

**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**

Introduced Pending Technical Review by Legislative Counsel.



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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)  
20

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)

19

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

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.

19  
20 6. This act shall take effect immediately.

21

22

23 STATEMENT

24

25 This bill statutorily transfers the New Jersey Historic Trust,  
26 which advances historic preservation in the State through several  
27 programs, from an entity in but not of the Department of State to an  
28 entity in but not of the Department of Community Affairs, and  
29 makes certain changes related to trustee qualifications and entity  
30 powers

31 The New Jersey Historic Trust was created by legislation in 1967  
32 and became affiliated with the Department of Community Affairs in  
33 2002. This bill makes the statutory law consistent with its current  
34 affiliation with the Department of Community Affairs.

35 The bill also provides that members of the New Jersey Historic  
36 Trust board of trustees, to include the Commissioner of Community  
37 Affairs or a designee, are required to possess a minimum of five  
38 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. The bill also expands the New Jersey Historic Trust's  
42 authorization to collect fees for admittance to workshops or other  
43 education initiatives and allows the New Jersey Historic Trust to  
44 determine the amount of a fee to be collected for an application for  
45 a loan through the "Historic Preservation Revolving Loan Fund."