

52:14-7.1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2004 **CHAPTER:** 35

NJSA: 52:14-7.1 (Employment of relatives—Executive Branch)

BILL NO: A15 (Substituted for S15)

SPONSOR(S) Scalera and others

DATE INTRODUCED: May 17, 2004

COMMITTEE: **ASSEMBLY:** State Government

SENATE: ---

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** May 24, 2004

SENATE: June 10, 2004

DATE OF APPROVAL: June 16, 2004

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Original version of bill enacted)

A15

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S15

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

Bill and Sponsors Statement identical to A15

COMMITTEE STATEMENT: **ASSEMBLY:** No

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

[GOVERNOR'S PRESS RELEASE ON SIGNING:](#) [Yes](#)

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

For clippings see legislative history of L. 2004 c.19

P.L. 2004, CHAPTER 35, *approved June 16, 2004*

Assembly, No. 15

1 **AN ACT** concerning the employment of relatives of certain officers in
2 State government and supplementing Title 52 of the Revised
3 Statutes.

4

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

7

8 1. a. (1) A relative of the Governor shall not be employed in an
9 office or position in the unclassified service of the civil service of the
10 State in the Executive Branch of State Government.

11 (2) A relative of the commissioner or head of a principal
12 department in the Executive Branch of State Government shall not be
13 employed in an office or position in the unclassified service of the civil
14 service of the State in the principal department over which the
15 commissioner or head of the principal department exercises authority,
16 supervision, or control.

17 (3) A relative of an assistant or deputy commissioner or head of a
18 principal department in the Executive Branch of State Government
19 who is employed in an office or position in the unclassified service of
20 the civil service of the State may be employed in the principal
21 department in which the assistant or deputy commissioner or head
22 serves, but shall not be assigned to a position over which the assistant
23 or deputy commissioner or head exercises authority, supervision, or
24 control.

25 (4) A relative of a head or assistant head of a division of a principal
26 department in the Executive Branch of State government who is
27 employed in an office or position in the unclassified service of the civil
28 service of the State may be employed in the principal department in
29 which the head or assistant head of a division serves, but shall not be
30 assigned to a position over which the head or assistant head exercises
31 authority, supervision, or control.

32 b. (1) A relative of an appointed member of a governing or
33 advisory body of an independent authority, board, commission, agency
34 or instrumentality of the State shall not be employed in an office or
35 position in that independent authority, board, commission, agency or
36 instrumentality.

37 (2) A relative of an appointed New Jersey member of a governing
38 body of bi-state or multi-state agency shall not be employed in an
39 office or position in that bi-state or multi-state agency, to the extent
40 permitted by law.

41 c. As used in this section, "relative" means an individual's spouse
42 or the individual's or spouse's parent, child, brother, sister, aunt,
43 uncle, niece, nephew, grandparent, grandchild, son-in-law,
44 daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half

1 brother or half sister, whether the relative is related to the individual
2 or the individual's spouse by blood, marriage or adoption.

3
4 2. This act shall take effect on the 60th day following enactment,
5 and shall be applicable to any employment commencing on or after that
6 effective date.

7
8
9 STATEMENT

10
11 This bill would create provisions for addressing nepotism in the
12 Executive branch. Specifically, the bill would prohibit the following
13 for individuals employed in the unclassified service of the civil service:

14 - a relative of the Governor from being employed in the Executive
15 Branch,

16 - a relative of a head of a principal department from being employed
17 in that department, and

18 - a relative of an assistant or deputy head or commissioner, or head
19 or assistant head of a division, in a principal department from being
20 assigned to a position where he or she would be under the authority,
21 supervision, or control of the assistant or deputy head or
22 commissioner, or head or assistant head of a division.

23 Additionally, the bill would prohibit:

24 - a relative of an appointed member of a governing body of an
25 independent authority, board, commission, agency or instrumentality
26 from being employed by that entity, and

27 - a relative of an appointed New Jersey member of a governing
28 body of a bi-state or multi-state agency from being employed by that
29 agency, to the extent permitted by law.

