

13:1B-15.111

**LEGISLATIVE HISTORY CHECKLIST**  
Compiled by the NJ State Law Library

(NJ Historic Trust--amendments)

**NJSA:** 13:1B-15.111

**LAWS OF:** 1995 **CHAPTER:** 217

**BILL NO:** A1106

**SPONSOR(S):** Bagger and others

**DATE INTRODUCED:** January 24, 1994

**COMMITTEE:** **ASSEMBLY** Environment  
**SENATE:** Natural Resources

**AMENDED DURING PASSAGE:** Yes Amendments during passage  
Second reprint enacted denoted by superscript

**DATE OF PASSAGE:** **ASSEMBLY:** August 29, 1994  
**SENATE:** May 25, 1995

**DATE OF APPROVAL:** August 14, 1995

**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  
KBG:pp

[SECOND REPRINT]

ASSEMBLY, No. 1106

STATE OF NEW JERSEY

INTRODUCED JANUARY 24, 1994

By Assemblyman BAGGER

1 AN ACT concerning the New Jersey Historic Trust <sup>1</sup>[and] <sup>1</sup>  
2 amending P.L.1967, c.124 and P.L.1983, c.562 <sup>1</sup>, and  
3 supplementing P.L.1991, c.41 (C.13:1B-15.115a et seq.)<sup>1</sup>.  
4

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

7 1. Section 4 of P.L.1967, c.124 (C.13:1B-15.111) is amended to  
8 read as follows:

9 4. There is hereby created and established in but not of the  
10 Department of Environmental Protection, a body corporate and  
11 politic with corporate succession, to be known as the New Jersey  
12 Historic Trust. The trust is hereby constituted an instrumentality  
13 exercising public and essential governmental functions, and the  
14 exercise by the trust of the powers conferred by this act shall be  
15 deemed and held to be an essential governmental function of the  
16 State.

17 (cf: P.L.1983, c.562, s.1)

18 2. Section 3 of P.L.1983, c.562 (C.13:1B-15.112a) is amended  
19 to read as follows:

20 3. a. The powers and duties of the New Jersey Historic Trust  
21 shall vest in and be exercised by a board of ~~[eleven]~~ 15 trustees,  
22 ~~[three]~~ of whom three shall be the Commissioner of  
23 Environmental Protection, the State Treasurer, and the Executive  
24 Director of the New Jersey Historical Commission or their  
25 respective designees, who shall serve ex officio, and ~~[eight]~~ 12  
26 shall be citizens of the State, representing the several geographic  
27 regions of the State, to be appointed by the Governor with the  
28 advice and consent of the Senate. Citizen trustees shall possess a  
29 minimum of five years experience in historic preservation, except  
30 this requirement shall not apply to any citizen trustee serving on  
31 the board on the effective date of P.L. , c. (C. ) (now  
32 before the Legislature as this bill) for the remainder of the  
33 unexpired term of that trustee.

34 [The citizen members] b. Citizen trustees shall serve for three  
35 year terms [, provided, however, that of those members first  
36 appointed, four shall serve for three year terms, two shall serve  
37 for two year terms, and two for one year terms] <sup>2</sup>provided,  
38 however, that the terms of the four new trustees appointed  
39 pursuant to P.L. , c. (C. ) (now before the Legislature as  
40 this bill) shall begin in the same calendar year as the effective  
41 date of that act, and that two of those trustees first appointed  
42 shall be appointed for a two-year term and two shall be appointed

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> Assembly AEN committee amendments adopted May 5, 1994.

<sup>2</sup> Senate SNT committee amendments adopted December 1, 1994.

1 for a one-year term<sup>2</sup>. Each [of these members] citizen trustee  
 2 shall hold office for the term of the appointment and until a  
 3 successor shall have been appointed and qualified. No citizen  
 4 trustee may serve more than three consecutive terms, except this  
 5 restriction shall not apply to terms either completed or  
 6 commenced prior to the effective date of P.L. , c. (C. )  
 7 (now before the Legislature as this bill).

8 [The Chairman of the Board of Trustees of the Historic Trust  
 9 shall be elected by its members.

10 Six members of the board] c. The trustees shall elect a  
 11 chairman.

12 d. Eight trustees shall constitute a quorum, and the  
 13 concurrence of [six members of the board] a majority of the  
 14 trustees <sup>2</sup>[in attendance]<sup>2</sup> shall be necessary to validate all acts  
 15 of the board.

