

# ASSEMBLY, No. 1243

## STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

**Sponsored by:**

**Assemblyman PAUL D. MORIARTY**

**District 4 (Camden and Gloucester)**

**Co-Sponsored by:**

**Assemblyman Benson**

**SYNOPSIS**

“Government Reality Check Act”; prohibits public employers from providing certain benefits to public employees; restricts gifts to public employees; restricts travel by public employees; imposes post-employment restriction on public contracting employees.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning various benefits and ethical standards for  
2 public officers and employees and amending and supplementing  
3 various parts 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 13 of P.L.1971, c.182 (C.52:13D-24) is amended to  
9 read as follows:

10 13. a. No State officer or employee, special State officer or  
11 employee, or member of the Legislature shall solicit, receive or  
12 agree to receive, whether directly or indirectly, any compensation,  
13 reward, employment, gift, honorarium, out-of-State travel or  
14 subsistence expense or other thing of value from any source other  
15 than the State of New Jersey, for any service, advice, assistance,  
16 appearance, speech or other matter related to the officer, employee,  
17 or member's official duties, except as authorized in this section.  
18 This subsection shall apply to the officers and employees of the  
19 Office of the Governor or Lieutenant Governor.

20 b. A State officer or employee, special State officer or  
21 employee, or member of the Legislature, or officers and employees  
22 of the Office of the Governor or Lieutenant Governor, may, in  
23 connection with any service, advice, assistance, appearance, speech  
24 or other matter related to the officer, employee, or member's official  
25 duties, solicit, receive or agree to receive, whether directly or  
26 indirectly, from sources other than the State, the following:

27 (1) reasonable fees for published books on matters within the  
28 officer, employee, or member's official duties;

29 (2) reimbursement or payment of actual and reasonable  
30 expenditures for travel or subsistence and allowable entertainment  
31 expenses associated with attending an event in New Jersey if  
32 expenditures for travel or subsistence and entertainment expenses  
33 are not paid for by the State of New Jersey;

34 (3) reimbursement or payment of actual and reasonable  
35 expenditures for travel or subsistence outside New Jersey, not to  
36 exceed \$500.00 per trip, if expenditures for travel or subsistence  
37 and entertainment expenses are not paid for by the State of New  
38 Jersey. The \$500 per trip limitation shall not apply if the  
39 reimbursement or payment is made by (a) a nonprofit organization  
40 of which the officer, employee, or member is, at the time of  
41 reimbursement or payment, an active member as a result of the  
42 payment of a fee or charge for membership to the organization by  
43 the State or the Legislature in the case of a member of the  
44 Legislature; (b) a nonprofit organization that does not contract with  
45 the State to provide goods, materials, equipment, or services; or (c)

**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 any agency of the federal government, any agency of another state  
2 or of two or more states, or any political subdivision of another  
3 state.

4 Members of the Legislature shall obtain the approval of the  
5 presiding officer of the member's House before accepting any  
6 reimbursement or payment of expenditures for travel or subsistence  
7 outside New Jersey.

8 As used in this subsection, "reasonable expenditures for travel or  
9 subsistence" means commercial travel rates directly to and from an  
10 event and food and lodging expenses which are moderate and  
11 neither elaborate nor excessive; and "allowable entertainment  
12 expenses" means the costs for a guest speaker, incidental music and  
13 other ancillary entertainment at any meal at an event, provided they  
14 are moderate and not elaborate or excessive, but does not include  
15 the costs of personal recreation, such as being a spectator at or  
16 engaging in a sporting or athletic activity which may occur as part  
17 of that event.

18 No State officer or employee, special State officer or employee,  
19 or member of the Legislature, or the Governor, Lieutenant  
20 Governor or officers or employees of the Office of the Governor or  
21 Lieutenant Governor, nor a member of the immediate family of the  
22 officer, employee, or member, shall solicit, receive or agree to  
23 receive, whether directly or indirectly, any ticket or other form of  
24 admission to any place of entertainment that is provided free of  
25 charge or at a discounted rate by the sponsor, promoter, performer,  
26 owner or operator of the event or entertainment venue unless the  
27 same free or reduced admission is available to (a) the public; (b) a  
28 class consisting of all officers or employees of State agencies,  
29 whether or not restricted on the basis of geographic consideration;  
30 (c) all members of a group or class in which membership is  
31 unrelated to State service; (d) all members of an organization, such  
32 as an employees' association or State credit union, in which  
33 membership is related to State service; or (e) a group or class that is  
34 not defined in a manner that specifically discriminates among State  
35 officers or employees on the basis of branch of government or type  
36 of responsibility, or on a basis that favors those of higher rank or  
37 rate of pay. Free or discounted admission available to the member  
38 of the immediate family of a State officer or employee, special State  
39 officer or employee, or member of the Legislature, or the Governor,  
40 Lieutenant Governor or officers or employees of the Office of the  
41 Governor or Lieutenant Governor, shall be treated as available to  
42 the officer, employee, or member for the purposes of this  
43 subsection.

44 As used in this subsection, "place of entertainment" means any  
45 privately or publicly owned and operated entertainment facility  
46 within or outside of this State, such as a theater, stadium, museum,  
47 arena, racetrack or other place where performances, concerts,  
48 exhibits, games or contests are held and for which an entry fee is

1 charged.

2 c. This section shall not apply to the solicitation or acceptance  
3 of contributions to the campaign of an announced candidate for  
4 elective public office, except that campaign contributions may not  
5 be accepted if they are known to be given in lieu of a payment  
6 prohibited pursuant to this section.

7 d. (1) Notwithstanding any other provision of law, a designated  
8 State officer as defined in paragraph (2) of this subsection shall not  
9 solicit, receive or agree to receive, whether directly or indirectly,  
10 any compensation, salary, honorarium, fee, or other form of income  
11 from any source, other than the compensation paid or reimbursed to  
12 him or her by the State for the performance of official duties, for  
13 any service, advice, assistance, appearance, speech or other matter,  
14 except for investment income from stocks, mutual funds, bonds,  
15 bank accounts, notes, a beneficial interest in a trust, financial  
16 compensation received as a result of prior employment or  
17 contractual relationships, and income from the disposition or rental  
18 of real property, or any other similar financial instrument and  
19 except for reimbursement for travel as authorized in paragraphs (2)  
20 and (3) of subsection b. of this section. To receive such income, a  
21 designated State officer shall first seek review and approval by the  
22 State Ethics Commission to ensure that the receipt of such income  
23 does not violate the "New Jersey Conflicts of Interest Law,"  
24 P.L.1971, c.182 (C.52:13D-12 et seq.) or any applicable code of  
25 ethics, and does not undermine the full and diligent performance of  
26 the designated State officer's duties.

27 (2) For the purposes of this subsection, "designated State  
28 officer" shall include: the Governor, the Lieutenant Governor, the  
29 Adjutant General, the Secretary of Agriculture, the Attorney  
30 General, the Commissioner of Banking and Insurance, the director  
31 of the Division of Business Assistance, Marketing, and  
32 International Trade, the Commissioner of Community Affairs, the  
33 Commissioner of Corrections, the Commissioner of Education, the  
34 Commissioner of Environmental Protection, the Commissioner of  
35 Health and Senior Services, the Commissioner of Human Services,  
36 the Commissioner of Children and Families, the Commissioner of  
37 Labor and Workforce Development, the President of the State  
38 Board of Public Utilities, the Secretary of State, the Superintendent  
39 of State Police, the Commissioner of Transportation, the State  
40 Treasurer, the head of any other department in the Executive  
41 Branch, and the following members of the staff of the Office of the  
42 Governor: Chief of Staff, Chief of Management and Operations,  
43 Chief of Policy and Communications, Chief Counsel to the  
44 Governor, Director of Communications, Policy Counselor to the  
45 Governor, and any deputy or principal administrative assistant to  
46 any of the aforementioned members of the staff of the Office of the  
47 Governor listed in this subsection.

1 e. A violation of this section shall not constitute a crime or  
2 offense under the laws of this State.  
3 (cf: P.L.2008, c.29, s.105)  
4

5 2. Section 2 of P.L.2003, c.255 (C.52:13D-24.1) is amended as  
6 follows:

7 2. a. Except **【as expressly authorized in section 13 of**  
8 **P.L.1971, c.182 (C.52:13D-24) or】** when the lobbyist or  
9 governmental affairs agent is a member of the immediate family of  
10 a member of the Legislature or legislative staff, no member of the  
11 Legislature or legislative staff may accept, directly or indirectly,  
12 any compensation, reward, employment, gift, honorarium or other  
13 thing of value from each lobbyist or governmental affairs agent, as  
14 defined in the "Legislative and Governmental Process Activities  
15 Disclosure Act," P.L.1971, c.183 (C.52:13C-18 et seq.) **【, totaling**  
16 **more than \$250.00 in a calendar year】**. The **【\$250.00 limit】**  
17 prohibition on acceptance of compensation, reward, gift,  
18 honorarium or other thing of value shall also apply to each member  
19 of the immediate family of a member of the Legislature, as defined  
20 in section 2 of P.L.1971, c.182 (C.52:13D-13) to be a spouse, child,  
21 parent, or sibling of the member residing in the same household as  
22 the member of the Legislature.

23 b. The prohibition in subsection a. of this section on accepting  
24 any compensation, reward, gift, honorarium or other thing of value  
25 shall not apply if received in the course of employment, by an  
26 employer other than the State, of an individual covered in  
27 subsection a. of this section or a member of the immediate family.  
28 The prohibition in subsection a. of this section on accepting any  
29 compensation, reward, gift, honorarium or other thing of value shall  
30 not apply if acceptance is from a member of the immediate family  
31 when the family member received such in the course of his or her  
32 employment. The prohibition in subsection a. of this section on  
33 accepting any compensation, reward, gift, honorarium, or other  
34 thing of value shall not apply if acceptance involves something of  
35 de-minimus value as defined by the Joint Legislative Committee on  
36 Ethical Standards.

37 c. **【Subsection a. of this section shall not apply if a member of**  
38 **the Legislature or legislative staff who accepted any compensation,**  
39 **reward, gift, honorarium or other thing of value provided by a**  
40 **lobbyist or governmental affairs agent makes a full reimbursement,**  
41 **within 90 days of acceptance, to the lobbyist or governmental**  
42 **affairs agent in an amount equal to the money accepted or the fair**  
43 **market value of that which was accepted if other than money. As**  
44 **used in this subsection, "fair market value" means the actual cost of**  
45 **the compensation, reward, gift, honorarium or other thing of value**  
46 **accepted.】** (Deleted by amendment, P.L. , c. )(pending before  
47 the Legislature as this bill).