30 The prohibitions would apply to employment commencing on or
31 after the 60th day after the bill's enactment.

32 Current law addresses nepotism in legislative district offices by
33 prohibiting a relative of a member of the Legislature from being
34 employed in that member's district office. If members of the
35 Legislature jointly maintain a district office, a relative of those
36 members could not be employed in that joint office.

37
38
39 _____
40
41 Prohibits employment or assignment in certain positions of relatives of
42 certain officers of the Executive Branch, of independent authorities or
43 of interstate agencies.

ASSEMBLY, No. 15

STATE OF NEW JERSEY

211th LEGISLATURE

INTRODUCED MAY 17, 2004

Sponsored by:

Assemblyman FREDERICK SCALERA
District 36 (Bergen, Essex and Passaic)
Assemblyman HERBERT CONAWAY, JR.
District 7 (Burlington and Camden)
Assemblyman ROBERT GORDON
District 38 (Bergen)
Assemblywoman JOAN VOSS
District 38 (Bergen)
Assemblyman JERRY GREEN
District 22 (Middlesex, Somerset and Union)

Co-Sponsored by:

Assemblywoman Previte, Assemblymen Mayer, Van Drew, McKeon,
Assemblywoman Cruz-Perez, Assemblymen Chivukula, R.Smith,
Assemblywoman Watson Coleman, Assemblyman Conners,
Assemblywoman Greenstein, Assemblymen Greenwald, Stack, Payne,
Morgan, Eagler, Vas, O'Toole and Senator Karcher

SYNOPSIS

Prohibits employment or assignment in certain positions of relatives of certain officers of the Executive Branch, of independent authorities or of interstate agencies.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 6/11/2004)

A15 SCALERA, CONAWAY

2

1 AN ACT concerning the employment of relatives of certain officers in
2 State government and supplementing Title 52 of the Revised
3 Statutes.

4

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

7

8 1. a. (1) A relative of the Governor shall not be employed in an
9 office or position in the unclassified service of the civil service of the
10 State in the Executive Branch of State Government.

11 (2) A relative of the commissioner or head of a principal
12 department in the Executive Branch of State Government shall not be
13 employed in an office or position in the unclassified service of the civil
14 service of the State in the principal department over which the
15 commissioner or head of the principal department exercises authority,
16 supervision, or control.

17 (3) A relative of an assistant or deputy commissioner or head of a
18 principal department in the Executive Branch of State Government
19 who is employed in an office or position in the unclassified service of
20 the civil service of the State may be employed in the principal
21 department in which the assistant or deputy commissioner or head
22 serves, but shall not be assigned to a position over which the assistant
23 or deputy commissioner or head exercises authority, supervision, or
24 control.

25 (4) A relative of a head or assistant head of a division of a principal
26 department in the Executive Branch of State government who is
27 employed in an office or position in the unclassified service of the civil
28 service of the State may be employed in the principal department in
29 which the head or assistant head of a division serves, but shall not be
30 assigned to a position over which the head or assistant head exercises
31 authority, supervision, or control.

32 b. (1) A relative of an appointed member of a governing or
33 advisory body of an independent authority, board, commission, agency
34 or instrumentality of the State shall not be employed in an office or
35 position in that independent authority, board, commission, agency or
36 instrumentality.

37 (2) A relative of an appointed New Jersey member of a governing
38 body of bi-state or multi-state agency shall not be employed in an
39 office or position in that bi-state or multi-state agency, to the extent
40 permitted by law.

41 c. As used in this section, "relative" means an individual's spouse
42 or the individual's or spouse's parent, child, brother, sister, aunt,
43 uncle, niece, nephew, grandparent, grandchild, son-in-law,
44 daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half
45 brother or half sister, whether the relative is related to the individual
46 or the individual's spouse by blood, marriage or adoption.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 15

STATE OF NEW JERSEY

DATED: MAY 20, 2004

The Assembly State Government Committee reports favorably Assembly, No. 15.

