

13:1B-15

LEGISLATIVE HISTORY CHECKLIST
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(Historic Site
Council--establishes)

LAWS OF: 1967

CHAPTER: 124

Bill No: S321

Sponsor(s): Hughes

Date Introduced: February 14, 1967

Committee: Assembly: Agriculture, Conservation

Senate: Economic Development

Amended during passage: Yes Amendments denoted by asterisks.

Date of Passage: Assembly: May 8, 1967

Senate: April 17, 1967

Date of Approval: June 21, 1967

Following statements are attached if available:

Sponsor statement: No

Committee Statement: Assembly: No

Senate: No

Fiscal Note: No

Veto Message: No

Message on signing: No

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Reports: No

Hearings: No

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SENATE, No. 321

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 14, 1967

By Senators HUGHES, LYNCH, FORSYTHE and HILLERY

Referred to Committee on Economic Development,
Conservation and Agriculture

AN ACT creating and establishing in the Division of Parks, Forestry and Recreation an Historic Sites Council and the New Jersey Historic Trust, prescribing their respective functions, powers and duties, amending section 5 of P. L. 1966, chapter 54, and making an appropriation.

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

3 1. Within the Division of Parks, Forestry and Recreation of
4 the Department of Conservation and Economic Development there
5 shall be an Historic Sites Council consisting of 11 members. Each
6 member of the council shall be appointed by the Governor with
7 the advice and consent of the Senate, from among citizens of New
8 Jersey or persons otherwise associated with the State who are
9 known for their competence and experience in connection with
10 historic sites preservation and related areas, to serve for a term
11 of 4 years from the date of his appointment, except that of those
12 first appointed, one shall be appointed for a term of 1 year, 2 for
13 2 years, 4 for 3 years, and 4 for 4 years. Members of the council
14 shall serve without compensation but may be reimbursed for
15 necessary expenses incurred in the performance of their duties.
16 The members of the council shall elect annually a chairman and a
17 vice-chairman from their number. The council shall organize and
18 adopt procedures for the conduct of its business. The director or
19 an employee of the division designated by him shall serve as sec-
20 retary of the council. The chairman of the council shall be its
21 presiding officer. Any vacancies in the membership of said council
22 occurring other than by expiration of term shall be filled by the
23 Governor, with the advice and consent of the Senate, for the un-
24 expired term only. Any member of the council may be removed
25 from office by the Governor, for cause, upon notice and opportunity

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

1 to be heard.

2 2. Insofar as possible, the council shall make use of the employees
3 of the division in carrying out the provisions of this act.

4 3. The Historic Sites Council shall consult with and advise the
5 commissioner and the director with respect to the work of the
6 division.

7 The council, in addition to other powers and duties vested in it,
8 shall recommend programs and policies for:

9 a. The acquisition, development, use, improvement and extension
10 of historic sites, including archeological sites.

11 b. The development of a broad historic sites preservation pro-
12 gram on a State-wide and local basis.

13 c. The identification, authentication, protection, preservation,
14 conservation, restoration, and management of all historic sites
15 within the State.

16 4. There is hereby created and established in the Division of
17 Parks, Forestry and Recreation of the Department of Conserva-
18 tion and Economic Development, a body corporate and politic with
19 corporate succession, to be known as the New Jersey Historic
20 Trust. The trust is hereby constituted an instrumentality exercis-
21 ing public and essential governmental functions, and the exercise
22 by the trust of the powers conferred by this act shall be deemed
23 and held to be an essential governmental function of the State.

24 5. The powers and duties of the trust shall vest in and be
25 exercised by a board of 17 trustees comprised of the 11 members
26 of the Historic Sites Council, who shall serve for terms co-extensive
27 with their respective terms on the council, a member of the State
28 House Commission designated by the Governor, and, by virtue of
29 their offices, the State Treasurer, the Commissioner of the Depart-
30 ment of Conservation and Economic Development, the Chairman
31 of the Parks, Forestry and Recreation Council, the State Librarian
32 and the Commissioner of the Department of Education, or their
33 designated representatives.

34 The Chairman of the Historic Sites Council shall serve as the
35 Chairman of the Board of Trustees of the Historic Trust.

36 The concurrence of 9 members of the board shall be necessary
37 to the validity of all acts of the board.

38 6. The trustees shall serve without compensation.