1 d. A violation of this section shall not constitute a crime or  
2 offense under the laws of this State.  
3 (cf: P.L.2005, c.382, s.15)  
4

5 3. Section 3 of P.L.2003, c.255 (C.52:13C-21b) is amended to  
6 read as follows:

7 3. Except [as expressly authorized in section 13 of P.L.1971,  
8 c.182 (C.52:13D-24) or] when the lobbyist or governmental affairs  
9 agent is a member of the immediate family of the officer or staff  
10 member of the Executive Branch or member of the Legislature or  
11 legislative staff, no lobbyist or governmental affairs agent shall  
12 offer or give or agree to offer or give, directly or indirectly, any  
13 compensation, reward, employment, gift, honorarium or other thing  
14 of value to an officer or staff member of the Executive Branch or  
15 member of the Legislature or legislative staff [, totaling more than  
16 \$250.00 in a calendar year]. The [\$250.00 limit] prohibition on  
17 any compensation, reward, gift, honorarium or other thing of value  
18 shall also apply to each member of the immediate family of a  
19 member of the Legislature, as defined in section 2 of P.L.1971,  
20 c.182 (C.52:13D-13) to be a spouse, child, parent, or sibling of the  
21 member residing in the same household as the member of the  
22 Legislature.

23 b. The prohibition in subsection a. of this section on offering or  
24 giving, or agreeing to offer or give, any compensation, reward, gift,  
25 honorarium or other thing of value shall not apply if it is in the  
26 course of employment, by an employer other than the State, of an  
27 individual covered in subsection a. of this section or a member of  
28 the immediate family. The prohibition in subsection a. of this  
29 section on offering or giving, or agreeing to offer or give, any  
30 compensation, reward, gift, honorarium or other thing of value shall  
31 not apply if receipt is from a member of the immediate family when  
32 the family member received such in the course of his or her  
33 employment. The prohibition in subsection a. of this section on  
34 offering or giving, or agreeing to offer or give, any compensation,  
35 reward, gift, honorarium, or other thing of value shall not apply if it  
36 involves something of de-minimus value as defined by the State  
37 Ethics Commission or Joint Legislative Committee on Ethical  
38 Standards, as appropriate.

39 c. [Subsection a. of this section shall not apply if an officer or  
40 staff member of the Executive Branch or member of the Legislature  
41 or legislative staff who accepted any compensation, reward, gift,  
42 honorarium or other thing of value offered or given by a lobbyist or  
43 governmental affairs agent makes a full reimbursement, within 90  
44 days of acceptance, to the lobbyist or governmental affairs agent in  
45 an amount equal to the money accepted or the fair market value of  
46 that which was accepted if other than money. As used in this  
47 subsection, "fair market value" means the actual cost of the

1 compensation, reward, gift, honorarium or other thing of value  
2 accepted.】 (Deleted by amendment, P.L. \_\_, c. \_\_)(pending before  
3 the Legislature as this bill).

4 d. A violation of this section shall not constitute a crime or  
5 offense under the laws of this State.

6 (cf: P.L.2004, c.27, s.6)

7  
8 4. Section 4 of P.L.1991, c.393 (C.18A:12-24) is amended to  
9 read as follows:

10 4. a. No school official or member of his immediate family  
11 shall have an interest in a business organization or engage in any  
12 business, transaction, or professional activity, which is in  
13 substantial conflict with the proper discharge of his duties in the  
14 public interest;

15 b. No school official shall use or attempt to use his official  
16 position to secure unwarranted privileges, advantages or  
17 employment for himself, members of his immediate family or  
18 others;

19 c. No school official shall act in his official capacity in any  
20 matter where he, a member of his immediate family, or a business  
21 organization in which he has an interest, has a direct or indirect  
22 financial involvement that might reasonably be expected to impair  
23 his objectivity or independence of judgment. No school official  
24 shall act in his official capacity in any matter where he or a member  
25 of his immediate family has a personal involvement that is or  
26 creates some benefit to the school official or member of his  
27 immediate family;

28 d. No school official shall undertake any employment or  
29 service, whether compensated or not, which might reasonably be  
30 expected to prejudice his independence of judgment in the exercise  
31 of his official duties;

32 e. No **【school official, or】** member of **【his】** the immediate  
33 family of a board member, of an employee of a school district, or of  
34 an officer or employee of the New Jersey School Boards  
35 Association, or business organization in which **【he】** the board  
36 member, employee of a school district, or officer or employee of the  
37 New Jersey School Boards Association has an interest, shall solicit  
38 or accept any gift, favor, loan, political contribution, service,  
39 promise of future employment, or other thing of value **【based upon**  
40 **an understanding】** under circumstances from which it may be  
41 reasonably inferred that the gift, favor, loan, contribution, service,  
42 promise, or other thing of value was given or offered for the  
43 purpose of influencing **【him】** the board member, employee of a  
44 school district, or officer or employee of the New Jersey School  
45 Boards Association, directly or indirectly, in the discharge of his  
46 official duties. This provision shall not apply to the solicitation or  
47 acceptance of contributions to the campaign of an announced

1 candidate for elective public office, if the **【school official】** member  
2 of the immediate family has no knowledge or reason to believe that  
3 the campaign contribution, if accepted, was given with the intent to  
4 influence the **【school official】** board member, employee of a school  
5 district, or officer or employee of the New Jersey School Boards  
6 Association in the discharge of his official duties;

7 f. No school official shall use, or allow to be used, his public  
8 office or employment, or any information, not generally available to  
9 the members of the public, which he receives or acquires in the  
10 course of and by reason of his office or employment, for the  
11 purpose of securing financial gain for himself, any member of his  
12 immediate family, or any business organization with which he is  
13 associated;

14 g. No school official or business organization in which he has  
15 an interest shall represent any person or party other than the school  
16 board or school district in connection with any cause, proceeding,  
17 application or other matter pending before the school district in  
18 which he serves or in any proceeding involving the school district  
19 in which he serves or, for officers or employees of the New Jersey  
20 School Boards Association, any school district. This provision shall  
21 not be deemed to prohibit representation within the context of  
22 official labor union or similar representational responsibilities;

23 h. No school official shall be deemed in conflict with these  
24 provisions if, by reason of his participation in any matter required  
25 to be voted upon, no material or monetary gain accrues to him as a  
26 member of any business, profession, occupation or group, to any  
27 greater extent than any gain could reasonably be expected to accrue  
28 to any other member of that business, profession, occupation or  
29 group;

30 i. No elected member shall be prohibited from making an  
31 inquiry for information on behalf of a constituent, if no fee, reward  
32 or other thing of value is promised to, given to or accepted by the  
33 member or a member of his immediate family, whether directly or  
34 indirectly, in return therefor;

35 j. Nothing shall prohibit any school official, or members of his  
36 immediate family, from representing himself, or themselves, in  
37 negotiations or proceedings concerning his, or their, own interests;  
38 **【and】**

39 k. Employees of the New Jersey School Boards Association  
40 shall not be precluded from providing assistance, in the normal  
41 course of their duties, to boards of education in the negotiation of a  
42 collective bargaining agreement regardless of whether a member of  
43 their immediate family is a member of, or covered by, a collective  
44 bargaining agreement negotiated by a Statewide union with which a  
45 board of education is negotiating;

46 l. No board member, employee of a school district, or  
47 employee or officer of the New Jersey School Boards Association



1 shall solicit or accept any gift, favor, loan, political contribution,  
2 service, promise of future employment, or other thing of value  
3 under circumstances from which it may be reasonably inferred that  
4 the gift, favor, loan, contribution, service, promise, or other thing of  
5 value was given or offered for the purpose of influencing the  
6 member, employee, or officer, directly or indirectly, in the  
7 discharge of official duties. This provision shall not apply to the  
8 solicitation or acceptance of contributions to the campaign of an  
9 announced candidate for elective public office, if the member,  
10 employee, or officer has no knowledge or reason to believe that the  
11 campaign contribution, if accepted, was given with the intent to  
12 influence the member, employee, or officer in the discharge of his  
13 official duties;

14 m. No board member or employee of a school district, or any  
15 member of the immediate family of the member or employee, or  
16 any partnership, firm, or corporation with which the member or  
17 employee is associated or in which the member or employee has an  
18 interest, or any partner, officer, director, or employee while the  
19 member or employee is associated with such partnership, firm, or  
20 corporation, shall, within two years next subsequent to the  
21 termination of the office or employment of the member or  
22 employee, hold, directly or indirectly, an interest in, or hold  
23 employment with, or represent, appear for or negotiate on behalf of,  
24 any vendor or contractor that was awarded a public contract with  
25 which the member or employee had been substantially and directly  
26 involved by making an investigation, rendering a ruling, or giving  
27 an opinion at any time during the course of the office or  
28 employment of the member or employee; and

29 n. No board member, employee of a school district, or  
30 employee or officer of the New Jersey School Boards Association,  
31 nor a member of the immediate family of the member, officer, or  
32 employee, shall solicit, receive or agree to receive, whether directly  
33 or indirectly, any ticket or other form of admission to any place of  
34 entertainment that is provided free of charge or at a discounted rate  
35 by the sponsor, promoter, performer, owner or operator of the event  
36 or entertainment venue unless the same free or reduced admission is  
37 available to (a) the public; (b) a class consisting of all officers or  
38 employees of local school districts, whether or not restricted on the  
39 basis of geographic consideration; (c) all members of a group or  
40 class in which membership is unrelated to local school district  
41 service; (d) all members of an organization, such as an employees'  
42 association or school district employees' credit union, in which  
43 membership is related to local school district service; or (e) a group  
44 or class that is not defined in a manner that specifically  
45 discriminates among local school district officers or employees on  
46 the basis of branch of government or type of responsibility, or on a  
47 basis that favors those of higher rank or rate of pay. Free or

1 discounted admission available to the member of the immediate  
2 family of a member, officer, or employee shall be treated as  
3 available to the member, officer, or employee for the purposes of  
4 this subsection.

5 As used in this subsection, "place of entertainment" means any  
6 privately or publicly owned and operated entertainment facility  
7 within or outside of this State, such as a theater, stadium, museum,  
8 arena, racetrack or other place where performances, concerts,  
9 exhibits, games or contests are held and for which an entry fee is  
10 charged.

11 (cf: P.L.1999, c.256, s.1)

12  
13 5. Section 9 of P.L.1991, c.393 (C.18A:12-29) is amended to  
14 read as follows:

15 9. a. Any person, including a member of the commission, may  
16 file a complaint alleging a violation of the provisions of this act or  
17 the Code of Ethics for School Board Members as set forth in section  
18 5 of P.L.2001, c.178 (C.18A:12-24.1), by submitting it, on a form  
19 prescribed by the commission, to the commission. No complaint  
20 shall be accepted by the commission unless it has been signed under  
21 oath by the complainant. If a member of the commission submits  
22 the complaint, the member shall not participate in any subsequent  
23 proceedings on that complaint in the capacity of a commission  
24 member. If a commission member serves on the school board of, or  
25 is employed by, the school district which employs or on whose  
26 board the school official named in the complaint serves, the  
27 commission member shall not participate in any subsequent  
28 proceedings on that complaint.

