

27:12B-1

LEGISLATIVE HISTORY CHECKLIST  
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NJSA: 27:12B-1

(Vietnam  
Veterans  
Memorial--to be  
maintained by  
Highway  
Authority)

LAWS OF: 1991

CHAPTER: 70

Bill No: S2503

Sponsor(s): O'Connor and Cowan

Date Introduced: March 12, 1990

Committee: Assembly: Veterans' and Military Affairs

Senate: Senior Citizens and Veterans

Amended during passage: Yes      Amendments during passage  
denoted by asterisks.

Date of Passage: Assembly: February 4, 1991

Senate: October 11, 1990

Date of Approval: March 21, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: Yes

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

KBG/SLJ

[CORRECTED COPY]

[FIRST REPRINT]

SENATE, No. 2503

STATE OF NEW JERSEY

INTRODUCED MARCH 12, 1990

By Senators O'CONNOR and COWAN

1 AN ACT authorizing the New Jersey Highway Authority to  
2 maintain the Vietnam Veterans' Memorial in accordance with  
3 an agreement with the Vietnam Veterans' Memorial  
4 Committee, and supplementing chapter 12B of Title 27 of the  
5 Revised Statutes.

6  
7 BE IT ENACTED *by the Senate and General Assembly of the*  
8 *State of New Jersey:*

9 1. The Vietnam Veterans' Memorial Committee established  
10 pursuant to P.L.1985, c.494 is authorized <sup>1</sup>, after consultation  
11 with the Department of Military and Veterans' Affairs created  
12 pursuant to P.L.1987, c.444 (C.38A:3-1.1 et al.),<sup>1</sup> to enter into  
13 and execute agreements necessary to provide for the perpetual  
14 maintenance <sup>1</sup>[,]<sup>1</sup> by the New Jersey Highway Authority,  
15 established under P.L.1952, c.16 (C.27:12B-1 et seq.), of the  
16 Vietnam <sup>1</sup>[Veteran'] Veterans'<sup>1</sup> Memorial honoring New Jersey  
17 veterans of the Vietnam conflict. <sup>1</sup>Upon the termination of the  
18 committee, the Department of Military and Veterans' Affairs  
19 shall succeed the committee as a party to those agreements and  
20 is authorized to negotiate, enter into, and execute any revisions  
21 of those agreements that are necessary to provide for the  
22 maintenance of the memorial by the New Jersey Highway  
23 Authority. Any agreements entered into and executed by the  
24 committee or the department shall contain provisions for the  
25 reimbursement to the authority for any expenses generated by  
26 the authority's responsibility for the maintenance of the  
27 memorial.<sup>1</sup>

28 2. a. The New Jersey Highway Authority shall provide for the  
29 perpetual maintenance of the Vietnam Veterans' Memorial in  
30 accordance with any agreement executed between the authority  
31 and the Vietnam Veterans' Memorial Committee <sup>1</sup>or the  
32 Department of Military and Veterans' Affairs<sup>1</sup>.

33 b. Upon the execution of the agreement under section 1 of this  
34 act <sup>1</sup>between the authority and the Vietnam Veterans' Memorial  
35 Committee<sup>1</sup>, the Legislature shall appropriate to the  
36 <sup>1</sup>Department of Military and Veterans' Affairs for payment to  
37 the<sup>1</sup> authority such funds from the Vietnam Veterans' Memorial  
38 Fund, created under section 4 of P.L.1985, c:494 (C.52:18A-208),  
39 and any other source of available revenue, as may be necessary

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 underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate floor amendments adopted October 1, 1990.

1 <sup>1</sup>for the authority<sup>1</sup> to carry out its responsibilities under this act.

2 <sup>1</sup>3. If the New Jersey Highway Authority is abolished, any  
3 reference in this act to the authority shall refer to the board,  
4 body, commission, or department succeeding to the principal  
5 functions of the authority.<sup>1</sup>

6 <sup>1</sup>[3.] 4.<sup>1</sup> This act shall take effect immediately.

