

# 52:16A-53

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2001                    **CHAPTER:** 417  
**NJSA:** 52:16A-53            (New Jersey Commission on Native American Affairs)  
**BILL NO:** A2957                (Substituted for S1844)

**SPONSOR(S):** Coleman and Gill

**DATE INTRODUCED:** November 9, 2000

**COMMITTEE:**            **ASSEMBLY:** State Government

**SENATE:** ----

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**            **ASSEMBLY:** June 14, 2001    Re-enacted 1-3-2002

**SENATE:** June 28, 2001    Re-enacted 1-7-2002

**DATE OF APPROVAL:** January 8, 2002

### FOLLOWING ARE ATTACHED IF AVAILABLE:

**FINAL TEXT OF BILL** (1st reprint enacted)  
(Amendments during passage denoted by superscript numbers)

#### A2957

**SPONSORS STATEMENT:** (Begins on page 4 of original bill) Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** Yes

**SENATE:** No

**FLOOR AMENDMENT STATEMENTS:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

#### S1844

**SPONSORS STATEMENT:** (Begins on page 4 of original bill) Yes  
Identical to Sponsors Statement to A2957

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** No

**SENATE:** Yes  
Identical to Assembly Statement for A2957

**FLOOR AMENDMENT STATEMENTS:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** Yes

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

### FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes  
"Native Americans are now Indians," 1-15-2002 Trentonian, p10

# ASSEMBLY, No. 2957

## STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED NOVEMBER 9, 2000

**Sponsored by:**

**Assemblywoman BONNIE WATSON COLEMAN**

**District 15 (Mercer)**

**Assemblywoman NIA H. GILL**

**District 27 (Essex)**

**Co-Sponsored by:**

**Assemblymen Gusciora, Connors, Assemblywoman Previte, Assemblymen  
Greenwald, Conaway, Assemblywoman Heck and Senator Allen**

**SYNOPSIS**

Makes various revisions to NJ Commission on Native American Affairs.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/29/2001)**

A2957 WATSON COLEMAN, GILL

2

1 AN ACT concerning the New Jersey Commission on Native American  
2 Affairs and amending P.L.1995, c.295.

3

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

6

7 1. The Title of P.L.1995, c.295 is amended to read as follows:

8 AN ACT establishing the New Jersey Commission on [Native]  
9 American Indian Affairs and supplementing Title 52 of the Revised  
10 Statutes.

11 (cf: P.L.1995, c.295, Title)

12

13 2. Section 1 of P.L.1995, c.295 (C.52:16A-53) is amended to read  
14 as follows:

15 1. There is established in the Department of State the New Jersey  
16 Commission on [Native] American Indian Affairs. The commission  
17 shall consist of nine members: the Secretary of State, serving ex  
18 officio, and eight public members, not more than four of whom shall  
19 be from the same political party. Two of the public members shall be  
20 members of the Nanticoke Lenni Lenape Indians, to be appointed by  
21 the Governor on the recommendation of the Confederation of the  
22 Nanticoke Lenni Lenape Tribes and with the advice and consent of the  
23 Senate. Two of the public members shall be members of the  
24 Ramapough Mountain Indians, to be appointed by the Governor on the  
25 recommendation of the Ramapough Mountain Indians and with the  
26 advice and consent of the Senate. Two of the public members shall be  
27 members of the Powhatan Renape Nation, to be appointed by the  
28 Governor on the recommendation of the Powhatan Renape Nation and  
29 with the advice and consent of the Senate. Two of the public members  
30 shall be members of the Intertribal People, to be appointed by the  
31 Governor on the recommendation of the Intertribal People and with  
32 the advice and consent of the Senate. "Intertribal People" means  
33 [Native Americans] American Indians who reside in New Jersey [but]  
34 and are not members of the Nanticoke Lenni Lenape Indians, the  
35 Ramapough Mountain Indians, or the Powhatan Renape Nation, but  
36 are enrolled members of another tribe recognized by another state or  
37 the federal government.

38 (cf: P.L.1995, c.295, s.1)

39

40 3. Section 3 of P.L.1995, c.295 (C.52:16A-55) is amended to read  
41 as follows:

42 3. The commission shall organize as soon as may be practicable  
43 after the appointment of its members and shall [annually] elect a

**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.**

1 chairperson from among its public members, who may serve as the  
2 chairperson for the duration of his or her term on the commission, and  
3 may appoint a secretary who need not be a member of the commission.  
4 The commission shall meet at least once every three months and upon  
5 the call of the chairperson or of a majority of its members. The  
6 presence of a majority of the membership of the commission shall be  
7 required for the conduct of official business.

