

**CHAPTER 27****NEW JERSEY CULTURAL TRUST****Authority**

N.J.S.A. 52:16A-72 et seq., specifically 52:16A-77a.

**Source and Effective Date**

R.2007 d.291, effective August 15, 2007.  
See: 39 N.J.R. 1640(a), 39 N.J.R. 3282(a), 39 N.J.R. 3995(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 27, New Jersey Cultural Trust, expires on August 15, 2014. See: 43 N.J.R. 1203(a).

**Chapter Historical Note**

Chapter 27, New Jersey Cultural Trust, was adopted as Special New Rules by R.2001 d.391, effective September 26, 2001 (to expire March 25, 2002). See: 33 N.J.R. 3687(a).

Chapter 27, New Jersey Cultural Trust, was readopted as R.2002 d.112, effective March 20, 2002. See: 33 N.J.R. 3687(a), 34 N.J.R. 1538(b).

Chapter 27, New Jersey Cultural Trust, was readopted as R.2007 d.291, effective August 15, 2007. See: Source and Effective Date. See, also, section annotations.

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**SUBCHAPTER 1. ORGANIZATIONAL RULE****15:27-1.1 Organization; information contact; petition for rulemaking**

(a) The New Jersey Cultural Trust, in but not of the Department of State, is a 15-member board directed by the Legislature and Governor to establish a permanent, interest-generating fund to be an additional source of revenue to non-profit arts, history, and humanities organizations, specifically for the building of endowments, the improvement of institutional and financial stability, and the capital improvement of cultural facilities. Ten members of the Board are public members, and five are ex officio members.

(b) To contact the New Jersey Cultural Trust, or to submit a petition for rulemaking pursuant to N.J.A.C. 1:30-4, write:

Carol Cronheim, Board Secretary  
New Jersey Cultural Trust  
PO Box 529  
Trenton, NJ 08625-0529

**SUBCHAPTER 2. NEW JERSEY CULTURAL TRUST FUND GRANT PROGRAM****15:27-2.1 Purpose**

This chapter constitutes the rules of the New Jersey Cultural Trust, in but not of the Department of State, for the New Jersey Cultural Trust Fund Program for the award of grants for endowments, capital facilities projects and financial and institutional stabilization in accord with the New Jersey Cultural Trust Act, P.L. 2000, c.76, N.J.S.A. 52:16A-72 et seq.

**15:27-2.2 Ethical principles**

The New Jersey Cultural Trust will maintain the highest level of integrity in conducting all of its business including the making of funding decisions. Funding decisions will be based on merit and on the performance of eligible nonprofit organizations measured against the legislation, regulations, and requirements of the Trust. To this end, Trustees may disqualify from consideration any organization that the Trustees find has sought to influence the decision-making process outside of the normal application procedures.

**15:27-2.3 Severability**

If a court of competent jurisdiction declares any portion of this chapter invalid, the remainder of this chapter is not to be affected.

**15:27-2.4 Suspension of rules for cause**

The Board reserves to itself the right to suspend any or all of the following rules or provisions thereof due to a lack of funding.

**15:27-2.5 Definitions**

The following words and terms, as used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

“Act” means the New Jersey Cultural Trust Act, P.L. 2000, c.76 (N.J.S.A. 52:16A-72 et seq.).

“Applicant” means an organization applying to be approved as a qualified organization or applying to have its endowment gift certified, or an approved qualified nonprofit organization that appears on a list of suggested projects submitted to the Trust by the Council, Historic Trust or Commission.

“Board” means the Board of Trustees of the New Jersey Cultural Trust.

“Capital facilities project” means those projects in New Jersey of qualified organizations that construct, expand, renovate, plan for, repair, rehabilitate, restore, adaptively reuse, purchase, effectuate long-term leaseholds on, replace, relocate, or otherwise improve cultural or historical properties and facilities, as appropriate, including any work relating to providing access thereto for persons with disabilities. The term includes the acquisition of an interest in real property and includes the repair and replacement of fixtures.

“Certification” means the process by which restricted and unrestricted donations are evaluated and approved by the Board, the result of which is a transfer of funds from the Account to the Fund.

“Commission” means the New Jersey Historical Commission established pursuant to N.J.S.A. 18A:73-21 et seq.

“Council” means the New Jersey State Council on the Arts established pursuant to P.L. 1966, c.214 (N.J.S.A. 52:16A-25 et seq.).

“Cultural Trust” means the New Jersey Cultural Trust, established by P.L. 2000, c.76 (N.J.S.A. 52:16A-72 et seq.).

“Donor” means any individual, fiduciary, corporation, company, association, society, firm, partnership, or other person or entity. This definition includes a fiduciary exercising authority, in accordance with N.J.S.A. 3B:1-1 et seq. or other similar laws of another state or foreign jurisdiction, as an executor, trustee, guardian, or other authorized representative.

“Endowment” means a permanent fund, the principal of which is to remain intact in perpetuity and which is invested and held by or for the exclusive use of a qualified organiza-

tion, and the income of which may be expended by the qualified organization for the purposes consistent with its mission.

“Financial stabilization project” means those enhancements to a qualified organization that build assets, reduce liabilities, aid cash flow, establish working capital and capital reserves, expand income, improve public access, build institutional capability and efficiency, or otherwise effect long-term improvement of a qualified organization’s financial ability to sustain itself and carry out its mission.

“Grant” means an award of funds from the interest of the Trust Fund to an applicant recommended by the Council, the Commission or the Historic Trust.

“Historic facility” means a building or structure which has been “certified” as eligible for listing on the State Register of Historic Places by the New Jersey Office of Historic Preservation.

“Historic Trust” means the New Jersey Historic Trust established pursuant to P.L. 1967, c.124 (N.J.S.A. 13:1B-15.111 et seq.)

“Nonprofit organization” means a corporation organized under the New Jersey Nonprofit Corporation Act, N.J.S.A. 15A:1-1 et seq.

“Project list” means a compilation of projects, their purposes and amounts recommended by the Council, Historic Trust and Commission for receipt of Cultural Trust moneys generated by the interest of the Trust Fund.

“Qualified organization” means a separately incorporated, tax-exempt under the Internal Revenue Code of 1986 (26 U.S.C. § 501(c)), nonprofit organization, whose primary mission is to promote the performing, visual and creative arts in New Jersey or to promote or preserve history and humanities in New Jersey. The term shall not include private, State, county, or municipal colleges, and universities. The term shall not include State, county, or local governmental units, authorities or corporations created by such units, and shall not include a “qualifying governmental body” as defined in section 2 of P.L. 1985, c.410 (N.J.S.A. 52:16A-26.2).

“Restricted donations” are donations made directly to qualified organizations for endowment, which once certified, cause the transfer of a dollar for dollar match from the Trust Account to the Trust Fund.

“Southern New Jersey” means the eight southernmost counties including Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean and Salem.

“Trust Account” means the New Jersey Cultural Trust Account in the General Fund established by section 8 of the Act (N.J.S.A. 52:16A-79).

“Trust fund” means the permanent investment fund established by the Board of Trustees as provided in P.L. 2000, c.76.