

52:16A-53

LEGISLATIVE HISTORY CHECKLIST
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(New Jersey Commission Indian Affairs)

NJSA: 52:16A-53

LAWS OF: 1995 **CHAPTER:** 295

BILL NO: A1134

SPONSOR(S): Mikulak and Gibson

DATE INTRODUCED: January 27, 1994

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

AMENDED DURING PASSAGE: Yes Amendments during passage
Fourth reprint enacted denoted by superscript
numbers

DATE OF PASSAGE: **ASSEMBLY:** May 9, 1994 Re-enacted 2-6-95
SENATE: October 27, 1994 Re-enacted 12-18-95

DATE OF APPROVAL: December 22, 1995

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

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

FISCAL NOTE: Yes

VETO MESSAGE: Yes

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

[FOURTH REPRINT]
ASSEMBLY, No. 1134

STATE OF NEW JERSEY

JANUARY 27, 1994

By Assemblymen MIKULAK and GIBSON

1 AN ACT establishing the New Jersey Commission on ¹[Indian]
2 Native American¹ Affairs and supplementing Title 52 of the
3 Revised Statutes.

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

7 1. There is established in the Department of State the New
8 Jersey Commission on ¹[Indian] Native American¹ Affairs. The
9 commission shall consist of ⁴[seven] nine⁴ members: the
10 Secretary of State, serving ex officio, and ⁴[six] eight⁴ public
11 members, not more than ⁴[three] four⁴ of whom shall be from the
12 same political party⁴[, who shall]. Two of the public members
13 shall be members of the Nanticoke Lenni Lenape Indians, to be
14 appointed by the Governor on the recommendation of the
15 Confederation of the Nanticoke Lenni Lenape Tribes and with the
16 advice and consent of the Senate. Two of the public members
17 shall be members of the Ramapough Mountain Indians, to be
18 appointed by the Governor on the recommendation of the
19 Ramapough Mountain Indians and with the advice and consent of
20 the Senate. Two of the public members shall be members of the
21 Powhatan Renape Nation, to be appointed by the Governor on the
22 recommendation of the Powhatan Renape Nation and with the
23 advice and consent of the Senate. Two of the public members
24 shall be members of the Intertribal People, to be appointed by the
25 Governor on the recommendation of the Intertribal People and
26 with the advice and consent of the Senate. "Intertribal People"
27 means Native Americans who reside in New Jersey but are not
28 members of the Nanticoke Lenni Lenape Indians, the Ramapough
29 Mountain Indians, or the Powhatan Renape Nation.⁴ ⁴[be
30 appointed by the Governor, with the advice and consent of the
31 Senate, based upon recommendations made by the American
32 Indian Council of
33 New Jersey.]⁴

34 2. Each public member shall serve for a term of two years,
35 except that of the members first appointed, ⁴[three] four⁴ shall
36 serve for a term of one year and ⁴[three] four⁴ shall serve for a
37 term of two years. Public members shall be eligible for
38 reappointment and shall serve until their successors are appointed
39 and qualified. A vacancy occurring other than by expiration of
40 term shall be filled in the same manner as the original
41 appointment was made but for the unexpired term only.
42 Commission members shall serve without compensation but shall

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:

¹ Assembly ASG committee amendments adopted February 10, 1994.

² Assembly floor amendments adopted February 28, 1994.

³ Senate SSG committee amendments adopted September 26, 1994.

⁴ Assembly amendments adopted in accordance with the Governor's
recommendations January 23, 1995.

1 be entitled to reimbursement for all necessary expenses incurred
2 in the performance of their duties.

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

12 4. The commission shall:

13 a. develop programs and projects relating to the cultural,
14 educational and social development of New Jersey's ¹[Indian]
15 Native American¹ communities;

16 b. develop programs and projects which further understanding
17 of New Jersey's ¹[Indian] Native American¹ history and culture;

18 c. promote increased cooperation among all ¹[Indian] Native
19 American¹ communities in the State;

20 d. serve as a Statewide reference and resource center to
21 increase public knowledge of New Jersey's ¹[Indian] Native
22 American¹ heritage; ³and³

23 e. act as a liaison among ¹[Indian] Native American¹
24 communities, the State and federal governments, and
25 educational, social and cultural institutions ³; and

26 f. study the status of all ¹[Indian] Native American¹ groups in
27 the State and assist them in obtaining recognition from the State
28 and federal governments³.

