

[First Reprint]

## ASSEMBLY, No. 4706

# STATE OF NEW JERSEY

## 219th LEGISLATURE

INTRODUCED SEPTEMBER 21, 2020

**Sponsored by:**

**Assemblyman ANTWAN L. MCCLELLAN**

**District 1 (Atlantic, Cape May and Cumberland)**

**Assemblywoman CLEOPATRA G. TUCKER**

**District 28 (Essex)**

**Assemblywoman ANGELA V. MCKNIGHT**

**District 31 (Hudson)**

**Co-Sponsored by:**

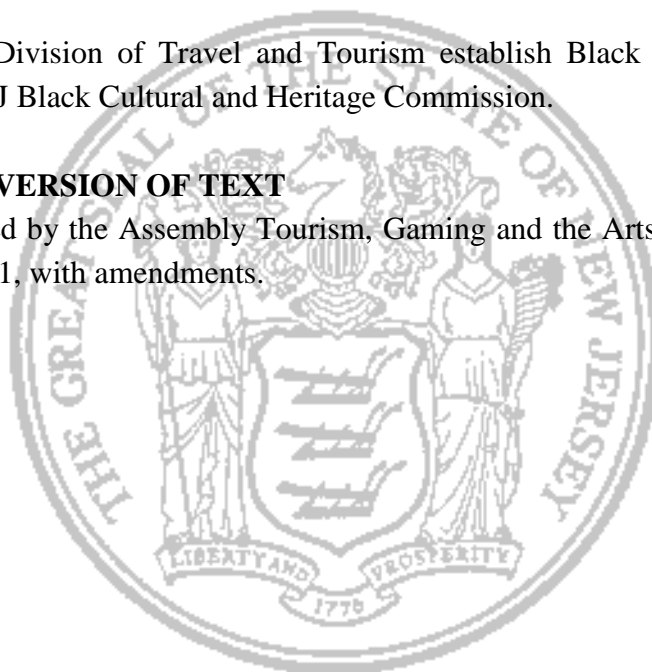
**Assemblywoman Reynolds-Jackson, Assemblyman Simonsen,  
Assemblywomen Stanfield, Vainieri Huttie, Assemblyman Houghtaling,  
Assemblywoman Dunn, Assemblymen Spearman, Johnson, Wimberly and  
Assemblywoman Murphy**

**SYNOPSIS**

Requires Division of Travel and Tourism establish Black Heritage Trail;  
establishes NJ Black Cultural and Heritage Commission.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Tourism, Gaming and the Arts Committee on  
March 8, 2021, with amendments.



(Sponsorship Updated As Of: 6/24/2021)

1 AN ACT establishing a Black Heritage Trail and supplementing  
2 chapter 16A of Title 52 of the Revised Statutes.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. a. As used in this act:

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

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

20 “Director” means the Director of the Division of Travel and  
21 Tourism in the Department of State.

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

24 “Historical marker” means a marker, plaque, or tablet  
25 commemorating a historic person, place, or event or identifying a  
26 historic place, structure, or object.

27 b. In addition to the powers and duties of the division as  
28 provided in section 9 of P.L.1977, c.225 (C.34:1A-53), the division  
29 shall, in consultation with the New Jersey Black Cultural and  
30 Heritage Commission, established pursuant to section 3 of  
31 P.L. , c. (C. ) (pending before the Legislature as this bill),  
32 identify a series of Black heritage sites to be part of a New Jersey  
33 Black Heritage Trail. The division may seek the assistance and  
34 cooperation of the New Jersey Historic Preservation Office, the  
35 New Jersey Historical Commission, local government officials or  
36 entities, owners or operators of Black heritage sites, and entities  
37 that identify and compile data on historical trails, sites, or  
38 memorials to aid in effectively carrying out the purposes of this act.  
39 The purpose of the New Jersey Black Heritage Trail shall be to  
40 promote awareness and appreciation of Black history, heritage, and  
41 culture in the State through education, public programs, and  
42 historical markers. The New Jersey Black Heritage Trail shall  
43 highlight Black heritage sites through historical markers and a trail-  
44 like path that connect the stories of Black life and resiliency in the  
45 State. The division shall ensure that as many Black heritage sites in

**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:

<sup>1</sup>Assembly ATG committee amendments adopted March 8, 2021.

1 the State as practical are included in the New Jersey Black Heritage  
2 Trail. In identifying specific Black heritage sites to be included in  
3 the New Jersey Black Heritage Trail, special consideration shall be  
4 given to Black heritage sites that are in close geographic proximity  
5 to other Black heritage sites or thematically linked by surrounding  
6 arts, cultural, historical, entertainment, or other tourism destinations  
7 or exhibits of interest to tourists interested in Black heritage sites.  
8 The New Jersey Black Heritage Trail shall be inclusive of all eras  
9 as well as be geographically representative of the entire State.

