

13:1B-15.119

4/1/87

LEGISLATIVE HISTORY CHECKLIST

NJSA: 13:1B-15.119 (New Jersey Natural Lands Trust--
amendments)

CHAPTER 178

Laws Of: 1986

Bill No: S176

Sponsor(s): Foran

Date Introduced: Pre-filed

Committee: **Assembly:** Natural Resources
Senate: Natural Resources and Agriculture

Amended during passage: Yes Amendments during passage denoted
by asterisks

Date of Passage: **Assembly:** October 27, 1986
Senate: June 23, 1986

Date of Approval: December 9, 1986

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

12-9-86

[OFFICIAL COPY REPRINT]

SENATE, No. 176

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Senator FORAN

AN ACT concerning the New Jersey Natural Lands Trust and amending P. L. 1968, c. 425.

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

1 1. Section 1 of P. L. 1968, c. 425 (C. 13:1B-15.119) is amended
2 to read as follows:

3 1. There is hereby created and established in *but not of* the
4 Division of **[parks]** *Parks and Forestry* **[and Recreation]** of the
5 Department of Environmental Protection, a body corporate and
6 politic with corporate succession, to be known as the New Jersey
7 Natural Lands Trust. The trust is hereby constituted an instrumen-
8 tality exercising public and essential government functions and
9 the exercise by the trust of the powers conferred by this act shall
10 be deemed and held to be an essential government function of the
11 State. *The statutory goals of the trust shall include the preserva-*
12 *tion of land* **[.]*** in its natural state for enjoyment by the public*
13 *and to protect elements of natural diversity.*

1 2. Section 3 of P. L. 1968, c. 425 (C. 13:1B-15.121) is amended to
2 read as follows:

3 3. The trustees shall serve without compensation, *but the trust*
4 *may reimburse its members for necessary expenses incurred in the*
5 *discharge of their duties.*

1 3. Section 4 of P. L. 1968, c. 425 (C. 13:1B-15.122) is amended
2 to read as follows:

3 4. The New Jersey Natural Lands Trust shall have the power:

4 (a) To sue and be sued in its own name, but the trustees shall
5 be held harmless for acts performed in good faith;

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:

***—Senate committee amendments adopted May 19, 1986.**

6 (b) To adopt a seal and alter the same at pleasure;

7 (c) To adopt bylaws for the regulation of its affairs and the
8 conduct of its business;

9 (d) To maintain an office or offices at such a place or places
10 within the State as it may designate;

11 (e) To appoint such officers, who need not be members of the
12 trust, in addition to a secretary and a treasurer, as the trust
13 shall deem advisable, and to employ such other employees and
14 agents as may be necessary or desirable in its judgment, to fix
15 their compensation, and to promote and discharge such officers,
16 employees and agents all without regard to the provision of Title
17 11, Civil Service, of the Revised Statutes;

18 (f) To acquire in the name of the trust, hold and dispose of
19 *real or* personal property ***[and lands]*** in the exercise of its
20 powers and the performance of its duties under this act;

21 (g) To apply for and accept any grant of money from the fed-
22 eral government, **[subject to the approval of the Commissioner of**
23 **the Department of Environmental Protection,]** which might be or
24 may become available for programs **[relating to natural areas**
25 **preservation, research, or interpretation]** *in furtherance of its*
26 *statutory goals*, and to subscribe to and comply with any rule or
27 regulation made by the federal government with respect to the
28 application of such a grant, and to enter into and perform any
29 contract or agreement with respect to the application of such a
30 grant;

31 (h) To make, enter into and perform all contracts and agree-
32 ments necessary or incidental to the performance of its duties, *the*
33 *maintenance of its property* and the execution of its powers under
34 this act. *No contract on behalf of the trust shall be entered into for*
35 *the doing of any work, or for the hiring of equipment or vehicles,*
36 *where the sum to be expended exceeds the sum of \$7,500.00 unless*
37 *the trust first publicly advertises for bids therefore, and awards the*
38 *contract to the lowest responsible bidder; but advertising is not*
39 *required where the contract to be entered into is one for furnishing*
40 *or performing services of a professional nature, where there is*
41 *only one source for the product or service being procured or for*
42 *the supplying of any product or the rendering of any service by a*
43 *public utility subject to the jurisdiction of the Board of Public*
44 *Utilities and tariffs and schedules of the charges, made, charged,*
45 *or enacted by the public utility for such products to be supplied or*
46 *services to be rendered are filed with the board. This section does*
47 *not prevent the trust from having any work done by its own*