8 (cf: P.L.1995, c.295, s.3)

9

10 4. Section 4 of P.L.1995, c. 295 (C.52:16A-56) is amended to read  
11 as follows:

12 4. The commission shall:

13 a. develop programs and projects relating to the cultural,  
14 educational and social development of New Jersey's [Native]  
15 American Indian communities;

16 b. develop programs and projects which further understanding of  
17 New Jersey's [Native] American Indian history and culture;

18 c. promote increased cooperation among all [Native] American  
19 Indian communities in the State;

20 d. serve as a Statewide reference and resource center to increase  
21 public knowledge of New Jersey's [Native] American Indian heritage;  
22 [and]

23 e. act as a liaison among [Native] American Indian communities,  
24 the State and federal governments, and educational, social and cultural  
25 institutions;

26 f. be authorized to raise funds, through direct solicitation or other  
27 fund raising events, alone or with other groups, and accept gifts,  
28 grants and bequests from individuals, corporations, foundations,  
29 governmental agencies, public and private organizations and  
30 institutions, to defray the commission's administrative expenses and  
31 carry out the purposes of P.L.1995, c.295 (C.52:16A-53 et seq.), as  
32 amended and supplemented; and

33 g. assist the Legislature and Governor to investigate the  
34 authenticity of any organization, tribe, nation or other group seeking  
35 official recognition by the State as an American Indian tribe and  
36 submit a report of its findings to the Legislature and Governor within  
37 180 days of the completion of an investigation.

38 (cf: P.L.1995, c.295, s.4)

39

40 5. Section 5 of P.L.1995, c.295 (C.52:16A-57) is amended to read  
41 as follows:

42 5. The commission may incur such traveling and other  
43 miscellaneous expenses, including expenses to maintain an office on  
44 State property, as it deems necessary in order to perform its duties and

1 as may be within the limits of funds appropriated or otherwise made  
2 available to it for those purposes.

3 (cf: P.L.1995, c.295, s.5)

4

5 6. Section 6 of P.L.1995, c.295 (C.52:16A-58) is amended to read  
6 as follows:

7 6. The commission [may] shall be authorized to:

8 a. call to its assistance and avail itself of the services and assistance  
9 of such officials and employees of [any] the State [county or  
10 municipal department, board, bureau, commission or agency] and its  
11 political subdivisions and their departments, boards, bureaus,  
12 commissions, authorities and agencies, as it may require and as may be  
13 available to it for [that purpose.] its purposes;

14 b. utilize existing staff from the Department of State until such  
15 time as it may be necessary to employ professional staff, including an  
16 executive director and stenographic and clerical assistants; and

17 c. expend any funds that may be appropriated or otherwise made  
18 available to it for its purposes.

19 Professional staff, including stenographic and clerical assistants,  
20 may be permitted to serve the commission on a volunteer basis. To  
21 the extent possible, the commission shall be permitted to use property  
22 owned by the State, without charge or at a minimal fee, for its offices.

23 The commission shall submit a spending plan to the Secretary of  
24 State for review and approval no later than October 1 of each year that  
25 lists the sources of all funds raised and actual expenses during the  
26 previous State fiscal year and the commission's projected revenues and  
27 expenditures during the State fiscal year in which the plan is  
28 submitted.

29 (cf: P.L.1995, c.295, s.6)

30

31 7. This act shall take effect immediately.

32

33

34

#### STATEMENT

35

36 This bill makes a number of changes to the New Jersey Commission  
37 on Native American Affairs.

38 Specifically, the bill:

39 (a) changes the name of the commission to the New Jersey  
40 Commission on American Indian Affairs;

41 (b) provides that the commission's chair may serve for the duration  
42 of his or her term on the commission (currently, the chair is elected  
43 annually);

44 (c) authorizes the commission to raise funds and accept gifts, grants  
45 and bequests from individuals, corporations, foundations,  
46 governmental agencies, public and private organizations and

1 institutions to defray the commission's administrative expenses and  
2 carry out its purposes;

3 (d) requires the commission to assist the Legislature and Governor  
4 to investigate the authenticity of any organization, tribe, nation or  
5 other group seeking official recognition by the State as an American  
6 Indian tribe and to submit a report to the Legislature and Governor  
7 within 180 days of the completion of the investigation;

8 (e) permits the commission to incur expenses to maintain an office  
9 on State property;

10 (f) authorizes the commission to utilize existing staff from the  
11 Department of State until such time as it may be necessary to employ  
12 professional staff, including an executive director and stenographic and  
13 clerical assistants; and

14 (g) authorizes the commission to expend any funds that may be  
15 appropriated or otherwise made available to it for its purposes.

16 Under the bill, professional staff, including stenographic and clerical  
17 assistants, could serve the commission on a volunteer basis. To the  
18 extent possible, the commission would be permitted to use property  
19 owned by the State, without charge or at a minimal fee, for its offices.

20 Finally, the bill requires the commission to submit a spending plan  
21 to the Secretary of State no later than October 1 of each year for  
22 review and approval listing the sources of all funds raised and actual  
23 expenditures during the previous State fiscal year, and projected  
24 revenues and expenditures during the State fiscal year in which the  
25 plan is submitted.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2957**

**STATE OF NEW JERSEY**

DATED: MAY 7, 2001

The Assembly State Government Committee reports favorably Assembly, No. 2957.

This bill makes a number of changes to the New Jersey Commission on Native American Affairs.