16 (cf: P.L.1983, c.562, s.3)

17 3. Section 7 of P.L.1967, c.124 (C.13:1B-15.114) is amended to  
 18 read as follows:

19 7. The New Jersey Historic Trust shall have the power:

20 [(a)] a. to sue and be sued in its own name;

21 [(b)] b. to adopt a seal and alter [the same] it at pleasure;

22 [(c)] c. to adopt by-laws for the regulation of its affairs and  
 23 the conduct of its business , and adopt rules and regulations  
 24 pursuant to the "Administrative Procedure <sup>2</sup>[Act.] Act,"<sup>2</sup>  
 25 P.L.1968, c.410 (C.52:14B-1 et seq.) as necessary to implement  
 26 this act ;

27 [(d)] d. to maintain an office or offices at such place or places  
 28 within the State as it may designate;

29 [(e)] e. to appoint such officers, who need not be [members of  
 30 the trust] trustees , in addition to a secretary and a treasurer, as  
 31 the trust shall deem advisable, to establish advisory groups, and  
 32 to employ such other employees and agents as may be necessary  
 33 or desirable in its judgment; to fix their compensation; and to  
 34 promote and discharge such officers, employees and agents; all  
 35 without regard to the provisions of Title [11] 11A, Civil Service,  
 36 of the [Revised] New Jersey Statutes;

37 [(f)] f. to acquire in the name of the trust, hold and dispose of  
 38 personal property in the exercise of its powers and the  
 39 performance of its duties under this act;

40 [(g)] g. to apply for and accept any grant [of money from the  
 41 Federal Government, subject to the approval of the  
 42 Commissioner of Conservation and Economic Development,  
 43 which] or aid that might be or may become available for  
 44 programs [relating to historic sites preservation] in furtherance  
 45 of the trust and the goals of <sup>2</sup>[this act] P.L.1967, c.124  
 46 (C.13:1B-15.108 et seq.)<sup>2</sup> , and to subscribe to and comply with  
 47 any rule or regulation [made by the Federal Government] with  
 48 respect to the application of such grant or aid, and to enter into  
 49 and perform any contract or agreement with respect to the  
 50 application of such grant [; provided, however, that such  
 51 application and grant on behalf of the trust shall not detract  
 52 from, compete with or result in a reduction in the amount of  
 53 funds which would otherwise be available to the State for historic  
 54 sites programs] or aid ;

1 [(h)] h. to make, enter into and perform all contracts and  
 2 agreements necessary or incidental to the performance of its  
 3 duties and the execution of its powers under this act. No  
 4 contract on behalf of the trust shall be entered into for the doing  
 5 of any work, or for the hiring of equipment or vehicles, <sup>2</sup>[where]  
 6 if<sup>2</sup> the sum to be expended exceeds the <sup>2</sup>[sum of the]  
 7 appropriate<sup>2</sup> amount set forth in, or the amount calculated by  
 8 the Governor pursuant to, section 2 of P.L.1954, c.48 (C.52:34-7),  
 9 unless the trust first publicly advertises for bids therefor, and  
 10 awards the contract to the lowest responsible, qualified bidder;  
 11 but advertising is not required <sup>2</sup>[where] if<sup>2</sup> the contract to be  
 12 entered into is one for furnishing or performing services of a  
 13 professional nature, <sup>2</sup>[where] if<sup>2</sup> there is only one source for the  
 14 product or service being procured, or <sup>2</sup>[for the supplying of any  
 15 product or the rendering of any] if the product or<sup>2</sup> service <sup>2</sup>is  
 16 supplied or rendered<sup>2</sup> by a public utility subject to the  
 17 jurisdiction of the Board of <sup>2</sup>[Regulatory Commissioners] Public  
 18 Utilities<sup>2</sup> , and tariffs and schedules of the charges made,  
 19 charged, or exacted by the public utility for such products to be  
 20 supplied or services to be rendered are filed with the board. The  
 21 provisions of this subsection shall not prevent the trust from  
 22 having any work done by its own employees, nor does it apply to  
 23 repairs, or to the furnishing of materials, supplies or labor, or the  
 24 hiring of equipment or vehicles, when the safety or protection of  
 25 its or other public property or the public convenience requires, or  
 26 the exigency of the circumstances will not admit of such  
 27 advertisement. In such case the trust shall, by resolution passed  
 28 by the affirmative vote of a majority of the trustees in  
 29 attendance, declare the exigency or emergency to exist, and set  
 30 forth in the resolution the nature thereof and the approximate  
 31 amount to be expended; <sup>2</sup>and<sup>2</sup>

32 [(i)] i. to do all acts and things necessary or convenient to  
 33 carry out the powers expressly granted in this act.