48 *employees, nor does it apply to repairs, or to the furnishing of*
 49 *materials, supplies or labor or the hiring of equipment or vehicles,*
 50 *when the safety or protection of its or other public property or the*
 51 *public convenience require, or the exigency of the circumstances*
 52 *will not admit of such advertisement. In such case the trust shall,*
 53 *by resolution, passed by the affirmative vote of a majority of its*
 54 *members, declare the exigency or emergency to exist, and set forth*
 55 *in the resolution the nature thereof and the approximate amount*
 56 *to be expended;*

57 (i) To do all acts and things necessary or convenient to carry
 58 out the powers expressly granted in this act;

59 (j) To hold and use all lands in said trust for educational and
 60 research purposes.

1 4. Section 5 of P. L. 1968, c. 425 (C. 13:1B-15.123) is amended to
 2 read as follows:

3 5. The trust shall have power in particular:

4 (a) To accept gifts, legacies, bequests and endowments for any
 5 purpose which falls within that of the trust and, unless otherwise
 6 specified by the person making such a gift, legacy, bequest and
 7 endowment of money in furtherance of the trust, to invest the
 8 same in whole or in part in *an interest-bearing trust account or*
 9 *general obligations of the State of New Jersey;*

10 (b) To acquire and hold real and personal property and lands
 11 significant as natural areas by gift, purchase, devise, bequest or
 12 by any other means and to preserve, interpret and administer such
 13 properties; in the acquisition of such properties, to acquire prop-
 14 erties deemed necessary for the proper use and administration of
 15 natural areas property;

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

19 (d) To cooperate with and assist, insofar as practicable, any
 20 agency of the State or any of its political subdivisions, and any
 21 private agency or person in furtherance of the purposes of the
 22 trust;

23 (e) To give any moneys or property held by the trust to the
 24 Commissioner of the Department of Environmental Protection on
 25 behalf of the State, for the purpose of administering, operating
 26 or maintaining the natural areas programs of the State of New
 27 Jersey~~];~~];

28 (f) *To establish a stewardship program, comprising committees*
 29 *of volunteers under the direction and supervision of the Board of*

30 *Trustees, and take all reasonable action necessary for maintenance*
31 *of its property, and to employ such other employees and agents as*
32 *may be required in its judgment to safeguard and maintain its*
33 *lands, all without regard to the provisions of Title 11, Civil Service,*
34 *of the Revised Statutes;*

35 *(g) To procure insurance against any losses in connection with*
36 *its property, operations or assets in such amounts and from such*
37 *insurers as it deems desirable.*

1 5. Section 7 of P. L. 1968, c. 425 (C. 13:1B-15.125) is amended to
2 read as follows:

3 7. The trust may not [hold, receive or accept any moneys or other
4 property, real or personal, tangible or intangible] *purchase any*
5 *lands directly or indirectly through the Department of Environ-*
6 *mental Protection* which will result in the incurrence of any
7 financial obligations on the part of the State of New Jersey,
8 without express approval of the Commissioner of the Department
9 of Environmental Protection or the Legislature.

1 6. This act shall take effect immediately.

NATURAL RESOURCES

Amends the New Jersey Natural Lands Trust.

30 *Trustees, and take all reasonable action necessary for maintenance*
 31 *of its property, and to employ such other employees and agents as*
 32 *may be required in its judgment to safeguard and maintain its*
 33 *lands, all without regard to the provisions of Title 11, Civil Service,*
 34 *of the Revised Statutes;*

35 *(g) To procure insurance against any losses in connection with*
 36 *its property, operations or assets in such amounts and from such*
 37 *insurers as it deems desirable.*

1 5. Section 7 of P. L. 1968, c. 425 (C. 13:1B-15.125) is amended to
 2 read as follows:

3 7. The trust may not [hold, receive or accept any moneys or other
 4 property, real or personal, tangible or intangible] *purchase any*
 5 *lands directly or indirectly through the Department of Environ-*
 6 *mental Protection* which will result in the incurrence of any
 7 financial obligations on the part of the State of New Jersey,
 8 without express approval of the Commissioner of the Department
 9 of Environmental Protection or the Legislature.

1 6. This act shall take effect immediately.

