

40:33B-1 to 40:33B-10

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40:33B-1 to 40:33B-10 "County Historical Commission Act"

LAWS OF: 1987 CHAPTER: 255

Bill No: A1403

Sponsor(s): Mazur

Date Introduced: Pre-filed

Committee: Assembly: County and Municipal Government

Senate: County and Municipal Government

Amended during passage: No

Date of Passage: Assembly: May 18, 1987

Senate: June 25, 1987

Date of Approval: August 27, 1987

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

Sponsors' statement:

This bill permits any county to establish a county historical commission to designate certain buildings as historic buildings and to acquire, preserve and operate them in its name or the name of the county.

DO NOT REMOVE FROM NJ STATE LIBRARY

ASSEMBLY, No. 1403

Introduced Pending Further Review by Legislative Counsel
PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Assemblyman MAZUR

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 91

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1984 SESSION

By Assemblymen MAZUR, BAER, FLYNN, SCHWARTZ, Assemblywoman PERUN, Assemblymen NAPLES, KERN, FELICE and Assemblywoman OGDEN

AN ACT authorizing counties to establish county historical commissions to preserve historical buildings, prescribing the membership and powers of these commissions, and supplementing Title 40 of the Revised Statutes.

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

1 1. This act shall be known and may be cited as the "County
2 Historical Commission Act."

1 2. The Legislature finds and declares that this generation is
2 obligated to future generations to maintain our historical and
3 cultural heritage by preserving historic buildings which exemplify
4 that heritage.

1 3. As used in this act:

2 a. "Commission" means a county historical commission estab-
3 lished pursuant to this act.

4 b. "Historic building" means a building or complex of buildings
5 significant to the history of the municipality, county, State or
6 nation.

7 c. "Preserve an historic building" means to restore, reconstruct,
8 renovate or maintain that building or otherwise to recreate or
9 conserve the historical character and value thereof.

1 4. a. The governing body of any county, by ordinance or resolu-
2 tion, as appropriate, may establish a county historical commission.

3 b. The commission shall consist of not fewer than five nor more

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

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendment adopted March 15, 1984.

4 than nine members appointed by the governing body. Members
 5 shall be residents of the county and shall be chosen with considera-
 6 tion of their qualifications by training or experience to discharge
 7 the duties and functions of the commission; and appointments
 8 shall be made with due consideration to maintaining a balance of
 9 community interests and of skills in the composition of the com-
 10 mission.

11 c. The governing body of a county shall designate one of the
 12 members to serve as chairman and presiding officer of the com-
 13 mission. The initial members of the commission shall be divided
 14 as nearly as possible into three equal groups, the members in each
 15 group to serve terms of one, two or three years, as designated by
 16 the governing body; succeeding appointments shall all be for three
 17 years. Each member shall serve for the term fixed pursuant to law,
 18 and until his successor is appointed and has qualified. Any vacancy
 19 occurring on the commission otherwise than by expiration of term
 20 shall be filled in the same manner as the original appointment,
 21 but for the unexpired term only.

22 d. The governing body may remove any member of the com-
 23 mission for cause, on written charges served upon the member, and
 24 after a hearing thereon at which the member is entitled to be heard
 25 in person or by counsel.

26 e. Members of the commission shall serve without compensation,
 27 but shall be entitled to reimbursement for actual expenses neces-
 28 sarily incurred in the performance of their duties as members
 29 of the commission, within the limit of funds appropriated or other-
 30 wise available for that purpose.

1 5. The commission has the power to:

2 a. Develop standards for the designation of any property, or
 3 improvement thereto, as an historic building;

4 b. Designate any appropriate parcel of real property located in
 5 the county, or any improvement to that property, as an historic
 6 building and promulgate regulations concerning the preservation
 7 and use of that property or improvement, the environment or
 8 immediate surroundings thereof, and any real property adjacent
 9 thereto, subject to the provisions of the municipal master plan
 10-11 and planning and zoning ordinances;

12 c. Acquire, in its name or the name of the county, fee simple or
 13 lesser interest in any historic building including, where necessary,
 14 any adjacent or associated real property, by purchase, bequest,
 15 donation or power of condemnation when the county governing
 16 body determines that the acquisition is in the public interest. The
 17 power of condemnation shall be exercised in accordance with the

