

13:15A-1 to 13:15A-9

LEGISLATIVE HISTORY CHECKLIST

(U.S.S. New Jersey  
Battleship Commission  
Act)

WASA 13:15A-1 to 13:15A-9

LAIS OF 1979

CHAPTER 440

Bill No. A.1728

Sponsor(s) Dowd and others

Date Introduced October 16, 1978

Committee: Assembly State Gov't, Federal & Interstate Relations & Veterans Affairs  
Senate State Gov't, Federal & Interstate Relations & Veterans Affairs

Amended during passage Yes  Amendments during passage denoted by asterisks

Date of Passage: Assembly January 25, 1979

Senate December 3, 1979

Date of approval February 21, 1980

Following statements are attached if available:

Sponsor statement	Yes	<input checked="" type="checkbox"/>	Also attached: Senate amendments adopted 11-29-79 & 12-3-79 (with statements) 6-11-79 & 8-2-79
Committee Statement: Assembly	Yes	<input checked="" type="checkbox"/>	
Senate	Yes	<input checked="" type="checkbox"/>	
Fiscal Note	Yes	<input checked="" type="checkbox"/>	
Veto message	<input checked="" type="checkbox"/>	No	
Message on signing	<input checked="" type="checkbox"/>	No	
Following were printed:			
Reports	Yes	<input checked="" type="checkbox"/>	
Hearings	<input checked="" type="checkbox"/>	No	

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[OFFICIAL COPY REPRINT]  
ASSEMBLY, No. 1728

STATE OF NEW JERSEY

INTRODUCED OCTOBER 16, 1978

By Assemblymen DOWD, DEVERIN, Assemblywoman MUHLER,  
Assemblymen NEWMAN, KOZLOSKI, FLYNN, DOYLE,  
GORMLEY, KERN, EDWARDS, VILLANE and HURLEY

Referred to Committee on State Government, Federal and  
Interstate Relations and Veterans Affairs

AN ACT to provide \***[**for the establishment of a State memorial  
park**]**\* for the preservation and exhibition of the battleship  
U.S.S. New Jersey as a permanent historical monument, creat-  
ing the U.S.S. New Jersey Battleship Commission and prescrib-  
ing the functions, powers and duties thereof.

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 "U.S.S. New  
2 Jersey Battleship Commission Act."

1 2. It is hereby determined and declared:

2 a. In order to perpetuate the memory of the U.S.S. New Jersey  
3 in the minds of the people of this State and the Nation, this State  
4 should create and appoint a U.S.S. New Jersey Battleship Com-  
5 mission which should be charged with *\*assisting in\** the location  
6 and creation of a permanent historical monument.

7 b. The preservation of this battleship as a monument would be  
8 of great educational interest and value to the people of New Jersey  
9 and of the nation and would perpetuate the proud tradition of this  
10 ship named in honor of the State of New Jersey.

1 \***[**3. In this act, except as the context clearly requires or indi-  
2 cates otherwise:

3 a. "Commission" means the U.S.S. New Jersey Battleship  
4 Commission established by this act.

5 b. "Project" means an acquisition, improvement, construction  
6 or development of property for the purpose of establishing, op-  
7 erating and maintaining the State memorial park provided for in  
8 this act.

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

9 c. "Bonds" means bonds of the commission authorized under  
10 the provisions of this act.】\*

1 \*【4. a. There is hereby established in the Department of Environ-  
2 mental Protection a body corporate and politic with corporate  
3 succession, to be known as the U.S.S. New Jersey Battleship Com-  
4 mission. The commission is hereby constituted an instrumentality  
5 exercising public and essential governmental functions, and the  
6 exercise by the commission of the powers conferred by this act  
7 shall be deemed and held to be an essential governmental function  
8 of the State.

9 b. The purpose of the commission shall be to establish, operate  
10 and maintain a State memorial park to honor the valor and services  
11 of New Jerseyans who served their country in the Armed Forces  
12 of the United States, and to this end it shall acquire, transport,  
13 berth, renovate, equip, maintain and exhibit the battleship U.S.S.  
14 New Jersey as a permanent memorial and as the principal and  
15 focal element of the said memorial park.

16 The commission is authorized to submit an application to the  
17 Navy Department for the acquisition by donation of the historic  
18 battleship to the commission, as an instrumentality of the State,  
19 pursuant to Title 10, U. S. C. § 7308.】\*

1 \*【5. a. The commission shall consist of 15 members, each of whom  
2 shall be a resident of the State. The membership of the commis-  
3 sion shall be broadly representative of the people of the State of  
4 New Jersey. Except as otherwise provided in this section, each  
5 member shall be appointed by the Governor with the advice and  
6 consent of the Senate. Among his original appointments to the  
7 commission established pursuant to this act the Governor shall  
8 include the members of the U.S.S. New Jersey Battleship Com-  
9 mission established pursuant to 1975 Joint Resolution No. 6,  
10 approved January 12, 1976 and their appointments shall not re-  
11 quire the advice and consent of the Senate.

12 b. The Governor shall designate five of the original 15 appointees  
13 to serve for terms of 1 year; five to serve for 3 years, and five  
14 to serve for 5 years. The terms of all members thereafter ap-  
15 pointed, except those appointed to fill unexpired terms, shall run  
16 for 5 years from the date of expiry of the terms of their predeces-  
17 sors. Members may be appointed to succeed themselves; a member  
18 whose original appointment did not require the advice and consent  
19 of the Senate may be appointed to a successive or subsequent term  
20 only with the advice and consent of the Senate.