STATEMENT

This bill makes several amendments to the New Jersey Natural Lands Trust. Among those amendments are: a notation that the status of the trust is in but not of the Division of Parks and Forestry of the Department of Environmental Protection; a provision for the reimbursement of trust members for necessary expenses incurred in the discharge of their duties; and provisions granting powers to the trust to invest in interest bearing trust accounts, to establish a stewardship program and take all reasonable action necessary for maintenance of its property, to procure insurance, and to make and enter into contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers. Finally, the bill limits the restriction on the trust to purchase property only with the express approval of the Commissioner of the Department of Environmental Protection or the Legislature to only those lands purchased either directly or indirectly through the Department of Environmental Protection.

48 *employees, nor does it apply to repairs, or to the furnishing of*
49 *materials, supplies or labor or the hiring of equipment or vehicles,*
50 *when the safety or protection of its or other public property or the*
51 *public convenience require, or the exigency of the circumstances*
52 *will not admit of such advertisement. In such case the trust shall,*
53 *by resolution, passed by the affirmative vote of a majority of its*
54 *members, declare the exigency or emergency to exist, and set forth*
55 *in the resolution the nature thereof and the approximate amount*
56 *to be expended;*

57 (i) To do all acts and things necessary or convenient to carry
58 out the powers expressly granted in this act;

59 (j) To hold and use all lands in said trust for educational and
60 research purposes.

1 4. Section 5 of P. L. 1968, c. 425 (C. 13:1B-15.123) is amended to
2 read as follows:

3 5. The trust shall have power in particular:

4 (a) To accept gifts, legacies, bequests and endowments for any
5 purpose which falls within that of the trust and, unless otherwise
6 specified by the person making such a gift, legacy, bequest and
7 endowment of money in furtherance of the trust, to invest the
8 same in whole or in part in *an interest-bearing trust account or*
9 *general obligations of the State of New Jersey;*

10 (b) To acquire and hold real and personal property and lands
11 significant as natural areas by gift, purchase, devise, bequest or
12 by any other means and to preserve, interpret and administer such
13 properties; in the acquisition of such properties, to acquire prop-
14 erties deemed necessary for the proper use and administration of
15 natural areas property;

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

19 (d) To cooperate with and assist, insofar as practicable, any
20 agency of the State or any of its political subdivisions, and any
21 private agency or person in furtherance of the purposes of the
22 trust;

23 (e) To give any moneys or property held by the trust to the
24 Commissioner of the Department of Environmental Protection on
25 behalf of the State, for the purpose of administering, operating
26 or maintaining the natural areas programs of the State of New
27 Jersey[.];

28 (f) *To establish a stewardship program, comprising committees*
29 *of volunteers under the direction and supervision of the Board of*

ASSEMBLY ENERGY AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO

SENATE, No. 176

with Senate committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 9, 1986

The Assembly Energy and Natural Resources Committee favorably reports Senate Bill No. 176 Sca.

This bill would amend P. L. 1968, c. 425 (C. 13:1B-15.119 et seq.), which created the New Jersey Natural Lands Trust. The amendments would: note that the status of the trust is in but not of the Division of Parks and Forestry of the Department of Environmental Protection; authorize the reimbursement of trust members for necessary expenses incurred in the discharge of their duties; grant powers to the trust to invest in interest bearing trust accounts; to establish a stewardship program; to take all reasonable action necessary for maintenance; and to make and enter into contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers. Finally, the bill would limit the restriction on the trust to purchase property only with the expressed approval of the Commissioner of the Department of Environmental Protection or the Legislature to only those lands purchased either directly or indirectly through the Department of Environmental Protection.

SENATE NATURAL RESOURCES AND AGRICULTURE
COMMITTEE

STATEMENT TO

SENATE, No. 176

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MAY 19, 1986

The Senate Natural Resources and Agriculture Committee favorably reported Senate Bill No. 176 with amendments.

As amended by the committee, this bill would amend P. L. 1968, c. 425 (C. 13:1B-15.119 et seq.), which created the New Jersey Natural Lands Trust. The amendments would: note that the status of the trust is in but not of the Division of Parks and Forestry of the Department of Environmental Protection; authorize the reimbursement of trust members for necessary expenses incurred in the discharge of their duties; and grant powers to the trust to invest in interest bearing trust accounts, to establish a stewardship program and take all reasonable action necessary for maintenance, and to make and enter into contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers. Finally, the bill would limit the restriction on the trust to purchase property only with the express approval of the Commissioner of the Department of Environmental Protection or the Legislature to only those lands purchased either directly or indirectly through the Department of Environmental Protection.

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