

40:10B-1 to 40:10B-3

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40:10B-1 to 40:10B-3; 40A:4-45.18 ("Historic Cemeteries Act" - permit county and municipal appropriations for maintenance)

LAWS OF: 1983 **CHAPTER:** 294

Bill No: A1771

Sponsor(s): Smith, Kavanaugh and Palaia

Date Introduced: August 5, 1982

Committee: **Assembly:** County Government
Senate: Energy and Environment

Amended during passage: YES Amendments during passage denoted by asterisks

Date of Passage: **Assembly:** October 25, 1982
Senate: June 16, 1982

Date of Approval: August 4, 1983

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

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 1771

STATE OF NEW JERSEY

INTRODUCED AUGUST 5, 1982

By Assemblymen SMITH, KAVANAUGH and PALAIA

AN ACT concerning the restoration, maintenance and preservation
of certain cemeteries.

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 "Historic
2 Cemeteries Act."

1 2. ***[a.]*** The Legislature finds that within the State of New
2 Jersey, there are ***[a considerable number of]*** **many** historic
3 cemeteries in which are interred the bodies of citizens who settled
4 and first developed the colonial lands of East Jersey and West
5 Jersey, fought to secure and preserve ***[the]*** freedom and liberty
6 ***[we today enjoy]***, contributed to the historic and cultural
7 development and evolution of the State, its counties and munic-
8 ipalities, and participated in events of historical and cultural im-
9 portance and significance.

10 ***[b.]*** The Legislature further finds that ***[due to the fact that**
11 **there are]*** **because of a lack of** no funds available to restore,
12 maintain and preserve many of these historic cemeteries, they have
13 fallen into disrepair, disorder and decay.

14 ***[c.]*** The Legislature ***[determines]*** **further finds** that such
15 cemeteries serve to remind us of our cultural and historical heritage,
16 rekindle an awareness of the difficult struggles and unique achieve-
17 ments of preceding generations, and renew, in each succeeding
18 generation, an appreciation and an understanding of the patterns
19 of our State and local history.

20 ***[d.]*** The Legislature, therefore, declares that it is altogether

**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 March 7, 1983.**

21 fitting and proper, and ***[within]*** **in** the public interest, to en-
 22 able local governmental units ***[in this State]*** to assist in the
 23 restoration, maintenance and preservation of such cemeteries.

1 ***[3. As used in this act, "Historic cemetery" means any place of**
 2 local historical or cultural value, not owned by the State or by any
 3 county or municipality or by any religious corporation or associa-
 4 tion, in which the bodies of veterans of the Colonial Wars, the War
 5 of Independence, the War of 1812, the Mexican War, the Civil War,
 6 the Spanish-American War, or World War I, or of other prominent
 7 citizens or residents of the State or of the Colony of East Jersey
 8 or West Jersey, have been interred; and in which not more than
 9 10% of the interments have been made later than 1880, and no
 10 interment has been made within the preceding 50 years; and for
 11 which there are no funds available for regular physical mainte-
 12 nance or preservation.]*

1 ***[4.]*** **3.** The governing body of any county or municipality
 2 may provide for the restoration, maintenance and preservation of
 3 any historic cemetery ***[lying]*** **located** within its borders. **As*
 4 *used in this act "historic cemetery" means a cemetery not owned by*
 5 *the State, a county, municipality, or religious corporation or asso-*
 6 *ciation, in which are interred the remains of prominent citizens or*
 7 *residents of the State or of the Colony of East Jersey or the Colony*
 8 *of West Jersey, or veterans of the Colonial Wars, the War of*
 9 *Independence, the War of 1812, the Mexican-American War, the*
 10 *Civil War, the Spanish-American War, or World War I, in which*
 11 *not more than 10% of the interments have been made after 1880,*
 12 *in which no interment has been made for 50 years, and for which no*
 13 *funds are available for regular maintenance or preservation.**

14 a. ***[In the case of a county, the]*** **The** governing body **of a*
 15 *county** may annually appropriate an amount not to exceed
 16 \$10,000.00 for the restoration, maintenance and preservation of
 17 historic cemeteries ***[lying]*** **located** within its borders; pro-
 18 vided, however, that no governing body shall expend annually an
 19 amount in excess of \$500.00 to restore, maintain or preserve any one
 20 cemetery.