29 With regard to subsection m. of section 4 of P.L.1991, c.393  
30 (C.18A:12-24), the commission shall have continued jurisdiction  
31 over a board member or employee of a school district following the  
32 termination of service by that member or employee in an office or  
33 employment.

34 b. Upon receipt of a complaint, the commission shall serve a  
35 copy of the complaint on each school official named therein and  
36 shall provide each named school official with the opportunity to  
37 submit a written statement under oath. The commission shall  
38 thereafter decide by majority vote whether probable cause exists to  
39 credit the allegations in the complaint. If the commission decides  
40 that probable cause does not exist, it shall dismiss the complaint and  
41 shall so notify the complainant and any school official named in the  
42 complaint. The dismissal shall constitute final agency action. If the  
43 commission determines that probable cause exists, it shall refer the  
44 matter to the Office of Administrative Law for a hearing to be  
45 conducted in accordance with the "Administrative Procedure Act,"  
46 P.L.1968, c.410 (C.52:14B-1 et seq.), and shall so notify the  
47 complainant and each school official named in the complaint.

1 In making a determination regarding an alleged violation of the  
2 Code of Ethics for School Board Members, the burden of proof  
3 shall be on the accusing party to establish factually a violation of  
4 the code. A decision regarding a complaint alleging violations of  
5 the code shall be rendered by the commission within 90 days of the  
6 receipt of the complaint by the commission.

7 c. Upon completion of the hearing, the commission, by  
8 majority vote, shall determine whether the conduct complained of  
9 constitutes a violation of this act, or in the case of a board member,  
10 this act or the code of ethics, or whether the complaint should be  
11 dismissed. If a violation is found, the commission shall, by majority  
12 vote, recommend to the commissioner the reprimand, censure,  
13 suspension, or removal of the school official found to have violated  
14 this act, or in the case of a board member, this act or the code of  
15 ethics. The commission shall state in writing its findings of fact  
16 and conclusions of law. The commissioner shall then act on the  
17 commission's recommendation regarding the sanction.

18 For a violation of subsection l. of section 4 of P.L.1991, c.393  
19 (C.18A:12-24) by a board member, employee of a school district, or  
20 employee or officer of the New Jersey School Boards Association,  
21 the commission shall impose a fine of not less than \$500 nor more  
22 than \$10,000, which penalty may be collected in a summary  
23 proceeding pursuant to the "Penalty Enforcement Law of 1999,"  
24 P.L.1999, c.274 (C.2A:58-10 et seq.). If the commission finds that  
25 the conduct of the member, officer, or employee constitutes a  
26 willful and continuous disregard of the provision of subsection l. of  
27 section 4 of P.L.1991, c.393 (C.18A:12-24), the commission may  
28 recommend and the commissioner may order that the member,  
29 officer, or employee be removed from office or employment and  
30 may further bar the member, officer, or employee from holding any  
31 public office or employment in this State in any capacity  
32 whatsoever for a period not exceeding five years from the date on  
33 which the member, officer, or employee was found by the  
34 commission to have committed a violation.

35 For a violation of subsection m. of section 4 of P.L.1991, c.393  
36 (C.18A:12-24) by a board member or employee of a school district,  
37 the commission shall impose a fine of not less than \$500 nor more  
38 than \$10,000, which penalty may be collected in a summary  
39 proceeding pursuant to the "Penalty Enforcement Law of 1999,"  
40 P.L.1999, c.274 (C.2A:58-10 et seq.). In addition, a person who  
41 willfully violates the provision of subsection m. of section 4 of  
42 P.L.1991, c.393 (C.18A:12-24) shall be guilty of a disorderly  
43 persons offense and shall be subject to a fine not to exceed \$1,000,  
44 or imprisonment not to exceed six months, or both.

45 d. Any appeal of the commission's determination regarding a  
46 violation of this act, or in the case of a board member, this act or the  
47 code of ethics, and of the commissioner's decision regarding the

1 sanction shall be in accordance with the provisions of P.L.2008,  
2 c.36 (C.18A:6-9.1 et al.).

3 e. If prior to the hearing the commission determines, by  
4 majority vote, that the complaint is frivolous, the commission may  
5 impose on the complainant a fine not to exceed \$500. The standard  
6 for determining whether a complaint is frivolous shall be the same  
7 as that provided in subsection b. of section 1 of P.L.1988, c.46  
8 (C.2A:15-59.1).

9 f. Notwithstanding the provisions of subsections c. and d. of  
10 this section, the commission shall be authorized to determine and  
11 impose the appropriate sanction including reprimand, censure,  
12 suspension or removal of any school official found to have violated  
13 this act who is an officer or employee of the New Jersey School  
14 Boards Association, except that the penalty for a violation of  
15 subsection l. of section 4 of P.L.1991, c.393 (C.18A:12-24) shall be  
16 as set forth in subsection c. of this section. Any action of the  
17 commission regarding a violation of P.L.1991, c.393 (C.18A:12-21  
18 et seq.) or the sanction to be imposed in the event that the school  
19 official involved is an officer or employee of the New Jersey School  
20 Boards Association shall be considered final agency action and an  
21 appeal of that action shall be directly to the Appellate Division of  
22 the Superior Court.

23 (cf: P.L.2008, c.36, s.5)

24

25 6. Section 5 of P.L.1991, c.29 (C.40A:9-22.5) is amended to  
26 read as follows:

27 5. Local government officers or employees under the  
28 jurisdiction of the Local Finance Board shall comply with the  
29 following provisions:

30 a. No local government officer or employee or member of his  
31 immediate family shall have an interest in a business organization  
32 or engage in any business, transaction, or professional activity,  
33 which is in substantial conflict with the proper discharge of his  
34 duties in the public interest;

35 b. No independent local authority shall, for a period of one year  
36 next subsequent to the termination of office of a member of that  
37 authority:

38 (1) award any contract which is not publicly bid to a former  
39 member of that authority;

40 (2) allow a former member of that authority to represent, appear  
41 for or negotiate on behalf of any other party before that authority;  
42 or

43 (3) employ for compensation, except pursuant to open  
44 competitive examination in accordance with Title 11A of the New  
45 Jersey Statutes and the rules and regulations promulgated pursuant  
46 thereto, any former member of that authority.

1       The restrictions contained in this subsection shall also apply to  
2       any business organization in which the former authority member  
3       holds an interest.

4       c. No local government officer or employee shall use or  
5       attempt to use his official position to secure unwarranted privileges  
6       or advantages for himself or others;

7       d. No local government officer or employee shall act in his  
8       official capacity in any matter where he, a member of his immediate  
9       family, or a business organization in which he has an interest, has a  
10      direct or indirect financial or personal involvement that might  
11      reasonably be expected to impair his objectivity or independence of  
12      judgment;

13      e. No local government officer or employee shall undertake  
14      any employment or service, whether compensated or not, which  
15      might reasonably be expected to prejudice his independence of  
16      judgment in the exercise of his official duties;

17      f. No ~~local government officer or employee,~~ member of  
18      ~~his~~ the immediate family of a local government officer or  
19      employee, or business organization in which ~~he~~ the local  
20      government officer or employee has an interest, shall solicit or  
21      accept any gift, favor, loan, political contribution, service, promise  
22      of future employment, or other thing of value ~~based upon an~~  
23      understanding under circumstances from which it may be  
24      reasonably inferred that the gift, favor, loan, contribution, service,  
25      promise, or other thing of value was given or offered for the  
26      purpose of influencing ~~him~~ the local government officer or  
27      employee, directly or indirectly, in the discharge of his official  
28      duties. This provision shall not apply to the solicitation or  
29      acceptance of contributions to the campaign of an announced  
30      candidate for elective public office, if the family member of the  
31      local government officer or employee has no knowledge or reason  
32      to believe that the campaign contribution, if accepted, was given  
33      with the intent to influence the local government officer or  
34      employee in the discharge of his official duties;

35      g. No local government officer or employee shall use, or allow  
36      to be used, his public office or employment, or any information, not  
37      generally available to the members of the public, which he receives  
38      or acquires in the course of and by reason of his office or  
39      employment, for the purpose of securing financial gain for himself,  
40      any member of his immediate family, or any business organization  
41      with which he is associated;

42      h. No local government officer or employee or business  
43      organization in which he has an interest shall represent any person  
44      or party other than the local government in connection with any  
45      cause, proceeding, application or other matter pending before any  
46      agency in the local government in which he serves. This provision  
47      shall not be deemed to prohibit one local government employee

1 from representing another local government employee where the  
2 local government agency is the employer and the representation is  
3 within the context of official labor union or similar representational  
4 responsibilities;

5 i. No local government officer shall be deemed in conflict with  
6 these provisions if, by reason of his participation in the enactment  
7 of any ordinance, resolution or other matter required to be voted  
8 upon or which is subject to executive approval or veto, no material  
9 or monetary gain accrues to him as a member of any business,  
10 profession, occupation or group, to any greater extent than any gain  
11 could reasonably be expected to accrue to any other member of  
12 such business, profession, occupation or group;

13 j. No elected local government officer shall be prohibited from  
14 making an inquiry for information on behalf of a constituent, if no  
15 fee, reward or other thing of value is promised to, given to or  
16 accepted by the officer or a member of his immediate family,  
17 whether directly or indirectly, in return therefor; **[and]**

18 k. Nothing shall prohibit any local government officer or  
19 employee, or members of his immediate family, from representing  
20 himself, or themselves, in negotiations or proceedings concerning  
21 his, or their, own interests;

22 l. No local government officer or employee shall solicit or  
23 accept any gift, favor, loan, political contribution, service, promise  
24 of future employment, or other thing of value under circumstances  
25 from which it may be reasonably inferred that the gift, favor, loan,  
26 contribution, service, promise, or other thing of value was given or  
27 offered for the purpose of influencing the officer or employee,  
28 directly or indirectly, in the discharge of official duties. This  
29 provision shall not apply to the solicitation or acceptance of  
30 contributions to the campaign of an announced candidate for  
31 elective public office, if the officer or employee has no knowledge  
32 or reason to believe that the campaign contribution, if accepted, was  
33 given with the intent to influence the officer or employee in the  
34 discharge of his official duties;