34 (cf: P.L.1967, c.124, s.7)

35 4. Section 8 of P.L.1967, c.124 (C.13:1B-15.115) is amended to  
 36 read as follows:

37 8. The trust shall have power in particular:

38 [(a)] a. to accept gifts, legacies, bequests and endowments for  
 39 any purpose which falls within that of the trust , and to maintain  
 40 interest-bearing trust accounts for those purposes; and , unless  
 41 otherwise specified by the person making such gift, legacy,  
 42 bequest [and] or endowment, the trustees may expend both  
 43 principal and income of any such gift, bequest, legacy, or  
 44 endowment [of money] in furtherance of the trust or invest [the  
 45 same] it in whole or in part in securities which are legal for trust  
 46 funds in the State of New Jersey [.] ;

47 [(b)] b. to acquire and hold real and personal property of  
 48 historic, aesthetic or cultural significance, by gift, purchase,  
 49 devise, bequest, or by any other means , and to preserve and  
 50 administer such properties; <sup>2</sup>and<sup>2</sup> in the acquisition of such  
 51 properties, to acquire property adjacent thereto deemed  
 52 necessary for the proper use and administration of historic,  
 53 aesthetic or cultural property [.] ;

54 [(c)] c. to apply all moneys, assets, property or other things of

1 value it may receive as an incident to its operation to the general  
2 purpose of the trust;

3 [(d)] d. to co-operate with and assist, insofar as practicable,  
4 any agency of the State or any of its political subdivisions, and  
5 any private agency or person in furtherance of the purpose of the  
6 trust;

7 [(e)] e. to give any moneys or property held by the trust to the  
8 Commissioner of [Conservation and Economic Development]  
9 Environmental Protection on behalf of the State for purpose of  
10 administering, operating or maintaining the historic sites  
11 programs of the State of New Jersey; <sup>2</sup>and<sup>2</sup>

12 [(f)] f. to report annually to the Governor and the Legislature  
13 of the State of New Jersey <sup>2</sup>[their] its<sup>2</sup> activities during the  
14 preceding year together with any recommendations or requests  
15 <sup>2</sup>[they deem] it deems<sup>2</sup> appropriate to further the purpose of the  
16 trust.

17 (cf: P.L.1967, c.124, s.8)

18 5. Section 9 of P.L.1967, c.124 (C.13:1B-15.116) is amended to  
19 read as follows:

20 9. The trust may not acquire, hold, receive or accept any  
21 moneys or other property, real or personal, tangible or intangible,  
22 which will result in the incurrence of any financial obligations on  
23 the part of the State of New Jersey which cannot be supported  
24 entirely from funds available in the trust without the express  
25 approval of the Commissioner of [Conservation and Economic  
26 Development] Environmental Protection or the Legislature.

27 (cf: P.L.1967, c.124, s.9)

28 <sup>1</sup>6. (New section) a. The New Jersey Historic Trust may  
29 charge and collect an application fee not to exceed \$100 to be  
30 paid in connection with any application for a loan pursuant to  
31 P.L.1991, c.41 (C.13:1B-115a et seq.). All application fees  
32 collected pursuant to this subsection shall be deposited into the  
33 Historic Preservation Revolving Loan Fund created pursuant to  
34 section 1 of P.L.1991, c.41 (C.13:1B-15.115a).

35 b. In connection with any application for a loan pursuant to  
36 P.L.1991, c.41 (C.13:1B-115a et seq.), the New Jersey Historic  
37 Trust may require the applicant to pay for the cost of any  
38 appraisal, credit investigation or report, survey, or other  
39 professional service performed by a third party that is deemed  
40 necessary by the trust to properly evaluate the application.<sup>1</sup>

41 <sup>1</sup>[6.] 7.<sup>1</sup> This act shall take effect immediately.

42

43

44

45

46 Revises laws pertaining to the NJ Historic Trust.

1       5. Section 9 of P.L.1967, c.124 (C.13:1B-15.116) is amended to  
2 read as follows:

3       9. The trust may not acquire, hold, receive or accept any  
4 moneys or other property, real or personal, tangible or intangible,  
5 which will result in the incurrence of any financial obligations on  
6 the part of the State of New Jersey which cannot be supported  
7 entirely from funds available in the trust without the express  
8 approval of the Commissioner of [Conservation and Economic  
9 Development] Environmental Protection or the Legislature.  
10 (cf: P.L.1967, c.124, s.9)

11       6. This act shall take effect immediately.