21 c. A vacancy in the membership of the commission occurring  
22 otherwise than by expiration of term shall be filled in the same  
23 manner as the original appointment, but for the unexpired term  
24 only.

25 d. Members of the commission shall not receive compensation  
26 for their services as members but shall be entitled to reimbursement  
27 by the commission for expenses necessarily incurred in the per-  
28 formance of their duties.

29 e. A member of the commission may be removed from office by  
30 the Governor for cause after a public hearing.]\*

1 \***[6. The commission may by resolution from time to time appoint**  
2 **associate members, to assist the commission. Associate members**  
3 **shall be appointed for such terms as the commission may choose,**  
4 **not to exceed 4 years, and shall have all the duties, privileges,**  
5 **powers and functions of members of the commission, except the**  
6 **right to vote upon the transaction of business by the commission**  
7 **or to make up a quorum for the transaction of such business.]\***\*

1 \***[7. a. The powers of the commission shall be vested in the**  
2 **members in office and shall be exercised by them without regard**  
3 **or reference to any officer or agency of the State, except as**  
4 **otherwise expressly provided in this act. A majority of the whole**  
5 **number of members then in office shall constitute a quorum for the**  
6 **transaction of any business or the exercise of any power of the**  
7 **commission. Except as otherwise specified in this act, for the**  
8 **transaction of any business or the exercise of any power of the**  
9 **commission, the commission may act by a majority of the members**  
10 **present at any meeting at which a quorum is in attendance.**

11 b. As soon as may be after the appointment of its members, and  
12 annually thereafter, the commission shall meet and organize by the  
13 election of a chairman and vice chairman from among its members  
14 and the appointment of a secretary and a treasurer and such other  
15 officers as it may determine, none of whom need be members of the  
16 commission. Such officers shall hold office for a term of 1 year and  
17 until their successors are elected or appointed and have qualified,  
18 and such officers may be elected to succeed themselves.

19 c. Before the issuance of any bonds under the provisions of this  
20 act, the secretary and treasurer and each member of the commis-  
21 sion shall each execute a surety bond in the penal sum of \$25,000.00  
22 conditioned upon the faithful performance of the duties of the  
23 office of secretary, treasurer or member, as the case may be, and  
24 executed by a surety company authorized to transact business in  
25 the State of New Jersey as surety. At all times after the issuance

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26 of any bonds by the commission the secretary and treasurer and  
 27 each member shall maintain such surety bonds in full force and  
 28 effect.

29 d. The commission may, at its discretion, create an executive  
 30 committee of not fewer than five members and delegate to such  
 31 committee such powers and authority as the commission deems  
 32 advisable, except that such executive committee may not be em-  
 33 powered to issue revenue or any other bonds, or execute any lease  
 34 or contract for a period in excess of 1 year or execute any contract  
 35 for an amount in excess of \$10,000.00.

36 e. The commission may employ an executive director who shall  
 37 serve at the pleasure of the commission and shall be responsible  
 38 directly to the commission for the general supervision, promotion  
 39 and development of the battleship and the memorial park. The  
 40 commission shall fix and pay his compensation and shall prescribe  
 41 his duties and authority.]\*

1 \* [8. The commission shall have power:

2 a. To sue and be sued in its own name;

3 b. To adopt a seal and alter the same at pleasure;

4 c. To adopt bylaws for the regulation of its affairs and the con-  
 5 duct of its business;

6 d. To maintain an office or offices at such place or places within  
 7 or without the State as it may designate;

8 e. To appoint such officers, who need not be members of the com-  
 9 mission, in addition to a secretary and treasurer, as the commission  
 10 deems advisable, and to employ consulting engineers, attorneys,  
 11 accountants, construction and financial experts, superintendents,  
 12 managers and such other employees as may be necessary or desir-  
 13 able in its judgment; to fix their compensation and to promote and  
 14 discharge such officers, employees and agents, all without regard  
 15 to the provisions of Title 11 (Civil Service) of the Revised  
 16 Statutes; to utilize for a limited time the services of such employees  
 17 of the State as may be made available by the State to the commis-  
 18 sion and to fix and pay their compensation during such period;  
 19 provided, that such service by any such employee shall not affect his  
 20 civil service status or pension rights and that at the end of said  
 21 period or any extension thereof he shall be returned to his position  
 22 in the State service;

23 f. To acquire in the name of the commission, hold and dispose  
 24 of personal property in the exercise of its powers and the per-  
 25 formance of its duties under this act;

26 g. To issue bonds of the commission and to provide for the rights  
 27 of the holders thereof as provided in this act;

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28 h. To acquire in the name of the commission by purchase or  
29 otherwise on such terms and conditions and in such manner as it  
30 may deem proper any land and other property which it may deter-  
31 mine is reasonably necessary for the project, including public  
32 lands, parks, playgrounds, reservations, highways or parkways  
33 owned by or in which any county or municipality has any right,  
34 title or interest, and including any land or other property devoted  
35 to public use, and any and all rights, title and interests in such land  
36 and other property or parts thereof, and any fee simple absolute  
37 in, easements upon, or the benefit of restrictions upon the abutting  
38 property to preserve and protect the project; and to hold and use  
39 the same and to sell, convey, lease or otherwise dispose of property  
40 so acquired, no longer necessary for the commission's corporate  
41 purposes;

