

[First Reprint]

ASSEMBLY, No. 2677

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED FEBRUARY 14, 2022

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SYNOPSIS

Requires New Jersey Historical Commission to establish Black Heritage Trail; permits New Jersey Black Cultural and Heritage Initiative Foundation to use funds for markers on certain trail sites; appropriates \$1 million.

CURRENT VERSION OF TEXT

As amended by the Senate on May 26, 2022.

(Sponsorship Updated As Of: 6/29/2022)

1 AN ACT establishing a Black Heritage Trail ¹, amending P.L.2005,
2 c.47,¹ and supplementing chapter 16A of Title 52 of the Revised
3 Statutes ¹, and making an appropriation¹.

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

7
8 1. a. As used in this act:

9 “Black heritage site” or “heritage site” means a location where
10 items of political, military, artistic, cultural, or social history have
11 been preserved due to their cultural heritage value to the State. The
12 locations shall include, but need not be limited to, locations related
13 to Black educators, journalists, scientists, physicians, lawyers,
14 artists, or humanitarians who have contributed to the development
15 or advancement of this State, the United States, or Black
16 communities throughout the world.

17 “Black Heritage Trail” means a series of Black heritage sites
18 identified by the division, which may be linked by geographic
19 proximity and alignment, thematic consistency, and historical
20 consistency.

21 ¹“Commission” means the New Jersey Historical Commission,
22 established pursuant to P.L.1967, c. 271 (C.18A:73-22 et seq.).¹

23 “Director” means the Director of the Division of Travel and
24 Tourism in the Department of State.

25 “Division” means the Division of Travel and Tourism in the
26 Department of State.

27 “Historical marker” means a marker, plaque, or tablet
28 commemorating a historic person, place, or event or identifying a
29 historic place, structure, or object.

30 b. In addition to the powers and duties of the ¹[division as
31 provided in section 9 of P.L.1977, c.225 (C.34:1A-53), the division
32 shall, in consultation with the New Jersey Black Cultural and
33 Heritage Commission, established pursuant to section 3 of
34 P.L. , c. (C.) (pending before the Legislature as this bill),
35 commission as provided under P.L.1967, c. 271 (C.18A:73-22 et
36 seq.), the commission shall¹ identify a series of Black heritage sites
37 to be part of a New Jersey Black Heritage Trail. The ¹[division]
38 commission¹ may seek the assistance and cooperation of the New
39 Jersey Historic Preservation Office, the New Jersey ¹[Historical
40 Commission] Division of Travel and Tourism¹, local government
41 officials or entities, owners or operators of Black heritage sites, and
42 entities that identify and compile data on historical trails, sites, or
43 memorials to aid in effectively carrying out the purposes of this act.
44 The purpose of the New Jersey Black Heritage Trail shall be to

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate floor amendments adopted May 26, 2022.

1 promote awareness and appreciation of Black history, heritage, and
2 culture in the State ¹through education, public programs, and
3 historical markers¹. The New Jersey Black Heritage Trail shall
4 highlight Black heritage sites through historical markers and a trail-
5 like path that connect the stories of Black life and resiliency in the
6 State. The ¹division commission¹ shall ensure that as many Black
7 heritage sites in the State as practical are included in the New
8 Jersey Black Heritage Trail. In identifying specific Black heritage
9 sites to be included in the New Jersey Black Heritage Trail, special
10 consideration shall be given to Black heritage sites that are in close
11 geographic proximity to other Black heritage sites or thematically
12 linked by surrounding arts, cultural, historical, entertainment, or
13 other tourism destinations or exhibits of interest to tourists
14 interested in Black heritage sites ¹and to sites that are recommended
15 by the New Jersey Black Cultural and Heritage Initiative
16 Foundation established pursuant to P.L.2005, c.47 (C.52:16A-90 et
17 seq.)¹. The New Jersey Black Heritage Trail shall be inclusive of
18 all eras as well as be geographically representative of the entire
19 State.

20 c. The ¹division commission¹ shall:

21 (1) determine and select such sites significant to Black history,
22 heritage, and culture in this State that the ¹division commission¹
23 determines should be a part of the New Jersey Black Heritage Trail
24 ¹and shall mark each site with a suitable historical marker, unless
25 the site already has a marker that the division deems suitable¹;

26 (2) design ¹and, for sites owned or on property owned by the
27 State¹, purchase ¹[,]¹ and erect ¹[,]¹ historical markers which the
28 ¹division commission¹ may decide to be appropriate at such sites,
29 indicating thereon the persons, places, or events commemorated and
30 having such other suitable inscription as the ¹division
31 commission¹ may deem necessary; and

32 (3) ¹keep in good repair all provide oversight of¹ historical
33 markers that are a part of the New Jersey Black Heritage Trail
34 erected by ¹the division private entities. A private entity shall not
35 erect any marker without the approval of the commission, and all such
36 markers shall comport with the design determined by the
37 commission¹.