12

13

14

#### STATEMENT

15

16       This bill would make various amendments to the law  
17 establishing the New Jersey Historic Trust. Specifically, the bill  
18 would:

19       (1) remove the trust's allocation within the Department of  
20 Environmental Protection, and provide instead that the trust  
21 would be allocated in but not of the department;

22       (2) expand the board of trustees total membership from 11 to  
23 15 by expanding the number of citizen trustees from eight to 12;

24       (3) require that citizen trustees possess a minimum of five  
25 years experience in historic preservation, and restrict them to  
26 not more than three consecutive terms, except the bill includes a  
27 limited grandfather clause for citizen trustees currently serving  
28 on the board;

29       (4) provide that eight trustees would constitute a quorum, and  
30 that a majority of those in attendance, rather than a majority of  
31 the board's full membership, would be required to validate acts  
32 of the board;

33       (5) authorize the trust to adopt rules and regulations;

34       (6) authorize the trust to establish advisory groups;

35       (7) make various changes to the trust's power to enter into  
36 contracts and to the contracting process in general;

37       (8) authorize the trust to establish interest-bearing accounts  
38 for donations that may be received by the trust; and

39       (9) make various technical amendments to the law.

40

41

42

43

44       \_\_\_\_\_

Makes various amendments to law establishing NJ Historic Trust.

ASSEMBLY ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1106

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 5, 1994

The Assembly Environment and Energy Committee favorably reports Assembly Bill No. 1106 with Assembly committee amendments.

This bill would make various amendments to the law establishing the New Jersey Historic Trust. Specifically, the bill would:

(1) remove the trust's allocation within the Department of Environmental Protection, and provide instead that the trust would be allocated in but not of the department;

(2) expand the board of trustees total membership from 11 to 15 by expanding the number of citizen trustees from eight to 12;

(3) require that citizen trustees possess a minimum of five years experience in historic preservation, and restrict them to not more than three consecutive terms, except the bill includes a limited grandfather clause for citizen trustees currently serving on the board;

(4) provide that eight trustees would constitute a quorum, and that a majority of those in attendance, rather than a majority of the board's full membership, would be required to validate acts of the board;

(5) authorize the trust to adopt rules and regulations;

(6) authorize the trust to establish advisory groups;

(7) make various changes to the trust's power to enter into contracts and to the contracting process in general;

(8) authorize the trust to establish interest-bearing accounts for donations that may be received by the trust; and

(9) make various technical amendments to the law.

The committee amended the bill to provide that the New Jersey Historic Trust may charge and collect an application fee not to exceed \$100 to be paid in connection with historic preservation loan applications. The application fees collected would be deposited into the existing Historic Preservation Revolving Loan Fund. The committee also amended the bill to provide that the New Jersey Historic Trust may require historic preservation loan applicants to pay for the cost of any appraisal, credit investigation or report, survey, or other professional service performed by a third party that is deemed necessary by the trust to properly evaluate the application.

SENATE NATURAL RESOURCES, TRADE AND  
ECONOMIC DEVELOPMENT COMMITTEE

STATEMENT TO

[FIRST REPRINT]

**ASSEMBLY, No. 1106**

with committee amendments

**STATE OF NEW JERSEY**

DATED: DECEMBER 1, 1994

The Senate Natural Resources, Trade and Economic Development Committee favorably reports Assembly Bill No.1106 (1R), with Senate committee amendments.

This bill would make various amendments to the law establishing the New Jersey Historic Trust. Specifically, the bill would:

(1) remove the trust's allocation within the Department of Environmental Protection, and provide instead that the trust would be allocated in but not of the department;

(2) expand the board of trustees total membership from 11 to 15 by expanding the number of citizen trustees from eight to 12;

(3) require that citizen trustees possess a minimum of five years experience in historic preservation, and restrict them to not more than three consecutive terms, except the bill includes a limited grandfather clause for citizen trustees currently serving on the board;

(4) provide that eight trustees would constitute a quorum, and that a majority of those in attendance, rather than a majority of the board's full membership, would be required to validate acts of the board;

(5) authorize the trust to adopt rules and regulations;

(6) authorize the trust to establish advisory groups;

(7) make various changes to the trust's power to enter into contracts and to the contracting process in general;

(8) authorize the trust to establish interest-bearing accounts for donations that may be received by the trust; and

(9) make various technical amendments to the law.

The bill also provides that the New Jersey Historic Trust may charge and collect an application fee not to exceed \$100 to be paid in connection with historic preservation loan applications. The application fees collected would be deposited into the existing Historic Preservation Revolving Loan Fund. The New Jersey Historic Trust may also require historic preservation loan applicants to pay for the cost of any appraisal, credit investigation or report, survey, or other professional service performed by a third party that is deemed necessary by the trust to properly evaluate the application.

The committee amended section 2 of the bill to provide that of the new citizen trustees appointed pursuant to this bill, two would be appointed for two years and two would be appointed for one year. If the bill is enacted in 1995, this amendment will ensure that there will be a balanced turnover of four citizen trustees every year.

The amendments also require that the concurrence of a majority of the trustees is necessary to validate an action of the board,

rather than a majority of those present. With this amendment, at least eight members must concur in all acts of the board.

The other amendments are technical in nature and serve to clarify the intent of the sponsor.