

40:10A-1 to 40:10A-8

LEGISLATIVE HISTORY CHECKLIST

NJSA 40:10A-1 to 40:10A-8 ("Local Historians Enabling Act")

LAWS OF 1979 CHAPTER 59

Bill No. A604

Sponsor(s) Burgio and Remington

Date Introduced February 9, 1979

Committee: Assembly County Government

Senate County & Municipal Government

Amended during passage Yes ~~xx~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly May 4, 1979

Senate Feb. 22, 1979

Date of approval March 27, 1979

Following statements are attached if available:

Sponsor statement Yes ~~xxx~~ (Below)

Committee Statement: Assembly Yes ~~xxx~~

Senate Yes ~~xxx~~

Fiscal Note ~~Yes~~ No

Veto message ~~Yes~~ No

Message on signing ~~Yes~~ No

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

Sponsor's statement:

The purpose of this bill is expressed in its title.

EJ

2/1/78

Do Not Remove From Library
DEPOSITORY COPY

59 77
3-27-77

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 604

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 9, 1978

By Assemblywoman BURGIO and Assemblyman REMINGTON

Referred to Committee on County Government

AN ACT enabling municipalities and counties to **[**appoint municipal and county**]** *establish the position of local* historian, prescribing **[**their**]** *the* responsibilities and duties **[**as respects archives, landmarks and historiography**]** *thereof* 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 "Local His-
2 torians Enabling Act."

1 2. The Legislature of the State finds that a New Jersey His-
2 torical Commission, New Jersey Bicentennial Commission, New
3 Jersey Cemetery Board, New Jersey Register of Historic Places,
4 State Archivist, and county cultural and heritage commissions have
5 been created, with special interests for historiography, bicen-
5A nial celebration, ancient cemetery maintenance, landmarks preser-
6 vation, archives, preservation, and county heritage, **[**so as**]**
7 *in order* to encourage an appreciation, understanding and
8 communication of our State heritage and identity. Notwithstanding
9 programs enlisting the aid of individuals and private associations,
10 the Legislature finds that increased participation to encourage
11 these efforts is necessary**[**. It is the sense of this Legislature that
12 it**]** *, and that the State* has an obligation to present and
13 future generations to encourage its citizens to appreciate our
14 cultural, historic and architectural heritage.

1 3. It is hereby declared as a matter of public policy that each
2 municipality and county may participate to increase the education,
3 appreciation and communication of our heritage through local

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

4 historians, ****[as a necessity]**** ***in such manner as*** to reflect
 5 the special character or special historic or cultural development
 6 within each municipality and county, in the interest of the recrea-
 7 tion, education, inspiration and enrichment of the citizens of
 8 this State.

1 4. The governing body of any county or municipality may ****,**** by
 2 ordinance or resolution, ****[establish and appoint a county his-**
 3 **torian or municipal historian]**** ***as appropriate, establish the*
 3A *position of local historian***. The local historian shall serve without
 4 compensation, ****[except for reasonable expenses which may be**
 5 **reimbursed for efforts in connection with their work, unless com-**
 6 **pen-sation shall be provided by the governing body of the county or**
 7 **municipality under said ordinance or resolution enabling the**
 8 **appointment of a local historian. The local historian shall be**
 9 **appointed for a term of 3 years, by the mayor or chief executive**
 10 **officer of the county or municipality, who may also remove the**
 11 **local historian for cause, upon delivery of written charges served**
 12 **to the person and after a hearing thereon at which the historian**
 13 **shall be entitled to be heard in person or by counsel. A vacancy**
 14 **in the position of local historian may be filled for the unexpired**
 15 **portion of the term in the same manner as an original appoint-**
 16 **ment.]** ****, *but the governing body may annually appropriate such*
 17 *funds as may be necessary to reimburse a local historian for*
 18 *expenses incurred in the performance of the duties and responsi-*
 19 *bilities set forth in the act. The local historian shall be appointed*
 20 *in the manner generally provided by law for appointments of the*
 21 *local unit, and shall serve at the pleasure of the appointing*
 22 *authority.***

1 5. Any county which shall have established a county cultural and
 2 heritage commission pursuant to P. L. 1968, c. 31 (C. 40:33A-1
 3 et seq.) may, in lieu of ****[creating a county]**** ***establishing the*
 4 *position of local*** historian, by ordinance or resolution^{**}, *as appro-*
 5 *priate,*** vest in the chairperson of the commission all the duties
 6 and responsibilities provided in this act for ****[county]**** ***local***
 7 historians ***of counties*** to be exercised in addition to those pro-
 8 vided in P. L. 1968, c. 31 (C. 40:33A-1 et seq.).

