

CHAPTER 47

AN ACT authorizing establishment of the New Jersey Black Cultural and Heritage Initiative Foundation, supplementing chapter 16A of Title 52 of the Revised Statutes.

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

C.52:16A-90 New Jersey Black Cultural and Heritage Initiative Foundation.

1. The Secretary of State is authorized to establish a nonprofit, educational and charitable organization to be known as the New Jersey Black Cultural and Heritage Initiative Foundation. The foundation shall be devoted to the sponsoring of activities and the raising of funds for the establishment, support and promotion of the New Jersey Black Cultural and Heritage Initiative pursuant to section 5 of P.L.2005, c.47 (C.52:16A-94). The foundation shall be incorporated as a New Jersey nonprofit corporation pursuant to P.L.1983, c.127 (C.15A:1-1 et seq.), and organized and operated in such manner as to be eligible under applicable federal law for tax-exempt status and for the receipt of tax-deductible contributions, and shall be authorized to sue and to be sued as a legal entity separate from the State of New Jersey.

C.52:16A-91 Board of Trustees; terms, vacancies.

2. The New Jersey Black Cultural and Heritage Initiative Foundation shall be governed by a board of trustees consisting of the following 25 members:

- a. the Secretary of State or designee;
- b. Five State employees or special State officers, who shall be selected from, and appointed by the Secretary of State to represent any or all, of the following State partner organizations:
 - (1) New Jersey State Council on the Arts;
 - (2) New Jersey Historical Commission;
 - (3) New Jersey Council of the Humanities;
 - (4) New Jersey Public Broadcasting Commission;
 - (5) Martin Luther King Commemorative Commission;
 - (6) Amistad Commission;
 - (7) Department of Education;
 - (8) Office of Travel and Tourism, New Jersey Commerce and Economic Growth Commission;
 - (9) Department of Community Affairs;
 - (10) Department of Transportation;
 - (11) Department of State, Office of Faith-based Initiatives; and
 - (12) any other State agency or instrumentality partnering, assisting or supporting the purposes of the foundation.

The State partner members of the board of trustees appointed pursuant to this subsection shall serve at the pleasure of the Secretary of State.

c. Nineteen public members shall be selected from a broad cross-section of the views and interests of the community and the member organizations of the foundation, including educators, clergy, civic and business leaders; philanthropists; visual, creative and performing artists; representatives of Black arts, history and cultural organizations; and persons having knowledge of, expertise in, or commitment to preserving New Jersey's Black cultural heritage.

Five of the public members shall be appointed by the Secretary of State upon formation and incorporation of the foundation. Thereafter, at least four more public members shall be elected by the nonprofit cultural organizations which become members of the foundation, and the remaining public members shall be nominated by a nominating committee of the board of trustees and appointed by the board of trustees.

The term of office of each public member shall be three years, with each member continuing to serve upon expiration of the term until replaced. Three of the initial public members appointed by the Secretary of State and two of the public members initially elected by member organizations shall serve initial terms of two years.

Vacancies shall be filled and replacements made as provided in the bylaws of the foundation.

C.52:16A-92 Executive Director, employees.

3. The foundation's board of trustees shall be authorized, within the limits of its own funds, to employ an executive director and professional, technical and administrative personnel.

Employees of the foundation shall not be construed to be employees of the State of New Jersey. The board shall also be authorized to contract for such professional and administrative services as it shall deem necessary. No member of the board of trustees shall engage in any business transaction or professional activity for profit with the Department of State.

C.52:16A-93 Secretary of State, incorporator of foundation.

4. The Secretary of State shall be an incorporator of the foundation. Upon the incorporation of the foundation and the establishment of the first board of trustees, the board shall adopt bylaws setting forth the structure, offices, powers and duties of the foundation. The Secretary of State shall serve as the initial co-chair of the board of trustees.

C.52:16A-94 Use of funds received by foundation for the initiative.

5. All funds received by the foundation, other than those necessary to pay the expenses of the foundation, shall be used exclusively for the establishment, support and promotion of the New Jersey Black Cultural and Heritage Initiative. The New Jersey Black Cultural and Heritage Initiative shall be an alliance of organizations and institutions that comprise the Black arts, history and culture communities in this State for the purpose of broadening, deepening and diversifying Statewide participation in and appreciation for Black arts, history and culture. The duties and goals of the initiative shall be to:

- a. promote understanding and appreciation of the history and artistic and cultural contributions of people of African descent.
- b. provide guidance, support and resources for new and emerging Black arts and historical groups and increase the level of organizational capacity and program administration of established groups.
- c. increase funding and audiences for local Black culture and heritage tourism and enrich Black culture and heritage tourism programming.
- d. increase and attract corporate sponsorship and participation in Black culture and heritage programming and tourism.
- e. increase opportunities for young people to learn about and experience Black arts, history and culture in schools and youth organizations.
- f. invest in future generations of Black artists and historians by providing leadership development activities, apprenticeships, mentorships, scholarships and cultural programs.
- g. enhance computer and Internet access and usage within the Black community.
- h. ensure the financial viability of the initiative through a network of community partners, advocates and supporters, including, but not limited to, celebrities, philanthropists, legislators, State and local leaders and corporations.
- i. any other duties and goals deemed appropriate.

C.52:16A-95 Provision of financial, service support by Department of State.

6. The Department of State is authorized to provide financial assistance and those services of employees of the State which may be required to form and incorporate the foundation within the limits of funds appropriated to the Department of State or made available to the Department of State by contribution, gift, donation or otherwise for these purposes. Once the foundation is incorporated, it may apply for grants in aid from any department or instrumentality of the State of New Jersey.

C.52:16A-96 Payment of expenses by foundation; private counsel.

7. All expenses incurred by the foundation shall be payable from funds raised by the foundation, and no liability or obligation, in tort or contract, shall be incurred by the State for the operation of the foundation. The foundation shall obtain private counsel, and shall not be represented by the Attorney General or indemnified by the State of New Jersey.

C.52:16A-97 Annual audit.

8. A certified public accountant shall be selected by the foundation to annually audit the foundation's funds. The foundation shall contract for and receive such audit annually, and shall submit the audit to the Secretary of State and to the Director of the Division of Budget and

Accounting in the Department of the Treasury.

9. This act shall take effect immediately.

Approved March 21, 2005.