

SENATE, No. 1447

STATE OF NEW JERSEY
221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

SYNOPSIS

Transfers New Jersey Historic Trust from Department of State to DCA and makes certain changes related to trustees and powers.

CURRENT VERSION OF TEXT

As reported by the Senate State Government, Wagering, Tourism & Historic Preservation Committee with technical review.



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1 AN ACT related to the New Jersey Historic Trust, including transfer
2 from the Department of State to the Department of Community
3 Affairs and changes related to trustees and powers, and
4 amending P.L.1967, c.124, P.L.1983, c.562, and P.L.1995, c.217.
5

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

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

11 4. There is hereby created and established in but not of the
12 Department of **[State]** Community Affairs, a body corporate and
13 politic with corporate succession, to be known as the New Jersey
14 Historic Trust. The trust is hereby constituted an instrumentality
15 exercising public and essential governmental functions, and the
16 exercise by the trust of the powers conferred by P.L.1967, c.124
17 (C.13:1B-15.111 et al.) shall be deemed and held to be an essential
18 governmental function of the State.
19 (cf: P.L.1999, c.152, s.44)
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21 2. Section 3 of P.L.1983, c.562 (C.13:1B-15.112a) is amended
22 to read as follows:

23 3. a. The powers and duties of the New Jersey Historic Trust
24 shall vest in and be exercised by a board of 15 trustees, of whom
25 three shall be the Administrator of the New Jersey Historic
26 Preservation Office in the Department of Environmental Protection
27 or such other representative of that department as may be
28 designated by the Commissioner of Environmental Protection, the
29 State Treasurer, and the **[Executive Director of the New Jersey**
30 **Historical Commission in the Department of State]** Commissioner
31 of the Department of Community Affairs or such other
32 representative of that department as may be designated by the
33 **[Secretary of State]** Commissioner of Community Affairs, or their
34 respective designees, who shall serve ex officio, and 12 shall be
35 citizens of the State, representing the several geographic regions of
36 the State, to be appointed by the Governor with the advice and
37 consent of the Senate. Citizen trustees shall possess a minimum of
38 five years' experience in at least one of the following areas: historic
39 preservation, fundraising, redevelopment and financing,
40 architecture, planning, archaeology, or cultural nonprofit
41 management, except this requirement shall not apply to any citizen
42 trustee serving on the board on the date of enactment of P.L.1995,
43 c.217 (C.13:1B-15.115f et al.) for the remainder of the unexpired
44 term of that trustee.

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.

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1 b. Citizen trustees shall serve for three-year terms provided,
2 however, that the terms of the four new trustees appointed pursuant
3 to P.L.1995, c.217 (C.13:1B-15.115f et al.) shall begin in the same
4 calendar year as the effective date of that act, and that two of those
5 trustees first appointed shall be appointed for a two-year term and
6 two shall be appointed for a one-year term. Each citizen trustee
7 shall hold office for the term of the appointment and until a
8 successor shall have been appointed and qualified. No citizen
9 trustee may serve more than three consecutive terms, except this
10 restriction shall not apply to terms either completed or commenced
11 prior to the effective date of P.L.1995, c.217 (C.13:1B-15.115f et
12 al.).

13 c. The trustees shall elect a chairman, vice-chairman, treasurer,
14 and assistant secretary.

15 d. Eight trustees shall constitute a quorum, and the concurrence
16 of a majority of the quorum shall be necessary to validate all acts of
17 the board.

18 (cf: P.L.1999, c.152, s.45)

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

22 8. The trust shall have power in particular to:

23 a. solicit and accept gifts, legacies, bequests and endowments
24 for any purpose which falls within that of the trust, and to maintain
25 interest-bearing trust accounts for those purposes; and, unless
26 otherwise specified by the person making such gift, legacy, bequest
27 or endowment, the trustees may expend both principal and income
28 of any such gift, bequest, legacy, or endowment in furtherance of
29 the trust or invest it in whole or in part in securities which are legal
30 for trust funds in the State of New Jersey;

31 b. acquire and hold real and personal property of historic,
32 aesthetic or cultural significance, by gift, purchase, devise, bequest,
33 or by any other means, and to preserve and administer such
34 properties; and in the acquisition of such properties, to acquire
35 property adjacent thereto deemed necessary for the proper use and
36 administration of historic, aesthetic or cultural property;

37 c. apply all moneys, assets, property or other things of value it
38 may receive as an incident to its operation to the general purpose of
39 the trust;

40 d. cooperate with and assist, insofar as practicable, any agency
41 of the State or any of its political subdivisions, and any private
42 agency or person in furtherance of the purpose of the trust;

43 e. give any moneys or property held by the trust to the
44 **【Secretary of State】** Commissioner of Community Affairs or the
45 Commissioner of Environmental Protection on behalf of the State
46 for the purpose of administering, operating or maintaining the
47 historic sites programs of the State of New Jersey;

1 f. report annually to the Governor and the Legislature of the
2 State of New Jersey its activities during the preceding year together
3 with any recommendations or requests it deems appropriate to
4 further the purpose of the trust. The annual report shall include a
5 summary of the trust's use of the fee-collection authority provided
6 by subsection h. of this section. The summary shall include the
7 following information:

8 (1) For conferences, workshops, or other education initiatives:
9 (a) a list of all conferences, workshops, or other education
10 initiatives conducted during the preceding year for which fees were
11 collected pursuant to subsection h. of this section;
12 (b) the dollar amount of actual costs incurred by the trust in
13 connection with each conference, workshop, or other education
14 initiative listed in the summary; and
15 (c) the dollar amount of fees collected pursuant to subsection h.
16 of this section for each conference, workshop, or other education
17 initiative listed in the summary **;** .

