

ASSEMBLY, No. 4786

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED OCTOBER 8, 2020

Sponsored by:
Assemblywoman CAROL A. MURPHY
District 7 (Burlington)

SYNOPSIS

Makes various changes to membership and financial practices of New Jersey Historic Trust.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the membership and financial practices of the
2 New Jersey Historic Trust, and amending P.L.1983, c.562,
3 P.L.1967, c.124, and P.L.1995, c.217.

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

7
8 1. Section 3 of P.L.1983, c.562 (C.13:1B-15.112a) is amended
9 to read as follows:

10 3. a. The powers and duties of the New Jersey Historic Trust
11 shall vest in and be exercised by a board of 15 trustees, of whom
12 three shall be the Administrator of the New Jersey Historic
13 Preservation Office in the Department of Environmental Protection
14 or such other representative of that department as may be
15 designated by the Commissioner of Environmental Protection, the
16 State Treasurer or the treasurer's designee , and the **Executive**
17 **Director** of the New Jersey Historical Commission in the
18 Department of State or such other representative of that department
19 as may be designated by the Secretary of State, or their respective
20 designees,**】** Commissioner of Community Affairs or the
21 commissioner's designee, who shall serve ex officio, and 12 shall be
22 citizens of the State, representing the several geographic regions of
23 the State, to be appointed by the Governor with the advice and
24 consent of the Senate. Citizen trustees shall possess a minimum of
25 five years' experience in historic preservation, fundraising,
26 redevelopment and financing, architecture, planning, archaeology,
27 cultural nonprofit management, or any combination thereof, except
28 this requirement shall not apply to any citizen trustee serving on the
29 board on the date of enactment of **【**P.L.1995, c.217 (C.13:1B-
30 15.115f et al.)**】** P.L. , c. (C.) (pending before the
31 Legislature as this bill) for the remainder of the unexpired term of
32 that trustee.

33 b. Citizen trustees shall serve for three-year terms provided,
34 however, that the terms of the four new trustees appointed pursuant
35 to P.L.1995, c.217 (C.13:1B-15.115f et al.) shall begin in the same
36 calendar year as the effective date of that act, and that two of those
37 trustees first appointed shall be appointed for a two-year term and
38 two shall be appointed for a one-year term. Each citizen trustee
39 shall hold office for the term of the appointment and until a
40 successor shall have been appointed and qualified. No citizen
41 trustee may serve more than three consecutive terms, except this
42 restriction shall not apply to terms either completed or commenced
43 prior to the effective date of P.L.1995, c.217 (C.13:1B-15.115f et
44 al.).

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

3 d. Eight trustees shall constitute a quorum, and the concurrence
4 of a majority of the quorum shall be necessary to validate all acts of
5 the board.

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

7

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

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

11 a. solicit and accept gifts, legacies, bequests and endowments
12 for any purpose which falls within that of the trust, and to maintain
13 interest-bearing trust accounts for those purposes; and, unless
14 otherwise specified by the person making such gift, legacy, bequest
15 or endowment, the trustees may expend both principal and income
16 of any such gift, bequest, legacy, or endowment in furtherance of
17 the trust or invest it in whole or in part in securities which are legal
18 for trust funds in the State of New Jersey;

19 b. acquire and hold real and personal property of historic,
20 aesthetic or cultural significance, by gift, purchase, devise, bequest,
21 or by any other means, and to preserve and administer such
22 properties; and in the acquisition of such properties, to acquire
23 property adjacent thereto deemed necessary for the proper use and
24 administration of historic, aesthetic or cultural property;

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

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

31 e. give any moneys or property held by the trust to the
32 Secretary of State or the Commissioner of Environmental Protection
33 on behalf of the State for the purpose of administering, operating or
34 maintaining the historic sites programs of the State of New Jersey;

35 f. report annually to the Governor and the Legislature of the
36 State of New Jersey its activities during the preceding year together
37 with any recommendations or requests it deems appropriate to
38 further the purpose of the trust. The annual report shall include a
39 summary of the trust's use of the fee-collection authority provided
40 by subsection h. of this section. The summary shall include the
41 following information:

42 (1) For conferences , seminars, exhibitions, symposia, or similar
43 meetings :

44 (a) a list of all conferences , seminars, exhibitions, symposia, or
45 similar meetings conducted during the preceding year for which
46 fees were collected pursuant to subsection h. of this section;