Specifically, the bill:

(a) changes the name of the commission to the New Jersey Commission on American Indian Affairs;

(b) provides that the commission's chair may serve for the duration of his or her term on the commission (currently, the chair is elected annually);

(c) authorizes the commission to raise funds and accept gifts, grants and bequests from individuals, corporations, foundations, governmental agencies, public and private organizations and institutions to defray the commission's administrative expenses and carry out its purposes;

(d) requires the commission to assist the Legislature and Governor to investigate the authenticity of any organization, tribe, nation or other group seeking official recognition by the State as an American Indian tribe and to submit a report to the Legislature and Governor within 180 days of the completion of the investigation;

(e) permits the commission to incur expenses to maintain an office on State property;

(f) authorizes the commission to utilize existing staff from the Department of State until such time as it may be necessary to employ professional staff, including an executive director and stenographic and clerical assistants; and

(g) authorizes the commission to expend any funds that may be appropriated or otherwise made available to it for its purposes.

Under the bill, professional staff, including stenographic and clerical assistants, could serve the commission on a volunteer basis. To the extent possible, the commission would be permitted to use property owned by the State, without charge or at a minimal fee, for its offices.

Finally, the bill requires the commission to submit to the Secretary of State no later than October 1 of each year, for review and approval, a spending plan listing the sources of all funds raised and actual expenditures during the previous State fiscal year, and projected revenues and expenditures during the State fiscal year in which the plan is submitted.



This bill is identical to Senate, No. 1844 of the current session.

[First Reprint]

**ASSEMBLY, No. 2957**

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

INTRODUCED NOVEMBER 9, 2000

**Sponsored by:**

**Assemblywoman BONNIE WATSON COLEMAN**

**District 15 (Mercer)**

**Assemblywoman NIA H. GILL**

**District 27 (Essex)**

**Co-Sponsored by:**

**Assemblymen Gusciora, Conners, Assemblywoman Previte, Assemblymen**

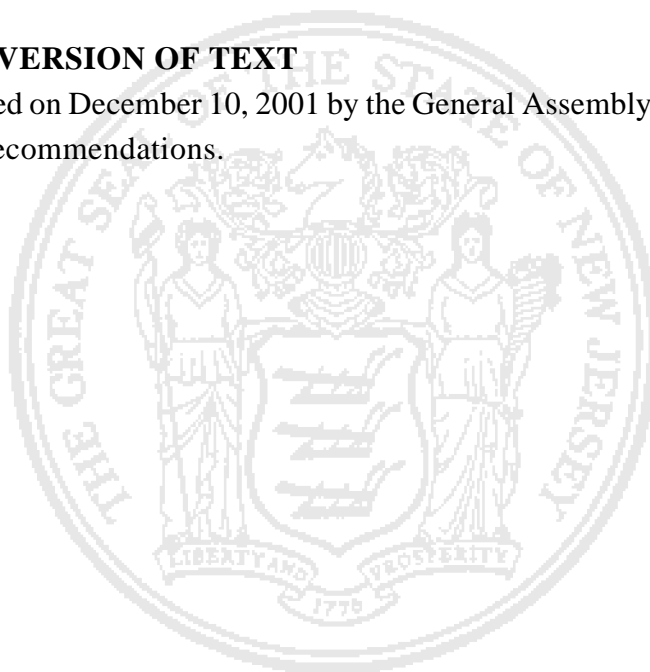
**Greenwald, Conaway, Assemblywoman Heck and Senator Allen**

**SYNOPSIS**

Makes various revisions to NJ Commission on Native American Affairs.

**CURRENT VERSION OF TEXT**

As amended on December 10, 2001 by the General Assembly pursuant to the Governor's recommendations.



**(Sponsorship Updated As Of: 6/29/2001)**

1 AN ACT concerning the New Jersey Commission on Native American  
2 Affairs and amending P.L.1995, c.295.

3

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

6

7 1. The Title of P.L.1995, c.295 is amended to read as follows:

8 AN ACT establishing the New Jersey Commission on [Native]  
9 American Indian Affairs and supplementing Title 52 of the Revised  
10 Statutes.

11 (cf: P.L.1995, c.295, Title)

12

13 2. Section 1 of P.L.1995, c.295 (C.52:16A-53) is amended to read  
14 as follows:

15 1. There is established in the Department of State the New Jersey  
16 Commission on [Native] American Indian Affairs. The commission  
17 shall consist of nine members: the Secretary of State, serving ex  
18 officio, and eight public members, not more than four of whom shall  
19 be from the same political party. Two of the public members shall be  
20 members of the Nanticoke Lenni Lenape Indians, to be appointed by  
21 the Governor on the recommendation of the Confederation of the  
22 Nanticoke Lenni Lenape Tribes and with the advice and consent of the  
23 Senate. Two of the public members shall be members of the  
24 Ramapough Mountain Indians, to be appointed by the Governor on the  
25 recommendation of the Ramapough Mountain Indians and with the  
26 advice and consent of the Senate. Two of the public members shall be  
27 members of the Powhatan Renape Nation, to be appointed by the  
28 Governor on the recommendation of the Powhatan Renape Nation and  
29 with the advice and consent of the Senate. Two of the public members  
30 shall be members of the Intertribal People, to be appointed by the  
31 Governor on the recommendation of the Intertribal People and with  
32 the advice and consent of the Senate. "Intertribal People" means  
33 [Native Americans] American Indians who reside in New Jersey [but]  
34 and are not members of the Nanticoke Lenni Lenape Indians, the  
35 Ramapough Mountain Indians, or the Powhatan Renape Nation, but  
36 are enrolled members of another tribe recognized by another state or  
37 the federal government.