38 d. All historical markers on the New Jersey Black Heritage
39 Trail that are erected by the ¹division commission¹ shall be the
40 property of the State. No person, entity, or business shall ¹erect,
41 receive, retain,¹ possess, transport, alter, or remove a marker without
42 written ¹authority of an appropriate official of the division. No
43 person, entity, or business shall receive, retain, alter, or dispose of
44 the historical markers without written authorization of an
45 appropriate official of the division permission of the appropriate
46 official of the commission and may do so only in a manner consistent

1 with any direction therefrom. No person, entity, or business shall
2 duplicate the historical markers, or create, obtain, sell, distribute, or
3 install similar markers with an intent to mislead or deceive the public
4 and shall not create, obtain, sell, distribute, or install any markers
5 purporting to be the official marker established by the commission.
6 The New Jersey Black Cultural and Heritage Initiative Foundation
7 may contact and coordinate with any owner of a private property or
8 business designated as a Black heritage site to facilitate the
9 establishment of the marker at the site¹.

10 e. ¹**【**The division may establish rules or regulations regarding all
11 aspects of the historical markers associated with the New Jersey
12 Black Heritage Trail. Other persons, entities, or businesses shall
13 not duplicate the historical markers, or create, obtain, or install
14 similar markers with an intent to mislead or deceive the public**】** The
15 commission shall accept for consideration, as appropriate, submissions
16 from the public and from the New Jersey Black Cultural and Heritage
17 Initiative Foundation recommending for inclusion on the New Jersey
18 Black Heritage Trail, heritage sites not owned, operated, or maintained
19 by a governmental entity through an electronic submission form made
20 available by the commission on its Internet site.

21 f. The commission may establish any guidelines, rules or
22 regulations regarding all aspects of the historical markers associated
23 with the New Jersey Black Heritage Trail.

24 g. The commission shall not use public funds to produce, purchase,
25 or erect markers or signs on private property bearing the designation
26 established pursuant to this section. The commission shall have the
27 authority to receive gifts, grants, or other financial assistance from
28 private sources for the purpose of funding or reimbursing the
29 commission for costs associated with reviewing, producing,
30 purchasing, or erecting any historical marker and entering into
31 agreements related thereto including, but not limited to, with private
32 sources, and non-governmental, non-profit, educational, or charitable
33 entities or institutions¹.

34
35 2. a. The division shall develop and maintain an Internet site
36 providing information on the New Jersey Black Heritage Trail and
37 Black heritage sites in the State. The information on the Internet
38 site shall ¹**【**be searchable and available as a list and as**】** provide a
39 downloadable itinerary or¹ an interactive map, and shall:

40 (1) specify the location of each heritage site included on the
41 New Jersey Black Heritage Trail ¹**【**and provide driving directions
42 from the north, south, east, and west, as well as directions by public
43 transit where applicable**】¹**;

44 (2) ¹**【**provide information about whether the heritage site offers
45 guided tours, the frequency of tours, and the hours during which
46 tours are conducted;

47 (3)¹**【**display photographs of each heritage site;

1 ¹[(4)] (3)¹ inform visitors that the heritage site is part of the
2 New Jersey Black Heritage Trail developed pursuant to section 1 of
3 P.L. , c. (C.) (pending before the Legislature as this bill); and

4 ¹[(5) provide contact information for the owner or operator of
5 each heritage site, including the telephone number and Internet site
6 address of the heritage site if one exists] (4) provide a link to any
7 available Internet site address of the heritage site if one exists or
8 describing or otherwise providing information on the heritage site¹ .

9 b. ¹[(The division shall develop and publish on its Internet site
10 vacation itineraries based on the New Jersey Black Heritage Trail
11 developed pursuant to section 1 of P.L. , c. (C.) (pending
12 before the Legislature as this bill), which shall identify for visitors
13 surrounding attractions, restaurants, lodging, and other exhibits or
14 places of entertainment in close proximity to the Black heritage
15 sites on the New Jersey Black Heritage Trail.]¹ The division may
16 solicit information from local government officials or entities, the
17 owners or operators of Black heritage sites, and entities that identify
18 and compile data on historical trail, sites, or memorials in the
19 development of ¹any¹ vacation itineraries. ¹The division may
20 distribute the information by any other method it deems appropriate.¹

21 c. ¹[(In addition to publishing the information required in
22 subsections a. and b. of this section, the division may distribute the
23 information by any other method it deems appropriate.

