

CHAPTER 50

AN ACT concerning the New Jersey Railroad and Transportation Museum Commission and amending P.L.1993, c.209.

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

1. Section 1 of P.L.1993, c.209 (C.52:16A-43) is amended to read as follows:

C.52:16A-43 Findings, declarations; authority of department.

1. The Legislature finds and declares that:

a. The New Jersey Railroad and Transportation Museum Study Commission was created under P.L.1987, c.41, continued under P.L.1988, c.5, and reconstituted under P.L.1990, c.58, for the purpose of investigating the feasibility of establishing a railroad and transportation museum in New Jersey; including in its study such issues as the possible location of the museum, the costs associated with the creation and operation of the museum, and the potential sources and types of financial support required for the museum;

b. In its Interim Report, published in February 1988, the study commission documented the public interest in, the historical need for, and the financial viability of, a railroad and transportation museum in this State;

c. Since then, the study commission has devoted many hours to meetings, on-site inspections, public hearings, research and planning, to ensure that the State's railroad and transportation heritage will be preserved in a well-planned, financially sound manner, and that there will be enthusiastic public support for the museum;

d. The continuity of this planning process must extend beyond the September 30, 1991 expiration date of the legislation authorizing the study commission, if the museum is to succeed, and the extensive preparatory work of the study commission, a major contribution to the museum project, should be expanded upon, so as not to lose the momentum of public interest in the project, and to take advantage of the opportunities now available to obtain equipment, artifacts and other memorabilia, railroad rights-of-way and other real properties, and the sources of funding for the project;

e. Therefore, it is only appropriate that the Legislature create a new long-term commission, to continue the work of the study commission, and to take further preparatory actions toward creation of the museum. At this time the Department of Transportation is deemed the appropriate authority to establish the museum, pending any final decision made in the future, and for this reason the Department of Transportation is authorized to receive funds for the proposed museum and to take other appropriate preparatory and transitional action.

2. Section 2 of P.L.1993, c.209 (C.52:16A-44) is amended to read as follows:

C.52:16A-44 New Jersey Railroad and Transportation Museum Commission, created.

2. There is created, in but not of the Department of Transportation, a commission to be known as the New Jersey Railroad and Transportation Museum Commission, with a membership of 16. The commission shall consist of:

a. Two members of the Senate, to be appointed by the President thereof, who shall not be of the same political party, and two members of the General Assembly, to be appointed by the Speaker thereof, who shall not be of the same political party. A legislative member shall serve only as long as he or she is a member of the House which made the original appointment.

b. The Commissioner of Transportation, or his designee, the Commissioner of Commerce and Economic Development, or his designee, the Commissioner of Environmental Protection, or his designee, the Secretary of State, or his designee, the State Treasurer, or his designee, and the Executive Director of the New Jersey Transit Corporation or his designee.

c. Six public members, to be appointed by the Governor, with the advice and consent of the Senate, one of whom shall be chosen from the United Railroad Historical Society, one of whom shall be chosen from the Friends of the New Jersey Railroad and Transportation Museum, and the rest of whom shall be chosen from among persons who are affiliated with railroad or transportation historical preservation, exhibition or tourism organizations in New Jersey, or from among persons who have knowledge of, individual experience with, or demonstrated interest in, New Jersey railroad or transportation history, preservation, exhibition or tourism. If a public

member is chosen from the United Railroad Historical Society, the Friends of the New Jersey Railroad and Transportation Museum, or a railroad or transportation historical preservation, exhibition or tourism organization, the public member shall have the power to appoint a designee from the membership of the organization. If one of these organizations goes out of existence, the position on the commission shall be considered vacant, and the position may be filled, for the unexpired term only, from among persons who are affiliated with other railroad or transportation historical preservation, exhibition or tourism organizations in New Jersey, or from among persons who have knowledge of, individual experience with, or demonstrated interest in, New Jersey railroad or transportation history, preservation, exhibition or tourism. The public members shall have terms of three years, and shall be eligible for reappointment to the commission; except that, of those first appointed, two of the public members shall have terms of three years, two shall have terms of two years and two shall have terms of one year, and all of the members first appointed shall be eligible for reappointment.

All appointments shall be made within 60 days of the effective date of this act. For purposes of continuity, and to the extent practicable and feasible, the first appointments to the commission shall include the legislative, ex officio, and public members of the New Jersey Railroad and Transportation Museum Study Commission last serving on that study commission; except that a member of the study commission shall have the right to decline appointment to the new commission. Vacancies in the membership of the commission shall be filled, for the unexpired term only, in the manner described in subsections a. through c. of this section, and within 60 days of the vacancy. Members of the commission shall serve without compensation for performing their duties as members, but the commission may, within the limits of funds appropriated or otherwise made available therefor, reimburse members for the actual expenses necessarily incurred in the performance of their duties.