38 (cf: P.L.1995, c.295, s.1)

39

40 3. Section 3 of P.L.1995, c.295 (C.52:16A-55) is amended to read  
41 as follows:

42 3. The commission shall organize as soon as may be practicable

**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 amendments adopted in accordance with Governor's recommendations December 10, 2001.**

1 after the appointment of its members and shall [annually] elect a  
2 chairperson from among its public members, who may serve as the  
3 chairperson for the duration of his or her term on the commission, and  
4 may appoint a secretary who need not be a member of the commission.  
5 The commission shall meet at least once every three months and upon  
6 the call of the chairperson or of a majority of its members. The  
7 presence of a majority of the membership of the commission shall be  
8 required for the conduct of official business.

9 (cf: P.L.1995, c.295, s.3)

10  
11 4. Section 4 of P.L.1995, c. 295 (C.52:16A-56) is amended to read  
12 as follows:

13 4. The commission shall:

14 a. develop programs and projects relating to the cultural,  
15 educational and social development of New Jersey's [Native]  
16 American Indian communities;

17 b. develop programs and projects which further understanding of  
18 New Jersey's [Native] American Indian history and culture;

19 c. promote increased cooperation among all [Native] American  
20 Indian communities in the State;

21 d. serve as a Statewide reference and resource center to increase  
22 public knowledge of New Jersey's [Native] American Indian heritage;  
23 [and]

24 e. act as a liaison among [Native] American Indian communities,  
25 the State and federal governments, and educational, social and cultural  
26 institutions;

27 f. be authorized to raise funds, through direct solicitation or other  
28 fund raising events, alone or with other groups, and accept gifts,  
29 grants and bequests from individuals, corporations, foundations,  
30 governmental agencies, public and private organizations and  
31 institutions, to defray the commission's administrative expenses and  
32 carry out the purposes of P.L.1995, c.295 (C.52:16A-53 et seq.), as  
33 amended and supplemented; and

34 g. <sup>1</sup>when requested by the Governor,<sup>1</sup> assist the Legislature and  
35 Governor to investigate the authenticity of any organization, tribe,  
36 nation or other group seeking official recognition by the State as an  
37 American Indian tribe and submit a report of its findings to the  
38 Legislature and Governor within 180 days of the completion of an  
39 investigation<sup>1</sup>. Nothing in this subsection shall be construed as  
40 authorizing the commission to recognize the authenticity of any  
41 organization, tribe, nation or other group as an American Indian tribe,  
42 which recognition shall require specific statutory authorization, nor  
43 shall this subsection be construed as in any way limiting the scope of  
44 information that may be considered in determining whether to grant  
45 such statutory recognition<sup>1</sup>.

46 (cf: P.L.1995, c.295, s.4)

1       5. Section 5 of P.L.1995, c.295 (C.52:16A-57) is amended to read  
2 as follows:

3       5. The commission may incur such traveling and other  
4 miscellaneous expenses, including expenses to maintain an office on  
5 State property, as it deems necessary in order to perform its duties and  
6 as may be within the limits of funds appropriated or otherwise made  
7 available to it for those purposes.

8 (cf: P.L.1995, c.295, s.5)

9

10       6. Section 6 of P.L.1995, c.295 (C.52:16A-58) is amended to read  
11 as follows:

12       6. The commission [~~may~~] shall be authorized to:

13       a. call to its assistance and avail itself of the services and assistance  
14 of such officials and employees of [any] the State [county or  
15 municipal department, board, bureau, commission or agency] and its  
16 political subdivisions and their departments, boards, bureaus,  
17 commissions, authorities and agencies, as it may require and as may be  
18 available to it for [that purpose.] its purposes;

19       b. utilize existing staff from the Department of State until such  
20 time as it may be necessary to employ professional staff, including an  
21 executive director and stenographic and clerical assistants; and

22       c. expend any funds that may be appropriated or otherwise made  
23 available to it for its purposes.

24       Professional staff, including stenographic and clerical assistants,  
25 may be permitted to serve the commission on a volunteer basis. To  
26 the extent possible, the commission shall be permitted to use property  
27 owned by the State, without charge or at a minimal fee, for its offices.

28       The commission shall submit a spending plan to the Secretary of  
29 State for review and approval no later than October 1 of each year that  
30 lists the sources of all funds raised and actual expenses during the  
31 previous State fiscal year and the commission's projected revenues and  
32 expenditures during the State fiscal year in which the plan is  
33 submitted.