35 m. No local government officer or employee, or any member of  
36 the immediate family of the officer or employee, or any partnership,  
37 firm, or corporation with which the officer or employee is  
38 associated or in which the officer or employee has an interest, or  
39 any partner, officer, director, or employee while the officer or  
40 employee is associated with such partnership, firm, or corporation,  
41 shall, within two years next subsequent to the termination of the  
42 office or employment of such officer or employee, hold, directly or  
43 indirectly, an interest in, or hold employment with, or represent,  
44 appear for or negotiate on behalf of, any vendor or contractor that  
45 was awarded a public contract with which the officer or employee  
46 had been substantially and directly involved by making an  
47 investigation, rendering a ruling, or giving an opinion at any time

1 during the course of the office or employment of the officer or  
2 employee; and

3 n. No local government officer or employee, nor a member of  
4 the immediate family of the officer or employee, shall solicit,  
5 receive or agree to receive, whether directly or indirectly, any ticket  
6 or other form of admission to any place of entertainment that is  
7 provided free of charge or at a discounted rate by the sponsor,  
8 promoter, performer, owner or operator of the event or  
9 entertainment venue unless the same free or reduced admission is  
10 available to (a) the public; (b) a class consisting of all local  
11 government officers or employees, whether or not restricted on the  
12 basis of geographic consideration; (c) all members of a group or  
13 class in which membership is unrelated to local government agency  
14 service; (d) all members of an organization, such as an employees'  
15 association or local government officers' or employees' credit  
16 union, in which membership is related to local government agency  
17 service; or (e) a group or class that is not defined in a manner that  
18 specifically discriminates among local government agency officers  
19 or employees on the basis of branch of government or type of  
20 responsibility, or on a basis that favors those of higher rank or rate  
21 of pay. Free or discounted admission available to the member of  
22 the immediate family of an officer or employee shall be treated as  
23 available to the officer or employee for the purposes of this  
24 subsection.

25 As used in this subsection, "place of entertainment" means any  
26 privately or publicly owned and operated entertainment facility  
27 within or outside of this State, such as a theater, stadium, museum,  
28 arena, racetrack or other place where performances, concerts,  
29 exhibits, games or contests are held and for which an entry fee is  
30 charged.

31 (cf: P.L.1991, c.29, s.5)

32  
33 7. Section 10 of P.L.1991, c.29 (C.40A:9-22.10) is amended to  
34 read as follows:

35 10. a. An appointed local government officer or employee found  
36 guilty by the Local Finance Board or a county or municipal ethics  
37 board of the violation of any provision of P.L.1991, c.29 (C.40A:9-  
38 22.1 et seq.) or of any code of ethics in effect pursuant to P.L.1991,  
39 c.29 (C.40A:9-22.1 et seq.), shall be fined not less than \$100.00 nor  
40 more than \$500.00, or not less than \$500 nor more than \$10,000 for  
41 a violation of subsection l. or m. of section 5 of P.L.1991, c.29  
42 (C.40A:9-22.5), which penalty may be collected in a summary  
43 proceeding pursuant to "The Penalty Enforcement Law of 1999,"  
44 P.L.1999, c.274 (C.2A:58-10 et seq.). The board or a county or  
45 municipal ethics board shall report its findings to the office or  
46 agency having the power of removal or discipline of the appointed  
47 local government officer or employee and may recommend that  
48 further disciplinary action be taken. If a board finds that the

1 conduct of the appointed local government officer or employee  
2 constitutes a willful and continuous disregard of the provision of  
3 subsection l. of section 5 of P.L.1991, c.29 (C.40A:9-22.5), the  
4 office or agency may order that the officer or employee be removed  
5 from office or employment and may further bar the officer or  
6 employee from holding any public office or employment in this  
7 State in any capacity whatsoever for a period not exceeding five  
8 years from the date on which the officer or employee was found by  
9 the board to have committed a violation.

10 In addition, a person who willfully violates the provision of  
11 subsection m. of section 5 of P.L.1991, c.29 (C.40A:9-22.5) shall be  
12 guilty of a disorderly persons offense and shall be subject to a fine  
13 not to exceed \$1,000, or imprisonment not to exceed six months, or  
14 both.

15 b. An elected local government officer or employee found  
16 guilty by the Local Finance Board or a county or municipal ethics  
17 board of the violation of any provision of P.L.1991, c.29 (C.40A:9-  
18 22.1 et seq.) or of any code of ethics in effect pursuant to P.L.1991,  
19 c.29 (C.40A:9-22.1 et seq.), shall be fined not less than \$100.00 nor  
20 more than \$500.00, or not less than \$500 nor more than \$10,000 for  
21 a violation of subsection l. or m. of section 5 of P.L.1991, c.29  
22 (C.40A:9-22.5), which penalty may be collected in a summary  
23 proceeding pursuant to ["The"] the "Penalty Enforcement Law of  
24 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). In addition, a person  
25 who willfully violates the provision of subsection m. of section 5 of  
26 P.L.1991, c.29 (C.40A:9-22.5) shall be guilty of a disorderly  
27 persons offense and shall be subject to a fine not to exceed \$1,000,  
28 or imprisonment not to exceed six months, or both.

29 c. The remedies provided herein are in addition to all other  
30 criminal and civil remedies provided under the law.  
31 (cf: P.L.1999, c.440, s.101)

32  
33 8. Section 9 of P.L.1991, c.29 (C.40A:9-22.9) is amended to  
34 read as follows:

35 9. The Local Finance Board, upon receipt of a signed written  
36 complaint by any person alleging that the conduct of any local  
37 government officer or employee, not regulated by a county or  
38 municipal code of ethics, is in conflict with the provisions of this  
39 act, shall acknowledge receipt of the complaint within 30 days of  
40 receipt and initiate an investigation concerning the facts and  
41 circumstances set forth in the complaint. With regard to subsection  
42 m. of section 5 of P.L.1991, c.29 (C.40A:9-22.5), the board shall  
43 have continued jurisdiction over an officer or employee following  
44 the termination of service by that officer or employee in an office or  
45 employment. The board shall make a determination as to whether  
46 the complaint is within its jurisdiction or frivolous or without any  
47 reasonable factual basis. If the board shall conclude that the



1 complaint is outside its jurisdiction, frivolous or without factual  
2 basis, it shall reduce that conclusion to writing and shall transmit a  
3 copy thereof to the complainant and to the local government officer  
4 or employee against whom the complaint was filed. Otherwise the  
5 board shall notify the local government officer or employee against  
6 whom the complaint was filed of the nature of the complaint and the  
7 facts and circumstances set forth therein. The officer or employee  
8 shall have the opportunity to present the board with any statement  
9 or information concerning the complaint which he wishes.  
10 Thereafter, if the board determines that a reasonable doubt exists as  
11 to whether the local government officer or employee is in conflict  
12 with the provisions of this act, the board shall conduct a hearing in  
13 the manner prescribed by section 12 of this act, concerning the  
14 possible violation and any other facts and circumstances which may  
15 have come to the attention of the board with respect to the conduct  
16 of the local government officer or employee. The board shall render  
17 a decision as to whether the conduct of the officer or employee is in  
18 conflict with the provisions of this act. This decision shall be made  
19 by no less than two-thirds of all members of the board. If the board  
20 determines that the officer or employee is in conflict with the  
21 provisions of this act, it may impose any penalties which it believes  
22 appropriate within the limitations of this act. A final decision of the  
23 board may be appealed in the same manner as any other final State  
24 agency decision.

25 (cf: P.L.1991, c.29, s.9)

26

27 9. Section 18 of P.L.1991, c.29 (C.40A:9-22.18) is amended to  
28 read as follows:

29 18. The county ethics board, upon receipt of a signed written  
30 complaint by any person alleging that the conduct of any local  
31 government officer or employee serving the county is in conflict  
32 with the county code of ethics or any financial disclosure  
33 requirements shall acknowledge receipt of the complaint within 30  
34 days of receipt and initiate an investigation concerning the facts and  
35 circumstances set forth in the complaint. With regard to subsection  
36 m. of section 5 of P.L.1991, c.29 (C.40A:9-22.5), the board shall  
37 have continued jurisdiction over an officer or employee following  
38 the termination of service by that officer or employee in an office or  
39 employment. The ethics board shall make a determination as to  
40 whether the complaint is within its jurisdiction or frivolous or  
41 without any reasonable factual basis. If the ethics board shall  
42 conclude that the complaint is outside its jurisdiction, frivolous or  
43 without factual basis, it shall reduce that conclusion to writing and  
44 shall transmit a copy thereof to the complainant and to the local  
45 government officer or employee against whom the complaint was  
46 filed. Otherwise the ethics board shall notify the local government  
47 officer or employee against whom the complaint was filed of the

1 nature of the complaint and the facts and circumstances set forth  
2 therein. The officer or employee shall have the opportunity to  
3 present the ethics board with any statement or information  
4 concerning the complaint which he wishes. Thereafter, if the ethics  
5 board determines that a reasonable doubt exists as to whether the  
6 local government officer or employee is in conflict with the county  
7 code of ethics or any financial disclosure requirements, it shall  
8 conduct a hearing in the manner prescribed by section 12 of this act,  
9 concerning the possible violation and any other facts and  
10 circumstances which may have come to its attention with respect to  
11 the conduct of the local government officer or employee. The  
12 ethics board shall render a decision as to whether the conduct of the  
13 officer or employee is in conflict with the county code of ethics or  
14 any financial disclosure requirements. This decision shall be made  
15 by no less than two-thirds of all members of the ethics board. If the  
16 ethics board determines that the officer or employee is in conflict  
17 with the code or any financial disclosure requirements, it may  
18 impose any penalties which it believes appropriate within the  
19 limitations of this act. A final decision of the ethics board may be  
20 appealed to the Local Finance Board within 30 days of the decision.  
21 (cf: P.L.1991, c.29, s.18)

22  
23 10. Section 24 of P.L.1991, c.29 (C.40A:9-22.24) is amended to  
24 read as follows:

25 24. The municipal ethics board, upon receipt of a signed written  
26 complaint by any person alleging that the conduct of any local  
27 government officer or employee serving the municipality is in  
28 conflict with the municipal code of ethics or financial disclosure  
29 requirements, shall acknowledge receipt of the complaint within 30  
30 days of receipt and initiate an investigation concerning the facts and  
31 circumstances set forth in the complaint. With regard to subsection  
32 m. of section 5 of P.L.1991, c.29 (C.40A:9-22.5), the board shall  
33 have continued jurisdiction over an officer or employee following  
34 the termination of service by that officer or employee in an office or  
35 employment. The ethics board shall make a determination as to  
36 whether the complaint is within its jurisdiction or frivolous or  
37 without any reasonable factual basis. If the ethics board shall  
38 conclude that the complaint is outside its jurisdiction, frivolous or  
39 without factual basis, it shall reduce that conclusion to writing and  
40 shall transmit a copy thereof to the complainant and to the local  
41 government officer or employee against whom the complaint was  
42 filed. Otherwise the ethics board shall notify the local government  
43 officer or employee against whom the complaint was filed of the  
44 nature of the complaint and the facts and circumstances set forth  
45 therein. The officer or employee shall have the opportunity to  
46 present the ethics board with any statement or information  
47 concerning the complaint which he wishes. Thereafter, if the ethics

1 board determines that a reasonable doubt exists as to whether the  
2 local government officer or employee is in conflict with the  
3 municipal code of ethics or any financial disclosure requirements, it  
4 shall conduct a hearing in the manner prescribed by section 12 of  
5 this act, concerning the possible violation and any other facts and  
6 circumstances which may have come to its attention with respect to  
7 the conduct of the local government officer or employee. The  
8 ethics board shall render a decision as to whether the conduct of the  
9 officer or employee is in conflict with the municipal code of ethics  
10 or any financial disclosure requirements. This decision shall be  
11 made by no less than two-thirds of all members of the ethics board.

