

ASSEMBLY, No. 3287

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MARCH 7, 2022

Sponsored by:

Assemblyman P. CHRISTOPHER TULLY

District 38 (Bergen and Passaic)

Assemblywoman ELLEN J. PARK

District 37 (Bergen)

SYNOPSIS

Prohibits public officials from accepting virtual currency and non-fungible tokens as gifts.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/14/2022)

A3287 TULLY, PARK

2

1 AN ACT including virtual currency and NFTs in the definition of
2 gift as applicable to public officials and amending various parts
3 of the statutory law.

4

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

7

8 1. Section 2 of P.L.1971, c.182 (C.52:13D-13) is amended to
9 read as follows:

10 2. As used in this act, and unless a different meaning clearly
11 appears from the context, the following terms shall have the
12 following meanings:

13 a. "State agency" means any of the principal departments in the
14 Executive Branch of the State Government, and any division, board,
15 bureau, office, commission, or other instrumentality within or
16 created by such department, the Legislature of the State, and any
17 office, board, bureau, or commission within or created by the
18 Legislative Branch, and, to the extent consistent with law, any
19 interstate agency to which New Jersey is a party and any
20 independent State authority, commission, instrumentality, or
21 agency. A county or municipality shall not be deemed an agency or
22 instrumentality of the State.

23 b. "State officer or employee" means any person, other than a
24 special State officer or employee: (1) holding an office or
25 employment in a State agency, excluding an interstate agency, other
26 than a member of the Legislature; or (2) appointed as a New Jersey
27 member to an interstate agency.

28 c. "Member of the Legislature" means any person elected to
29 serve in the General Assembly or the Senate.

30 d. "Head of a State agency" means: (1) in the case of the
31 Executive Branch of government, except with respect to interstate
32 agencies, the department head or, if the agency is not assigned to a
33 department, the Governor; and (2) in the case of the Legislative
34 Branch, the chief presiding officer of each House of the Legislature.

35 e. "Special State officer or employee" means: (1) any person
36 holding an office or employment in a State agency, excluding an
37 interstate agency, for which office or employment no compensation
38 is authorized or provided by law, or no compensation other than a
39 sum in reimbursement of expenses, whether payable per diem or per
40 annum, is authorized or provided by law; (2) any person, not a
41 member of the Legislature, holding a part-time elective or
42 appointive office or employment in a State agency, excluding an
43 interstate agency; or (3) any person appointed as a New Jersey
44 member to an interstate agency the duties of which membership are
45 not full-time.

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 f. "Person" means any natural person, association or
2 corporation.

3 g. "Interest" means: (1) the ownership or control of more than
4 10 percent of the profits or assets of a firm, association, or
5 partnership, or more than 10 percent of the stock in a corporation
6 for profit other than a professional service corporation organized
7 under the "Professional Service Corporation Act," P.L.1969, c.232
8 (C.14A:17-1 et seq.); or (2) the ownership or control of more than
9 one percent of the profits of a firm, association, or partnership, or
10 more than one percent of the stock in any corporation, (a) which is
11 the holder of, or an applicant for, a casino license or in any holding
12 or intermediary company with respect thereto, as defined by the
13 "Casino Control Act," P.L.1977, c.110 (C.5:12-1 et seq.), (b) which
14 is the holder of, or an applicant for, a medical cannabis cultivator,
15 medical cannabis manufacturer, medical cannabis dispensary, or
16 clinical registrant permit issued pursuant to P.L.2009, c.307
17 (C.24:6I-1 et al.), or any holding or intermediary company with
18 respect thereto, or (c) which is the holder of, or an applicant for,
19 a cannabis cultivator, cannabis manufacturer, cannabis wholesaler,
20 cannabis distributor, cannabis retailer, or cannabis delivery service
21 license issued pursuant to P.L.2021, c.16 (C.24:6I-31 et al.), or
22 which is an entity that employs or uses a certified personal use
23 cannabis handler to perform work for or on behalf of a licensed
24 cannabis establishment, distributor, or delivery service, or any
25 holding or intermediary company with respect thereto. The
26 provisions of this act governing the conduct of individuals are
27 applicable to shareholders, associates or professional employees of
28 a professional service corporation regardless of the extent or
29 amount of their shareholder interest in such a corporation.

30 h. "Cause, proceeding, application or other matter" means a
31 specific cause, proceeding or matter and does not mean or include
32 determinations of general applicability or the preparation or review
33 of legislation which is no longer pending before the Legislature or
34 the Governor.

35 i. "Member of the immediate family" of any person means the
36 person's spouse, domestic partner, civil union partner, child, parent,
37 or sibling residing in the same household.

38 j. "Gift" shall include any form of virtual currency and non-
39 fungible tokens (NFTs).