21 b. ***[In the case of a municipality, the]*** **The** governing body
 22 **of a municipality** may annually appropriate an amount not to
 23 exceed \$3,000.00 for the restoration, maintenance and preservation
 24 of historic cemeteries ***[lying]*** **located** within its borders; pro-
 25 vided, however, that no governing body shall expend annually an
 26 amount in excess of \$500.00 to restore, maintain or preserve any
 27 one cemetery.

1 ***[5. In addition to the exceptions from the budget limitations on**

2 final appropriations permitted under sections 3 and 4 of P. L. 1976,
3 c. 68 (C. 40A:4-45.3 and 40A:4-45.4), the amount any county or
4 municipality appropriates to restore, maintain or preserve historic
5 cemeteries pursuant to the provisions of section 4 of P. L.,
6 c. . . . (C.) (now pending before the Legislature as As-
7 sembly Bill No. 1771 of 1982) shall also be excepted from those
8 limitations.]*

1 *4. Any expenditures made by a county or municipality to re-
2 store, maintain or preserve historic cemeteries pursuant to P. L.
3, c. (C.) (now pending before the Legisla-
4 ture as Assembly Bill No. 1771 of 1982) shall be excepted from the
5 limitations contained in P. L. 1976, c. 68 (C. 40A:4-45.1 et seq.).*

1 ***[6.]*** *5.* This act shall take effect immediately.

ASSEMBLY, No. 1771

STATE OF NEW JERSEY

INTRODUCED AUGUST 5, 1982

By Assemblymen SMITH, KAVANAUGH and PALAIA

AN ACT concerning the restoration, maintenance and preservation
of certain cemeteries.

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 "Historic
2 Cemeteries Act."

1 2. a. The Legislature finds that within the State of New Jersey,
2 there are a considerable number of historic cemeteries in which
3 are interred the bodies of citizens who settled and first developed
4 the colonial lands of East Jersey and West Jersey, fought to secure
5 and preserve the freedom and liberty we today enjoy, contributed
6 to the historic and cultural development and evolution of the State,
7 its counties and municipalities, and participated in events of his-
8 torical and cultural importance and significance.

9 b. The Legislature further finds that due to the fact that there
10 are no funds available to restore, maintain and preserve many of
11 these historic cemeteries, they have fallen into disrepair, disorder
12 and decay.

13 c. The Legislature determines that such cemeteries serve to
14 remind us of our cultural and historical heritage, rekindle an
15 awareness of the difficult struggles and unique achievements of
16 preceding generations, and renew, in each succeeding generation,
17 an appreciation and an understanding of the patterns of our State
18 and local history.

19 d. The Legislature, therefore, declares that it is altogether fit-
20 ting and proper, and within the public interest, to enable local

21 governmental units in this State to assist in the restoration, main-
22 tenance and preservation of such cemeteries.

1 3. As used in this act, "Historic cemetery" means any place of
2 local historical or cultural value, not owned by the State or by any
3 county or municipality or by any religious corporation or associa-
4 tion, in which the bodies of veterans of the Colonial Wars, the War
5 of Independence, the War of 1812, the Mexican War, the Civil War,
6 the Spanish-American War, or World War I, or of other prominent
7 citizens or residents of the State or of the Colony of East Jersey
8 or West Jersey, have been interred; and in which not more than
9 10% of the interments have been made later than 1880, and no
10 interment has been made within the preceding 50 years; and for
11 which there are no funds available for regular physical mainte-
12 nance or preservation.

1 4. The governing body of any county or municipality may pro-
2 vide for the restoration, maintenance and preservation of any
3 historic cemetery lying within its borders.

4 a. In the case of a county, the governing body may annually
5 appropriate an amount not to exceed \$10,000.00 for the restoration,
6 maintenance and preservation of historic cemeteries lying within
7 its borders; provided, however, that no governing body shall ex-
8 pend annually an amount in excess of \$500.00 to restore, maintain
9 or preserve any one cemetery.

10 b. In the case of a municipality, the governing body may annu-
11 ally appropriate an amount not to exceed \$3,000.00 for the restora-
12 tion, maintenance and preservation of historic cemeteries lying
13 within its borders; provided, however, that no governing body shall
14 expend annually an amount in excess of \$500.00 to restore, main-
15 tain or preserve any one cemetery.