42 i. To apply for and accept any grant of money from the Federal  
43 Government to meet any expenses connected with the purposes of  
44 this act and to subscribe to and comply with any rule or regulation  
45 made by the Federal Government with respect to the application of  
46 such grant, and to enter into and perform any contract or agree-  
47 ment with respect to the application of such grant;

48 j. To make, enter into and perform all contracts and agreements  
49 necessary or incidental to the performance of its duties and the  
50 execution of its powers under this act;

51 k. To do all acts and things necessary or convenient to carry  
52 out the powers expressly granted in this act.]\*

1 \***[9. The commission shall have power in particular:**

2 a. To acquire, lease, develop, construct, improve, maintain and  
3 operate the project for the purposes described in subsection b. of  
4 section 4 of this act;

5 b. To acquire from the United States of America the battleship  
6 U.S.S. New Jersey, and to select and improve appropriate sites for  
7 the permanent or temporary berthing of said vessel, taking into  
8 consideration factors including, but not limited to, the accessibility  
9 of same, the location of nearby roads and highways, scenic attrac-  
10 tions, esthetic value, cost, cooperation with Federal, State, county,  
11 municipal and other governmental authorities and protection from  
12 the hazards of weather, fire and sea, and any other factors which  
13 may affect the suitability of such site for the establishment of the  
14 ship as a temporary or permanent memorial or exhibit;

15 c. To transport the said vessel to and berth the same at temporary  
16 and permanent park sites, ready the vessel for visitation by the  
17 public, establish and provide for a proper charge for admission to

18 the vessel, and otherwise renovate, maintain and operate the vessel  
19 as a permanent memorial and exhibit;

20 d. To acquire, transport, renovate, maintain and exhibit other  
21 appropriate and suitable military, naval, maritime or historic items,  
22 articles and exhibits;

23 e. To exercise full, complete and exclusive jurisdiction over the  
24 vessel, the sites and the related exhibits, and to allocate funds from  
25 its treasury for the fulfillment and accomplishment of its duties and  
26 responsibilities in such manner as may be necessary and appro-  
27 priate for the perfection of the purposes of this act, including the  
28 authority to pledge revenues from its income;

29 f. To provide, in connection with the sites under its ownership  
30 or control, such ancillary services, accommodations and facilities  
31 for the comfort and convenience of the public as in the commission's  
32 judgment may be necessary, convenient or desirable to promote the  
33 maximum benefit to the public from the project;

34 g. To establish, alter, charge and collect fees and other charges  
35 for admission to or use of any of the sites, exhibits or facilities of  
36 the project, and to grant concessions, licenses or privileges for the  
37 maintenance or operation of any facilities, on such terms and con-  
38 ditions as the commission shall determine;

39 h. To make rules and regulations for the government and use of  
40 the project or any of its facilities and to enforce such rules and  
41 regulations;

42 i. To accept public or private gifts, grants and donations for the  
43 purposes of this act, and to make and enter into contracts with other  
44 governmental departments, agencies and boards, Federal, State or  
45 local, and with private persons.]\*

1 \***[10.** The commission may appoint such number of policemen as  
2 may be found necessary to keep in safety and preserve order upon  
3 and within the property and facilities owned, leased or operated by  
4 the commission; to administer to such policemen an oath or affirma-  
5 tion faithfully to perform the duties of their respective positions or  
6 offices, and to provide for the payment of such policemen from the  
7 fees, charges and other revenue of the commission. The policemen  
8 so appointed shall have the power and authority to make arrests for  
9 any crimes, misdemeanors or offenses committed under the laws of  
10 the State of New Jersey, for disorder or breach of the peace, or for  
11 violations of any lawful regulations adopted by the commission.]\*\*

1 \***[11.** a. The commission shall have the power and is hereby  
2 authorized from time to time to issue its negotiable bonds for any  
3 of its purposes and, whenever it deems refunding expedient to

4 refund any bonds issued by it by the issuance of refunding bonds,  
5 whether the bonds to be refunded have or have not matured, and  
6 may issue bonds partially to refund bonds then outstanding and  
7 partially for any other of its purposes. The refunding bonds may  
8 be exchanged for the bonds to be refunded with such cash adjust-  
9 ments as may be agreed, or may be sold and the proceeds applied  
10 to the purchase, redemption or payment of the bonds to be refunded,  
11 including interest thereon and any redemption premium payable  
12 thereon.

13 b. Except as may be otherwise expressly provided by the com-  
14 mission, every issue of bonds shall be general obligations payable  
15 out of any moneys or revenues of the commission, subject only to  
16 any agreements with the holders of particular bonds pledging any  
17 particular moneys or revenues.

18 c. Whether or not bonds issued by the commission are of such  
19 form and character as to be negotiable instruments, such bonds  
20 shall be fully negotiable within the meaning and for all the pur-  
21 poses of the negotiable instruments law subject only to any pro-  
22 visions of the bonds for registration.

23 d. The commission may issue temporary or interim bonds, pend-  
24 ing the preparation of definitive bonds, exchangeable for definitive  
25 bonds.

26 e. Bonds shall be authorized by resolution approved by not less  
27 than a majority of the whole number of members of the commission  
28 then in office and shall bear such date or dates, mature at such time  
29 or times, bear interest at such rate or rates not exceeding 6% per  
30 annum except as authorized by P. L. 1969, c. 137 (C. 31:1-7 et seq.)  
31 or other applicable law, be in such denominations, be in such form  
32 either coupon or registered, carry such registration privileges,  
33 be executed in such manner, be payable in such medium of payment  
34 and at such place or places, and be subject to such terms of re-  
35 demption with or without premium as such resolution or resolu-  
36 tions may provide. Bonds may be sold at public or private sale,  
37 for such price or prices as the commission shall determine.