34 (cf: P.L.1995, c.295, s.6)

35

36       7. This act shall take effect immediately.

**SENATE, No. 1844**

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

INTRODUCED NOVEMBER 9, 2000

**Sponsored by:**

**Senator DIANE ALLEN**

**District 7 (Burlington and Camden)**

**SYNOPSIS**

Makes various revisions to NJ Commission on Native American Affairs.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the New Jersey Commission on Native American  
2 Affairs and amending P.L.1995, c.295.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State  
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17 shall consist of nine members: the Secretary of State, serving ex  
18 officio, and eight public members, not more than four of whom shall  
19 be from the same political party. Two of the public members shall be  
20 members of the Nanticoke Lenni Lenape Indians, to be appointed by  
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27 members of the Powhatan Renape Nation, to be appointed by the  
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29 with the advice and consent of the Senate. Two of the public members  
30 shall be members of the Intertribal People, to be appointed by the  
31 Governor on the recommendation of the Intertribal People and with  
32 the advice and consent of the Senate. "Intertribal People" means  
33 [Native Americans] American Indians who reside in New Jersey [but]  
34 and are not members of the Nanticoke Lenni Lenape Indians, the  
35 Ramapough Mountain Indians, or the Powhatan Renape Nation, but  
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1 chairperson from among its public members, who may serve as the  
2 chairperson for the duration of his or her term on the commission, and  
3 may appoint a secretary who need not be a member of the commission.  
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5 the call of the chairperson or of a majority of its members. The  
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7 required for the conduct of official business.

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16 b. develop programs and projects which further understanding of  
17 New Jersey's [Native] American Indian history and culture;

18 c. promote increased cooperation among all [Native] American  
19 Indian communities in the State;

20 d. serve as a Statewide reference and resource center to increase  
21 public knowledge of New Jersey's [Native] American Indian heritage;  
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23 e. act as a liaison among [Native] American Indian communities,  
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33 g. assist the Legislature and Governor to investigate the  
34 authenticity of any organization, tribe, nation or other group seeking  
35 official recognition by the State as an American Indian tribe and  
36 submit a report of its findings to the Legislature and Governor within  
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29 (cf: P.L.1995, c.295, s.6)

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31 7. This act shall take effect immediately.

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STATEMENT

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44 (c) authorizes the commission to raise funds and accept gifts, grants  
45 and bequests from individuals, corporations, foundations,  
46 governmental agencies, public and private organizations and

1 institutions to defray the commission's administrative expenses and  
2 carry out its purposes;

3 (d) requires the commission to assist the Legislature and Governor  
4 to investigate the authenticity of any organization, tribe, nation or  
5 other group seeking official recognition by the State as an American  
6 Indian tribe and to submit a report to the Legislature and Governor  
7 within 180 days of the completion of the investigation;

8 (e) permits the commission to incur expenses to maintain an office  
9 on State property;

10 (f) authorizes the commission to utilize existing staff from the  
11 Department of State until such time as it may be necessary to employ  
12 professional staff, including an executive director and stenographic and  
13 clerical assistants; and

14 (g) authorizes the commission to expend any funds that may be  
15 appropriated or otherwise made available to it for its purposes.

16 Under the bill, professional staff, including stenographic and clerical  
17 assistants, could serve the commission on a volunteer basis. To the  
18 extent possible, the commission would be permitted to use property  
19 owned by the State, without charge or at a minimal fee, for its offices.

20 Finally, the bill requires the commission to submit a spending plan  
21 to the Secretary of State no later than October 1 of each year for  
22 review and approval listing the sources of all funds raised and actual  
23 expenditures during the previous State fiscal year, and projected  
24 revenues and expenditures during the State fiscal year in which the  
25 plan is submitted.

# SENATE STATE GOVERNMENT COMMITTEE

## STATEMENT TO

### SENATE, No. 1844

# STATE OF NEW JERSEY

DATED: JUNE 14, 2001

The Senate State Government Committee reports favorably Senate Bill No. 1844.

This bill makes various changes to the New Jersey Commission on Native American Affairs. The bill:

(1) changes the name of the commission to the New Jersey Commission on American Indian Affairs;

(2) provides that the commission's chair may serve for the duration of his or her term on the commission (currently, the chair is elected annually);

(3) authorizes the commission to raise funds and accept gifts, grants and bequests from individuals, corporations, foundations, governmental agencies, public and private organizations and institutions to defray the commission's administrative expenses and carry out its purposes;

(4) requires the commission to assist the Legislature and Governor to investigate the authenticity of any organization, tribe, nation or other group seeking official recognition by the State as an American Indian tribe and to submit a report to the Legislature and Governor within 180 days of the completion of the investigation;

(5) permits the commission to incur expenses to maintain an office on State property;

(6) authorizes the commission to utilize existing staff from the Department of State until such time as it may be necessary to employ professional staff, including an executive director and stenographic and clerical assistants; and

(7) authorizes the commission to expend any funds that may be appropriated or otherwise made available to it for its purposes.