- 18 provisions of the "Eminent Domain Act of 1971," P. L. 1971, c. 361
19 (C. 20:3-1 et seq.);
- 20 d. Preserve and operate any historic buildings under its or the
21 county's ownership and control;
- 22 e. Sell, lease or otherwise dispose of any historic building under
23 its or the county's ownership and control, subject to the right of
24 public access and other covenants;
- 25 f. Charge and collect fees and rentals for any historic building
26 under its or the county's control, which fees and rentals shall be
27 deposited with other public funds of the county;
- 28 g. Designate certain days***[**, not to exceed one per month,**]*** dur-
29 ing which time the public is permitted, upon payment of a reasonable
30 admission fee established by the commission, to visit any historic
31 building which has come under its or the county's ownership on or
32 subsequent to the effective date of this act. Leases and deeds con-
33 cerning historic buildings owned by the county or commission
34 shall provide for this easement. Admission fees shall be deposited
35 with other public funds;
- 36 h. Conduct surveys of real property situated within the county
37 for the purposes of determining which parcels thereof may be
38 designated historic buildings and gather pertinent facts concerning
39 these buildings;
- 40 i. Maintain, in collaboration with the county planning board,
41 detailed records of historic buildings classified with respect to
42 national, State or local significance, to period or field of interest,
43 and other relevant categories, and maintain detailed records of
44 improvements to and alterations of the buildings;
- 45 j. Promote and conduct educational programs, publications and
46 other activities relevant to the understanding and interpretation of
47 the historic, aesthetic or cultural significance of historic buildings
48 within the county;
- 49 k. Cooperate with and advise the county planning board and any
50 other appropriate county or municipal agency, authority, board
51 or commission concerning the preservation of historic buildings;
- 52 l. Submit recommendations to the county governing body con-
53 cerning the adoption, repeal or amendment of regulations by the
54 governing body, which regulations govern the preservation and use
55 of historic buildings, the environment or immediate surroundings
56 thereof, and any real property adjacent thereto;
- 57 m. Cooperate with, advise and assist federal, State and local
58 governmental entities, the county historical society and municipal
59 historical societies, and similar private organizations involved in
60 historic preservation, and enlist the aid of persons skilled or ex-

61 perienced in historical research and historic preservation for the
62 purpose of furthering its own activities and those of public and
63 private agencies with similar goals;

64 n. Advise owners of historic buildings on problems of preser-
65 vation;

66 o. Contract with the State and federal governments or any
67 agency, authority, board or commission of either or with any other
68 public or private agency or organization, in the pursuance of its
69 objectives; and

70 p. Take any other action not inconsistent with the provisions of
71 this act or any other law, rule or regulation, which action may be
72 necessary or expedient to carrying out its duties and functions.

1 6. Any designation effectuated or regulation promulgated pur-
2 suant to this act shall be subject to an appeal thereof to the
3 governing body of the county by the owner of the property involved.

1 7. The governing body of any county in which a county historical
2 commission is established pursuant to this act is authorized to
3 issue bonds for the purpose of assisting the commission in acquir-
4 ing in its name or the name of the county and preserving historic
5 buildings. In addition, the governing body is authorized to appro-
6 priate for the use of the commission moneys as may be raised from
7 revenue producing properties owned or operated by the com-
8 mission. The provisions of this section shall be effectuated in
9 accordance with the provisions of the "Local Bond Law," (N. J. S.
10 40A:2-1 et seq.), "Local Budget Law," (N. J. S. 40A:4-1 et seq.)
11 and the "Local Fiscal Affairs Law," (N. J. S. 40A:5-1 et seq.).

1 8. a. A county historical commission may, in the name of the
2 county and with the approval of the county governing body, apply
3 for and accept any gifts, grants or bequests, including any grants
4 from the federal government or any agency thereof, the government
5 of this State or any of its agencies, instrumentalities or political
6 subdivisions, or any foundation, corporation, association or in-
7 dividual, and may comply with the terms, conditions and limitations
8 thereof, for the purpose of carrying out any of the functions,
9 powers and duties of the commission.