38 f. Any resolution of the commission authorizing the issuance of  
39 bonds may appoint a trustee or trustees, a paying agent or pay-  
40 ing agents, or such other fiduciaries as such resolution may pro-  
41 vide. Any trustee, paying agent and other fiduciary so appointed  
42 may be any trust company or bank having the powers of a trust  
43 company within or without the State.

44 g. In order to secure the payment of its bonds, the commission  
45 shall have power in the resolution authorizing the issuance of the  
46 bonds (which shall constitute a contract with the bondholders):

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47 (1) To pledge all or any part of its rents or revenues to which  
48 its right then exists or may thereafter come into existence, and  
49 the moneys derived therefrom, and the proceeds of bonds;

50 (2) To covenant against pledging all or any part of its rents  
51 or revenues, or against mortgaging all or any part of its real or  
52 personal property then owned or thereafter acquired, or against  
53 permitting or suffering any lien on such rents, revenues or prop-  
54 erty; to covenant with respect to limitations on its right to sell,  
55 lease or otherwise dispose of any project or any part thereof,  
56 or any property of any kind;

57 (3) to covenant as to the bonds to be issued and the limitations  
58 thereon and the terms and conditions thereof and as to the custody,  
59 application and disposition of the proceeds thereof, and to  
60 covenant as to the issuance of additional bonds or as to limitations  
61 on the issuance of additional bonds and on the incurring of other  
62 debts by it;

63 (4) To covenant as to the payment of the principal of or interest  
64 on the bonds, or any other obligations, as to the sources and  
65 methods of such payment, as to the rank or priority of any such  
66 bonds or obligations with respect to any lien or security or as to  
67 the acceleration of the maturity of any such bonds or obligations;

68 (5) To provide for the replacement of lost, destroyed or  
69 mutilated bonds;

70 (6) To covenant against extending the time for the payment  
71 of bonds or interest thereon;

72 (7) To covenant as to the redemption of bonds and to provide  
73 for the redemption premiums and other terms and conditions  
74 thereof;

75 (8) To covenant as to the rates of rents and other charges to  
76 be established and charged, the amount to be raised each year  
77 or other period of time by rents or other revenues and as to the  
78 use and disposition to be made thereof; to create or authorize  
79 the creation of special funds or moneys to be held in pledge or  
80 otherwise for construction, operating expenses, payment or re-  
81 demption of bonds, reserves or other purposes and to covenant  
82 as to the use and disposition of the moneys held in such funds;

83 (9) To establish the procedure, if any, by which the terms of  
84 any contract or covenant with or for the benefit of the bondholders  
85 may be amended or abrogated, the amount of bonds the holders  
86 of which must consent thereto, and the manner in which such con-  
87 sent may be given;

88 (10) To covenant as to the maintenance of its real and personal  
89 property, the replacement thereof, the insurance to be carried  
90 thereon, and the use and disposition of insurance moneys;

91 (11) To provide for the rights and liabilities, powers and duties  
92 arising upon the breach of any covenant, condition or obligation;  
93 to prescribe the events of default and the terms and conditions  
94 upon which any or all of the bonds shall become or may be declared  
95 due and payable before maturity and the terms and conditions  
96 upon which any such declaration and its consequences may be  
97 waived;

98 (12) To vest in a trustee or trustees such property, rights,  
99 powers and duties in trust for the bondholders, as the commis-  
100 sion may determine, which may include any or all of the rights,  
101 powers and duties of the statutory trustee appointed by the holders  
102 of bonds pursuant to subsection b. of section 12 of this act; to  
103 limit or abrogate the rights of the holders of such bonds to appoint  
104 such statutory trustee, or to limit the rights, duties and powers  
105 of such statutory trustee;

106 (13) To limit the rights of the bondholders to enforce any pledge  
107 or covenant securing the bonds; and

108 (14) To make covenants other than in addition to the covenants  
109 herein expressly authorized, of like or different character; and  
110 to make such covenants to do or refrain from doing such acts and  
111 things as may be necessary or convenient or desirable in order  
112 to better secure the bonds or which, in the absolute discretion  
113 of the commission, will tend to make the bonds more marketable,  
114 notwithstanding that such covenants, acts or things may not be  
115 enumerated herein.

116 h. Any pledge of rents or other revenues or other moneys  
117 made by the commission shall be valid and binding from the time  
118 when the pledge is made; the rents or other revenues or other  
119 moneys so pledged and thereafter received by the commission  
120 shall immediately be subject to the lien of such pledge without  
121 any physical delivery thereof or further act, and the lien of any  
122 such pledge shall be valid and binding as against all parties having  
123 claims of any kind in tort, contract or otherwise against the com-  
124 mission, irrespective of whether such parties have notice thereof.  
125 Neither the resolution nor any other instrument by which a pledge  
126 is created need be filed or recorded except in the records of the  
127 commission.

128 i. Bonds may be issued under the provisions of this act without  
129 obtaining the consent of any department, division, commission,  
130 board, bureau or agency of the State, and without any other pro-

131 ceeding or the happening of any other conditions or things than  
132 those proceedings, conditions or things which are specifically re-  
133 quired by this act.

134 j. The commission shall not have power to mortgage real  
135 property.