12 If the ethics board determines that the officer or employee is in  
13 conflict with the code or any financial disclosure requirements, it  
14 may impose any penalties which it believes appropriate within the  
15 limitations of this act. A final decision of the ethics board may be  
16 appealed to the Local Finance Board within 30 days of the decision.  
17 (cf: P.L.1991, c.29, s.24)

18

19 11. Section 6 of P.L.1971, c.182 (C.52:13D-17) is amended to  
20 read as follows:

21 6. a. No State officer or employee or special State officer or  
22 employee, subsequent to the termination of his office or  
23 employment in any State agency, shall represent, appear for,  
24 negotiate on behalf of, or provide information not generally  
25 available to members of the public or services to, or agree to  
26 represent, appear for, negotiate on behalf of, or provide information  
27 not generally available to members of the public or services to,  
28 whether by himself or through any partnership, firm or corporation  
29 in which he has an interest or through any partner, officer or  
30 employee thereof, any person or party other than the State in  
31 connection with any cause, proceeding, application or other matter  
32 with respect to which such State officer or employee or special  
33 State officer or employee shall have made any investigation,  
34 rendered any ruling, given any opinion, or been otherwise  
35 substantially and directly involved at any time during the course of  
36 his office or employment.

37 Any person who willfully violates the provisions of this  
38 **[section]** subsection is a disorderly person, and shall be subject to a  
39 fine not to exceed \$1,000 or imprisonment not to exceed six  
40 months, or both.

41 In addition, for violations occurring after the effective date of  
42 P.L.2005, c.382, any former State officer or employee or former  
43 special State officer or employee of a State agency in the Executive  
44 Branch found by the State Ethics Commission to have violated any  
45 of the provisions of this **[section]** subsection shall be assessed a  
46 civil penalty of not less than \$500 nor more than \$10,000, which  
47 penalty may be collected in a summary proceeding pursuant to the

1 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10  
2 et seq.).

3 b. No person as defined herein, or any member of the person's  
4 immediate family, or any partnership, firm, or corporation with  
5 which such person is associated or in which the person has an  
6 interest, or any partner, officer, director, or employee while the  
7 person is associated with such partnership, firm, or corporation,  
8 shall, within two years next subsequent to the termination of the  
9 office or employment of such person, hold, directly or indirectly, an  
10 interest in, or hold employment with, or represent, appear for or  
11 negotiate on behalf of, any vendor or contractor that was awarded a  
12 public contract with which the person had been substantially and  
13 directly involved by making an investigation, rendering a ruling, or  
14 giving an opinion at any time during the course of the person's  
15 office or employment. As used in this subsection, "person" means a  
16 State officer or employee or special State officer or employee,  
17 including a member of the Legislature, the Governor, and the  
18 Lieutenant Governor, and including the officers and employees of  
19 the Office of the Governor and the Lieutenant Governor.

20 Any person who willfully violates the provision of this  
21 subsection is a disorderly person, and shall be subject to a fine not  
22 to exceed \$1,000, or imprisonment not to exceed six months, or  
23 both. In addition, any former State officer or employee or former  
24 special State officer or employee of a State agency in the Executive  
25 Branch, including the Governor, and the Lieutenant Governor, and  
26 including the officers and employees of the Office of the Governor  
27 and the Lieutenant Governor, found by the State Ethics Commission  
28 State to have violated the provision of this section shall be assessed  
29 a fine of not less than \$500 nor more than \$10,000, which penalty  
30 may be collected in a summary proceeding pursuant to the "Penalty  
31 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).  
32 (cf: P.L.2005, c.382, s.3)  
33

34 12. (New section) The State shall not provide, directly or  
35 indirectly, to an officer, employee, or elected official of the State,  
36 nor shall an officer, employee, or elected official of the State  
37 accept:

38 a residence owned or leased by the State that the officer,  
39 employee, or official may use at any time for personal purposes,  
40 unless the use of the residence is directly related and essential to the  
41 performance of those official duties of the officer, employee or  
42 official, as documented in writing, that concern the maintenance of  
43 security for specified persons or property, law enforcement, or the  
44 health, safety, or welfare of members of the public;

45 an allowance, stipend, subsidy, or other form of payment for the  
46 purchase, lease, or maintenance of a residence or a motor vehicle  
47 owned or leased by the officer, employee, or official, or by an

- 1 immediate family member, for the personal or primarily personal
- 2 use of the officer, employee, or official, except reasonable mileage
- 3 reimbursement when the vehicle is used for the performance of
- 4 duties;
- 5 a motor vehicle owned or leased by the State that is assigned
- 6 exclusively to the officer, employee, or official on a full-time basis,
- 7 unless the assignment and use of the motor vehicle is directly
- 8 related and essential to the performance of those official duties of
- 9 the officer, employee, or official, as documented in writing, that
- 10 concern the maintenance of security for specified persons or
- 11 property, law enforcement, inspections or audits of regulated
- 12 facilities, entities, or persons, or the health, safety, or welfare of
- 13 members of the public, or is essential, as documented in writing, for
- 14 a specified period of time to the personal security of the officer,
- 15 employee, or official;
- 16 a driver or chauffer whose assigned full-time or part-time duties
- 17 are to operate any motor vehicle in which the officer, employee, or
- 18 official, or an immediate family member, is a passenger, unless the
- 19 driver is a law enforcement officer who is assigned also to provide
- 20 for the security of the officer, employee, or official when the need
- 21 for such security has been documented;
- 22 an exemption from the payment of any toll relating to the use of
- 23 a State toll bridge or toll road or fare relating to the use of the
- 24 transportation services of a State agency, or payment for any such
- 25 toll or fare or any other travel expense for commuting between the
- 26 place of residence and the place of employment or for tolls, fare, or
- 27 other travel expense not directly related to the performance of
- 28 duties by the officer, employee, or official;
- 29 a personal line of credit or a credit card, or an allowance,
- 30 stipend, subsidy, or other payment for a credit card, unless the use
- 31 of a credit card is directly related and essential to the performance
- 32 of those official duties of the officer, employee, or official, as
- 33 documented in writing, that concern the maintenance of security for
- 34 specified persons or property, law enforcement, inspections or
- 35 audits of regulated facilities, entities, or persons, or the health,
- 36 safety, or welfare of members of the public; or
- 37 tuition reimbursement for attendance of courses at an institution
- 38 of higher education, including a county college, within or outside of
- 39 this State, unless the course is taken at an accredited public
- 40 institution of higher education in this State, the reimbursement is
- 41 limited to not more than 50 percent of the tuition for each course,
- 42 the officer or employee receives a grade of at least a C or its
- 43 equivalent for the course, the course is directly related to the skills
- 44 and knowledge required for the duties being performed by the
- 45 officer or employee when the reimbursement is made or required
- 46 for the performance of the duties of a position to which the officer
- 47 or employee may directly be promoted from the current position,

1 and the officer and employee agrees to remain a public officer or  
2 employee for five years after the final tuition reimbursement is  
3 made. If the officer or employee does not remain a public officer or  
4 employee for that period of time, the officer or employee shall be  
5 required to reimburse the public entity for tuition reimbursements  
6 made with the reimbursement pro-rated for the number of years the  
7 public officer or employee remains after the final tuition  
8 reimbursement is made. This paragraph shall not apply to tuition  
9 reimbursement for a course or program that provides a certification  
10 of a skill or understanding sufficient to perform or assess a  
11 particular technological, mechanical, industrial, operational,  
12 accounting, or construction process or function, and that  
13 certification is required for holding that office or employment.

14 For a violation of this section, the officer, employee, or elected  
15 official shall be fined not less than \$500 nor more than \$10,000,  
16 which penalty may be collected in a summary proceeding in the  
17 name of the Attorney General pursuant to the "Penalty Enforcement  
18 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

19 As used in this section, "State" means any of the principal  
20 departments in the Executive Branch of the State Government, and  
21 any division, board, bureau, office, commission or other  
22 instrumentality within or created by such department; any  
23 independent State authority, commission, instrumentality or agency;  
24 the Offices of the Governor and the Lieutenant Governor and the  
25 officers and employees of those offices; the Legislature of the State,  
26 and any office, board, bureau or commission within or created by  
27 the Legislative Branch; institutions of higher education of this  
28 State; and, to the extent consistent with law, any interstate agency  
29 to which New Jersey is a party.

30 As used in this section, "immediate family member" means a  
31 spouse, child, parent, or sibling residing in the same household.

32 The provisions of this section shall not be construed to apply to  
33 one official residence for the Governor.

34 Other provisions of law relevant to the matters covered in this  
35 section shall remain applicable to the extent not inconsistent with  
36 this section. This section shall not be construed to preclude the  
37 imposition of additional restrictions by directive or regulation.