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AUTHORITIES AND REGIONAL AGENCIES

10

11 Authorizes the New Jersey Highway Authority to maintain the  
12 Vietnam Veterans' Memorial in accordance with an agreement  
13 with the Vietnam Veterans' Memorial Committee.

SENATE, No. 2503

STATE OF NEW JERSEY

INTRODUCED MARCH 12, 1990

By Senators O'CONNOR and COWAN

1 AN ACT authorizing the New Jersey Highway Authority to  
2 maintain the Vietnam Veterans' Memorial in accordance with  
3 an agreement with the Vietnam Veterans' Memorial  
4 Committee, and supplementing chapter 12B of Title 27 of the  
5 Revised Statutes.

6  
7 BE IT ENACTED *by the Senate and General Assembly of the*  
8 *State of New Jersey:*

9 1. The Vietnam Veterans' Memorial Committee established  
10 pursuant to P.L.1985, c.494 is authorized to enter into and  
11 execute agreements necessary to provide for the perpetual  
12 maintenance, by the New Jersey Highway Authority, established  
13 under P.L.1952, c.16 (C.27:12B-1 et seq.), of the Vietnam  
14 Veteran' Memorial honoring New Jersey veterans of the Vietnam  
15 conflict.

16 2. a. The New Jersey Highway Authority shall provide for the  
17 perpetual maintenance of the Vietnam Veterans' Memorial in  
18 accordance with any agreement executed between the authority  
19 and the Vietnam Veterans' Memorial Committee.

20 b. Upon the execution of the agreement under section 1 of this  
21 act, the Legislature shall appropriate to the authority such funds  
22 from the Vietnam Veterans' Memorial Fund, created under  
23 section 4 of P.L.1985, c.494 (C.52:18A-208), and any other source  
24 of available revenue, as may be necessary to carry out its  
25 responsibilities under this act.

26 3. This act shall take effect immediately.

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STATEMENT

31 This bill would authorize the New Jersey Highway Authority to  
32 provide for the maintenance of the Vietnam Veterans' Memorial,  
33 honoring New Jersey veterans of the Vietnam conflict, in  
34 accordance with any agreement executed between the authority  
35 and the Vietnam Veterans' Memorial Committee. The bill would  
36 also direct the Legislature to provide the funding therefor.

37 A bill to authorize the authority to undertake or operate  
38 facilities or activities not directly related to the use of a highway  
39 project is required under section 2 of P.L.1969, c.348  
40 (C.27:12B-5.1).

AUTHORITIES AND REGIONAL AGENCIES

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Authorizes the New Jersey Highway Authority to maintain the Vietnam Veterans' Memorial in accordance with an agreement with the Vietnam Veterans' Memorial Committee.

ASSEMBLY VETERANS AND MILITARY AFFAIRS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 2503

STATE OF NEW JERSEY

DATED: JANUARY 14, 1991

The Assembly Veterans and Military Affairs Committee reports favorably Senate Bill No. 2503 [1R].

This bill authorizes the Vietnam Veterans' Memorial Committee, after consultation with the Department of Military and Veterans' Affairs, to enter into agreements with the New Jersey Highway Authority to provide for the perpetual maintenance by the authority of the Vietnam Veterans' Memorial, which will be erected on Highway Authority property and will honor New Jersey veterans of the Vietnam conflict. The bill also directs the authority to maintain the memorial in accordance with any agreements entered into. Such a mandate is required pursuant to section 2 of P.L.1969, c.348 (C.27:12B-5.1) which provides that the authority is not permitted to undertake or operate facilities or activities not directly related to the use of a highway project "except as may be specially authorized by law."

