ASSEMBLY, No. 3287

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED MARCH 7, 2022

Sponsored by:
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Co-Sponsored by:
Assemblywomen Murphy and Lopez

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

CURRENT VERSION OF TEXT
As introduced.
A 3 2 8 7  T U L L Y ,  P A R K

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

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

1. Section 2 of P.L.1971, c.182 (C.52:13D-13) is amended to
read as follows:
2. As used in this act, and unless a different meaning clearly
appears from the context, the following terms shall have the
following meanings:
a. "State agency" means any of the principal departments in the
Executive Branch of the State Government, and any division, board,
bureau, office, commission, or other instrumentality within or
created by such department, the Legislature of the State, and any
office, board, bureau, or commission within or created by the
Legislative Branch, and, to the extent consistent with law, any
interstate agency to which New Jersey is a party and any
independent State authority, commission, instrumentality, or
agency. A county or municipality shall not be deemed an agency or
instrumentality of the State.
b. "State officer or employee" means any person, other than a
special State officer or employee: (1) holding an office or
employment in a State agency, excluding an interstate agency, other
than a member of the Legislature; or (2) appointed as a New Jersey
member to an interstate agency.
c. "Member of the Legislature" means any person elected to
serve in the General Assembly or the Senate.
d. "Head of a State agency" means: (1) in the case of the
Executive Branch of government, except with respect to interstate
agencies, the department head or, if the agency is not assigned to a
department, the Governor; and (2) in the case of the Legislative
Branch, the chief presiding officer of each House of the Legislature.
e. "Special State officer or employee" means: (1) any person
holding an office or employment in a State agency, excluding an
interstate agency, for which office or employment no compensation
is authorized or provided by law, or no compensation other than a
sum in reimbursement of expenses, whether payable per diem or per
annum, is authorized or provided by law; (2) any person, not a
member of the Legislature, holding a part-time elective or
appointive office or employment in a State agency, excluding an
interstate agency; or (3) any person appointed as a New Jersey
member to an interstate agency the duties of which membership are
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.
f. "Person" means any natural person, association or corporation.
g. "Interest" means: (1) the ownership or control of more than 10 percent of the profits or assets of a firm, association, or partnership, or more than 10 percent of the stock in a corporation for profit other than a professional service corporation organized under the "Professional Service Corporation Act," P.L.1969, c.232 (C.14A:17-1 et seq.); or (2) the ownership or control of more than one percent of the profits of a firm, association, or partnership, or more than one percent of the stock in any corporation, (a) which is the holder of, or an applicant for, a casino license or in any holding or intermediary company with respect thereto, as defined by the "Casino Control Act," P.L.1977, c.110 (C.5:12-1 et seq.), (b) which is the holder of, or an applicant for, a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant permit issued pursuant to P.L.2009, c.307 (C.24:6I-1 et al.), or any holding or intermediary company with respect thereto, or (c) which is the holder of, or an applicant for, a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service license issued pursuant to P.L.2021, c.16 (C.24:6I-31 et al.), or which is an entity that employs or uses a certified personal use cannabis handler to perform work for or on behalf of a licensed cannabis establishment, distributor, or delivery service, or any holding or intermediary company with respect thereto. The provisions of this act governing the conduct of individuals are applicable to shareholders, associates or professional employees of a professional service corporation regardless of the extent or amount of their shareholder interest in such a corporation.
h. "Cause, proceeding, application or other matter" means a specific cause, proceeding or matter and does not mean or include determinations of general applicability or the preparation or review of legislation which is no longer pending before the Legislature or the Governor.
i. "Member of the immediate family" of any person means the person's spouse, domestic partner, civil union partner, child, parent, or sibling residing in the same household.
j. "Gift" shall include any form of virtual currency and non-fungible tokens (NFTs).
(cf: P.L.2021, c.16, s.12)

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

3. As used in this act:
a. "Board" means the Local Finance Board in the Division of Local Government Services in the Department of Community Affairs;
b. "Business organization" means any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union or other legal entity;

c. "Governing body" means, in the case of a municipality, the commission, council, board or body, by whatever name it may be known, having charge of the finances of the municipality, and, in the case of a county, the board of chosen freeholders, or, in the case of a county having adopted the provisions of the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), as defined in the form of government adopted by the county under that act;

d. "Interest" means the ownership or control of more than 10% of the profits, assets or stock of a business organization but shall not include the control of assets in a nonprofit entity or labor union;

e. "Local government agency" means any agency, board, governing body, including the chief executive officer, bureau, division, office, commission or other instrumentality within a county or municipality, and any independent local authority, including any entity created by more than one county or municipality, which performs functions other than of a purely advisory nature, but shall not include a school board;

f. "Local government employee" means any person, whether compensated or not, whether part-time or full-time, employed by or serving on a local government agency who is not a local government officer, but shall not mean any employee of a school district;

g. "Local government officer" means any person whether compensated or not, whether part-time or full-time: (1) elected to any office of a local government agency; (2) serving on a local government agency which has the authority to enact ordinances, approve development applications or grant zoning variances; (3) who is a member of an independent municipal, county or regional authority; or (4) who is a managerial executive employee of a local government agency, as defined in rules and regulations adopted by the Director of the Division of Local Government Services in the Department of Community Affairs pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), but shall not mean any employee of a school district or member of a school board;

h. "Local government officer or employee" means a local government officer or a local government employee;

i. "Member of immediate family" means the spouse or dependent child of a local government officer or employee residing in the same household.

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

(cf: P.L.2015, c.95, s.21)
3. Section 3 of P.L.1991, c.393 (C.18A:12-23) is amended to read as follows:

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

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

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

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

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

"Commissioner" means the Commissioner of Education;

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

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

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

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

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

"School official" means a board member, an employee or officer of the New Jersey School Boards Association, but not including any member of the secretarial, clerical or maintenance staff of the association, or an administrator; and
"Spouse" means the person to whom a school official is legally married under New Jersey law.

“Gift” shall include any form of virtual currency and non-fungible tokens (NFTs).

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

4. This act shall take effect immediately.

STATEMENT

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