10 b. Funds received pursuant to this section shall be deposited with
11 the public funds of the county and shall be budgeted, expended
12 and accounted for in accordance with the provisions of the "Local
13 Budget Law," (N. J. S. 40A:4-1 et seq.) and the "Local Fiscal
14 Affairs Law," (N. J. S. 40A:5-1 et seq.), and with any terms,
15 conditions and limitations upon which the funds are received.

1 9. The governing body of any county in which there is established
2 a county cultural and heritage commission pursuant to P. L. 1968,

3 c. 31 (C. 40:33A-2 et seq.), and in which no county historical
4 commission is established pursuant to this act may, by ordinance
5 or resolution, as appropriate, vest in the county cultural and
6 heritage commission all the powers, duties and functions exercised
7 by a county historical commission pursuant to this act.

1 10. Any rule, regulation, ordinance, resolution or standard
2 adopted or promulgated pursuant to this act and applying to an
3 historic building which is included in the National Register of
4 Historic Places or the New Jersey Register of Historic Places is
5 subject to the approval of the Commissioner of the Department of
6 Environmental Protection as conforming to the provisions of State
7 or federal laws, rules or regulations pertaining to the appropriate
8 register.

1 11. This act shall take effect immediately.

STATEMENT

This bill permits any county to establish a county historical commission to designate certain buildings as historic buildings and to acquire, preserve and operate them in its name or the name of the county.

255

87

8-21-87

ASSEMBLY, No. 1403

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Assemblyman MAZUR

AN ACT authorizing counties to establish county historical commissions to preserve historical buildings, prescribing the membership and powers of these commissions, and supplementing Title 40 of the Revised Statutes.

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

1 1. This act shall be known and may be cited as the "County
2 Historical Commission Act."

1 2. The Legislature finds and declares that this generation is
2 obligated to future generations to maintain our historical and
3 cultural heritage by preserving historic buildings which exemplify
4 that heritage.

1 3. As used in this act:

2 a. "Commission" means a county historical commission estab-
3 lished pursuant to this act.

4 b. "Historic building" means a building or complex of buildings
5 significant to the history of the municipality, county, State or
6 nation.

7 c. "Preserve an historic building" means to restore, reconstruct,
8 renovate or maintain that building or otherwise to recreate or
9 conserve the historical character and value thereof.

1 4. a. The governing body of any county, by ordinance or resolu-
2 tion, as appropriate, may establish a county historical commission.

3 b. The commission shall consist of not fewer than five nor more
4 than nine members appointed by the governing body. Members
5 shall be residents of the county and shall be chosen with considera-

6 tion of their qualifications by training or experience to discharge
7 the duties and functions of the commission; and appointments
8 shall be made with due consideration to maintaining a balance of
9 community interests and of skills in the composition of the com-
10 mission.

11 c. The governing body of a county shall designate one of the
12 members to serve as chairman and presiding officer of the com-
13 mission. The initial members of the commission shall be divided
14 as nearly as possible into three equal groups, the members in each
15 group to serve terms of one, two or three years, as designated by
16 the governing body; succeeding appointments shall all be for three
17 years. Each member shall serve for the term fixed pursuant to law,
18 and until his successor is appointed and has qualified. Any vacancy
19 occurring on the commission otherwise than by expiration of term
20 shall be filled in the same manner as the original appointment,
21 but for the unexpired term only.

22 d. The governing body may remove any member of the com-
23 mission for cause, on written charges served upon the member, and
24 after a hearing thereon at which the member is entitled to be heard
25 in person or by counsel.

26 e. Members of the commission shall serve without compensation,
27 but shall be entitled to reimbursement for actual expenses neces-
28 sarily incurred in the performance of their duties as members
29 of the commission, within the limit of funds appropriated or other-
30 wise available for that purpose.

1 5. The commission has the power to:

2 a. Develop standards for the designation of any property, or
3 improvement thereto, as an historic building;

4 b. Designate any appropriate parcel of real property located in
5 the county, or any improvement to that property, as an historic
6 building and promulgate regulations concerning the preservation
7 and use of that property or improvement, the environment or
8 immediate surroundings thereof, and any real property adjacent
9 thereto, subject to the provisions of the municipal master plan
10-11 and planning and zoning ordinances;