39 7. The New Jersey Historic Trust shall have power:

40 (a) to sue and be sued in its own name;

41 (b) to adopt a seal and alter the same at pleasure;

42 (c) to adopt by-laws for the regulation of its affairs and the
43 conduct of its business;

1 (d) to maintain an office or offices at such place or places within
2 the State as it may designate;

3 (e) to appoint such officers, who need not be members of the
4 trust, in addition to a secretary and a treasurer, as the trust shall
5 deem advisable, and to employ such other employees and agents
6 as may be necessary or desirable in its judgment; to fix their com-
7 pensation; and to promote and discharge such officers, employees
8 and agents; all without regard to the provisions of Title 11, Civil
9 Service, of the Revised Statutes;

10 (f) to acquire in the name of the trust, hold and dispose of
11 personal property in the exercise of its powers and the perform-
12 ance of its duties under this act;

13 (g) to apply for and accept any grant of money from the Federal
14 Government, subject to the approval of the Commissioner of Con-
15 servation and Economic Development, which might be or may
16 become available for programs relating to historic sites preserva-
17 tion and to subscribe to and comply with any rule or regulation
18 made by the Federal Government with respect to the application
19 of such grant, and to enter into and perform any contract or agree-
20 ment with respect to the application of such grant; provided,
21 however, that such application and grant on behalf of the trust
22 shall not detract from, compete with or result in a reduction in the
23 amount of funds which would otherwise be available to the State
24 for historic sites programs;

25 (h) to make, enter into and perform all contracts and agreements
26 necessary or incidental to the performance of its duties and the
27 execution of its powers under this act;

28 (i) to do all acts and things necessary or convenient to carry
29 out the powers expressly granted in this act.

30 8. The trust shall have power in particular:

31 (a) to accept gifts, legacies, bequests and endowments for any
32 purpose which falls within that of the trust and unless otherwise
33 specified by the person making such gift, legacy, bequest and en-
34 dowment, the trustees may ***[expand]*** **expend** both principal
35 and income of any such gift, bequest, legacy, or endowment of money
36 in furtherance of the trust or invest the same in whole or in part
37 ***[in general obligations of the State of New Jersey]*** **in securities*
37A *which are legal for trust funds in the State of New Jersey**.

38 (b) to acquire and hold real and personal property of historic,
39 aesthetic or cultural significance, by gift, purchase, devise, bequest,
40 or by any other means and to preserve and administer such prop-
41 erties; in the acquisition of such properties, to acquire property
42 adjacent thereto deemed necessary for the proper use and adminis-
43 tration of historic, aesthetic or cultural property.

1 (c) to apply all moneys, assets, property or other things of
2 value it may receive as an incident to its operation to the general
3 purpose of the trust;

4 (d) to co-operate with and assist, insofar as practicable, any
5 agency of the State or any of its political subdivisions, and any
6 private agency or person in furtherance of the purpose of the trust;

7 (e) to give any moneys or property held by the trust to the
8 Commissioner of Conservation and Economic Development on
9 behalf of the State for purpose of administering, operating or
10 maintaining the historic sites programs of the State of New Jersey;

11 (f) to report annually to the Governor and the Legislature of
12 the State of New Jersey their activities during the preceding year
13 together with any recommendations or requests they deem ap-
14 propriate to further the purpose of the trust.

15 9. The trust may not acquire, hold, receive or accept any moneys
16 or other property, real or personal, tangible or intangible, which
17 will result in the incurrence of any financial obligations on the
18 part of the State of New Jersey which cannot be supported entirely
19 from funds available in the trust without the express approval of
20 the Commissioner of Conservation and Economic Development or
21 the Legislature.

22 10. The trustees may request, and upon request shall receive
23 from the Attorney General of the State of New Jersey, all legal
24 counsel and services necessary to carry out the purpose of the trust.

25 11. Section 5 of P. L. 1966, chapter 54 is amended to read as
26 follows:

27 5. Functions of the council. The Parks, Forestry and Recreation
28 Council shall consult with and advise the commissioner and the
29 director with respect to the work of the division.

30 The council, in addition to other powers and duties vested in it,
31 shall recommend programs and policies for:

32 a. The acquisition, development, use, improvement and extension
33 of State parks, forests[, historic sites] and recreation areas.

34 b. The development of a broad recreational program on a State-
35 wide and local basis.

36 c. The protection, preservation, conservation and management
37 of all forest resources within the State.

38 d. A State-wide comprehensive plan for meeting the needs of
39 the public for outdoor recreation.

40 e. The formulation of plans to aid the county and municipal
41 governments in the acquisition and development of lands for public
42 outdoor recreation.

43 12. If any section or sections of this act or any provision thereof

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2 value it may receive as an incident to its operation to the general
3 purpose of the trust;

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39 the public for outdoor recreation.

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41 governments in the acquisition and development of lands for public
42 outdoor recreation.

43 12. If any section or sections of this act or any provision thereof

1 shall be declared to be unconstitutional, invalid or inoperative in
2 whole or in part, such section or provision shall, to the extent that
3 it is not unconstitutional, invalid or inoperative be enforced and
4 effectuated and no such determination shall be deemed to invalidate
5 or make ineffectual the remaining provisions of the sections of
6 this act.

7 13. There is appropriated to the Department of Conservation
8 and Economic Development for the purposes of this act such sums
9 as shall be included in any general or special appropriation act.

10 14. This act shall take effect immediately.