3. Section 4 of P.L.1993, c.209 (C.52:16A-46) is amended to read as follows:

C.52:16A-46 Commission duties.

4. The commission may:

a. Make recommendations to the Governor, the Legislature and the Department of Transportation concerning the general nature and scope of a transportation and railroad museum, including the presentation and examination of various alternative sites for the museum. The commission shall make no recommendations or decisions concerning a choice of a preliminary or final site for the museum unless it has developed a master plan therefor, provided, however, that the Legislature has by law authorized the development of such a plan;

b. Make recommendations to the Governor, the Legislature and the Department of Transportation concerning the selection of architectural and interior design plans for the railroad and transportation museum;

c. Make recommendations to the Governor, the Legislature and the Department of Transportation concerning the selection, acquisition, movement, storage and security of railroad and transportation related equipment, memorabilia, books, papers, and other documents;

d. Raise funds, through direct solicitation or other fund raising events, alone, or in conjunction with nonprofit railroad or transportation groups in this State, and accept gifts, donations, devises and bequests, for the purposes of a State railroad and transportation museum and to defray the administrative expenses of the commission;

e. Work with various nonprofit railroad and transportation groups around the State, for purposes of obtaining funding and enhancing public interest in the museum project;

f. Continue any studies or projects begun by the New Jersey Railroad and Transportation Museum Study Commission, and prepare any new studies or projects related to the creation and development of a railroad and transportation museum in this State.

4. Section 6 of P.L.1993, c.209 (C.52:16A-48) is amended to read as follows:

C.52:16A-48 Meetings; report.

6. The commission may meet and hold hearings at any place or places as it shall designate

during the sessions or recesses of the Legislature. The commission shall report a summary of its activities and its findings, conclusions and recommendations to the Governor, the Legislature, and the Department of Transportation on an annual basis, not later than March 1 of each year of the commission's life, accompanying them with any legislative bills which it may desire to recommend for adoption by the Legislature.

5. Section 8 of P.L.1993, c.209 (C.52:16A-50) is amended to read as follows:

C.52:16A-50 Acquisition of other funds and related materials.

8. The Department of Transportation is authorized to acquire, through purchase, transfer, condemnation, devise, bequest, donation, gift or otherwise, in the name of the State, for purposes of a State railroad and transportation museum, and subject to the availability of appropriations or other funds as may be necessary therefor, any real property, including, but not limited to land, buildings, improvements, and railroad rights-of-way. The department may use moneys from the Railroad and Transportation Museum Fund to effectuate its responsibilities under this section. Additionally, the Department of Transportation is authorized to acquire, through purchase, transfer, devise, donation, gift or otherwise, railroad and transportation related equipment, memorabilia, books, papers, and other documents. The Department of Transportation also is authorized to provide for the selecting, moving, securing and storage of any such acquisitions by the New Jersey Transit Corporation or by any department or agency which the Department of Transportation shall deem appropriate.

6. Section 9 of P.L.1993, c.209 (C.52:16A-51) is amended to read as follows:

C.52:16A-51 "Railroad and Transportation Museum Fund," established.

9. There is established in the Department of Transportation a fund to be known as the "Railroad and Transportation Museum Fund." The fund shall be credited with moneys received under subsection d. of section 4 of this act, and with any other moneys and appropriations obtained by the department for railroad and transportation museum purposes. All interest earned on the investment moneys in the fund shall be credited to the fund. Appropriations of moneys made by the Legislature to the commission or otherwise received by the commission for its administrative purposes shall be credited to the fund established under section 7 of this act until the expiration date of the commission under section 13 of this act. The moneys in the fund established by this section shall be administered by the Commissioner of Transportation, to be held thereby in the fund until appropriated by law. Moneys from the fund shall be used only for the purposes of a State railroad and transportation museum, including, but not limited to, the costs related to the establishment of the museum; the acquisition of a site for the museum; the selection and preparation of the architectural and interior design plans for the museum; and the acquisition, storage and security for railroad and transportation related equipment, memorabilia, books, papers and other documents for the museum. Not later than one year after the effective date of this act, and quarterly thereafter, the Commissioner of Transportation shall certify to the Legislature, the Department of the Treasury, and the commission until the date of its expiration under section 13 of this act, the total amount of moneys in the fund.

Moneys received by the fund to be used for an expressly specified purpose, such as, but not limited to, moneys expressly donated for the purchase of a certain type of railroad or transportation equipment for the railroad and transportation museum, shall be held in a restricted account within the fund. Interest earned on investment moneys in each restricted account shall be credited to the fund. The moneys in the fund shall be invested and reinvested in the same manner that trust funds in the custody of the State Treasurer are invested and reinvested.

7. This act shall take effect immediately.

Approved March 27, 1997.