1 5. In addition to the exceptions from the budget limitations on
2 final appropriations permitted under sections 3 and 4 of P. L. 1976,
3 c. 68 (C. 40A:4-45.3 and 40A:4-45.4), the amount any county or
4 municipality appropriates to restore, maintain or preserve historic
5 cemeteries pursuant to the provisions of section 4 of P. L. . . . ,
6 c. . . . (C.) (now pending before the Legislature as As-
7 sembly Bill No. 1771 of 1982) shall also be excepted from those
8 limitations.

1 6. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to permit counties and municipalities to appropriate moneys to restore, maintain and preserve historic cemeteries lying within their borders.

Under the provisions of this bill, counties may appropriate up to \$10,000.00 and municipalities, up to \$3,000.00 to restore, maintain and preserve historic cemeteries. The bill provides, however, that no more than \$500.00 may be expended on any one cemetery.

The bill further provides that any moneys appropriated for historic cemeteries are to be exempt from the spending limitations imposed by the local cap law, P. L. 1976, c. 68 (C. 40A:4-45.1 et seq.).

[SENATE REPRINT]

ASSEMBLY, No. 1771

STATE OF NEW JERSEY

INTRODUCED AUGUST 5, 1982

By Assemblymen SMITH, KAVANAUGH and PALAIA

AN ACT concerning the restoration, maintenance and preservation
of certain cemeteries.

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 "Historic
2 Cemeteries Act."

1 2. ***[a.]*** The Legislature finds that within the State of New
2 Jersey, there are ***[a considerable number of]*** **many** historic
3 cemeteries in which are interred the bodies of citizens who settled
4 and first developed the colonial lands of East Jersey and West
5 Jersey, fought to secure and preserve ***[the]*** freedom and liberty
6 ***[we today enjoy]***, contributed to the historic and cultural
7 development and evolution of the State, its counties and munici-
8 palities, and participated in events of historical and cultural im-
9 portance and significance.

10 ***[b.]*** The Legislature further finds that ***[due to the fact that**
11 **there are]*** **because of a lack of** no funds available to restore,
12 maintain and preserve many of these historic cemeteries, they have
13 fallen into disrepair, disorder and decay.

14 ***[c.]*** The Legislature ***[determines]*** **further finds** that such
15 cemeteries serve to remind us of our cultural and historical heritage,
16 rekindle an awareness of the difficult struggles and unique achieve-
17 ments of preceding generations, and renew, in each succeeding
18 generation, an appreciation and an understanding of the patterns
19 of our State and local history.

20 ***[d.]*** The Legislature, therefore, declares that it is altogether

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 March 7, 1983.

21 fitting and proper, and ***[within]*** **in** the public interest, to en-
 22 able local governmental units ***[in this State]*** to assist in the
 23 restoration, maintenance and preservation of such cemeteries.

1 ***[3. As used in this act, "Historic cemetery" means any place of**
 2 local historical or cultural value, not owned by the State or by any
 3 county or municipality or by any religious corporation or associa-
 4 tion, in which the bodies of veterans of the Colonial Wars, the War
 5 of Independence, the War of 1812, the Mexican War, the Civil War,
 6 the Spanish-American War, or World War I, or of other prominent
 7 citizens or residents of the State or of the Colony of East Jersey
 8 or West Jersey, have been interred; and in which not more than
 9 10% of the interments have been made later than 1880, and no
 10 interment has been made within the preceding 50 years; and for
 11 which there are no funds available for regular physical mainte-
 12 nance or preservation.]*

1 ***[4.]*** **3.** The governing body of any county or municipality
 2 may provide for the restoration, maintenance and preservation of
 3 any historic cemetery ***[lying]*** **located** within its borders. **As*
 4 *used in this act "historic cemetery" means a cemetery not owned by*
 5 *the State, a county, municipality, or religious corporation or asso-*
 6 *ciation, in which are interred the remains of prominent citizens or*
 7 *residents of the State or of the Colony of East Jersey or the Colony*
 8 *of West Jersey, or veterans of the Colonial Wars, the War of*
 9 *Independence, the War of 1812, the Mexican-American War, the*
 10 *Civil War, the Spanish-American War, or World War I, in which*
 11 *not more than 10% of the interments have been made after 1880,*
 12 *in which no interment has been made for 50 years, and for which no*
 13 *funds are available for regular maintenance or preservation.**

14 a. ***[In the case of a county, the]*** **The** governing body **of a*
 15 *county** may annually appropriate an amount not to exceed
 16 \$10,000.00 for the restoration, maintenance and preservation of
 17 historic cemeteries ***[lying]*** **located** within its borders; pro-
 18 vided, however, that no governing body shall expend annually an
 19 amount in excess of \$500.00 to restore, maintain or preserve any one
 20 cemetery.