38  
39 13. (New section) A county or municipality, or any agency,  
40 board, bureau, office, commission, or other instrumentality of a  
41 county or municipality, and any independent local authority, or a  
42 fire district, shall not provide, directly or indirectly, to an officer,  
43 employee, or elected official, nor shall an officer, employee, or  
44 official accept:

45 a residence owned or leased by the government entity that the  
46 officer, employee, or official may use at any time for personal  
47 purposes, unless the use of the residence is directly related and

- 1 essential to the performance of those official duties of the officer,  
2 employee, or official, as documented in writing, that concern the  
3 maintenance of security for specified persons or property, law  
4 enforcement, or the health, safety, or welfare of members of the  
5 public;
- 6 an allowance, stipend, subsidy, or other form of payment for the  
7 purchase, lease, or maintenance of a residence or a motor vehicle  
8 owned or leased by the officer, employee, or official, or by an  
9 immediate family member, for the personal or primarily personal  
10 use of the officer, employee, or official, except reasonable mileage  
11 reimbursement when the vehicle is used for the performance of  
12 duties;
- 13 a motor vehicle owned or leased by the government entity that is  
14 assigned exclusively to the officer, employee, or official on a full-  
15 time basis, unless the assignment and use of the motor vehicle is  
16 directly related and essential to the performance of those official  
17 duties of the officer, employee, or official, as documented in  
18 writing, that concern the maintenance of security for specified  
19 persons or property, law enforcement, inspections or audits of  
20 regulated facilities, entities, or persons, or the health, safety, or  
21 welfare of members of the public, or is essential, as documented in  
22 writing, for a specified period of time to the personal security of the  
23 officer, employee, or official;
- 24 a driver or chauffeur whose assigned full-time or part-time duties  
25 are to operate any motor vehicle in which the officer, employee, or  
26 official, or an immediate family member, is a passenger, unless the  
27 driver is a law enforcement officer who is assigned also to provide  
28 for the security of the officer, employee, or official when the need  
29 for such security has been documented;
- 30 an exemption from the payment of any toll relating to the use of  
31 a State toll bridge or toll road or fare relating to the use of the  
32 transportation services of a State agency, or payment for any such  
33 toll or fare or any other travel expense for commuting between the  
34 place of residence and the place of employment or for tolls, fare, or  
35 other travel expense not directly related to the performance of  
36 duties by the officer, employee, or official;
- 37 a personal line of credit or a credit card, or an allowance,  
38 stipend, subsidy, or other payment for a credit card, unless the use  
39 of a credit card is directly related and essential to the performance  
40 of those official duties of the officer, employee, or official, as  
41 documented in writing, that concern the maintenance of security for  
42 specified persons or property, law enforcement, inspections or  
43 audits of regulated facilities, entities, or persons, or the health,  
44 safety, or welfare of members of the public; or
- 45 tuition reimbursement for attendance of courses at an institution  
46 of higher education, including a county college, within or outside of  
47 this State, unless the course is taken at an accredited public

1 institution of higher education in this State, the reimbursement is  
2 limited to not more than 50 percent of the tuition for each course,  
3 the officer or employee receives a grade of at least a C or its  
4 equivalent for the course, the course is directly related to the skills  
5 and knowledge required for the duties being performed by the  
6 officer or employee when the reimbursement is made, or required  
7 for the performance of the duties of a position to which the officer  
8 or employee may directly be promoted from the current position,  
9 and the officer and employee agrees to remain a public officer or  
10 employee for five years after the final tuition reimbursement is  
11 made. If the officer or employee does not remain a public officer or  
12 employee for that period of time, the officer or employee shall be  
13 required to reimburse the public entity for tuition reimbursements  
14 made with the reimbursement pro-rated for the number of years the  
15 public officer or employee remains after the final tuition  
16 reimbursement is made. This paragraph shall not apply to tuition  
17 reimbursement for a course or program that provides a certification  
18 of a skill or understanding sufficient to perform or assess a  
19 particular technological, mechanical, industrial, operational,  
20 accounting, or construction process or function, and that  
21 certification is required for holding that office or employment.

22 For violation of this section, the officer, employee, or elected  
23 official shall be fined not less than \$500 nor more than \$10,000,  
24 which penalty may be collected in a summary proceeding in the  
25 name of the Local Finance Board in the Department of Community  
26 Affairs pursuant to the "Penalty Enforcement Law of 1999,"  
27 P.L.1999, c.274 (C.2A:58-10 et seq.). The municipal court and the  
28 Superior Court shall have jurisdiction of proceedings for the  
29 enforcement of the penalty provided by this section.

30 As used in this section, "immediate family member" means a  
31 spouse, child, parent, or sibling residing in the same household.

32 Other provisions of law relevant to the matters covered in this  
33 section shall remain applicable to the extent not inconsistent with  
34 this section. This section shall not be construed to preclude the  
35 imposition of additional restrictions by directive or regulation.

36  
37 14. (New section) A local school district shall not provide,  
38 directly or indirectly, to an officer, employee, or elected official,  
39 nor shall an officer, employee or official accept:

40 a residence owned or leased by the district that the officer,  
41 employee, or official may use at any time for personal purposes,  
42 unless the use of the residence is directly related and essential to the  
43 performance of those official duties of the officer, employee or  
44 official, as documented in writing, that concern the maintenance of  
45 security for specified persons or property, law enforcement, or the  
46 health, safety, or welfare of members of the public;



- 1 an allowance, stipend, subsidy, or other form of payment for the
- 2 purchase, lease, or maintenance of a residence or a motor vehicle
- 3 owned or leased by the officer, employee, or official, or by an
- 4 immediate family member, for the personal or primarily personal
- 5 use of the officer, employee, or official, except reasonable mileage
- 6 reimbursement when the vehicle is used for the performance of
- 7 duties;
- 8 a motor vehicle owned or leased by the district that is assigned
- 9 exclusively to the officer, employee, or official on a full-time basis,
- 10 unless the assignment and use of the motor vehicle is directly
- 11 related and essential to the performance of those official duties of
- 12 the officer, employee, or official, as documented in writing, that
- 13 concern the maintenance of security for specified persons or
- 14 property, law enforcement, inspections or audits of regulated
- 15 facilities, entities, or persons, or the health, safety, or welfare of
- 16 members of the public, or is essential, as documented in writing, for
- 17 a specified period of time to the personal security of the officer,
- 18 employee, or official;
- 19 a driver or chauffer whose assigned full-time or part-time duties
- 20 are to operate any motor vehicle in which the officer, employee, or
- 21 official, or an immediate family member, is a passenger, unless the
- 22 driver is a law enforcement officer who is assigned also to provide
- 23 for the security of the officer, employee, or official when the need
- 24 for such security has been documented;
- 25 an exemption from the payment of any toll relating to the use of
- 26 a State toll bridge or toll road or fare relating to the use of the
- 27 transportation services of a State agency, or payment for any such
- 28 toll or fare or any other travel expense for commuting between the
- 29 place of residence and the place of employment or for tolls, fare, or
- 30 other travel expense not directly related to the performance of
- 31 duties by the officer, employee, or official;
- 32 a personal line of credit or a credit card, or an allowance,
- 33 stipend, subsidy, or other payment for a credit card, unless the use
- 34 of a credit card is directly related and essential to the performance
- 35 of those official duties of the officer, employee, or official, as
- 36 documented in writing, that concern the maintenance of security for
- 37 specified persons or property, law enforcement, inspections or
- 38 audits of regulated facilities, entities, or persons, or the health,
- 39 safety, or welfare of members of the public; or
- 40 tuition reimbursement for attendance of courses at an institution
- 41 of higher education, including a county college, within or outside of
- 42 this State, unless the course is taken at an accredited public
- 43 institution of higher education in this State, the reimbursement is
- 44 limited to not more than 50 percent of the tuition for each course,
- 45 the officer or employee receives a grade of at least a C or its
- 46 equivalent for the course, the course is directly related to the skills
- 47 and knowledge required for the duties being performed by the

1 officer or employee when the reimbursement is made or required  
2 for the performance of the duties of a position to which the officer  
3 or employee may directly be promoted from the current position,  
4 and the officer and employee agrees to remain a public officer or  
5 employee for five years after the final tuition reimbursement is  
6 made. If the officer or employee does not remain a public officer or  
7 employee for that period of time, the officer or employee shall be  
8 required to reimburse the public entity for tuition reimbursements  
9 made with the reimbursement pro-rated for the number of years the  
10 public officer or employee remains after the final tuition  
11 reimbursement is made. This paragraph shall not apply to tuition  
12 reimbursement for a course or program that provides a certification  
13 of a skill or understanding sufficient to perform or assess a  
14 particular technological, mechanical, industrial, operational,  
15 accounting, or construction process or function, and that  
16 certification is required for holding that office or employment.

17 For violation of this section, the officer, employee, or elected  
18 official shall be fined not less than \$500 nor more than \$10,000  
19 which penalty may be collected in a summary proceeding in the  
20 name of the Department of Education pursuant to the "Penalty  
21 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).  
22 The municipal court and the Superior Court shall have jurisdiction  
23 of proceedings for the enforcement of the penalty provided by this  
24 section.

25 As used in this section, "immediate family member" means a  
26 spouse, child, parent, or sibling residing in the same household, and  
27 "local school district" shall have the definition as set forth in  
28 section 3 of P.L.1991, c.393 (C.18A:12-23).

29 Other provisions of law relevant to the matters covered in this  
30 section shall remain applicable to the extent not inconsistent with  
31 this section. This section shall not be construed to preclude the  
32 imposition of additional restrictions by directive or regulation.

33

34 15. (New section) A county college shall not provide, directly  
35 or indirectly, to an officer or employee, nor shall an officer or  
36 employee accept:

37 a residence owned or leased by the college that the officer or  
38 employee may use at any time for personal purposes, unless the use  
39 of the residence is directly related and essential to the performance  
40 of those official duties of the officer or employee, as documented in  
41 writing, that concern the maintenance of security for specified  
42 persons or property, law enforcement, or the health, safety, or  
43 welfare of members of the public;

44 an allowance, stipend, subsidy, or other form of payment for the  
45 purchase, lease, or maintenance of a residence or a motor vehicle  
46 owned or leased by the officer or employee, or by an immediate  
47 family member, for the personal or primarily personal use of the

1 officer or employee, except reasonable mileage reimbursement  
2 when the vehicle is used for the performance of duties;

3 a motor vehicle owned or leased by the college that is assigned  
4 exclusively to the officer or employee on a full-time basis, unless  
5 the assignment and use of the motor vehicle is directly related and  
6 essential to the performance of those official duties of the officer or  
7 employee, as documented in writing, that concern the maintenance  
8 of security for specified persons or property, law enforcement,  
9 inspections or audits of regulated facilities, entities, or persons, or  
10 the health, safety, or welfare of members of the public, or is  
11 essential, as documented in writing, for a specified period of time to  
12 the personal security of the officer or employee;

13 a driver or chauffer whose assigned full-time or part-time duties  
14 are to operate any motor vehicle in which the officer or employee,  
15 or an immediate family member, is a passenger, unless the driver is  
16 a law enforcement officer who is assigned also to provide for the  
17 security of the officer or employee when the need for such security  
18 has been documented;

19 an exemption from the payment of any toll relating to the use of  
20 a State toll bridge or toll road or fare relating to the use of the  
21 transportation services of a State agency, or payment for any such  
22 toll or fare or any other travel expense for commuting between the  
23 place of residence and the place of employment or for tolls, fare, or  
24 other travel expense not directly related to the performance of  
25 duties by the officer or employee;