This bill prohibits certain individuals from being employed in certain positions in the unclassified service of the civil service. In a position in the unclassified service, a relative of the Governor may not be employed in the Executive Branch, a relative of a head of a principal department may not be employed in that department, and a relative of an assistant or deputy head or commissioner, or of a head or assistant head of a division, in a principal department may not be assigned to a position where he or she would be under the authority, supervision or control of the assistant or deputy head or commissioner, or head or assistant head of a division.

The bill also prohibits the employment of a relative of an appointed member of a governing body of an independent authority, board, commission, agency or instrumentality by that entity, as well as the employment of a relative of an appointed New Jersey member of a governing body of a bi-state or multi-state agency by that agency, to the extent permitted by law.

The prohibitions will apply to employment commencing on or after the 60th day after the bill's enactment.

Current law prohibits a relative of a member of the Legislature from being employed in that member's district office. If members of the Legislature jointly maintain a district office, a relative of those members can not be employed in that joint office.

MINORITY STATEMENT

Submitted by Assemblyman Michael Patrick Carroll

This bill fails to address the inadequacies of the recently-adopted Legislative Branch anti-nepotism statute, which allows the hiring of first cousins and does not restrict the hiring of a legislator's relative as an employee in any of the four partisan staff offices, in which employment decisions are made by the legislative leaders. It also fails to extend anti-nepotism provisions to local governments. Attempts to address these omissions were defeated when the original legislation was before the General Assembly.

As the committee majority has defeated another attempt to correct

these shortcomings through changes to this bill, the bill remains inadequate and unready for a vote by the General Assembly.

SENATE, No. 15

STATE OF NEW JERSEY

211th LEGISLATURE

INTRODUCED MAY 20, 2004

Sponsored by:

Senator ELLEN KARCHER

District 12 (Mercer and Monmouth)

SYNOPSIS

Prohibits employment or assignment in certain positions of relatives of certain officers of the Executive Branch, of independent authorities or of interstate agencies.

CURRENT VERSION OF TEXT

As introduced.



S15 KARCHER

2

1 AN ACT concerning the employment of relatives of certain officers in
2 State government and supplementing Title 52 of the Revised
3 Statutes.

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

7
8 1. a. (1) A relative of the Governor shall not be employed in an
9 office or position in the unclassified service of the civil service of the
10 State in the Executive Branch of State Government.

11 (2) A relative of the commissioner or head of a principal
12 department in the Executive Branch of State Government shall not be
13 employed in an office or position in the unclassified service of the civil
14 service of the State in the principal department over which the
15 commissioner or head of the principal department exercises authority,
16 supervision, or control.

17 (3) A relative of an assistant or deputy commissioner or head of a
18 principal department in the Executive Branch of State Government
19 who is employed in an office or position in the unclassified service of
20 the civil service of the State may be employed in the principal
21 department in which the assistant or deputy commissioner or head
22 serves, but shall not be assigned to a position over which the assistant
23 or deputy commissioner or head exercises authority, supervision, or
24 control.

25 (4) A relative of a head or assistant head of a division of a principal
26 department in the Executive Branch of State government who is
27 employed in an office or position in the unclassified service of the civil
28 service of the State may be employed in the principal department in
29 which the head or assistant head of a division serves, but shall not be
30 assigned to a position over which the head or assistant head exercises
31 authority, supervision, or control.

32 b. (1) A relative of an appointed member of a governing or
33 advisory body of an independent authority, board, commission, agency
34 or instrumentality of the State shall not be employed in an office or
35 position in that independent authority, board, commission, agency or
36 instrumentality.

37 (2) A relative of an appointed New Jersey member of a governing
38 body of bi-state or multi-state agency shall not be employed in an
39 office or position in that bi-state or multi-state agency, to the extent
40 permitted by law.

41 c. As used in this section, "relative" means an individual's spouse
42 or the individual's or spouse's parent, child, brother, sister, aunt,
43 uncle, niece, nephew, grandparent, grandchild, son-in-law,
44 daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half
45 brother or half sister, whether the relative is related to the individual
46 or the individual's spouse by blood, marriage or adoption.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 15

STATE OF NEW JERSEY

DATED: JUNE 3, 2004

The Senate State Government Committee reports favorably Senate, No. 15.