21 b. ***[In the case of a municipality, the]*** **The** governing body
 22 **of a municipality** may annually appropriate an amount not to
 23 exceed \$3,000.00 for the restoration, maintenance and preservation
 24 of historic cemeteries ***[lying]*** **located** within its borders; pro-
 25 vided, however, that no governing body shall expend annually an
 26 amount in excess of \$500.00 to restore, maintain or preserve any
 27 one cemetery.

1 ***[5. In addition to the exceptions from the budget limitations on**

2 final appropriations permitted under sections 3 and 4 of P. L. 1976,
 3 c. 68 (C. 40A:4-45.3 and 40A:4-45.4), the amount any county or
 4 municipality appropriates to restore, maintain or preserve historic
 5 cemeteries pursuant to the provisions of section 4 of P. L.,
 6 c. . . . (C.) (now pending before the Legislature as As-
 7 sembly Bill No. 1771 of 1982) shall also be excepted from those
 8 limitations.]*

1 *4. Any expenditures made by a county or municipality to re-
 2 store, maintain or preserve historic cemeteries pursuant to P. L.
 3, c. (C.) (now pending before the Legisla-
 4 ture as Assembly Bill No. 1771 of 1982) shall be excepted from the
 5 limitations contained in P. L. 1976, c. 68 (C. 40A:4-45.1 et seq.)*

1 ***[6.]*** *5.* This act shall take effect immediately.

ASSEMBLY COUNTY GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1771

STATE OF NEW JERSEY

DATED: SEPTEMBER 30, 1982

Assembly Bill No. 1771 would allow the governing body of a county or municipality to annually appropriate funds to restore, maintain and preserve historic cemeteries within its borders. A county may appropriate up to \$10,000.00, and a municipality up to \$3,000.00, for this purpose. No more than \$500.00 may be expended on any one cemetery in either case.

The bill further provides that any funds, so appropriated, are to be exempt from the Local Government Cap Law, P. L. 1976, c. 68 (C. 40A:4-45.1 et seq.).

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1771

STATE OF NEW JERSEY

DATED: MARCH 7, 1983

Assembly Bill No. 1771 permits counties and municipalities to appropriate funds to restore, maintain and preserve historic cemeteries. Counties are permitted to appropriate up to \$10,000.00, and municipalities up to \$3,000.00 for this preservation. The bill provides, however, that no more than \$500.00 may be expended on any one historic cemetery. In addition, the bill provides that funds appropriated for the preservation of historic cemeteries are to be exempt from the spending limitations imposed by the county and municipal "Caps" law, P. L. 1976, c. 68 (C. 40A:4-45.1 et seq.). This bill would apply to cemeteries not owned by the State, a county, municipality, or religious corporation or association, in which are interred the remains of prominent citizens or residents of the State or of the Colony of East Jersey or the Colony of West Jersey, or veterans of the Colonial Wars, the War of Independence, the War of 1812, the Mexican-American War, the Civil War, the Spanish-American War, or World War I, in which not more than 10% of the interments have been made after 1880, in which no interment has been made for 50 years, and for which no funds are available for regular maintenance or preservation.

S-1757, A-2057, S-1573, A-1538, S-1130, S-1887, A-1771 and A-1963

THURSDAY, AUGUST 4, 1983

PAGE THREE

S-1887, sponsored by Senator Matthew Feldman, D-Bergen, to permit a limited registration as a broker dealer or agent under the securities law to sell certain tax sheltered securities.

A-1771, sponsored by Assemblyman Elliott Smith, R-Somerset, to permit counties and municipalities to donate funds to restore and maintain historic cemeteries within their borders.

A-1963, sponsored by Assemblyman Robert Littell, R-Sussex, to create an eight-member commission to study the establishment of a Monorail Authority and operate a State monorail system.

#

#

#