

ASSEMBLY, No. 1662

STATE OF NEW JERSEY 213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

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District 24 (Sussex, Hunterdon and Morris)

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District 24 (Sussex, Hunterdon and Morris)

SYNOPSIS

Establishes New Jersey Commission on State Advertisements and Promotions; prohibits appearance of Governor in State advertisements or promotions unless appearance is essential to achieve public purpose.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT establishing the New Jersey Commission on State
2 Advertisements and Promotions and supplementing Title 52 of
3 the Revised Statutes.

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

7
8 1. The Legislature finds and declares that:

9 The State of New Jersey annually spends tens of millions of
10 dollars to advertise various programs and promote the State as a
11 tourist destination and place in which to conduct business.

12 Over the course of several decades, the frequency with which
13 Governors of both major political parties have appeared in State
14 advertisements or promotions has increased dramatically.

15 State advertisements or promotions featuring the Governor are
16 inefficient because they cost hundreds of thousands of dollars to
17 produce and become useless shortly after production in the event of
18 resignation, recall, impeachment, expiration of a term in office, and
19 certain disclosures or investigations, all of which cause the
20 continued appearance of the Governor in State advertisements or
21 promotions to be particularly inappropriate.

22 Spokesmen or spokeswomen who are at least as equally effective
23 as the Governor can almost always be found to appear in State
24 advertisements or promotions.

25 The prospect of a Governor increasing his or her name
26 recognition or popularity by appearing in millions of dollars of
27 State advertisements or promotions has encouraged and enticed
28 Governors of both parties to make funding available for State
29 advertisements or promotions of questionable value. Wasteful
30 spending on State advertisements or promotions of questionable
31 value will be substantially reduced if the incentive to produce such
32 wasteful State advertisements or promotions are eliminated by
33 prohibiting the Governor from appearing in all advertisements and
34 promotions unless his or her appearance is essential.

35 A nonpartisan commission should be created to identify the types
36 of State advertisements or promotions for which the Governor's
37 appearance is essential and to enforce a prohibition on the Governor
38 appearing in any advertisement or promotion unless his or her
39 appearance is essential to achieve a public purpose.

40
41 2. As used in this act:

42 "Appear," "appearing," or "appearance" means being present in
43 any manner whatsoever including visually, audibly, or by any
44 reference to name.

45 "State advertisement or promotion" means any communication
46 intended to reach a broad audience and made by or on behalf of the
47 State or any of its authorities, commissions or agencies, whether

1 that communication is through television, radio, print, or any other
2 medium.

3
4 3. The Governor will not appear in any State advertisement or
5 promotion unless the State advertisement or promotion (a) is within
6 the category of those for which the Governor's appearance is
7 essential to achieve a public purpose, as determined by the New
8 Jersey Commission on State Advertisements and Promotions
9 established pursuant to section 5 of this act; or (b) the Governor's
10 appearance in the State advertisement or promotion is permitted as
11 an exception pursuant to section 6 of this act.

12
13 4. a. There is hereby created the New Jersey Commission on
14 State Advertisements and Promotions. The commission shall be
15 established in the Executive Branch of the State Government and
16 for the purposes of complying with the provisions of Article V,
17 Section IV, paragraph 1 of the New Jersey Constitution, the
18 commission is allocated in, but not of, the Department of State.
19 Notwithstanding this allocation, the commission shall be
20 independent of any supervision or control by the department or by
21 any board or officer thereof. The commission shall submit its
22 budget request directly to the Division of Budget and Accounting in
23 the Department of the Treasury.

24 b. The Commission shall consist of five members as follows:
25 one person appointed by the President of Rutgers, The State
26 University of New Jersey, for a term of five years, who shall not be
27 a member of any political party; two persons appointed by the
28 Governor for terms of three years, who shall not be members of the
29 same political party; one person appointed by the Governor from
30 two persons named by the chairman of the political party whose
31 candidate received the highest number of votes at the preceding
32 gubernatorial election for a term of four years; and one person
33 appointed by the Governor from two persons named by the
34 chairman of the political party whose candidate received the second
35 highest number of votes at the preceding gubernatorial election for
36 a term of four years.

37 Vacancies in the membership of the commission shall be filled in
38 the manner as the original appointments.

39 c. The members of the commission shall be appointed within 60
40 days following the effective date of this act and shall hold an
41 organizational meeting within 30 days thereafter.

42 Three members present shall constitute a quorum for the conduct
43 of business by the commission.

44 The members shall receive no compensation for their services,
45 but shall be reimbursed for reasonable and necessary expenses to
46 the extent that funds are appropriated or otherwise made available
47 for this purpose.

1 5. a. Within three months following the appointment of all of its
2 members, the New Jersey Commission on State Advertisements and
3 Promotions shall adopt categories of State advertisements and
4 promotions for which the Governor's appearance is essential to
5 achieve a public purpose. Thereafter, the commission shall
6 periodically review and revise the adopted categories as
7 appropriate.

8 b. The commission shall not adopt as categories of State
9 advertisements and promotions for which the Governor's
10 appearance is considered essential: (1) radio, television or print
11 messages, or mailings, promoting New Jersey as a tourist
12 destination or place to do business; (2) radio, television, or print
13 messages, or mailings, advertising the availability of certain State
14 benefits or the existence of State programs; (3) radio, television, or
15 print messages, or mailings, promoting certain actions or behavior
16 such as testing for disease, reading, or reporting fraud; and (4)
17 other communications for which the Governor's appearance is not
18 essential to achieve a public purpose as determined by the
19 commission.

20 c. The commission may adopt as categories of State
21 advertisements and promotions for which the Governor's
22 appearance is considered essential: (1) communications directing
23 certain actions to be taken, or to not be taken, in response to war,
24 terrorism, emergencies, or natural disasters or other acts of God; (2)
25 communications made in conjunction with the official Internet site
26 of the State of New Jersey; (3) communications that contain no
27 reference to the Governor by name other than the appearance of the
28 Governor's name on letterhead; and (4) other communications made
29 by or on behalf of the Governor in the ordinary course of
30 performing his or her duties, including speeches, press releases,
31 constituent correspondence, and directions or guidance provided to
32 public employees.

33
34 6. a. The Governor may submit to the New Jersey Commission
35 on State Advertisements and Promotions an application for an
36 exception to the prohibition against his or her appearance in a State
37 advertisement or promotion. The application shall consist of: a
38 description of the State advertisement or promotion for which an
39 exception is sought; a statement indicating the public purpose
40 sought to be achieved by the State advertisement or promotion; the
41 estimated cost of production of the State advertisement or
42 promotion; a statement explaining why an alternative State
43 advertisement or promotion without the Governor's appearance
44 cannot as efficiently achieve the public purpose; a statement
45 assessing the State advertisement or promotion's useful life and
46 whether that useful life is so brief that the expenditure is wasteful;
47 and a statement explaining why the Governor's appearance in the
48 State advertisement or promotion is essential.

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- 1 the department or agency, which used State funds to pay for the
- 2 advertisement or promotion, for all costs of a State advertisement or
- 3 promotion in which the Governor unlawfully appeared.