Under the bill, professional staff, including stenographic and clerical assistants, could serve the commission on a volunteer basis. To the extent possible, the commission would be permitted to use property owned by the State, without charge or at a minimal fee, for its offices.

Finally, the bill requires the commission to submit a spending plan to the Secretary of State no later than October 1 of each year for review and approval listing the sources of all funds raised and actual expenditures during the previous State fiscal year, and projected revenues and expenditures during the State fiscal year in which the plan is submitted.

Senate Bill No. 1844 is the same as Assembly Bill No. 2957.

## ASSEMBLY BILL NO. 2957

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 2957 with my recommendations for reconsideration.

### A. SUMMARY OF BILL

This bill would make three significant changes to the New Jersey Commission on Native American Affairs ("Commission"), which was established in 1995 to develop programs and projects relating to the cultural, educational and social development of New Jersey's Native American communities.

First, the bill would change the name of the Commission to the New Jersey Commission on American Indian Affairs. Second, it would authorize the Commission to raise funds and accept gifts, grants and bequests from individuals, corporations, foundations, governmental agencies, and public and private organizations and institutions to defray the Commission's administrative expenses and carry out its purposes. Third, it would require the Commission to assist the Legislature and the Governor in investigating the authenticity of any organization, tribe, nation or other group seeking official recognition by the State as an American Indian tribe and to submit a report to the Legislature and Governor within 180 days of the completion of the investigation.

### B. RECOMMENDED ACTION

I applaud the efforts of the sponsors to improve the Commission so that it will be better able to serve the needs of the American Indian community in New Jersey. I am concerned, however, that expanding the role of the Commission to include the investigation of the authenticity of groups seeking official recognition by the State as an American Indian tribe may be erroneously construed as establishing a mechanism to confer state recognition of American Indian tribes, which mechanism does not presently exist in New Jersey. The official recognition of groups as an Indian tribe is generally better left to the federal Bureau of Indian Affairs, which already has a well-established procedure for the recognition of Indian tribes. It must be clear that, should there arise a need or justification for New Jersey, independent of the federal government recognition process, to confer official State recognition upon a group as an American Indian tribe, the Commission's exercise of the authority provided under this legislation to investigate tribal authenticity does not confer official State recognition nor establish a mandatory or exclusive mechanism for that purpose, and that such recognition would require specific statutory authorization. Therefore, I recommend that a provision be included to clarify that nothing in the bill shall be construed as authorizing the Commission to recognize the authenticity of any organization, tribe, nation, or other group as an American Indian tribe, and that such recognition would require specific statutory authorization.

Therefore, I herewith return Assembly Bill No. 2957 (2000) and recommend that it be amended as follows:

Page 3, Section 4, Line 34:

Insert "when requested by the Governor," at the beginning of the first sentence of subsection g.

Page 3, Section 4, Line 38:

Insert "Nothing in this subsection shall be construed as authorizing the commission to recognize the authenticity of any organization, tribe, nation or other group as an American Indian tribe, which recognition shall require specific statutory authorization, nor shall this subsection be construed as in any way limiting the scope of information that may be considered in determining whether to grant such statutory recognition." at the end of subsection g.

Respectfully,

/s/ Donald T. DiFrancesco

Acting Governor

[seal]

Attest:

/s/ James A. Harkness

Chief Counsel to the Governor

P.L. 2001, CHAPTER 417, *approved January 8, 2002*  
Assembly, No. 2957 (*First Reprint*)

1 AN ACT concerning the New Jersey Commission on Native American  
2 Affairs and amending P.L.1995, c.295.

3

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

6

7 1. The Title of P.L.1995, c.295 is amended to read as follows:

8 AN ACT establishing the New Jersey Commission on [Native]  
9 American Indian Affairs and supplementing Title 52 of the Revised  
10 Statutes.

11 (cf: P.L.1995, c.295, Title)

12

13 2. Section 1 of P.L.1995, c.295 (C.52:16A-53) is amended to read  
14 as follows:

15 1. There is established in the Department of State the New Jersey  
16 Commission on [Native] American Indian Affairs. The commission  
17 shall consist of nine members: the Secretary of State, serving ex  
18 officio, and eight public members, not more than four of whom shall  
19 be from the same political party. Two of the public members shall be  
20 members of the Nanticoke Lenni Lenape Indians, to be appointed by  
21 the Governor on the recommendation of the Confederation of the  
22 Nanticoke Lenni Lenape Tribes and with the advice and consent of the  
23 Senate. Two of the public members shall be members of the  
24 Ramapough Mountain Indians, to be appointed by the Governor on the  
25 recommendation of the Ramapough Mountain Indians and with the  
26 advice and consent of the Senate. Two of the public members shall be  
27 members of the Powhatan Renape Nation, to be appointed by the  
28 Governor on the recommendation of the Powhatan Renape Nation and  
29 with the advice and consent of the Senate. Two of the public members  
30 shall be members of the Intertribal People, to be appointed by the  
31 Governor on the recommendation of the Intertribal People and with  
32 the advice and consent of the Senate. "Intertribal People" means  
33 [Native Americans] American Indians who reside in New Jersey [but]  
34 and are not members of the Nanticoke Lenni Lenape Indians, the  
35 Ramapough Mountain Indians, or the Powhatan Renape Nation, but  
36 are enrolled members of another tribe recognized by another state or  
37 the federal government.