29 5. The commission may ²[employ such professional,
30 stenographic or clerical assistants, and may]² incur such traveling
31 and other miscellaneous expenses, as it deems necessary in order
32 to perform its duties and as may be within the limits of funds
33 appropriated or otherwise made available to it for those purposes.

34 6. The commission may call to its assistance and avail itself of
35 the services of such employees of any State, county or municipal
36 department, board, bureau, commission or agency as it may
37 require as may be available to it for that purpose.

38 7. The commission shall submit an annual report on its
39 activities to the Governor and the Legislature.

40 8. This act shall take effect immediately.

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45 Establishes the New Jersey Commission on Native American
46 Affairs.

1 f. study the status of all Indian groups in the State and assist
2 them in obtaining recognition from the State and federal
3 governments.

4 5. The commission may employ such professional, stenographic
5 or clerical assistants, and may incur such traveling and other
6 miscellaneous expenses, as it deems necessary in order to
7 perform its duties and as may be within the limits of funds
8 appropriated or otherwise made available to it for those purposes.

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10 the services of such employees of any State, county or municipal
11 department, board, bureau, commission or agency as it may
12 require as may be available to it for that purpose.

13 7. The commission shall submit an annual report on its
14 activities to the Governor and the Legislature.

15 8. This act shall take effect immediately.

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18 STATEMENT

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20 This bill establishes the New Jersey Commission on Indian
21 Affairs in the Department of State. The commission shall consist
22 of seven members: the Secretary of State, serving ex officio, and
23 six public members who shall be appointed on a bipartisan basis
24 by the Governor based upon recommendations made by the
25 American Indian Council of New Jersey. Commission members
26 shall serve without compensation but shall be entitled to
27 reimbursement for all necessary expenses incurred in the
28 performance of their duties.

29 The commission shall:

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

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

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

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

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

42 f. study the status of all Indian groups in the State and assist
43 them in obtaining recognition from the State and federal
44 governments.

45 The commission shall submit an annual report on its activities
46 to the Governor and the Legislature.

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51 Establishes the New Jersey Commission on Indian Affairs.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1134

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 10, 1994

The Assembly State Government Committee reports favorably and with committee amendments Assembly Bill No. 1134.

This bill establishes the New Jersey Commission on Native American Affairs in the Department of State.

The commission is to consist of seven members: the Secretary of State is to serve ex officio, and six public members are to be appointed on a bipartisan basis by the Governor based upon recommendations made by the American Indian Council of New Jersey and subject to confirmation by the Senate. The terms of public members are to be for two years.

Commission members are to serve without compensation but shall be entitled to reimbursement for all necessary expenses incurred in the performance of their duties.

The commission shall:

- a. develop programs and projects relating to the cultural, educational and social development of New Jersey's Native American communities;
- b. develop programs and projects which further understanding of New Jersey's Native American history and culture;
- c. promote increased cooperation among all Native American communities in the State;
- d. serve as a Statewide reference and resource center to increase public knowledge of New Jersey's Native American heritage;
- e. act as a liaison among Native American communities, the State and federal governments, and educational, social and cultural institutions; and
- f. study the status of all Native American groups in the State and assist them in obtaining recognition from the State and federal governments.

The commission shall submit an annual report on its activities to the Governor and the Legislature.

This bill was introduced in the 1994 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

COMMITTEE AMENDMENTS

The committee adopted amendments to this bill to replace references to "Indian" with references to "Native American".

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

[SECOND REPRINT]
ASSEMBLY, No. 1134

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 26, 1994

The Senate State Government Committee reports favorably and with committee amendments Assembly Bill No. 1134 [2R].

This bill establishes the New Jersey Commission on Native American Affairs in the Department of State.

The commission is to consist of seven members: the Secretary of State is to serve ex officio, and six public members are to be appointed on a bipartisan basis by the Governor based upon recommendations made by the American Indian Council of New Jersey and subject to confirmation by the Senate. The terms of public members are to be for two years.

Commission members are to serve without compensation but shall be entitled to reimbursement for all necessary expenses incurred in the performance of their duties.

The commission shall:

- a. develop programs and projects relating to the cultural, educational and social development of New Jersey's Native American communities;
- b. develop programs and projects which further understanding of New Jersey's Native American history and culture;
- c. promote increased cooperation among all Native American communities in the State;
- d. serve as a Statewide reference and resource center to increase public knowledge of New Jersey's Native American heritage; and
- e. act as a liaison among Native American communities, the State and federal governments, and educational, social and cultural institutions.