24 d. The division shall accept submissions from the public
25 recommending, for inclusion on the New Jersey Black Heritage Trail,
26 heritage sites not owned, operated, or maintained by a governmental
27 entity through an electronic submission form made available by the
28 division on its Internet site. The division may include heritage sites
29 not owned, operated, or maintained by a governmental entity on the
30 New Jersey Black Heritage Trail, as it deems appropriate.

31 e.]¹ The director shall ensure that the Internet site is updated
32 whenever a new Black heritage site is established ¹by the New
33 Jersey Historical Commission¹. The division may accept
34 information or changes to the Internet site from ¹the New Jersey
35 Black Cultural and Heritage Initiative Foundation,¹ the New Jersey
36 Historic Preservation Office, the New Jersey Historical
37 Commission, local government officials and entities, owners or
38 operators of heritage sites in the State, entities that identify and
39 compile data on historical trails, sites, or memorials, or the public
40 through an electronic submission form made available by the
41 division on its Internet site.

42

43 ¹[3. a. There is created in, but not of, the Department of State a
44 commission to be known as the “New Jersey Black Cultural and
45 Heritage Commission.” The commission shall be independent of
46 any supervision or control by the Department of State except as

1 expressly authorized under this act, P.L. , c. (C.) (pending
2 before the Legislature as this bill).

3 b. The commission shall consist of 11 members, of whom:

4 (1) two public members shall be appointed, one each, by the
5 Governor from persons recommended by the President and Minority
6 Leader of the Senate;

7 (2) two public members shall be appointed, one each, by the
8 Governor from persons recommended by the Speaker and Minority
9 Leader of the General Assembly; and

10 (3) seven public members shall be appointed by the Governor,
11 of whom one shall serve as chairperson.

12 Members of the commission shall be residents of the State, shall
13 represent the various geographical areas of the State, and shall be
14 representatives of Black arts, history, or culture organizations or be
15 persons having knowledge of, expertise in, or a commitment to the
16 collection, recordation, and preservation of the history, heritage,
17 and culture of Black people in New Jersey.

18 c. Members of the commission shall be appointed not later than
19 60 days after the effective date of this act and shall hold their initial
20 meeting as soon as practicable, but no later than 30 days following
21 the appointment of a majority of its authorized membership. The
22 members shall elect one of the members to serve as chairperson and
23 one of the members to serve as vice-chairperson. The chairperson
24 may appoint a secretary, who need not be a member of the
25 commission. Members shall serve for a term of two years, except
26 that six of the initial members appointed by the Governor shall
27 serve for a term of one year. Members shall be eligible for
28 reappointment. The members of the commission shall serve until
29 their successors are appointed and qualified, and the term of the
30 successor of any incumbent public member shall be calculated from
31 the expiration of the term of that incumbent. A vacancy occurring
32 other than by expiration of the term shall be filled in the same
33 manner as the original appointment but for the unexpired term only.
34 Members of the commission shall serve without compensation, but
35 may be reimbursed for necessary expenses incurred in the
36 performance of their duties.

37 d. The commission shall meet at the call of the chairperson.
38 The commission shall hold at least one public hearing each in the
39 north, central, and southern regions of the State annually at such
40 times and places as the chairperson shall designate. A meeting of
41 the commission may be called upon the request of six of the
42 members and six members of the commission shall constitute a
43 quorum at any meeting thereof. The commission may conduct
44 business without a quorum, but shall only vote on recommendations
45 or actions when a quorum is present.

46 e. The Department of State shall provide primary staff support
47 to the commission. The commission shall be entitled to call upon
48 any department, office, division, or agency of this State to supply

1 the commission with any information, personnel, or assistance it
2 deems necessary for its purposes. Each department, office,
3 division, or agency of the State shall cooperate with the commission
4 and furnish it with such information, personnel, or assistance as
5 may be necessary for the commission to discharge its duties. **1**¹

6
7 **1**[4. a. The purpose of the New Jersey Black Cultural and
8 Heritage Commission is to promote awareness and appreciation of
9 Black history, heritage, and culture in the State through education
10 and public programs, including the creation of appropriate
11 memorials at significant locations within the State.