38 (cf: P.L.1995, c.295, s.1)

39

40 3. Section 3 of P.L.1995, c.295 (C.52:16A-55) is amended to read

**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 amendments adopted in accordance with Governor's recommendations December 10, 2001.

1 as follows:

2 3. The commission shall organize as soon as may be practicable  
3 after the appointment of its members and shall [annually] elect a  
4 chairperson from among its public members, who may serve as the  
5 chairperson for the duration of his or her term on the commission, and  
6 may appoint a secretary who need not be a member of the commission.  
7 The commission shall meet at least once every three months and upon  
8 the call of the chairperson or of a majority of its members. The  
9 presence of a majority of the membership of the commission shall be  
10 required for the conduct of official business.

11 (cf: P.L.1995, c.295, s.3)

12

13 4. Section 4 of P.L.1995, c. 295 (C.52:16A-56) is amended to read  
14 as follows:

15 4. The commission shall:

16 a. develop programs and projects relating to the cultural,  
17 educational and social development of New Jersey's [Native]  
18 American Indian communities;

19 b. develop programs and projects which further understanding of  
20 New Jersey's [Native] American Indian history and culture;

21 c. promote increased cooperation among all [Native] American  
22 Indian communities in the State;

23 d. serve as a Statewide reference and resource center to increase  
24 public knowledge of New Jersey's [Native] American Indian heritage;  
25 [and]

26 e. act as a liaison among [Native] American Indian communities,  
27 the State and federal governments, and educational, social and cultural  
28 institutions;

29 f. be authorized to raise funds, through direct solicitation or other  
30 fund raising events, alone or with other groups, and accept gifts,  
31 grants and bequests from individuals, corporations, foundations,  
32 governmental agencies, public and private organizations and  
33 institutions, to defray the commission's administrative expenses and  
34 carry out the purposes of P.L.1995, c.295 (C.52:16A-53 et seq.), as  
35 amended and supplemented; and

36 g. <sup>1</sup>when requested by the Governor,<sup>1</sup> assist the Legislature and  
37 Governor to investigate the authenticity of any organization, tribe,  
38 nation or other group seeking official recognition by the State as an  
39 American Indian tribe and submit a report of its findings to the  
40 Legislature and Governor within 180 days of the completion of an  
41 investigation<sup>1</sup>. Nothing in this subsection shall be construed as  
42 authorizing the commission to recognize the authenticity of any  
43 organization, tribe, nation or other group as an American Indian tribe,  
44 which recognition shall require specific statutory authorization, nor  
45 shall this subsection be construed as in any way limiting the scope of  
46 information that may be considered in determining whether to grant

1 such statutory recognition<sup>1</sup>.

2 (cf: P.L.1995, c.295, s.4)

3

4 5. Section 5 of P.L.1995, c.295 (C.52:16A-57) is amended to read  
5 as follows:

6 5. The commission may incur such traveling and other  
7 miscellaneous expenses, including expenses to maintain an office on  
8 State property, as it deems necessary in order to perform its duties and  
9 as may be within the limits of funds appropriated or otherwise made  
10 available to it for those purposes.

11 (cf: P.L.1995, c.295, s.5)

12

13 6. Section 6 of P.L.1995, c.295 (C.52:16A-58) is amended to read  
14 as follows:

15 6. The commission [~~may~~] shall be authorized to:

16 a. call to its assistance and avail itself of the services and assistance  
17 of such officials and employees of [any] the State [county or  
18 municipal department, board, bureau, commission or agency] and its  
19 political subdivisions and their departments, boards, bureaus,  
20 commissions, authorities and agencies, as it may require and as may be  
21 available to it for [that purpose.] its purposes;

22 b. utilize existing staff from the Department of State until such  
23 time as it may be necessary to employ professional staff, including an  
24 executive director and stenographic and clerical assistants; and

25 c. expend any funds that may be appropriated or otherwise made  
26 available to it for its purposes.

27 Professional staff, including stenographic and clerical assistants,  
28 may be permitted to serve the commission on a volunteer basis. To  
29 the extent possible, the commission shall be permitted to use property  
30 owned by the State, without charge or at a minimal fee, for its offices.

31 The commission shall submit a spending plan to the Secretary of  
32 State for review and approval no later than October 1 of each year that  
33 lists the sources of all funds raised and actual expenses during the  
34 previous State fiscal year and the commission's projected revenues and  
35 expenditures during the State fiscal year in which the plan is  
36 submitted.

37 (cf: P.L.1995, c.295, s.6)

38

39 7. This act shall take effect immediately.

40

41

42

43

44 Makes various revisions to NJ Commission on Native American  
45 Affairs.



## CHAPTER 417

AN ACT concerning the New Jersey Commission on Native American Affairs and amending P.L.1995, c.295.