136 k. Moneys of the commission or moneys held in pledge or other-  
137 wise for the payment of bonds or in any way to secure bonds and  
138 the deposits of such moneys may be secured in such manner as the  
139 commission may require and all banks and trust companies are  
140 authorized to give such security therefor.

141 l. Neither the members of the commission nor any person execut-  
142 ing the bonds shall be liable personally on the bonds or be subject  
143 to any personal liability or accountability by reason of the issuance  
144 thereof.

145 m. The commission shall have the power to purchase bonds out  
146 of any funds available therefor. The commission may hold, cancel  
147 or resell such bonds subject to and in accordance with agreements  
148 with bondholders.]\*

1 \***[12. a.** The provisions of this section shall be applicable to an  
2 issue of bonds authorized or issued by the commission only if the  
3 resolution of the commission authorizing or providing for the  
4 issuance of such bonds shall provide in substance that the holders  
5 of the bonds of such issue shall be entitled to the benefits and be  
6 subject to the provisions of this section.

7 b. In the event that there shall be a default in the payment of  
8 principal of or interest on any bonds of such issue after the same  
9 shall become due, whether at maturity or upon call for redemption,  
10 and such default shall continue for a period of 30 days, or in the  
11 event that the commission shall fail or refuse to comply with the  
12 provisions of this act or shall fail or refuse to carry out and  
13 perform the terms of any contract or covenant with or for the  
14 benefit of the holders of any of such bonds, and such failure or  
15 refusal shall continue for a period of 30 days after written notice  
16 by any holder of bonds of such issue or by a trustee for bond-  
17 holders to the commission of its existence and nature, the holders  
18 of 25% in aggregate principal amount of the bonds of such issue  
19 then outstanding by instrument or instruments filed in the office  
20 of the Secretary of State and proved or acknowledged in the same  
21 manner as a deed to be recorded, may appoint a statut ry trustee  
22 to represent the holders of the bonds of such issue for the purposes  
23 provided in this section.

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24 c. Such statutory trustee may and upon written request of the  
25 holders of 25% in aggregate principal amount of the bonds of such  
26 issue then outstanding shall, in his or its own name:

27 (1) By civil action in lieu of prerogative writ or by any other  
28 civil action or suit, enforce all rights of the holders of such bonds,  
29 including the right to require the commission to charge and collect  
30 rents and other revenues adequate to carry out any contract as to,  
31 or pledge of, such rents and revenues, and to require the commis-  
32 sion to carry out and perform the terms of any contract or covenant  
33 with or for the benefit of the holders of such bonds or its duties  
34 under this act;

35 (2) Bring action or suit upon all or any part of such bonds or  
36 interest coupons or claims appurtenant thereto;

37 (3) By action or suit require the commission to account as if it  
38 were the trustee of an express trust for the holders of such bonds;

39 (4) By action or suit enjoin any acts or things which may be  
40 unlawful or in violation of the covenants of the commission or  
41 the rights of the holders of such bonds; or

42 (5) Declare all such bonds due and payable, whether or not in  
43 advance of maturity, upon 30 days' prior notice in writing to the  
44 commission and if all defaults shall be made good, then with the  
45 consent of the holders of 25% of the principal amount of such  
46 bonds then outstanding, to annul such declaration and its con-  
47 sequences.

48 d. Before declaring the principal of all such bonds due and pay-  
49 able the trustee shall first give 30 days' notice in writing to the  
50 commission.

51 e. Any such trustee, whether or not the issue of bonds repre-  
52 sented by such trustee has been declared due and payable, shall  
53 be entitled as of right to the appointment of a receiver of any part  
54 or parts of the project the rents or other revenues of which are  
55 pledged for the security of the bonds of such issue and such receiver  
56 may enter and take possession of such part or parts of the project  
57 and subject to any pledge or agreement with bondholders shall  
58 take possession of all moneys and other property derived from or  
59 applicable to the construction, operation, maintenance and recon-  
60 struction of such part or parts of the project and proceed with  
61 any construction thereon which the ommission is under obligation  
62 to do and to operate, maintain and reconstruct such part or parts  
63 of the project and collect and receive all fees and other revenues  
64 thereafter arising therefrom subject to any pledge thereof or agree-  
65 ment with bondholders relating thereto and perform the public  
66 duties and carry out the agreements and obligations of the com-

67 mission under the direction of the court. In any suit, action or  
 68 proceeding by the trustee the fees, counsel fees and expenses of  
 69 the trustee and of the receiver, if any, shall constitute taxable  
 70 disbursements and all costs and disbursements allowed by the court  
 71 shall be a first charge on any rents and other revenues derived  
 72 from such project.

73 f. Such trustee shall, in addition to the foregoing, have and  
 74 possess all of the powers necessary or appropriate for the exercise  
 75 of any functions specifically set forth herein or incident to the  
 76 general representation of bondholders in the enforcement and  
 77 projection of their rights.]\*

1 \***[13. Bonds under the provisions of this act shall not be deemed**  
 2 **to constitute a debt or liability of the State or of any political sub-**  
 3 **division thereof or a pledge of the faith and credit of the State**  
 4 **or of any such political subdivision. All such bonds shall contain**  
 5 **on the face thereof a statement to the effect that neither the State**  
 6 **nor any political subdivision thereof is obligated to pay the same**  
 7 **or the interest thereon and that neither the faith and credit nor**  
 8 **the taxing power of the State or of any political subdivisions**  
 9 **thereof is pledged to the payment of the principal of or the interest**  
 10 **on such bonds.]\***\*