The bill further provides that:

(1) upon the termination of the Vietnam Veterans' Memorial Committee, the Department of Military and Veterans' Affairs shall succeed the committee as a party to any agreements entered into, and the department is authorized to enter into any revisions of those agreements which are necessary to provide for maintenance of the memorial;

(2) any agreements entered into concerning the maintenance of the memorial shall contain provisions for the reimbursement to the authority for any extraordinary expenses generated by the authority's responsibility for the maintenance of the memorial;

(3) the Legislature is to appropriate to the Department of Military and Veterans' Affairs for payment to the authority the funds that are necessary for the authority to carry out its responsibilities under this act; and

(4) if the Highway Authority is abolished, its successor shall have the responsibilities assigned to the authority under this act.

SENATE SENIOR CITIZEN AND  
VETERAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 2503

STATE OF NEW JERSEY

DATED: APRIL 5, 1990

The Senate Senior Citizen and Veteran Affairs Committee favorably reports Senate Bill No. 2503.

This bill would authorize the New Jersey Highway Authority to provide for the maintenance of the Vietnam Veterans' Memorial, honoring New Jersey veterans of the Vietnam conflict, in accordance with any agreement executed between the authority and the Vietnam Veterans' Memorial Committee. The bill would also direct the Legislature to provide the funding therefor.

The authorization provided by this bill is required pursuant to section 2 of P.L.1969, c.348 (C.27:12B-5.1) which provides that the authority is not permitted to undertake or operate facilities or activities not directly related to the use of a highway project "except as may be specially authorized by law."

FISCAL NOTE TO  
SENATE, No. 2503

STATE OF NEW JERSEY

DATED: June 22, 1990

Senate Bill No. 2503 of 1990 authorizes the New Jersey Highway Authority to maintain the Vietnam Veterans' Memorial which will be constructed on authority property at the Garden State Arts Center, Holmdel, Monmouth County. Although the authority would perpetually maintain the memorial in accordance with an agreement to be executed between the authority and the memorial committee, the bill also would have the Legislature appropriate such funds as may be needed to reimburse the authority for the annual maintenance costs.

The New Jersey Highway Authority has estimated that the annual maintenance and operating costs for the memorial and associated site work to be about \$191,000.

The Office of Legislative Services (OLS) considers that the authority's estimate is high and would qualify several components comprising the \$191,000 figure. Of the total estimated maintenance cost, \$50,000 represents security services from October to May. Although the authority maintains 24 hour on-site security during the regular season from May to October and therefore can include security for the memorial site at no additional cost, the authority does not maintain 24 hour on-site security at the center during the off-season.

During the off-season period, the authority requests more frequent visual checks by the State Police as part of their patrol shifts. However, the authority indicates that it incurs no added costs for such State Police checks. Consequently, if a similar security check was acceptable to the memorial committee and could be arranged between the State Police and the committee, the annual \$50,000 on-site security cost component might be eliminated or significantly reduced. The State Police patrol option may be reasonable since the authority maintenance proposal includes a full-time maintenance worker at the memorial site 365 days a year; this on-site presence should help mitigate vandalism or delays in noticing or reporting damage at the memorial site.

An additional cost of \$33,772 is estimated for snow removal. Nevertheless, continuation of the milder winters as currently experienced, the on-site maintenance worker, use of authority snow removal equipment and memorial closure during inclement weather should reduce this level of expenditure.

Further, the estimated \$20,000-\$25,000 to replace certain tree plantings would be obviated if the initial trees planted at the memorial site do not die or otherwise require replacement.



As a result of these potential aforementioned cost offsets, the annual memorial site maintenance expenditures may be less than \$100,000. Admittedly, the actual costs would be predicated on the level of maintenance and security services deemed essential and the presentation to the State by the authority of an itemized billing of costs for which the authority should be reimbursed.

OLS would further note that the authority estimate excludes maintenance on the memorial bronze statues and the granite panels as well as any costs related to a proposed Vietnam veterans' memorial hall.

This fiscal note has been prepared pursuant to P.L.1980, c.67.