18 (d) **【**the dollar amount of funds deposited as excess into the
19 General Fund for each conference listed in the summary.**】** (Deleted
20 by amendment, P.L. , c. (pending before the Legislature as this
21 bill)

22 (2) For printed works:
23 (a) identification by author with title of each printed work for
24 which fees were collected pursuant to subsection h. of this section;
25 (b) the actual cost of reprinting the printed work; and
26 (c) the dollar amount of fees collected pursuant to subsection h.
27 of this section for reprinting of the printed work **;** .

28 (d) **【**the dollar amount of funds deposited as excess into the
29 General Fund, for each printed work identified in the summary.**】**
30 (Deleted by amendment, P.L. , c. (pending before the
31 Legislature as this bill)

32 g. to apply for recognition as an organization that is exempt
33 from federal taxation, pursuant to section 501(c)(3) of the Internal
34 Revenue Code (26 U.S.C.s.501(c)(3)), and to accept tax-deductible
35 gifts, legacies, bequests, and endowments as provided pursuant to
36 subsection a. of this section, and as allowed by the Internal Revenue
37 Code. This authorization shall be deemed retroactive to June 21,
38 1967;

39 h. to collect fees for:

40 (1) admittance to any conference, seminar, exhibition,
41 symposium, workshop or similar meeting, or education initiative
42 sponsored by the trust for the purpose of promoting the
43 preservation, improvement, restoration, rehabilitation, or
44 acquisition of historic properties in the State;

45 (2) distribution to any individual or entity of a book, treatise,
46 research study, monograph, or other printed work, **【CDRom】** CD-
47 rom, **【or】** DVD, or online digital content that has been authored or

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1 commissioned by the trust for the purpose of promoting the
2 preservation, improvement, restoration, rehabilitation, or
3 acquisition of historic properties in the State.

4 i. to provide for the collection of fees under this section or by
5 contract;

6 j. fees collected pursuant to paragraph (1) of subsection h. of
7 this section shall be credited to **【the】** a non-lapsing account from
8 which the costs of the conference, workshop, or other education
9 initiative are paid and shall be available to pay the costs incurred by
10 the trust in connection with its sponsorship of the conference,
11 workshop, or other education initiative, or to reimburse the trust for
12 those costs. In the event that the total amount of fees collected
13 exceeds the actual costs incurred by the trust in connection with its
14 sponsorship of a conference, workshop, or other education
15 initiative, the amount of such excess shall **【be deposited in the**
16 **General Fund as a miscellaneous receipt】** remain in the account and
17 may be used by the trust to pay for future costs associated with any
18 conference, seminar, exhibition, symposium, workshop or similar
19 meeting, or education initiative sponsored by the trust for the
20 purpose of promoting the preservation, improvement, rehabilitation,
21 or acquisition of historic properties in the State;

22 k. fees collected pursuant to paragraph (2) of subsection h. of
23 this section shall be credited to the account from which the costs of
24 reprinting the printed work, or creating or distributing any CD-rom,
25 DVD, or online digital content are paid, and shall be available to
26 pay the costs incurred by the trust to reprint the printed work or
27 create or distribute the CD-rom, DVD, or online digital content, or
28 to reimburse the trust for those costs. In the event the total amount
29 of fees collected exceeds the actual costs incurred by the trust to
30 reprint the printed work, the amount of such excess shall **【be**
31 **deposited in the General Fund as a miscellaneous receipt】** remain in
32 the account and may be used by the trust to pay for future costs
33 associated with reprinting printed works or creating or distributing
34 any CD-rom, DVD, or online digital content.

35 (cf: P.L.2009, c.288, s.1)

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37 4. Section 6 of P.L.1995, c.217 (C.13:1B-15.115f) is amended to
38 read as follows:

39 6. a. The New Jersey Historic Trust may charge and collect an
40 application fee **【not to exceed \$100】** to be paid in connection with
41 any application for a loan pursuant to P.L.1991, c.41 (C.13:1B-115a
42 et seq.), which fee shall be determined by the trust in regulation.
43 All application fees collected pursuant to this subsection shall be
44 deposited into the Historic Preservation Revolving Loan Fund
45 created pursuant to section 1 of P.L.1991, c.41 (C.13:1B-15.115a).

46 b. In connection with any application for a loan pursuant to
47 P.L.1991, c.41 (C.13:1B-115a et seq.), the New Jersey Historic

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1 Trust may require the applicant to pay for the cost of any appraisal,
2 credit investigation or report, survey, or other professional service
3 performed by a third party that is deemed necessary by the trust to
4 properly evaluate the application, and may also require the
5 applicant to pay loan closing costs.

6 (cf: P.L.1995, c.217, s.6)

7

8 5. (New section) The New Jersey Historic Trust, together with
9 all of its functions, is continued, but the New Jersey Historic Trust
10 is transferred by statute from the Department of State to the
11 Department of Community Affairs. All personnel, appropriations,
12 books, papers, records, and property necessary to the operation of
13 the existing New Jersey Historic Trust are likewise transferred from
14 the Department of State to the Department of Community Affairs.
15 All rules, regulations, acts, determinations, and decisions in force at
16 the time of the transfer pursuant to this section, or other matters
17 undertaken or commenced pursuant to P.L.1967, c.124
18 (C.13:1B-15.111 et al.) shall continue in force.

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20 6. This act shall take effect immediately.