1 \***[14. The State of New Jersey does pledge to and agree with the**  
 2 **holders of the bonds issued pursuant to authority contained in this**  
 3 **act, that the State will not limit or restrict the rights hereby vested**  
 4 **in the commission to maintain, consruct, reconstruct and operate**  
 5 **any project as defined in this act or to establish and collect such**  
 6 **rents, fees, receipts or other charges as may be convenient or neces-**  
 7 **sary to produce sufficient revenues to meet the expenses of mainte-**  
 8 **nance and operation thereof and to fulfill the terms of any agree-**  
 9 **ments made with the holders of bonds authorized by this act or in**  
 10 **any way impair the rights or remedies of the holders of such bonds**  
 11 **until the bonds, together with interest thereon, are fully paid and**  
 12 **discharged.]\***\*

1 \***[15. The exercise of the powers granted by this act will be in all**  
 2 **respects for the benefit of the people of the State, for the increase**  
 3 **of their commerce and prosperity, and for the improvement of their**  
 4 **living conditions, and as the operation of the commission will con-**  
 5 **stitute the performance of a governmental function, the commission**  
 6 **shall not be required to pay any taxes or assessments upon any**  
 7 **project acquired or used by the commission under the provisions**  
 8 **of this act or upon the income therefrom, and any project and any**  
 9 **property acquired or used by the commission under the provisions**  
 10 **of this act and the income therefrom, and the bonds issued under the**

11 provisions of this act, their transfer and the income therefrom  
12 (including any profit made on the sale thereof) shall be exempt  
13 from taxation.]\*

1 \***[16. Bonds issued by the commission under the provisions of this**  
2 **act are hereby made securities in which the State and all political**  
3 **subdivisions of this State, their officers, boards, commissions,**  
4 **departments or other agencies, all banks, bankers, savings banks,**  
5 **trust companies, savings and loan associations, investment com-**  
6 **panies and other persons carrying on a banking business, all**  
7 **insurance companies, insurance associations, and other persons**  
8 **carrying on an insurance business, and all administrators, execu-**  
9 **tors, guardians, trustees and other fiduciaries, and all other persons**  
10 **whatsoever who now are or may hereafter be authorized to invest**  
11 **in bonds or other obligations of the State, may properly and legally**  
12 **invest any funds, including capital belonging to them or within their**  
13 **control; and said bonds or other securities or obligations are hereby**  
14 **made securities which may properly and legally be deposited with**  
15 **and received by any State or municipal officers or agency of the**  
16 **State for any purpose for which the deposit of bonds or other**  
17 **obligations of the State is now or may hereafter be authorized by**  
18 **law.]\***

1 \***[17. Before March 1 in every year, the commission shall make an**  
2 **annual report of its activities for the preceding calendar year to the**  
3 **Governor and the Legislature. Each such report shall set forth a**  
4 **complete operating and financial statement covering the commis-**  
5 **sion's operations during the year. The commission shall cause an**  
6 **audit of its books and accounts to be made at least once in each**  
7 **year by certified public accountants, or by a representative of the**  
8 **State Treasurer.]\***

1 \***[18. The foregoing sections of this act shall be deemed to provide**  
2 **an additional and alternative method for the doing of the things**  
3 **authorized thereby, and shall be regarded as supplemental and**  
4 **additional to powers conferred by other laws, and shall not be**  
5 **regarded as in derogation of any powers now existing; provided,**  
6 **however, that the issuance of bonds or notes under the provisions**  
7 **of this act need not comply with the requirements of any other law**  
8 **applicable to the issuance of bonds or notes.]\***

1 \***[19. This act, being necessary for the welfare of the State and its**  
2 **inhabitants, shall be liberally construed to effect the purposes**  
3 **thereof.]\***

1 \***[20. If any provision of this act or the application thereof to any**  
2 **person or circumstance is held invalid, such invalidity shall not**  
3 **affect other provisions or applications of the act which can be given**

4 effect without the invalid provisions or applications, and to this end  
5 the provisions of this act are declared to be severable.]\*

1 \***[21. All other general or special laws, or parts thereof inconsis-**  
2 **tent herewith are hereby declared to be inapplicable to the pro-**  
3 **visions of this act.]\***

1 \*3. a. *There is hereby established in the Department of Envir-*  
2 *onmental Protection a U.S.S. New Jersey Battleship Commission*  
3 *consisting of 15 members as follows:*

4 (1) *The State Treasurer and the Commissioner of Environmen-*  
5 *tal Protection, ex officio, or their designees;*

6 \*\***[(2) The nine citizen members of the U.S.S. New Jersey Battle-**  
7 **ship Commission established pursuant to 1975 Joint Resolution**  
8 **No. 6, approved January 12, 1976;]**\*\*

9 \*\***[(3) Four]**\*\* \*(2) *Thirteen*\*\* citizens of the State to be ap-  
10 pointed by the Governor with the advice and consent of the Senate.