1 ****[6. In the event a county *[board of chosen freeholders]***
 2 ***governing body* establishes and appoints a county historian in a**
 3 **county wherein one or more municipalities shall have appointed a**
 4 **local historian, or where a municipality shall have appointed sub-**
 5 **sequently a local historian, the county historian may only assist the**
 6 **municipal historian upon request. Where no municipality has**

7 appointed a local historian, or during a vacancy in the position of
8 municipal historian, the county historian shall be responsible within
9 that jurisdiction and may advise the governing body as herein pro-
10 vided. Otherwise, the county historian shall be responsible to the
11 board of chosen freeholders only as it shall herein be provided.】**

12 **6. Whenever the governing body of a county shall establish
13 the position of local historian for the county as herein provided,
14 and one or more municipalities within such county shall establish
15 the position of local historian for such municipality or municipali-
16 ties, as the case may be, the county local historian may assist the
17 local historian or historians of such municipality or municipalities
18 only upon request. Where any municipality in any county has not
19 so established such position, or where there exists a vacancy in
20 such position in any municipality, the local historian of the county
21 may advise the governing body of any such municipality as herein
22 provided. Otherwise, the local historian of the county shall be
23 responsible only to the governing body of the county, as herein
24 provided.**

1 7. A **【county historian or municipal】** **local** historian shall
2 have the following powers and responsibilities, **【unless】**
3 **except** as otherwise provided **【for or limited】** in the
4 ordinance **or resolution** creating the position:

5 a. To carry out an historical program, including but not restricted
6 to collecting, preserving and making available materials relating
7 to the history of the **【political subdivision in which he is ap-
8 pointed】** **local unit**. The historian shall store such materials
9 in **【a way】** **such manner** as to insure their preservation,
10 and shall notify the State Archivist, New Jersey Historical Com-
11 mission, county **local** historian and local governing body of
12 any materials which should be acquired for preservation. Upon
13 **【removal or retirement】** **leaving the position**, the local
14 historian shall turn over all materials and records and reports into
15 the possession of the successor, if then appointed, or to the govern-
16 ing body until a successor shall be appointed;

17 b. The local historian shall make an annual report to the **chief**
18 executive officer **and governing body of the local unit** **【, and
19 a copy shall be furnished to the New Jersey Historical Commis-
20 sion,】** stating all the work performed and accomplished during
21 that year. **The local historian shall transmit a copy of such
22 report to the New Jersey Historical Commission.** The New
23 Jersey Historical Commission may advise each county historian
24 and municipal historian of general guidelines along which their
25 historical program may be implemented;

26 c. The **["county historian and municipal]"** **local** historian
 27 may research, write and cause to have published a county or
 28 municipal history, **[or]"** **and** may recommend appropriate
 29 **historical** materials for publication**["**, including historical
 30 work that may be commissioned to be done**]"**;

31 d. The local historian may assist a landmark commission, as
 32 well as advise the governing body**,"** **concerning** the acquisition,
 33 administration, use and disposition of any landmark, or historic
 34 site, including such places in his jurisdiction included on the New
 35 Jersey Register of Historic Places. Such advice **["shall extend]"**
 36 **may be furnished** to the Historic Sites Section, Department of
 37 Environmental Protection**["**, or appropriate authority**]"**;

38 e. The local historian shall assist in projects of commemoration,
 39 including the erection of monuments, historic markers and guide
 40 signs.

1 **["8. The governing body may appropriate sums to employ clerks**
 2 **and other employees as may assist the local historian in his work,**
 3 **upon specific application by the historian to the governing body**
 4 **in the annual report.]"**

5 **8. The local historian may employ such clerical assistants as**
 6 **may be necessary in order to carry out the duties and responsi-**
 7 **bilities set forth in this act, within the limits of such funds as may**
 8 **be made available by the governing body for such purposes in the**
 9 **annual budget of the local unit."**

1 **["9. Nothing contained in this act shall be taken to impair or**
 2 **repeal other existing acts of the State of New Jersey. Any portion**
 3 **of this act held to be invalid shall not affect the remaining provi-**
 4 **sions herewith contained.]"**

1 **["10.]"** **9. This act shall take effect immediately.**

ASSEMBLY COUNTY GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 604

—◆—
STATE OF NEW JERSEY
—◆—

DATED: APRIL 19, 1978

The purpose of this bill is adequately expressed in its title.

The committee amendments are technical in nature and serve only to make the bill conform with the Optional County Charter Law N. J. S. 40:41A-1 et seq.

SENATE COUNTY AND MUNICIPAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 604

with Assembly committee amendments and
Senate committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 25, 1979

Assembly Bill No. 604 would authorize counties and municipalities to establish the position of local historian. The local historian would serve without compensation, but the local governing body may by annual appropriation reimburse the local historian for expenses incurred.

The bill sets forth the duties and responsibilities of the position, including the preservation of historical materials, the preparation and publication of a local history and of other historical materials, the provision of advice concerning historical landmarks, and assisting in commemorative projects. The local historian would be required to report annually to the chief executive officer and governing body of the local unit, and to the New Jersey Historical Commission.

The bill contains provisions designed to address jurisdictional questions which might arise between a county local historian and local historians of municipalities within the county. The county local historian would act as historical adviser to municipalities within the county which have no local historian, but may advise a municipal local historian only upon request.

In counties having a cultural and heritage commission, the county could vest the duties and responsibilities of county local historian in the chairperson of such commission.

The bill would permit a local historian to employ necessary clerical assistants within the limits of funds made available in the annual local budget for such purposes.

The Senate committee amendments, although extensive, are, for the most part, designed to rectify various language difficulties and other errors in the bill, and are not designed to alter the intent of the bill.

The committee amendments would assure uniform budget control in the local unit with respect to the expenses incurred by such local historians. The amendments would also delete the provisions of the bill setting forth a specific term of office for a local historian, since the committee did not believe that such was appropriate in the case of an uncompensated position. The amendments would provide that the local historian would serve at the pleasure of the appointing authority.