12 c. Acquire, in its name or the name of the county, fee simple or
13 lesser interest in any historic building including, where necessary,
14 any adjacent or associated real property, by purchase, bequest,
15 donation or power of condemnation when the county governing
16 body determines that the acquisition is in the public interest. The
17 power of condemnation shall be exercised in accordance with the
18 provisions of the "Eminent Domain Act of 1971," P. L. 1971, c. 361
19 (C. 20:3-1 et seq.);

- 20 d. Preserve and operate any historic buildings under its or the
21 county's ownership and control;
- 22 e. Sell, lease or otherwise dispose of any historic building under
23 its or the county's ownership and control, subject to the right of
24 public access and other covenants;
- 25 f. Charge and collect fees and rentals for any historic building
26 under its or the county's control, which fees and rentals shall be
27 deposited with other public funds of the county;
- 28 g. Designate certain days during which time the public is per-
29 mitted, upon payment of a reasonable admission fee established
30 by the commission, to visit any historic building which has come
31 under its or the county's ownership on or subsequent to the effec-
32 tive date of this act. Leases and deeds concerning historic build-
33 ings owned by the county or commission shall provide for this
34 easement. Admission fees shall be deposited with other public
35 funds;
- 36 h. Conduct surveys of real property situated within the county
37 for the purposes of determining which parcels thereof may be
38 designated historic buildings and gather pertinent facts concerning
39 these buildings;
- 40 i. Maintain, in collaboration with the county planning board,
41 detailed records of historic buildings classified with respect to
42 national, State or local significance, to period or field of interest,
43 and other relevant categories, and maintain detailed records of
44 improvements to and alterations of the buildings;
- 45 j. Promote and conduct educational programs, publications and
46 other activities relevant to the understanding and interpretation of
47 the historic, aesthetic or cultural significance of historic buildings
48 within the county;
- 49 k. Cooperate with and advise the county planning board and any
50 other appropriate county or municipal agency, authority, board
51 or commission concerning the preservation of historic buildings;
- 52 l. Submit recommendations to the county governing body con-
53 cerning the adoption, repeal or amendment of regulations by the
54 governing body, which regulations govern the preservation and use
55 of historic buildings, the environment or immediate surroundings
56 thereof, and any real property adjacent thereto;
- 57 m. Cooperate with, advise and assist federal, State and local
58 governmental entities, the county historical society and municipal
59 historical societies, and similar private organizations involved in
60 historic preservation, and enlist the aid of persons skilled or ex-
61 perience in historical research and historic preservation for the

62 purpose of furthering its own activities and those of public and
63 private agencies with similar goals;

64 n. Advise owners of historic buildings on problems of preser-
65 vation;

66 o. Contract with the State and federal governments or any
67 agency, authority, board or commission of either or with any other
68 public or private agency or organization, in the pursuance of its
69 objectives; and

70 p. Take any other action not inconsistent with the provisions of
71 this act or any other law, rule or regulation, which action may be
72 necessary or expedient to carrying out its duties and functions.

1 6. Any designation effectuated or regulation promulgated pur-
2 suant to this act shall be subject to an appeal thereof to the
3 governing body of the county by the owner of the property involved.

1 7. The governing body of any county in which a county historical
2 commission is established pursuant to this act is authorized to
3 issue bonds for the purpose of assisting the commission in acquir-
4 ing in its name or the name of the county and preserving historic
5 buildings. In addition, the governing body is authorized to appro-
6 priate for the use of the commission moneys as may be raised from
7 revenue producing properties owned or operated by the com-
8 mission. The provisions of this section shall be effectuated in
9 accordance with the provisions of the "Local Bond Law," N. J. S.
10 40A:2-1 et seq., "Local Budget Law," N. J. S. 40A:4-1 et seq. and
11 the "Local Fiscal Affairs Law," N. J. S. 40A:5-1 et seq.

1 8. a. A county historical commission may, in the name of the
2 county and with the approval of the county governing body, apply
3 for and accept any gifts, grants or bequests, including any grants
4 from the federal government or any agency thereof, the government
5 of this State or any of its agencies, instrumentalities or political
6 subdivisions, or any foundation, corporation, association or in-
7 dividual, and may comply with the terms, conditions and limitations
8 thereof, for the purpose of carrying out any of the functions,
9 powers and duties of the commission.