This bill would create provisions for addressing nepotism in the Executive branch. Specifically, the bill would prohibit the following for individuals employed in the unclassified service of the civil service:

- a relative of the Governor from being employed in the Executive Branch,

- a relative of a head of a principal department from being employed in that department, and

- a relative of an assistant or deputy head or commissioner, or head or assistant head of a division, in a principal department from being assigned to a position where he or she would be under the authority, supervision, or control of the assistant or deputy head or commissioner, or head or assistant head of a division.

Additionally, the bill would prohibit:

- a relative of an appointed member of a governing body of an independent authority, board, commission, agency or instrumentality from being employed by that entity, and

- a relative of an appointed New Jersey member of a governing body of a bi-state or multi-state agency from being employed by that agency, to the extent permitted by law.

The prohibitions would apply to employment commencing on or after the 60th day after the bill's enactment.

Current law addresses nepotism in legislative district offices by prohibiting a relative of a member of the Legislature from being employed in that member's district office. If members of the Legislature jointly maintain a district office, a relative of those members could not be employed in that joint office.

This bill is identical to Assembly, No. 15 of 2004.

Office of the Governor

News Releases

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PO BOX 004
TRENTON, NJ 08625

Contact: Micah Rasmussen
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RELEASE: June 16, 2004

McGreevey Signs Landmark Ethics Reform Legislation

Bills Provide A More Accountable and Transparent Government

(TRENTON) – Governor James E. McGreevey today signed into law the strongest ethics and campaign finance reform package in the history of New Jersey – and one of the strongest in the nation.

“Today is a good day for government and a victory for our citizens,” said Governor McGreevey. “From the stronger penalties, to the increased disclosure, to the end of the influence of campaign contributions on no-bid contracts, this reform package provides a more accountable and more transparent government for all. I want to congratulate the citizens, the State Legislature, and the numerous advocacy groups who helped make these reforms a reality.”

The legislation is the most comprehensive ethics and campaign finance reform initiative the State has embarked upon in more than 30 years and makes New Jersey only the fourth state in the entire country to enact a “pay-to-play” ban.

"The numerous positive achievements in this legislation clearly demonstrate how Democrats have seized the initiative on ethics reform," said Senate Majority Leader Bernard F. Kenny Jr. (D-Hudson). "As the Majority Party, Democrats have acted to put us in the right direction after years of inaction by the Republicans. The reforms enacted today are long overdue, but they mark the beginning - not the end - of our commitment to eliminate any perception that those who give the most to political campaigns get favored treatment in the form of lucrative State contracts."

Among the reforms the package are: prohibiting anyone who receives a no-bid contract from making certain political contributions; strengthening legislative ethics; enhancing reporting of legislators' financial disclosure requirements, hidden financial interests, and

conflicts of interests; increasing penalties for ethics and campaign finance violations and for illegally soliciting campaign contributions; and expanding the definition of lobbyist and legislative agent, ensuring that all parties who seeks to influence government are properly disclosed.

One of the main components of the ethics reform package is S-2/A-2, which prohibits state, county or local government officials from awarding no-bid contracts to their campaign contributors and prohibits no-bid contract holders from contributing to officials holding office at the government level in which the contract is in effect.

“This has been a long and winding journey, but today New Jersey sets an unprecedented standard for disclosure and transparency, and takes significant steps to reduce the influence of money in politics,” said Governor McGreevey. “We should be proud of the example New Jersey has set for the rest of the nation, but we must also continue to work together to uphold the highest standards of ethical conduct.”

The ethics reform package signed into law today includes:

- **S-2** -- Prohibits campaign contributions by certain business entities performing State, county and local contracts, as well as prohibits certain contributions by county committee of political party.
- **S-4** -- Extends certain financial disclosure requirements to lobbying conducted through advertisements and direct mail to general public.
- **A-5** -- Change the minimum contribution that needs to be reported to the Election Law Enforcement Commission (ELEC) from \$400 to \$300 and requires the reporting of all cash campaign contributions.
- **A-6** -- Requires professional campaign fundraisers to register and file quarterly reports with ELEC.
- **A-7** -- Expands campaign communications require identification to include telephone calls featuring recorded messages made in regard to candidates and public questions. The message or call would clearly state the name of business or address of the committee, group or person that financed the communication.