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

Title amended.

1. The Title of P.L.1995, c.295 is amended to read as follows:

AN ACT establishing the New Jersey Commission on American Indian Affairs and supplementing Title 52 of the Revised Statutes.

2. Section 1 of P.L.1995, c.295 (C.52:16A-53) is amended to read as follows:

C.52:16A-53 New Jersey Commission on American Indian Affairs; members.

1. There is established in the Department of State the New Jersey Commission on American Indian Affairs. The commission shall consist of nine members: the Secretary of State, serving ex officio, and eight public members, not more than four of whom shall be from the same political party. Two of the public members shall be members of the Nanticoke Leni Lenape Indians, to be appointed by the Governor on the recommendation of the Confederation of the Nanticoke Leni Lenape Tribes and with the advice and consent of the Senate. Two of the public members shall be members of the Ramapough Mountain Indians, to be appointed by the Governor on the recommendation of the Ramapough Mountain Indians and with the advice and consent of the Senate. Two of the public members shall be members of the Powhatan Renape Nation, to be appointed by the Governor on the recommendation of the Powhatan Renape Nation and with the advice and consent of the Senate. Two of the public members shall be members of the Intertribal People, to be appointed by the Governor on the recommendation of the Intertribal People and with the advice and consent of the Senate. "Intertribal People" means American Indians who reside in New Jersey and are not members of the Nanticoke Leni Lenape Indians, the Ramapough Mountain Indians, or the Powhatan Renape Nation, but are enrolled members of another tribe recognized by another state or the federal government.

3. Section 3 of P.L.1995, c.295 (C.52:16A-55) is amended to read as follows:

C.52:16A-55 Election of chairperson.

3. The commission shall organize as soon as may be practicable after the appointment of its members and shall elect a chairperson from among its public members, who may serve as the chairperson for the duration of his or her term on the commission, and may appoint a secretary who need not be a member of the commission. The commission shall meet at least once every three months and upon the call of the chairperson or of a majority of its members. The presence of a majority of the membership of the commission shall be required for the conduct of official business.

4. Section 4 of P.L.1995, c. 295 (C.52:16A-56) is amended to read as follows:

C.52:16A-56 Commission duties.

4. The commission shall:

a. develop programs and projects relating to the cultural, educational and social development of New Jersey's American Indian communities;

b. develop programs and projects which further understanding of New Jersey's American Indian history and culture;

c. promote increased cooperation among all American Indian communities in the State;

d. serve as a Statewide reference and resource center to increase public knowledge of New Jersey's American Indian heritage;

e. act as a liaison among American Indian communities, the State and federal governments, and educational, social and cultural institutions;

f. be authorized to raise funds, through direct solicitation or other fund raising events, alone or with other groups, and accept gifts, grants and bequests from individuals, corporations, foundations, governmental agencies, public and private organizations and institutions, to defray

the commission's administrative expenses and carry out the purposes of P.L.1995, c.295 (C.52:16A-53 et seq.), as amended and supplemented; and

g. when requested by the Governor, assist the Legislature and Governor to investigate the authenticity of any organization, tribe, nation or other group seeking official recognition by the State as an American Indian tribe and submit a report of its findings to the Legislature and Governor within 180 days of the completion of an investigation. Nothing in this subsection shall be construed as authorizing the commission to recognize the authenticity of any organization, tribe, nation or other group as an American Indian tribe, which recognition shall require specific statutory authorization, nor shall this subsection be construed as in any way limiting the scope of information that may be considered in determining whether to grant such statutory recognition

5. Section 5 of P.L.1995, c.295 (C.52:16A-57) is amended to read as follows:

C.52:16A-57 Expenses incurred.

5. The commission may incur such traveling and other miscellaneous expenses, including expenses to maintain an office on State property, as it deems necessary in order to perform its duties and as may be within the limits of funds appropriated or otherwise made available to it for those purposes.

6. Section 6 of P.L.1995, c.295 (C.52:16A-58) is amended to read as follows:

C.52:16A-58 Authority of commission.

6. The commission shall be authorized to:

a. call to its assistance and avail itself of the services and assistance of such officials and employees of the State and its political subdivisions and their departments, boards, bureaus, commissions, authorities and agencies, as it may require and as may be available to it for its purposes;

b. utilize existing staff from the Department of State until such time as it may be necessary to employ professional staff, including an executive director and stenographic and clerical assistants; and

c. expend any funds that may be appropriated or otherwise made available to it for its purposes.

Professional staff, including stenographic and clerical assistants, may be permitted to serve the commission on a volunteer basis. To the extent possible, the commission shall be permitted to use property owned by the State, without charge or at a minimal fee, for its offices.

The commission shall submit a spending plan to the Secretary of State for review and approval no later than October 1 of each year that lists the sources of all funds raised and actual expenses during the previous State fiscal year and the commission's projected revenues and expenditures during the State fiscal year in which the plan is submitted.

7. This act shall take effect immediately.

Approved January 8, 2002.