10 c. The division shall:

11 (1) determine and select such sites significant to Black history,  
12 heritage, and culture in this State that the division determines  
13 should be a part of the New Jersey Black Heritage Trail and shall  
14 mark each site with a suitable historical marker;

15 (2) design, purchase, and erect historical markers which the  
16 division may decide to be appropriate at such sites, indicating  
17 thereon the persons, places, or events commemorated and having  
18 such other suitable inscription as the division may deem necessary;  
19 and

20 (3) keep in good repair all historical markers that are a part of  
21 the New Jersey Black Heritage Trail erected by the division.

22 d. All historical markers on the New Jersey Black Heritage  
23 Trail that are erected by the division shall be the property of the  
24 State. No person, entity, or business shall possess, transport, alter,  
25 or remove a marker without written authority of an appropriate  
26 official of the division. No person, entity, or business shall receive,  
27 retain, alter, or dispose of the historical markers without written  
28 authorization of an appropriate official of the division.

29 e. The division may establish rules or regulations regarding all  
30 aspects of the historical markers associated with the New Jersey  
31 Black Heritage Trail. Other persons, entities, or businesses shall  
32 not duplicate the historical markers, or create, obtain, or install  
33 similar markers with an intent to mislead or deceive the public.

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 be searchable and available as a list and as an interactive  
39 map, and shall:

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

44 (2) 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) display photographs of each heritage site;

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

4 (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.

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

18 c. In addition to publishing the information required in  
19 subsections a. and b. of this section, the division may distribute the  
20 information by any other method it deems appropriate.

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

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

37  
38 3. a. There is created in, but not of, the Department of State a  
39 commission to be known as the “New Jersey Black Cultural and  
40 Heritage Commission.” The commission shall be independent of  
41 any supervision or control by the Department of State except as  
42 expressly authorized under this act, P.L. , c. (C. ) (pending  
43 before the Legislature as this bill).

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

45 (1) two ‘public’ members ‘[of the Senate]’ shall be appointed,  
46 one each, by the President and Minority Leader of the Senate;

1       (2) two 'public' members '[of the General Assembly]' shall be  
2 appointed, one each, by the Speaker and Minority Leader of the  
3 General Assembly; and

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

6       '[The public members] Members of the commission' shall be  
7 residents of the State, shall represent the various geographical areas  
8 of the State, and shall be representatives of Black arts, history, or  
9 culture organizations or be persons having knowledge of, expertise  
10 in, or a commitment to the collection, recordation, and preservation  
11 of the history, heritage, and culture of Black people in New Jersey.

12       c. Members of the commission shall be appointed not later than  
13 60 days after the effective date of this act and shall hold their initial  
14 meeting as soon as practicable, but no later than 30 days following  
15 the appointment of a majority of its authorized membership. The  
16 members shall elect one of the '[public]' members to serve as  
17 chairperson and one of the members to serve as vice-chairperson.  
18 The chairperson may appoint a secretary, who need not be a  
19 member of the commission. '[Public members] Members' shall  
20 serve for a term of two years, except that four of the initial members  
21 appointed by the Governor shall serve for a term of one year.  
22 '[Legislative members and public members] Members' shall be  
23 eligible for reappointment. The '[public]' members of the  
24 commission shall serve until their successors are appointed and  
25 qualified, and the term of the successor of any incumbent public  
26 member shall be calculated from the expiration of the term of that  
27 incumbent. A vacancy occurring other than by expiration of the  
28 term shall be filled in the same manner as the original appointment  
29 but for the unexpired term only. Members of the commission shall  
30 serve without compensation, but may be reimbursed for necessary  
31 expenses incurred in the performance of their duties.

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

41       e. The Department of State shall provide primary staff support  
42 to the commission. The commission shall be entitled to call upon  
43 any department, office, division, or agency of this State to supply  
44 the commission with any information, personnel, or assistance it  
45 deems necessary for its purposes. Each department, office,  
46 division, or agency of the State shall cooperate with the commission

1 and furnish it with such information, personnel, or assistance as  
2 may be necessary for the commission to discharge its duties.

3  
4 4. a. The purpose of the New Jersey Black Cultural and  
5 Heritage Commission is to promote awareness and appreciation of  
6 Black history, heritage, and culture in the State through education  
7 and public programs, including the creation of appropriate  
8 memorials at significant locations within the State.

9 b. The New Jersey Black Cultural and Heritage Commission  
10 shall:

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

13 (2) develop, coordinate, and advise the Governor and  
14 Legislature of Statewide activities in recognition of Black history,  
15 heritage, and culture;

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

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

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

29 c. The commission shall prepare and submit a report to the  
30 Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-  
31 19.1), the Legislature no later than the 365th day following the  
32 initial meeting of the commission and on or before June 30 of each  
33 year thereafter. The report shall contain information on establishing  
34 and maintaining the New Jersey Black Heritage Trail, education and  
35 public programs concerning Black history, heritage, and culture in  
36 the State, and any findings, activities, and recommendations for  
37 promoting awareness and appreciation of Black history, heritage,  
38 and culture in New Jersey.

39  
40 5. This act shall take effect immediately.