10 b. Funds received pursuant to this section shall be deposited with
11 the public funds of the county and shall be budgeted, expended
12 and accounted for in accordance with the provisions of the "Local
13 Budget Law," N. J. S. 40A:4-1 et seq. and the "Local Fiscal
14 Affairs Law," N. J. S. 40A:5-1 et seq., and with any terms,
15 conditions and limitations upon which the funds are received.

1 9. The governing body of any county in which there is established
2 a county cultural and heritage commission pursuant to P. L. 1968,

3 c. 31 (C. 40:33A-1 et seq.), and in which no county historical
4 commission is established pursuant to this act may, by ordinance
5 or resolution, as appropriate, vest in the county cultural and
6 heritage commission all the powers, duties and functions exercised
7 by a county historical commission pursuant to this act.

1 10. Any rule, regulation, ordinance, resolution or standard
2 adopted or promulgated pursuant to this act and applying to an
3 historic building which is included in the National Register of
4 Historic Places or the New Jersey Register of Historic Places is
5 subject to the approval of the Commissioner of the Department of
6 Environmental Protection as conforming to the provisions of State
7 or federal laws, rules or regulations pertaining to the appropriate
8 register.

1 11. This act shall take effect immediately.

ASSEMBLY COUNTY GOVERNMENT COMMITTEE
STATEMENT TO
ASSEMBLY, No. 1403

STATE OF NEW JERSEY

DATED: MARCH 9, 1987

The Assembly County Government Committee reports Assembly Bill No. 1403 favorably.

Assembly Bill No. 1403 permits counties to establish county historical commissions for the purposes of designating certain buildings as historic buildings, and acquiring, preserving and operating those buildings in the commission's name or the name of the county. The commission will consist of nine appointees of the governing body who are county residents and serve for three year terms without compensation.

Among its many functions, the commission will develop standards for the selection of buildings as historic, designate historic buildings and promulgate regulations concerning their preservation, acquire full or partial interest in historic buildings using the power of condemnation, where necessary, and preserve and operate any historic buildings under its or the county's ownership and control.

Any county which has established a county historical commission may raise and allocate funds to allow the commission to carry out its duties. The county may issue bonds to help the commission acquire or preserve historic buildings. The county governing body is also authorized to appropriate funds for the use of the commission, funds which have been raised from revenue producing properties owned or operated by the commission. A county historical commission may apply for and accept gifts, grants, or bequests, including any government grants, which will help the commission carry out the functions, powers, and duties ascribed to it.

In fulfilling its functions and obligations set forth in the bill, any county historical commission will be subject to the provisions of its constituent municipal master plans and planning and zoning ordinances. In addition, any rules, regulations, or other such actions taken by any commission respecting buildings which are on the National, or New Jersey Register of Historic Places will be subject to the applicable provisions of State or federal laws, rules or regulations.

This bill was pre-filed for introduction in the 1986 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE COUNTY AND MUNICIPAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1403

STATE OF NEW JERSEY

DATED: JUNE 11, 1987

The Senate County and Municipal Government reports favorably Assembly Bill No. 1403.

Assembly Bill No. 1403 permits counties to establish county historical commissions for the purposes of designating certain buildings as historic, and acquiring, preserving and operating those buildings in the commission's name or in the name of the county. The commission is to consist of nine appointees of the governing body who are county residents and shall serve for three-year terms without compensation.

Among its many functions, the commission is to develop standards for the selection of buildings as historic, designate historic buildings and promulgate regulations concerning their preservation, acquire full or partial interest in historic buildings using the power of condemnation, where necessary, and preserve and operate any historic buildings under its or the county's ownership and control.

Any county which has established a county historical commission may raise and allocate funds to allow the commission to carry out its duties. The county may issue bonds to help the commission acquire or preserve historic buildings. The county governing body is also authorized to appropriate for the commission's use funds which have been raised from revenue producing properties owned or operated by the commission. A county historical commission may apply for and accept gifts, grants or bequests, including any government grants, which will help the commission carry out the functions, powers, and duties ascribed to it.

In fulfilling its functions and obligations set forth in the bill, any county historical commission will be subject to the provisions of its constituent municipal master plans and zoning ordinances. In addition, any rules, regulations, or other such actions taken by any commission respecting buildings which are on the National Register of Historic Places or the New Jersey Register of Historic Places will be subject to the applicable provisions of State or federal laws, rules or regulations.