12 b. The New Jersey Black Cultural and Heritage Commission
13 shall:

14 (1) assist the Division of Travel and Tourism in establishing and
15 maintaining the New Jersey Black Heritage Trail;

16 (2) develop, coordinate, and advise the Governor and
17 Legislature of Statewide activities in recognition of Black history,
18 heritage, and culture;

19 (3) establish programs designed to educate the residents of the
20 State about persons, places, or events significant to Black history,
21 heritage, and culture in New Jersey;

22 (4) meet with other groups and organizations in order to
23 coordinate events and seek volunteers who are willing to donate
24 their talents to promote awareness and appreciation of Black
25 history, heritage, and culture in order to build more inclusive
26 communities in New Jersey; and

27 (5) apply for grants and receive donations, through fund-raising
28 activities and contributions, from individuals and public and private
29 organizations in order to carry out its purpose with regard to the
30 history, heritage, and culture of Black life and resiliency in New
31 Jersey.

32 c. The commission shall prepare and submit a report to the
33 Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
34 19.1), the Legislature no later than the 365th day following the
35 initial meeting of the commission and on or before June 30 of each
36 year thereafter. The report shall contain information on establishing
37 and maintaining the New Jersey Black Heritage Trail, education and
38 public programs concerning Black history, heritage, and culture in
39 the State, and any findings, activities, and recommendations for
40 promoting awareness and appreciation of Black history, heritage,
41 and culture in New Jersey. **1**¹

42
43 **1**3. Section 5 of P.L.2005, c.47 (C.52:16A-94) is amended to
44 read as follows:

45 5. All funds received by the foundation, other than those
46 necessary to pay the expenses of the foundation, shall be used
47 exclusively for the establishment, support and promotion of the
48 New Jersey Black Cultural and Heritage Initiative. The New Jersey

1 Black Cultural and Heritage Initiative shall be an alliance of
2 organizations and institutions that comprise the Black arts, history
3 and culture communities in this State for the purpose of broadening,
4 deepening and diversifying Statewide participation in and
5 appreciation for Black arts, history and culture. The duties and
6 goals of the initiative shall be to:

7 a. promote understanding and appreciation of the history and
8 artistic and cultural contributions of people of African descent [.];

9 b. provide guidance, support and resources for new and
10 emerging Black arts and historical groups and increase the level of
11 organizational capacity and program administration of established
12 groups [.];

13 c. increase funding and audiences for local Black culture and
14 heritage tourism and enrich Black culture and heritage tourism
15 programming [.];

16 d. increase and attract corporate sponsorship and participation
17 in Black culture and heritage programming and tourism [.];

18 e. increase opportunities for young people to learn about and
19 experience Black arts, history and culture in schools and youth
20 organizations [.];

21 f. invest in future generations of Black artists and historians by
22 providing leadership development activities, apprenticeships,
23 mentorships, scholarships and cultural programs [.];

24 g. enhance computer and Internet access and usage within the
25 Black community [.];

26 h. ensure the financial viability of the initiative through a
27 network of community partners, advocates and supporters,
28 including, but not limited to, celebrities, philanthropists, legislators,
29 State and local leaders and corporations [.];

30 i. provide recommendations to the New Jersey Historical
31 Commission in the Department of State on Black heritage sites for
32 inclusion in the New Jersey Black Heritage Trail established
33 pursuant to section 1 of P.L. , c. (C.) (pending before the
34 Legislature as this bill). Funds received by the foundation may be
35 used to purchase, erect, and maintain historical markers as approved
36 by the commission, indicating thereon the persons, places, or events
37 commemorated and having such other suitable inscription as the
38 commission may deem necessary; and

39 j. any other duties and goals deemed appropriate.¹

40 (cf: P.L.2005, c.47, s.5)

41

42 ^{14.} There shall be appropriated from the General Fund to the
43 Department of State the sum of \$1 million, subject to the approval
44 of the Director of the Division of Budget and Accounting, to
45 establish historical markers, including the markers designated
46 pursuant to P.L.2009, c.264 (C.18A:73-25.5 et seq.), the markers as
47 specified in sections 1 and 2 of this act, P.L. , c. (C.)

1 (pending before the Legislature as this bill), and any other markers,
2 and to otherwise effectuate the purposes of sections 1 and 2 of this
3 act.¹

4

5 5. This act shall take effect immediately.