11 b. *The Governor shall designate five of the initial 13 citizen*  
12 *members \*\*\*[, including those who served on the commission estab-*  
13 *lished pursuant to the said 1975 Joint Resolution No. 6,]\*\*\* to  
14 *serve for terms of 1 year \*\*\*[;]\*\*\* \*\*\*,\*\*\* five to serve for 3 years,  
15 and three to serve for 5 years. *The terms of all members thereafter*  
16 *appointed, except those appointed to fill unexpired terms, shall run*  
17 *for 5 years from the date of expiry of the terms of their predeces-*  
18 *sors. Members may be appointed to succeed themselves. \*\*\*[A*  
19 *citizen member whose original appointment did not require the*  
20 *advice and consent of the Senate may be appointed to a successive*  
21 *or subsequent term only with the advice and consent of the*  
21A *Senate.]\*\*\****

22 c. *A vacancy in the membership of the commission occurring*  
23 *otherwise than by expiration of term shall be filled in the same*  
24 *manner as the original appointment, but for the unexpired term*  
25 *only.*

26 d. *Members of the commission shall not receive compensation*  
27 *for their services as members but shall be entitled to reimbursement*  
28 *by the commission for expenses necessarily incurred in the per-*  
29 *formance of their duties.*

30 e. *A member of the commission may be removed from office by*  
31 *the Governor for cause after a public hearing.*

32 f. *As soon as may be after the appointment of its members the*  
33 *commission shall meet and organize by the election of a chairman*  
34 *and vice chairman and shall elect such other officers as it shall de-*  
35 *termine, all from among its membership.*

1 4. *The commission is authorized to submit an application to the*  
2 *Navy Department for the acquisition by donation of the U.S.S.*  
3 *New Jersey pursuant to Title 10, U. S. C. 7308.*

1 5. *The duties of the commission shall include:*

2 a. *To plan, promote and coordinate fund-raising drives and to*  
 3 *solicit contributions for the purpose of providing funds for the*  
 4 *acquisition of the U.S.S. New Jersey from the United States Navy.*

5 b. *To act as liaison agency between the Navy Department and*  
 6 *the State of New Jersey and to keep the Governor and Legislature*  
 7 *informed on the status and availability of the battleship.*

8 c. *To collect and maintain a file of information on the costs of*  
 9 *acquiring and transporting the U.S.S. New Jersey to a berth on*  
 10 *the New Jersey coast.*

11 d. *To provide assistance and advice in planning an appropriate*  
 12 *berth for the U.S.S. New Jersey.*

13 e. *To recommend any additional legislation or action by the Gov-*  
 14 *ernor and the Legislature to further the acquisition of the U.S.S.*  
 15 *New Jersey by the State of New Jersey.*

1 6. *The commission is authorized to accept donations or grants*  
 2 *of money, property or personal services from any source.*

1 7. *The commission shall establish a regular schedule of meetings*  
 2 *and report periodically to the Governor, to the President of the*  
 3 *Senate and to the Speaker of the General Assembly on its activities*  
 4 *and recommendations. An initial report to the Governor, to the*  
 5 *President of the Senate and the Speaker of the General Assembly*  
 6 *shall be made within 6 months of the organization of the commis-*  
 7 *sion and on each November 15 thereafter.*

1 8. *The commission shall be entitled to call to its assistance and*  
 2 *avail itself of the services of such employees of any State, county*  
 3 *or municipal department, board, bureau, commission or agency as*  
 4 *it may require and as may be available to it for its purposes. The*  
 5 *commission shall be entitled to call upon any department, agency*  
 6 *or office of the State of New Jersey for such documents, materials*  
 7 *and information as it may deem necessary.*

1 9. *The commission is authorized to designate a design or mark*  
 2 *as the official seal of the U.S.S. New Jersey Battleship Commission*  
 3 *and may file for public informational purposes a true copy of said*  
 4 *emblem with the Secretary of State.\**

1 \***[22.]**\* \*10.\* This act shall take effect immediately.



4 effect without the invalid provisions or applications, and to this end  
5 the provisions of this act are declared to be severable.

1 21. All other general or special laws, or parts thereof inconsis-  
2 tent herewith are hereby declared to be inapplicable to the pro-  
3 visions of this act.

1 22. This act shall take effect immediately.

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STATEMENT

This bill creates a permanent 15-member "U.S.S. New Jersey Battleship Commission" in the Department of Environmental Protection and authorizes this commission to acquire the battleship from the Navy Department. The members of the commission are to be appointed by the Governor with the advice and consent of the Senate except that the initial membership of the permanent commission is to be made up of the members of the U.S.S. New Jersey Battleship Commission which was created pursuant to Joint Resolution No. 6, approved January 12, 1976, and is continuing pursuant to Joint Resolution No. 3004 approved November 30, 1977, and these appointments will not require advice and consent. The bill further charges the commission to study and make a determination concerning a location for the ship and also provides for the establishment of a State memorial park for the aforementioned purposes.

*A. 1728 (1979)*

ASSEMBLY STATE GOVERNMENT, FEDERAL AND  
INTERSTATE RELATIONS AND VETERANS AFFAIRS  
COMMITTEE

STATEMENT TO  
ASSEMBLY, No. 1728

STATE OF NEW JERSEY

DATED: JANUARY 9, 1979

SPONSOR'S STATEMENT:

This bill creates a permanent 15-member "U.S.S. New Jersey Battleship Commission" in the Department of Environmental Protection and authorizes this commission to acquire the battleship from the Navy Department. The members of the commission are to be appointed by the Governor with the advice and consent of the Senate except that the initial membership of the permanent commission is to be made up of the members of the U.S.S. New Jersey Battleship Commission which was created pursuant to Joint Resolution No. 6, approved January 12, 1976, and is continuing pursuant to Joint Resolution No. 3004 approved November 30, 1977, and these appointments will not require advice and consent. The bill further charges the commission to study and make a determination concerning a location for the ship and also provides for the establishment of a State memorial park for the aforementioned purposes.

