

ASSEMBLY, No. 732

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

SYNOPSIS

Modifies powers and allocation of Historic New Bridge Landing Park Commission.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** modifying the powers and allocation of the Historic New
2 Bridge Landing Park Commission and amending P.L.1995,
3 c.260.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. Section 1 of P.L.1995, c.260 (C.13:15B-1) is amended to
9 read as follows:

10 1. a. The Historic New Bridge Landing Park Commission, a
11 body corporate and politic with corporate succession, is created in,
12 but not of, the Department of Environmental Protection. The
13 commission is an instrumentality exercising public and essential
14 governmental functions. Exercise by the commission of the powers
15 conferred by this act is deemed to be an essential governmental
16 function of the State.

17 b. The commission shall consist of nine members to be
18 appointed and qualified as follows:

19 (1) the Commissioner of Environmental Protection or the
20 commissioner's designee; and

21 (2) eight residents of the State, who shall be recommended by
22 their respective governing body and appointed by the Governor,
23 with the advice and consent of the Senate, among whom shall be
24 one representative each from the County of Bergen, the Blauvelt-
25 Demarest Foundation, River Edge Borough, and New Milford
26 Borough; and two representatives each from the Bergen County
27 Historical Society and Teaneck Township.

28 Each member in office on the effective date of P.L.2009, c.45
29 (C.13:15B-5 et al.) shall serve for the term of the appointment and
30 until a successor shall have been appointed and qualified.

31 Each member appointed by the Governor shall serve for a term
32 of five years; provided, however, that of the members first
33 appointed, the representative from the County of Bergen shall serve
34 a term of four years, one representative from Teaneck Township
35 shall serve a term of three years and one shall serve a term of four
36 years, one representative from the Bergen County Historical Society
37 shall serve a term of four years and one shall serve a term of five
38 years, the representative from the Blauvelt-Demarest Foundation
39 shall serve a term of five years, and the representatives from River
40 Edge Borough and New Milford Borough shall each serve an initial
41 term of three years. Each member appointed by the Governor may
42 be reappointed upon completion of the term.

43 Each member shall serve for the term of the appointment and
44 until a successor shall have been appointed and qualified. Any

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.

1 vacancy or reappointment shall be filled in the same manner as the
2 original appointment.

3 Members of the commission shall serve without compensation
4 but may be reimbursed for necessary expenses incurred in the
5 performance of their duties. The members of the commission shall
6 elect annually a chairman and vice-chairman from their number,
7 and a secretary and treasurer who need not be members of the
8 commission. The same person may be elected to serve both as
9 secretary and treasurer. The chairman of the commission shall be
10 its presiding officer and the vice-chairman shall serve as chairman
11 in the absence of the chairman. The commission shall organize and
12 adopt procedures for the conduct of its business. Five members of
13 the commission shall constitute a quorum and the concurrence of
14 five members of the commission shall be necessary to validate all
15 acts of the commission.

16 c. Any member of the commission may be removed by the
17 Governor, for cause, after a public hearing.

18 d. Each member of the commission, before entering upon the
19 member's duties, shall take and subscribe an oath to perform the
20 duties of the office faithfully, impartially, and justly to the best of
21 the member's ability. A record of the oath shall be filed in the
22 Office of the Secretary of State.

23 e. The commission shall prepare, adopt, and implement a
24 master plan for the physical development of the property under the
25 commission's jurisdiction, hereby designated as the Historic New
26 Bridge Landing State Park, or a portion thereof; review State and
27 local actions that impact on the park to insure that these actions
28 conform as nearly as possible to the commission's master plan; and
29 coordinate and support activities by citizens' groups to promote and
30 preserve the park.

31 f. On or before December 31 in each year the commission shall
32 make an annual report of its activities for the preceding calendar
33 year to the Governor and, pursuant to section 2 of P.L.1991, c.164
34 (C.52:14-19.1), to the Legislature. The report shall set forth a
35 complete operating and financial statement covering its operations
36 during the year. The commission may, in addition, at any time
37 request the Governor and the Legislature to appropriate funds for
38 commission purposes.