26 a personal line of credit or a credit card, or an allowance,  
27 stipend, subsidy, or other payment for a credit card, unless the use  
28 of a credit card is directly related and essential to the performance  
29 of those official duties of the officer or employee, as documented in  
30 writing, that concern the maintenance of security for specified  
31 persons or property, law enforcement, inspections or audits of  
32 regulated facilities, entities, or persons, or the health, safety, or  
33 welfare of members of the public; or

34 tuition reimbursement for attendance of courses at an institution  
35 of higher education, including a county college, within or outside of  
36 this State, unless the course is taken at an accredited public  
37 institution of higher education in this State, the reimbursement is  
38 limited to not more than 50 percent of the tuition for each course,  
39 the officer or employee receives a grade of at least a C or its  
40 equivalent for the course, the course is directly related to the skills  
41 and knowledge required for the duties being performed by the  
42 officer or employee when the reimbursement is made or required  
43 for the performance of the duties of a position to which the officer  
44 or employee may directly be promoted from the current position,  
45 and the officer and employee agrees to remain a public officer or  
46 employee for five years after the final tuition reimbursement is  
47 made. If the officer or employee does not remain a public officer or

1 employee for that period of time, the officer or employee shall be  
2 required to reimburse the public entity for the tuition  
3 reimbursements made with the reimbursement pro-rated for the  
4 number of years the public officer or employee remains after the  
5 final tuition reimbursement is made. This paragraph shall not apply  
6 to tuition reimbursement for a course or program that provides a  
7 certification of a skill or understanding sufficient to perform or  
8 assess a particular technological, mechanical, industrial,  
9 operational, accounting, or construction process or function, and  
10 that certification is required for holding that office or employment.

11 For violation of this section, the officer or employee shall be  
12 fined not less than \$500 nor more than \$10,000, which penalty may  
13 be collected in a summary proceeding in the name of the  
14 Commission on Higher Education pursuant to the "Penalty  
15 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).  
16 The municipal court and the Superior Court shall have jurisdiction  
17 of proceedings for the enforcement of the penalty provided by this  
18 section.

19 As used in this section, "immediate family member" means a  
20 spouse, child, parent, or sibling residing in the same household.

21 Other provisions of law relevant to the matters covered in this  
22 section shall remain applicable to the extent not inconsistent with  
23 this section. This section shall not be construed to preclude the  
24 imposition of additional restrictions by directive or regulation.

25

26 16. (New section) A State officer or employee or special State  
27 officer or employee as defined in section 2 of P.L.1971, c.182,  
28 (C:52:13D-13), other than a member of the Legislature or such an  
29 officer or employee of the Legislature, but including the officers  
30 and employees of the Office of the Governor and the Lieutenant  
31 Governor, shall not undertake any travel outside of the State, or  
32 within the State that involves an overnight stay, when the expenses  
33 of that travel or the expenses incident thereto, or both, are paid in  
34 part or in whole with the public funds of a State agency, as defined  
35 in section 2 of P.L.1971, c.182, (C:52:13D-13), unless that travel  
36 has been determined in advance by the office of the Governor to be  
37 essential to the performance of the duties of the officer or employee  
38 and approved in writing by the Governor or the Governor's  
39 designee. When the performance of the duties of an officer or  
40 employee require travel on a regular or recurring basis, the  
41 Governor may grant approval in advance for travel, under such  
42 terms and conditions as the Governor shall determine, during a  
43 specified period of time not to exceed one year from the date of  
44 approval as determined by the Governor. An officer or employee  
45 shall not receive an amount for travel and travel-related expenses in  
46 advance of the travel.

1 This section shall not apply to an officer or employee with regard  
2 to travel solely to the Philadelphia, New York City, or Wilmington  
3 metropolitan areas to meet with federal or state government officers  
4 or employees, or members of the State's Congressional delegation  
5 or their officers or employees, for a period not to exceed one day, or  
6 to the Washington, D.C., metropolitan area for the same purposes  
7 for a period not to exceed two consecutive days.

8  
9 17. Section 1 of P.L.1971, c.323 (C.40A:5-16.1) is amended to  
10 read as follows:

11 1. **【Notwithstanding the provisions of N.J.S.40A:5-16, the**  
12 **governing body of any local unit may, by resolution, provide for**  
13 **and authorize payment of advances to officers and employees of the**  
14 **local unit toward their expenses for authorized official travel and**  
15 **expenses incident thereto. Any such resolution shall provide for the**  
16 **verification and adjustment of such expenses and advances and the**  
17 **repayment of any excess advanced by means of a detailed bill of**  
18 **items or demand and the certifications or affidavit required by**  
19 **N.J.S.40A:5-16 which shall be submitted within 10 days after the**  
20 **completion of the travel for which an advance was made.】**

21 a. As used in this section:

22 (1) "Travel expenditures" means those costs paid by the local  
23 unit using local, State, or federal funds, whether directly by the  
24 local district or by reimbursement, for travel by local unit officers  
25 and employees, to the following four types of travel events:

26 (a) "training and seminars" which means all regularly  
27 scheduled, formal residential or non-residential training functions,  
28 conducted at a hotel, motel, convention center, residential facility,  
29 or at any educational institution or facility;

30 (b) "conventions and conferences" which means general  
31 programs, sponsored by professional associations on a regular basis,  
32 which address subjects of particular interest to a local unit or are  
33 convened to conduct association business. The primary purpose of  
34 attendance at conferences and conventions is the development of  
35 new skills and knowledge or the reinforcement of those skills and  
36 knowledge in a particular field related to local unit operations.  
37 These are distinct from formal staff training and seminars, although  
38 some training may take place at such events;

39 (c) "regular local unit business" which means all regular official  
40 business travel, including attendance at meetings, conferences and  
41 any other gatherings which are not covered by the definitions  
42 included in subparagraphs (a) and (b) of this paragraph;

43 (d) "retreats" which mean meetings with local unit officers and  
44 employees, held away from the normal work environment at which  
45 organizational goals and objectives are discussed. If available,  
46 local unit facilities shall be utilized for this type of event.

1     (2) Local unit travel expenditures include, but are not limited to,  
2     all costs for transportation, meals, lodging, and registration or  
3     conference fees to and for the travel event.

4     (3) Local unit travel expenditures include costs for all required  
5     training and all travel authorized in existing local unit employee  
6     contracts and local unit policies. This includes, but is not limited  
7     to, required professional development and other staff training,  
8     required training for new governing body members, and attendance  
9     at specific conferences authorized in existing employee contracts.

10    (4) A local unit shall not bear costs for car rentals, limousine  
11    services, and chauffeuring costs to or during the event, as well as  
12    costs for employee attendance for coordinating other attendees'  
13    accommodations at the travel event.

14    b. The governing body of every local unit shall implement a  
15    policy and procedures pertaining to travel expenditures for its  
16    officers and employees that are in accordance with the provisions of  
17    this section.

18    c. A governing body shall ensure through its policy and  
19    procedures that all travel by its officers and employees is necessary  
20    and fiscally prudent, and shall include the requirement that all local  
21    unit travel expenditures are:

22    (1) directly related to and within the scope of the officer's and  
23    employee's current responsibilities and, for employees, the local  
24    unit's professional development plan;

25    (2) for travel that is critical to the needs of the local unit or  
26    furtheres the efficient operation of the local unit; and

27    (3) in compliance with State travel payment guidelines as  
28    established by the Department of the Treasury and with guidelines  
29    established by the federal Office of Management and Budget;  
30    except that those guidelines that conflict with the provisions of Title  
31    40A of the New Jersey Statutes shall not be applicable, including,  
32    but not limited to, the authority to issue travel charge cards. The  
33    governing body shall specify in its travel policy the applicable  
34    restrictions and requirements set forth in the State and federal  
35    guidelines including, but not limited to, types of travel, methods of  
36    transportation, mileage allowance, subsistence allowance, and  
37    submission of supporting documentation including receipts, checks  
38    or vouchers.

39    d. A governing body shall include in its travel policy a  
40    requirement for the officer or employee to submit to an appropriate  
41    party as designated, and within a timeframe specified by the local  
42    unit's travel policy, a brief report that includes the primary purpose  
43    for the travel and the key issues that were addressed at the event  
44    and their relevance to improving the operation of the local unit.

45    e. A governing body shall require in its travel policy that  
46    detailed documentation be maintained on file in the local unit which  
47    demonstrates compliance with the local unit's travel policy

- 1 including travel approvals, reports, and receipts for all local unit  
2 funded expenditures, as appropriate.
- 3 f. A governing body shall require in its policy that travel occur  
4 only upon prior written approval of the chief financial officer and  
5 prior approval by a majority of the full voting membership of the  
6 governing body and that the travel be in compliance with the “Local  
7 Government Ethics Law,” P.L.1991, c.29 (C.40A:9-22.1 et seq.)
- 8 g. A governing body may authorize in its travel policy an  
9 annual maximum amount per local unit officer and employee for  
10 regular business travel for which governing body approval is not  
11 required.
- 12 h. A governing body may also approve, at any time prior to the  
13 event, travel for multiple months as long as the governing body  
14 approval, as detailed in its minutes, itemizes the approval by event,  
15 total cost, and number of officers and employees attending the  
16 event. General or blanket pre-approval for travel is not authorized.  
17 Approval shall be itemized by event, event total cost, and number of  
18 officers and employees attending the event.
- 19 i. A local unit shall state in its policy that travel payments will  
20 be paid only upon compliance with this section and the local unit’s  
21 travel policy provisions and approval requirements. The policy  
22 shall state that the local unit will not ratify or approve payments or  
23 reimbursements for travel after completion of the travel event.
- 24 j. A local unit officer or employee shall not receive an amount  
25 for travel and travel-related expenses in advance of the travel.
- 26 k. A local unit travel policy shall require a member of the  
27 governing body to recuse himself from voting on travel if the  
28 governing body member, a member of his immediate family, or a  
29 business organization in which he has an interest, has a direct or  
30 indirect financial involvement that may reasonably be expected to  
31 impair his objectivity or independence of judgment.
- 32 l. A local unit travel policy shall prohibit a member of the  
33 governing body from acting in his official capacity in any matter in  
34 which he or a member of his immediate family has a personal  
35 involvement that is or creates some benefit to the governing body  
36 member or a member of his immediate family; or undertake any  
37 employment or service, whether compensated or not, which may  
38 reasonably be expected to prejudice his independence of judgment  
39 in the execution of his official duties.
- 40 m. A local unit travel policy may exclude from the requirements  
41 of prior governing body approval pursuant to subsection f. of this  
42 section any travel caused by or subject to contractual provisions,  
43 other statutory requirements, or federal regulatory requirements.  
44 The governing body may not exclude such travel from the  
45 subsistence requirements pursuant to subsections n. and o. of this  
46 section and the annual maximum travel expenditure amount  
47 pursuant to subsection p. of this section.