COMMITTEE STATEMENT:

Two provisions which are not mentioned in the sponsor's statement should be noted:

1. While section 4 b. refers to "a State memorial park" and to the U.S.S. New Jersey "as the principal and focal element of the said memorial park," section 9 b. refers to the selection and improvement of "appropriate *sites* for the permanent or temporary berthing of said vessel . . ." [emphasis added].

2. The New Jersey Battleship Commission created by this bill would be empowered to issue bonds to raise revenue. Such bonds, however, would not constitute a debt or liability of the State (see section 13).

Pursuant to Assembly Concurrent Resolution No. 127, passed in the Assembly on May 18, 1978 and in the Senate on December 4, 1978, the sense of the Legislature was stated that "the most appropriate location for the docking and permanent berthing of the U.S.S. New Jersey, when acquired by the State, would be Liberty State Park in Jersey City. . . ."

SENATE STATE GOVERNMENT, FEDERAL AND  
INTERSTATE RELATIONS AND VETERANS AFFAIRS  
COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 1728**  
with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 11, 1979

This bill creates a permanent 15-member "U.S.S. New Jersey Battleship Commission" to acquire the "U.S.S. New Jersey" when the Navy Department releases it from "mothball" status. Prior to amendments by the committee, the bill authorized the commission to issue bonds to provide funds for the acquisition of the ship and to select "appropriate sites for the permanent or temporary berthing" of the battleship. In addition to the power to issue bonds, the commission was originally authorized by the bill to "exercise full, complete and exclusive jurisdiction over the vessel, the sites and the related exhibits," to employ an executive director and to appoint policemen.

The Governor vetoed a similar bill (A-505 Perskie) in 1975 on the grounds that, "The Navy Department has not indicated at this time a willingness to release the battleship." The Governor, in his message, did give support to the formation of a temporary commission which would develop a program for the selection of an appropriate site for the ship. A nine-member commission to accomplish this mission was created pursuant to JR-6 of 1975 and reconstituted by JR-4 of 1977. The commission issued a report in September 1977. Pursuant to R. S. 52:14-14 the term of the commission expired on the adjournment, sine die, of the Legislature on January 9, 1979.

COMMITTEE AMENDMENTS

The amendments to the bill eliminate certain sections, such as those authorizing bond issues and the appointment of police, and reword other sections. The commission does continue, however, with a wide range of authorized activities. The amendments have been approved by the sponsor and are as follows:

1. The Treasurer and the Commissioner of Environmental Protection are named ex officio members of the permanent 15-member commission.
2. The members of the temporary commission are continued as initial appointees to the permanent commission without the requirement of Senatorial consent. (This was also a feature of the bill as originally drafted.)

SENATE REVENUE, FINANCE AND APPROPRIATIONS  
COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 1728**  
[OFFICIAL COPY REPRINT]

**STATE OF NEW JERSEY**

DATED: AUGUST 2, 1979

The Senate Revenue, Finance and Appropriations Committee finds the Senate State Government, Federal and Interstate Relations and Veterans Affairs Committee statement to this bill an accurate and concise explanation of the purpose and effect of this bill and concurs in that statement.

It is emphasized, for the record, that the bill is reported with the committee's understanding and intent that the State will not incur nor assume a financial obligation as a result of this legislation.

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SENATE AMENDMENTS TO  
**ASSEMBLY, No. 1728**

[SENATE REPRINT]

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**STATE OF NEW JERSEY**

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ADOPTED NOVEMBER 29, 1979

Amend page 14, section 3, lines 6-8, omit.

Amend page 14, section 3, line 9, omit "(3) Four", insert "(2) Thirteen".

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STATEMENT

This amendment eliminates the provision for the continuation of the membership of the members of the 1976 commission that studied the possible uses of the battleship New Jersey. Instead those appointments would be made anew with Senate advice and consent.

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SENATE AMENDMENTS TO  
**ASSEMBLY, No. 1728**  
[SECOND SENATE REPRINT]

**STATE OF NEW JERSEY**

ADOPTED DECEMBER 3, 1979

Amend page 14, section 3, line 12, delete “, including those who served on the commission established pursuant to the said 1975 Joint Resolution No. 6,”.

Amend page 14, section 3, line 14, omit “;”, insert “,”.

Amend page 14, section 3, line 18, omit “A citizen member whose original”.

Amend page 14, section 3, line 19-21, omit.

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STATEMENT

This amendment is consistent with that adopted last week providing that the commission’s public members all be appointed by the Governor with the advice and consent of the Senate. It also conforms the bill to an earlier amendment which deleted subsection 2.

FISCAL NOTE TO  
ASSEMBLY, No. 1728

STATE OF NEW JERSEY

DATED: JUNE 11, 1979

Assembly Bill No. 1728 provides for the establishment of a State memorial park for the preservation and exhibition of the battleship U.S.S. New Jersey as a permanent historical monument, and further creates a permanent 15-member "U.S.S. New Jersey Battleship Commission."

While this bill does not authorize the expenditure of any State monies, the Department of Environmental Protection states that enactment of this legislation would require an expenditure by the owner of the pier of \$2,500,000.00 in the first fiscal year. This amount is required for rehabilitation of pier and utilities, installation of docking facilities and dredging.

Additionally, the New Jersey Battleship Commission would have to provide funds from private sources in the amount of \$3,850,000.00 in the second fiscal year and \$1,500,000.00 in the third fiscal year. These funds would be necessary to move the battleship and make it operational as an attraction.

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In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.