40 (cf: P.L.2021, c.16, s.12)

41

42 2. Section 3 of P.L.1991, c.29 (C.40A:9-22.3) is amended to
43 read as follows:

44 3. As used in this act:

45 a. "Board" means the Local Finance Board in the Division of
46 Local Government Services in the Department of Community
47 Affairs;

- 1 b. "Business organization" means any corporation, partnership,
2 firm, enterprise, franchise, association, trust, sole proprietorship,
3 union or other legal entity;
- 4 c. "Governing body" means, in the case of a municipality, the
5 commission, council, board or body, by whatever name it may be
6 known, having charge of the finances of the municipality, and, in
7 the case of a county, the board of chosen freeholders, or, in the case
8 of a county having adopted the provisions of the "Optional County
9 Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), as defined in
10 the form of government adopted by the county under that act;
- 11 d. "Interest" means the ownership or control of more than 10%
12 of the profits, assets or stock of a business organization but shall
13 not include the control of assets in a nonprofit entity or labor union;
- 14 e. "Local government agency" means any agency, board,
15 governing body, including the chief executive officer, bureau,
16 division, office, commission or other instrumentality within a
17 county or municipality, and any independent local authority,
18 including any entity created by more than one county or
19 municipality, which performs functions other than of a purely
20 advisory nature, but shall not include a school board;
- 21 f. "Local government employee" means any person, whether
22 compensated or not, whether part-time or full-time, employed by or
23 serving on a local government agency who is not a local
24 government officer, but shall not mean any employee of a school
25 district;
- 26 g. "Local government officer" means any person whether
27 compensated or not, whether part-time or full-time: (1) elected to
28 any office of a local government agency; (2) serving on a local
29 government agency which has the authority to enact ordinances,
30 approve development applications or grant zoning variances; (3)
31 who is a member of an independent municipal, county or regional
32 authority; or (4) who is a managerial executive employee of a local
33 government agency, as defined in rules and regulations adopted by
34 the Director of the Division of Local Government Services in the
35 Department of Community Affairs pursuant to the "Administrative
36 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), but shall not
37 mean any employee of a school district or member of a school
38 board;
- 39 h. "Local government officer or employee" means a local
40 government officer or a local government employee;
- 41 i. "Member of immediate family" means the spouse or
42 dependent child of a local government officer or employee residing
43 in the same household.
- 44 j. "Gift" shall include any form of virtual currency and non-
45 fungible tokens (NFTs).
46 (cf: P.L.2015, c.95, s.21)

1 3. Section 3 of P.L.1991, c.393 (C.18A:12-23) is amended to
2 read as follows:

3 3. For the purposes of this act, unless the context clearly
4 requires a different meaning:

5 "Administrator" means any officer, other than a board member,
6 or employee of a local school district who (i) holds a position which
7 requires a certificate that authorizes the holder to serve as school
8 administrator, principal, or school business administrator; or (ii)
9 holds a position which does not require that the person hold any
10 type of certificate but is responsible for making recommendations
11 regarding hiring or the purchase or acquisition of any property or
12 services by the local school district; or (iii) holds a position which
13 requires a certificate that authorizes the holder to serve as
14 supervisor and who is responsible for making recommendations
15 regarding hiring or the purchase or acquisition of any property or
16 services by the local school district;

17 "Board member" means any person holding membership,
18 whether by election or appointment, on any board of education
19 other than the State Board of Education;

20 "Business" means any corporation, partnership, firm, enterprise,
21 franchise, association, trust, sole proprietorship, union, political
22 organization, or other legal entity but shall not include a local
23 school district or any other public entity;

24 "Commission" means the School Ethics Commission established
25 pursuant to section 7 of this act;

26 "Commissioner" means the Commissioner of Education;

27 "Interest" means the ownership or control of more than 10% of
28 the profits, assets, or stock of a business but shall not include the
29 control of assets in a labor union;

30 "Local school district" means any local or regional school district
31 established pursuant to chapter 8 or chapter 13 of Title 18A of the
32 New Jersey Statutes and any jointure commission, county
33 vocational school, county special services district, educational
34 services commission, educational research and demonstration
35 center, environmental education center, and educational information
36 and resource center;

37 "Member of immediate family" means the spouse or dependent
38 child of a school official residing in the same household;

39 "Political organization" means a "political committee" or a
40 "continuing political committee" as those terms are defined in "The
41 New Jersey Campaign Contributions and Expenditures Reporting
42 Act," P.L.1973, c.83 (C.19:44A-1 et seq.);

43 "Relative" means the spouse, natural or adopted child, parent, or
44 sibling of a school official;

45 "School official" means a board member, an employee or officer
46 of the New Jersey School Boards Association, but not including any
47 member of the secretarial, clerical or maintenance staff of the
48 association, or an administrator; and

1 "Spouse" means the person to whom a school official is legally
2 married under New Jersey law.

3 "Gift" shall include any form of virtual currency and non-
4 fungible tokens (NFTs).

5 (cf: P.L.1995, c.14, s.1)

6

7 4. This act shall take effect immediately.

8

9

10 STATEMENT

11

12 This bill amends definitions to provide that a gift includes all
13 forms of virtual currency and non-fungible tokens (NFTs). Under
14 this bill, a public official would be prohibited from accepting any
15 form of virtual currency or NFTs as a gift.