39 g. The commission shall cause an audit of its books and
40 accounts to be made at least once in each year and the cost thereof
41 shall be treated as one incurred by the commission in the
42 administration of this act, and a copy thereof shall be filed with the
43 State Treasurer, the State Comptroller, and the State Auditor.

44 h. (1) No member, officer, employee, or agent of the
45 commission shall be financially interested, either directly or
46 indirectly, in any project or any part of a project area, or in any
47 contract, sale, purchase, lease, or transfer of real or personal

1 property to the Department of Environmental Protection for
2 inclusion in the Historic New Bridge Landing State Park.

3 (2) Any contract or agreement knowingly made in contravention
4 of this section is voidable.

5 (3) Any person who shall willfully violate any of the provisions
6 of this section shall forfeit his office or employment and shall be
7 guilty of a crime of the fourth degree.

8 (cf: P.L.2009, c.45, s.1)

9

10 2. Section 3 of P.L.1995, c.260 (C.13:15B-3) is amended to
11 read as follows:

12 3. The Historic New Bridge Landing Park Commission shall
13 have the following powers:

14 a. **【To sue and be sued in its own name, but the members of the**
15 **commission shall be held harmless for acts performed in good**
16 **faith;】** (Deleted by amendment, P.L. , c.) (pending before the
17 Legislature as this bill)

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

19 c. To adopt bylaws for the regulation of its affairs and the
20 conduct of its business;

21 d. To maintain an office or offices at such place or places
22 within the State as it may designate;

23 e. To appoint officers, who need not be members of the
24 commission, in addition to a secretary and a treasurer, as the
25 commission deems advisable, and to employ other employees and
26 agents as may be necessary or desirable in its judgment, to fix their
27 compensation, and to promote and discharge officers, employees
28 and agents all without regard to the provisions of Title 11A, Civil
29 Service, of the New Jersey Statutes;

30 f. To acquire in the name of the commission, hold and dispose
31 of real and personal property in the exercise of its powers and the
32 performance of its duties under this act;

33 g. To make, enter into, and perform all contracts and
34 agreements necessary or incidental to the performance of its duties
35 and the execution of its powers under this act, including agreements
36 to indemnify and hold harmless a local government unit against any
37 claim arising from the use of property leased from that local
38 government unit by the Historic New Bridge Landing Park
39 Commission;

40 h. To request the State Historic Preservation Officer to place
41 the lands and buildings under the commission's jurisdiction on the
42 National Register of Historic Places pursuant to the "National
43 Historic Preservation Act," Pub.L.89-665 (16 U.S.C. s.470 et al.), as
44 amended and supplemented by the "National Historic Preservation
45 Act Amendments of 1980," Pub.L.96-515, and the "National
46 Historic Preservation Act Amendments of 1992," Pub.L.102-575, or
47 any future amendments or supplements thereto;

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1 i. To acquire and hold real and personal property by gift,
2 purchase, devise, bequest, or by other means and to preserve and
3 administer these properties;

4 j. To conduct public information and education programs
5 relating to the historic nature of the property under the
6 commission's jurisdiction;

7 k. To apply to the Department of Environmental Protection for
8 grants from the Green Acres or historic preservation bond programs
9 or other appropriate funding sources, for the purpose of acquisitions
10 pursuant to subsection f. of this section or for the purposes of
11 development, preservation, or maintenance of those acquired
12 properties; and

13 l. To do all acts and things necessary or convenient to carry
14 out the powers expressly granted in this act.

15 (cf: P.L.2000, c.158, s.1)

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17 3. This act shall take effect immediately.

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STATEMENT

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22 This bill would revise current law to eliminate the power of the
23 Historic New Bridge Landing Park Commission to sue and be sued.
24 This bill also provides that the Historic New Bridge Landing Park
25 Commission would be allocated "in, but not of," the Department of
26 Environmental Protection, rather than in the department.