

**GOVERNOR'S STATEMENT UPON SIGNING
ASSEMBLY BILL NOS. 5628 AND 5631**

Today, I am signing Assembly Bill No. 5628 and Assembly Bill No. 5631 into law. These two bills resulted from the work of the Legislative Select Oversight Committee ("LSOC"). Upon LSOC's formation, I pledged my Administration's full cooperation with this inquiry. My Administration kept this promise by turning over a substantial number of documents and allowing every member of my staff who was asked to testify at the LSOC's public hearings. Throughout the process, I noted that I was open to any and all recommendations about how to address these challenging issues. My only request throughout the process has been that discussions about reforms be centered around the experience of sexual assault survivors and include all branches of government, as I recognize that this is an issue where we all can and must do better.

Among other steps, the two bills that are the subject of this message require standardized recordkeeping procedures regarding recruitment, selection, hiring, and employment, and written records and notification procedures for equal employment complaints that are received. The establishment of these procedures can be valuable tools in our efforts to ensure adequate employment records and support those who may have experienced or witnessed discrimination or harassment, and I am pleased to enact these reforms into law.

These two bills were introduced on June 17, 2019, as part of a broader package, and passed the Assembly Appropriations Committee the next day. Because I took the Legislature at its word that it was not interested in scoring political points and only wanted to come up with reforms to protect sexual assault survivors, I assumed that it would agree wholeheartedly that its proposed reforms should apply across all of government. Therefore, on June 19, 2019, before the full Assembly had a chance to vote on the package, my staff sent over a series of amendments to both the Assembly and the Senate that would apply the reforms in the package to the Legislature, and the Judiciary, where applicable. Despite this good faith effort, the proposed amendments were not incorporated when the full Assembly passed the package of bills on June 20, 2019.

Nonetheless, I was heartened to hear legislators subsequently assure the public that the proposed reforms would apply to the Legislature as well. As the bills had not yet moved in the Senate, I assumed that this issue would be taken up again in the fall, and we would be able to make these important changes then.

In November, this same package of bills did appear on the agenda of the Senate State Government, Wagering, Tourism & Historic Preservation Committee (the "committee"). In advance of the committee's hearing, my staff sent over the same amendments that

it had sent in June, applying these bills to the Legislature and Judiciary, where applicable. Curiously, these amendments were ignored for a second time. In December, this package of bills was placed on the Senate Board List. Well in advance of the Senate's voting session, my staff again sent over the same package of amendments, applying these bills across State government. This was the third time that legislative staff received these amendments, and, for the third time, these amendments were not made.

It is deeply disappointing that the Legislature would develop reforms to protect victims of sexual harassment and assault and refuse to include themselves in the scope of these reforms. Notably, a bill passed by the Assembly earlier this Session and scheduled for final consideration by the Senate this afternoon, requires the Legislature to adopt and maintain a sexual harassment policy. The pending bill leaves it to each House of the Legislature and the Office of Legislative Services, separately or in a single policy adopted jointly, to determine the details of the harassment policy, providing only that the policy must prohibit sexual harassment, put in place appropriate preventative measures and include procedures for reporting, investigating and disciplining prohibited conduct. The policy is not required to include any of the rules governing review of complaints outlined in Assembly Bill No. 5631, nor must the policy address any of the record keeping, hiring, and retention practices outlined in Assembly Bill No. 5628.

The Legislature's failure to include themselves in these bills is even more troubling in the aftermath of the Star-Ledger's December 29, 2019 article, which reported numerous alleged instances of sexual misconduct by legislators and legislative staff, including sexual assaults and offers to exchange votes for sex. Some of these alleged incidents occurred in the State House or at legislative hearings. In light of these allegations, it is simply unacceptable that employees of the legislative branch of government will not benefit from the procedures and protections that are contained in the two bills I am signing today.

Unfortunately, this is indicative of a broader pattern where the Legislature refuses to abide by the same requirements that it imposes upon others. Just last week, Senate President Steve Sweeney was asked if he would support removing the legislative exemption from the Open Public Records Act ("OPRA"). He responded by saying, "No. There you go." The executive branch and local governments across this State faithfully abide by OPRA to ensure that the public has access to their records. The Legislature's unwillingness to reconsider its broad OPRA exemption, which has often been invoked to prevent the disclosure of settlements relating to sexual harassment and other misconduct, creates the perception that the Legislature would rather operate behind closed doors and avoid the public accountability that is expected of other parts of government.

While the Legislature may choose to play political games with these and other issues, I will not. I am signing these bills to reform our employment and reporting procedures in the executive branch, but I will not accept the notion that employees in the Legislature and the Judiciary should not receive these protections as a matter of law.

I urge the Legislature to consider the welfare of their own staff members and colleagues who deserve action and accountability on this issue. I would also urge the Legislature to remember the deeply disturbing stories shared in the Star-Ledger's article and the courage and risk it took to reveal them. These repulsive incidents are not demonstrative of the New Jersey we are working towards together. I implore the Legislature to gather its courage and integrity and send me a bill that will impose the requirements contained in Assembly Bill No. 5631 and Assembly Bill No. 5628 on both the legislative and judicial branches, where appropriate.

If we do not ensure that these reforms apply across the entirety of government, we will not only fail our colleagues who would directly benefit from these reforms, but we will also miss an opportunity to demonstrate to the next generation that all of government is committed to tackling these issues. Until that commitment is apparent and we act to change the culture in Trenton, many leaders of tomorrow will no longer consider entering into public service, and we risk losing their talent, perspective, and brilliance.

I regret that the Legislature has to be publicly pressured into doing the right thing, but I am as committed as ever to fighting Trenton's broken political culture. The residents of New Jersey deserve better.

Date: January 13, 2020

/s/ Philip D. Murphy

Governor

Attest:

/s/ Kate McDonnell

Deputy Chief Counsel to the Governor