- 1 (b) the dollar amount of actual costs incurred by the trust in
2 connection with each conference , seminar, exhibition, symposium,
3 or similar meeting listed in the summary; and
- 4 (c) the dollar amount of fees collected pursuant to subsection h.
5 of this section for each conference , seminar, exhibition,
6 symposium, or similar meeting listed in the summary **【;】** .
- 7 (d) **【the dollar amount of funds deposited as excess into the**
8 **General Fund for each conference listed in the summary.】** (Deleted
9 by amendment, P.L. , c. .) (pending before the Legislature as this
10 bill)
- 11 (2) For printed or digital works:
- 12 (a) identification by author with title of each printed or digital
13 work for which fees were collected pursuant to subsection h. of this
14 section;
- 15 (b) the actual cost of reprinting the printed or digital work; and
- 16 (c) the dollar amount of fees collected pursuant to subsection h.
17 of this section for **【reprinting】** the distribution of the printed or
18 digital work **【;】** .
- 19 (d) **【the dollar amount of funds deposited as excess into the**
20 **General Fund, for each printed work identified in the summary.】**
21 (Deleted by amendment, P.L. , c. .) (pending before the
22 Legislatre as this bill)
- 23 g. to apply for recognition as an organization that is exempt
24 from federal taxation, pursuant to section 501(c)(3) of the Internal
25 Revenue Code (26 U.S.C.s.501(c)(3)), and to accept tax-deductible
26 gifts, legacies, bequests, and endowments as provided pursuant to
27 subsection a. of this section, and as allowed by the Internal Revenue
28 Code. This authorization shall be deemed retroactive to June 21,
29 1967;
- 30 h. to collect fees for:
- 31 (1) admittance to any conference, seminar, exhibition,
32 symposium, or similar meeting sponsored by the trust for the
33 purpose of promoting the preservation, improvement, restoration,
34 rehabilitation, or acquisition of historic properties in the State;
- 35 (2) distribution to any individual or entity of a book, treatise,
36 research study, monograph, or other printed work, **【CDRom,】** or a
37 CD-ROM, DVD , or other digital work that has been authored or
38 commissioned by the trust for the purpose of promoting the
39 preservation, improvement, restoration, rehabilitation, or
40 acquisition of historic properties in the State.
- 41 i. to provide for the collection of fees under this section or by
42 contract;
- 43 j. fees collected pursuant to paragraph (1) of subsection h. of
44 this section shall be credited to **【the】** a non-lapsing account from
45 which the costs of **【the conference】** conferences, seminars,
46 exhibitions, symposia, or similar meetings are paid and shall be
47 available to pay the costs incurred by the trust in connection with its

1 sponsorship of **【the conference,】** conferences, seminars,
2 exhibitions, symposia, or similar meetings, or to reimburse the trust
3 for those costs. **【In the event that the total amount of fees collected**
4 **exceeds the actual costs incurred by the trust in connection with its**
5 **sponsorship of a conference, the amount of such excess shall be**
6 **deposited in the General Fund as a miscellaneous receipt;】**

7 k. fees collected pursuant to paragraph (2) of subsection h. of
8 this section shall be credited to **【the】** a non-lapsing account from
9 which the costs of **【reprinting】** distributing the printed or digital
10 work are paid, and shall be available to pay the costs incurred by
11 the trust to **【reprint】** distribute the printed or digital work, or to
12 reimburse the trust for those costs. **【In the event the total amount**
13 **of fees collected exceeds the actual costs incurred by the trust to**
14 **reprint the printed work, the amount of such excess shall be**
15 **deposited in the General Fund as a miscellaneous receipt.】**

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

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

20 6. a. The New Jersey Historic Trust may charge and collect an
21 application fee **【not to exceed \$100】** , in an amount to be
22 determined by the trust, to be paid in connection with any
23 application for a loan pursuant to P.L.1991, c.41 (C.13:1B-115a et
24 seq.). All application fees collected pursuant to this subsection
25 shall be deposited into the Historic Preservation Revolving Loan
26 Fund created pursuant to section 1 of P.L.1991, c.41 (C.13:1B-
27 15.115a).

28 b. In connection with any application for a loan pursuant to
29 P.L.1991, c.41 (C.13:1B-115a et seq.), the New Jersey Historic
30 Trust may require the applicant to pay for the cost of any appraisal,
31 credit investigation or report, survey, or other professional service
32 performed by a third party that is deemed necessary by the trust to
33 properly evaluate the application , and any closing costs associated
34 with the loan .

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

36
37 4. This act shall take effect immediately.
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40 STATEMENT

41
42 This bill would make various changes to the membership and
43 financial practices of the New Jersey Historic Trust (trust).

44 Specifically, the bill would remove the Executive Director of the
45 New Jersey Historical Commission from the trust, and add the
46 Commissioner of Community Affairs or a designee. The bill would
47 also expand the types of experience required for a citizen to serve as

1 a trustee. Citizens with five years' experience in fundraising,
2 redevelopment and financing, architecture, planning, archaeology,
3 cultural nonprofit management, or any combination thereof would
4 be eligible to serve as a trustee, under the bill.

5 The bill would clarify that the trust is required to report on its fee
6 collection from conferences, seminars, exhibitions, symposia, or
7 similar meetings. The bill would permit the trust to collect fees
8 from distributing any digital content that has been authored or
9 commissioned by the trust for the purpose of promoting the
10 preservation, improvement, restoration, rehabilitation, or
11 acquisition of historic properties in the State. The bill would also
12 require the trust to report on its collection of those fees.

13 Under current law, the trust is required to deposit annual
14 excesses from the accounts it uses to fund events and the
15 distribution of promotional materials in the General Fund. This bill
16 would remove this requirement and allow the trust to keep excess
17 funds to be used for the same purposes in subsequent fiscal years.

18 Finally, the bill would remove a \$100 limit on the fee that the
19 trust is permitted to charge for loan applications from the "Historic
20 Preservation Revolving Loan Fund." The bill would allow the trust
21 to determine the amount of the fee. The bill would also allow the
22 trust to require loan applicants to pay for closing costs associated
23 with the loan.