The commission shall submit an annual report on its activities to the Governor and the Legislature.

COMMITTEE AMENDMENTS

The committee amended the bill to delete the requirement that the commission study the status of all Native American groups in the State and assist them in obtaining recognition from the State and federal government.

LEGISLATIVE FISCAL ESTIMATE TO

[SECOND REPRINT]

ASSEMBLY, No. 1134

STATE OF NEW JERSEY

DATED: May 20, 1994

Assembly Bill No. 1134 (2R) of 1994 establishes the New Jersey Commission on Native American Affairs in the Department of State. The commission shall consist of seven members who shall serve without compensation but shall be reimbursed for all necessary expenses incurred in the performance of their duties. The commission shall consist of the Secretary of State and six public members who shall be appointed on a bipartisan basis by the Governor based upon the recommendations made by the American Indian Council of New Jersey. The commission shall: a) develop programs and projects relating to the cultural, educational and social development of New Jersey's Native American communities; b) develop programs and projects which further understanding of New Jersey's Native American history and culture; c) promote increased cooperation among all Native American communities in the State; d) serve as a Statewide reference and resource center to increase public knowledge of New Jersey's Native American heritage; e) act as a liaison among Native American communities, the State and federal governments, and educational, social and cultural institutions; and f) study the status of all Native American groups in the State and assist them in obtaining recognition from the State and federal governments. The commission shall submit an annual report on its activities to the Governor and the Legislature.

An estimate provided by the Department of State for a similar bill in 1992 places the cost of implementing this bill at \$97,757 in the first year following enactment. However, the earlier bill, unlike the current bill, would have allowed the commission to employ a professional staff. After subtracting personnel costs and a \$10,000 expenditure for computer equipment from the department's estimate, the Office of Legislative Services (OLS) estimates that enactment of this bill would result in State expenditures of \$17,000 a year. This amount would provide for materials and supplies, clerical services, and the expenses of commission members.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

January 23, 1995

ASSEMBLY BILL NO. 1134
(Third Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 1134 (Third Reprint) with my objections for reconsideration.

Summary of Bill

This bill establishes the New Jersey Commission on Native American Affairs ("Commission") in the Department of State. The Commission is to consist of seven members: the Secretary of State and six public members appointed by me on a bipartisan basis based on recommendations by a group known as the American Indian Council of New Jersey and subject to confirmation by the Senate. The terms of public members are to be for two years, except that three of the initial members shall serve one-year terms.

The Commission will develop programs and projects relating to the cultural, educational and social development of New Jersey's Native American communities and act as a liaison among Native American communities, the State and federal governments, and educational, social and cultural institutions.

Recommended Action

This bill's goal of creating a Commission on Native American Affairs to foster education about and communication among New Jersey's various Native American communities is laudable. It is important to ensure that the membership of any such commission include equal representation by all of New Jersey's Native American communities. Consequently, I recommend that the Commission's membership be expanded to nine, with the Secretary of State serving as an ex officio member and two members from each of New Jersey's three officially recognized Native American tribes: the Nanticoke Lenni Lenape Indians, the Ramapough Mountain Indians, and the Powhatan Renape Nation. The Commission's remaining two positions would be filled by members of the Intertribal People: Native Americans residing in New Jersey who are not members of any of the three officially recognized tribes.

Therefore, I herewith return Assembly Bill No. 1134 (Third Reprint) and recommend that it be amended as follows:

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

Page 1, Section 1, Line 9: Delete "seven"; insert "nine"

Page 1, Section 1, Line 10: Delete "six"; insert "eight"

Page 1, Section 1, Line 11: Delete "three"; insert "four"

Page 1, Section 1, Line 11: Delete ", who shall"; insert ". Two of the public members shall be members of the Nanticoke Lenni Lenape Indians, to be appointed by the Governor on the recommendation of the Confederation of Nanticoke Lenni 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 Native Americans who reside in New Jersey but are not members of the Nanticoke Lenni Lenape Indians, the Ramapough Mountain Indians, or the Powhatan Renape Nation."

Page 1, Section 1, Lines 12-14: Delete in its entirety

Page 1, Section 2, Line 16: Delete "three"; insert "four"

Page 1, Section 2, Line 17: Delete "three"; insert "four"

Respectfully,

/s/ Christine Todd Whitman

GOVERNOR

[seal]

Attest:

/s/ Peter Verniero

Chief Counsel to the Governor