grants, contributions, donations, and reimbursements from federal aid programs as may be lawfully used for the purposes of the trust as set forth in this act shall also be held in the trust fund. Moneys in the trust fund shall not be expended except in accordance with appropriations from the trust fund made by law. Any act appropriating moneys from the trust fund to acquire land shall identify the particular project or projects to be funded by the moneys, and any expenditure for a land acquisition project for which the location is not identified by municipality and county in the appropriation shall require the approval of the Joint Budget Oversight Committee or its successor. Pending their application to the purposes set forth in this act, the moneys in the trust fund shall be invested and reinvested as are trust funds in the custody of the State Treasurer, in the manner provided by law. Net earnings received from the investment or deposit of moneys in the trust fund shall be redeposited therein and become part of the trust fund to be used only for the purposes of the trust.

b. (1) No moneys in the Meadowlands Conservation Trust Fund shall be utilized for the development of any land for any purpose or for the acquisition of land that will not remain in a natural or largely natural or undeveloped state, except that up to 5% of the moneys annually received and deposited into the trust fund may be utilized to pay for development of sites to allow for public access and environmental education and interpretation and for the development of trails, and up to 2% of the moneys annually received and deposited into the trust fund may be utilized to pay for promotional and program awareness efforts.

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

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

CREDIT(S)

L.1999, c. 31, § 6, eff. March 2, 1999.


#### HISTORICAL AND STATUTORY NOTES

2003 Main Volume

For effective date of L.1999, c. 31, see note set out under § 13:17-87.

#### LIBRARY REFERENCES

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Westlaw Topic No. 360.  
C.J.S. States § 228.

N. J. S. A. 13:17-92, NJ ST 13:17-92

Current with laws effective through L.2011, c. 136 and J.R. No. 8.

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→ → **13:17-93. Legal counsel to trust**

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

CREDIT(S)

L.1999, c. 31, § 7, eff. March 2, 1999.


**HISTORICAL AND STATUTORY NOTES**

2003 Main Volume

For effective date of L.1999, c. 31, see note set out under § 13:17-87.

**LIBRARY REFERENCES**

2003 Main Volume

Attorney General  6.

Westlaw Topic No. 46.

C.J.S. Attorney General §§ 7 to 15.

N. J. S. A. 13:17-93, NJ ST 13:17-93

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▣ Article 11. Meadowlands Conservation Trust

→→ **13:17-94. Annual report**

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

## CREDIT(S)

L.1999, c. 31, § 8, eff. March 2, 1999.

## HISTORICAL AND STATUTORY NOTES

2003 Main Volume

For effective date of L.1999, c. 31, see note set out under § 13:17-87.

## LIBRARY REFERENCES

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Westlaw Topic No. 268.

C.J.S. Municipal Corporations §§ 391 to 405, 1628 to 1629.

## RESEARCH REFERENCES

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53 Am. Jur. Trials 511, Challenging Wetland Regulation of Land Development.

Treatises and Practice Aids

Bogert - The Law of Trusts and Trustees § 41, The Settlor.

35A N.J. Prac. Series § 26:4, Regional Environmental Agencies--Hackensack Meadowlands.

N. J. S. A. 13:17-94, NJ ST 13:17-94

Current with laws effective through L.2011, c. 136 and J.R. No. 8.

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