"Just as voters have a right to know who is sending them campaign literature, New Jerseyans should see who is behind commercials or advertisements calling for action on a specific bill or regulation under consideration," said Assemblywoman Linda Greenstein (D-Mercer/Middlesex). "Issue ads are nothing more than thinly-veiled political campaign commercials, and all money spent on them should be publicly disclosed."

- **S-8** -- Prohibits the solicitation or making of political contributions on state property by state officeholders or their representatives.

- **A-9** -- Requires Election Law Enforcement Commission (ELEC) to assess its Internet site and recommend improvements for the site's format and content. ELEC) would evaluate the presentation, accessibility, convenience, and usefulness of its Web site and recommend upgrades.
- **S-10** -- Requires certain campaign and organizational treasurers to be trained by ELEC. It also requires ELEC to make the training program available over its Internet site within one year of the bill's enactment.
- **A-11** -- Increases the maximum fines for violating campaign contribution and expenditure limit, reporting requirements and payment restrictions. The bill doubles the maximum fines that may be imposed for a variety of violations.
- **A-12** -- Requires certain election committees/ joint candidates committees to file a report with ELEC within 48 hours of making certain expenditures in excess of \$800 during certain periods of an election cycle.
- **A-14** -- Blocks legislators, Governor and department heads from lobbying activities for one year after leaving office.

"The strong link between government service and private lobbying creates - at a minimum - an appearance of impropriety in the eyes of the public," said Assemblyman Michael J. Panter (D-Monmouth/Mercer). "It also creates the very real possibility that the judgment of an elected or appointed official could be affected by their own financial concerns rather than the public's best interest. The signing of this bill today represents a new era in New Jersey politics, and a step in the right direction toward good government."

- **A-15** – Prohibits employment or assignment of relatives of certain employees of the Executive Branch, independent authorities, and interstate agencies to specific positions. Expands upon last year's nepotism ban by extending the definition of immediate family and including certain Executive Branch departments and commissions.
- **S-16** – Bans any member of the Legislature from acting on legislation in which they or their family member has a personal interest. The bill eliminates the option of filing a personal interest statement and instead prohibits the member from acting on legislation that they have a personal interest.
- **S-17**-- Changes memberships of Executive Commission on Ethical Standards and Joint Legislative Committee on Ethical Standards. The changes equalize the number of public and governmental official members.
- **S-18** -- Increases monetary penalties for violations of "New Jersey Conflicts of Interest Law." The bill increases the fine for civil violations of the conflict of interest laws to between \$500 and \$10,000 for State officers and employees or

members of the Legislature.

- **S-19**-- Requires candidates seeking office of Governor or legislator to disclose prior conviction for criminal offense. Candidates would be required to file a form setting out whether they have been convicted of an indictable crime.

"As legislators, we often consider measures that would require members of the public to undergo criminal background checks or disclose criminal histories prior to consideration for employment," said Assemblyman Jeff Van Drew (D-Cape May). "However, current state law fails to require state elected officials to disclose similar backgrounds. This is more than a statutory anomaly. It is an error in need of immediate correction."

- **S-22** -- Expands the definition of lobbyist and legislative agent to include those who influence the governmental process and actions in the Executive Branch, agency, or instrumentality.
- **A-23** -- Requires ELEC to conduct random audits of records kept by legislative agents. Currently, ELEC has the authority to conduct such audits, but this bill would require them to do so.
- **A-24** -- Directs ELEC to collect \$100 annual fee from legislative agents. The fee would be deposited in the general fund to be appropriated to ELEC. The fee would offset the costs of ELEC's new responsibilities.
- **A-25** -- Prohibits legislative agents from accepting contingency fees to influence legislation or regulations. This bill amends the existing law by eliminating the ability of a legislative agent to enter into a contingency fee agreement with a client. The legislative agent's reimbursement could not be dependent upon the whether or not he or she was successful in trying to influence legislation or regulation.

State of New Jersey Governor's Office

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