- 1     n. A local unit travel policy shall not allow subsistence  
2     payment or reimbursement for one-day trips that do not involve  
3     overnight lodging except in limited circumstances authorized in  
4     Department of the Treasury guidelines.
- 5     o. A local unit travel policy shall allow subsistence payment or  
6     reimbursement for overnight travel is eligible as authorized in  
7     Department of the Treasury guidelines, except as otherwise  
8     superseded by the following:
- 9         (1) per diem payment or reimbursement for lodging and meals  
10        shall be actual reasonable costs, not to exceed the federal per diem  
11        rates as established in the federal register for the current year;
- 12        (2) lodging expenses may exceed the federal per diem rates if  
13        the hotel is the site of the convention, conference, seminar or  
14        meeting and the going rate of the hotel is in excess of the federal  
15        per diem rates. If the hotel at the site of the convention, conference,  
16        seminar, or meeting is no longer available, lodging may be paid for  
17        similar accommodations at a rate not to exceed the hotel rate for the  
18        event;
- 19        (3) receipts are required for hotel expenses. Meal expenses  
20        under the federal per diem allowance limits do not require receipts;
- 21        (4) in any case in which the total per diem reimbursement is  
22        greater than the federal per diem rate, except as stated in paragraph  
23        (2) of this subsection, the costs shall be considered to be excessive  
24        and shall not be paid by local unit funds;
- 25        (5) local units shall patronize hotels and motels that offer  
26        special rates to government employees unless alternative lodging  
27        offers greater cost benefits; and
- 28        (6) payment or reimbursement is approved for the full cost of an  
29        official convention meal that the officer or employee attends if the  
30        meal is scheduled as an integral part of the convention or  
31        conference proceedings. If a meal is included in the registration  
32        fee, the allowance for the meal is not eligible for reimbursement.
- 33     p. Each local unit budget shall include a separate item of  
34     appropriation for travel, establishing a maximum local unit travel  
35     expenditure amount for the budget year, which the local unit shall  
36     not exceed in that budget year.
- 37        (1) The maximum local unit travel expenditure amount shall  
38        include all travel in accordance with this section supported by local  
39        and State funds.
- 40        (2) A local unit may exclude from the maximum travel  
41        expenditure amount amounts supported by federal funds and by  
42        dedicated revenues.
- 43     q. Each local unit shall maintain separate accounting for local  
44     unit travel expenditures as necessary to ensure compliance with the  
45     maximum travel expenditure amount. This may include, but need  
46     not be limited to, a separate or offline accounting of such  
47     expenditures or expanding the local unit's accounting system. The



1 tracking system shall be sufficient to demonstrate compliance with  
2 the board's policy and this section, and shall provide auditable  
3 information.

4 r. Any local unit that violates its maximum travel expenditure  
5 amount or that otherwise is not in compliance with the travel  
6 limitations set forth in this section may be subject to sanctions by  
7 the Commissioner of Community Affairs, including reduction of  
8 State aid in an amount equal to any excess expenditure.

9 s. A person who approves any travel in violation of the local  
10 unit's travel policy or this section shall be required to reimburse the  
11 local unit in an amount equal to three times the cost associated with  
12 attending the event.

13 An officer or employee who travels in violation of the local  
14 unit's travel policy or this section shall be required to reimburse the  
15 local unit in an amount equal to three times the cost associated with  
16 attending the event.

17 t. The provisions of this section shall apply to the governing  
18 bodies and officers and employees of fire districts.

19 (cf: P.L.1971, c.323, s.1)

20  
21 18. Section 1 of P.L.1983, c.475 (C.40A:14-81.5) is amended to  
22 read as follows:

23 1. The provisions of section 1 of P.L.1971, c.323 (C.40A:5-  
24 16.1) are applicable to the governing body, officers and employees  
25 of [any] every fire district [may, by resolution, provide for and  
26 authorize payment of advances to officers and employees of the fire  
27 district toward their expenses for authorized official travel and  
28 expenses incident thereto. The resolution shall provide for the  
29 verification and adjustment of the expenses and advances and the  
30 repayment of any excess advance by means of a detailed bill of  
31 items or demand and certification or affidavit in the same form as  
32 required by a local unit pursuant to N.J.S.40A:5-6 which shall be  
33 submitted within 10 days after the completion of the travel for  
34 which an advance was made].

35 (cf: P.L.1983, c.475, s.1)

36  
37 19. This act shall take effect on the 60th day after enactment, but  
38 shall not be construed to impair the obligation of any collective  
39 bargaining agreement or individual contract of employment in  
40 effect on the effective date.

#### 41 42 43 STATEMENT

44  
45 Sections 1 through 3: These sections of the bill amend the "New  
46 Jersey Conflicts of Interest Law," N.J.S.A.52:13D-12 et seq., and  
47 the "Legislative and Governmental Process Activities Disclosure

1 Act,” N.J.S.A.52:13C-18 et seq., to add to the provision on the  
2 acceptance of gifts by members of the Legislature, State officers  
3 and employees and special State officers and employees the officers  
4 and employees of the staff of the Governor and Lieutenant  
5 Governor. The bill amends provisions of current law that permit  
6 the acceptance by members and staff of the Legislature and  
7 Executive Branch officers and employees of gifts from lobbyists  
8 and governmental affairs agents totaling not more than \$250 per  
9 year to permit only gifts involving a de-minimus value.

10 Sections 4 through 10: These sections of the bill amend the  
11 “School Ethics Act,” N.J.S.A.18A:12-21 et seq., and the “Local  
12 Government Ethics Law,” N.J.S.A.40A:9-22.1 et seq., to prohibit  
13 school board members, employees of school districts, and  
14 employees and officers of the New Jersey School Boards  
15 Association, and local government officers and employees, from  
16 soliciting or accepting any gift, favor, loan, political contribution,  
17 service, promise of future employment, or other thing of value  
18 under circumstances from which it may be reasonably inferred that  
19 the gift, favor, loan, contribution, service, promise, or other thing of  
20 value was given or offered for the purpose of influencing the officer  
21 or employee, directly or indirectly, in the discharge of official  
22 duties.

23 The bill also modifies the standard which prohibits a member of  
24 the immediate family of such a person, or a business organization in  
25 which the public officer or employee has an interest, from soliciting  
26 or accepting gifts, favors, loans, political contributions, services,  
27 promises of future employment, or other things of value. Current  
28 law prohibits a family member or such a business organization from  
29 soliciting or accepting a gift or other thing of value based on an  
30 understanding that it was given or offered for the purpose of  
31 influencing the school or local government official or employee,  
32 including an employee of the New Jersey School Boards  
33 Association, in the discharge of official duties. The bill changes the  
34 standard so that the prohibition applies in circumstances from which  
35 it may be reasonably inferred that the gift or other thing of value  
36 was given or offered for the purpose of influencing the official or  
37 employee in the discharge of official duties.

38 The bill provides for the imposition of a civil penalty of not less  
39 than \$500 nor more than \$10,000 for a violation of these  
40 prohibitions, and for possible removal from office and being barred  
41 from holding public employment for a period of up to five years if  
42 the violator’s conduct is found to constitute a willful and continuous  
43 disregard of the prohibitions.

44 These sections of the bill also bar State officers and employees,  
45 special State officers and employees, members of the Legislature,  
46 the Governor, Lieutenant Governor and officers and employees of  
47 the Office of the Governor and Lieutenant Governor, and local  
48 government and school district officers and employees, and the

1 members of the immediate family of these officers, employees, and  
2 members, from soliciting, receiving, or agreeing to receive, whether  
3 directly or indirectly, any ticket or other form of admission to any  
4 place of entertainment that is provided free of charge or at a  
5 discounted rate by the sponsor, promoter, performer owner, or  
6 operator of the event or entertainment venue unless the same free or  
7 reduced admission is available to (a) the public; (b) a class  
8 consisting of all officers or employees of the State, local  
9 government, or school district, as appropriate, whether or not  
10 restricted on the basis of geographic consideration; (c) all members  
11 of a group or class in which membership is unrelated to public  
12 service; (d) all members of an organization, such as an employees'  
13 association or public employees' credit union, in which membership  
14 is related to public service; or (e) a group or class that is not defined  
15 in a manner that specifically discriminates among public officers or  
16 employees on the basis of branch of government or type of  
17 responsibility, or on a basis that favors those of higher rank or rate  
18 of pay. Free or discounted admission available to the member of  
19 the immediate family would be treated as available to the public  
20 officer, employee, or member.

21 "Place of entertainment" is defined as any privately or publicly  
22 owned and operated entertainment facility within or outside of this  
23 State, such as a theater, stadium, museum, arena, racetrack or other  
24 place where performances, concerts, exhibits, games or contests are  
25 held and for which an entry fee is charged.

26 Sections 4 through 11: These sections also impose a two-year  
27 post employment restriction on a public officer or employee, or a  
28 member of the immediate family, or a partnership, firm, or  
29 corporation with which the officer or employee is associated or in  
30 which the officer or employee has an interest, or a partner, officer,  
31 director, or employee while the officer or employee is associated  
32 with such partnership, firm, or corporation, from holding, directly  
33 or indirectly, within two years next subsequent to the termination of  
34 the office or employment of such officer or employee, an interest  
35 in, or employment with, or from representing, appearing for or  
36 negotiating on behalf of, a vendor or contractor that was awarded a  
37 public contract with which the officer or employee had been  
38 substantially and directly involved by making an investigation,  
39 rendering a ruling, or giving an opinion at any time during the  
40 course of the officer's or employee's employment. This prohibition  
41 applies to all State officers and employees covered by the State  
42 conflicts of interest law, and including a member of the Legislature,  
43 and the Governor, the Lieutenant Governor and their staff. It also  
44 applies to members of boards of education, employees of school  
45 districts, and local government officers and employees. A violation  
46 of this prohibition would result in a civil penalty of not less than  
47 \$500 nor more than \$10,000, and the bill clarifies the jurisdiction of

1 the various ethics boards over former local government officers and  
2 employees for enforcement purposes.

3 Sections 12 through 15: These sections prohibit the State, a  
4 county, a municipality, a local school district, a county college, or a  
5 fire district from providing, directly or indirectly, to any officer,  
6 employee, or elected official and the officer, employee or elected  
7 officer from accepting:

8 a residence owned or leased by the government entity that the  
9 officer, employee, or official may use at any time for personal  
10 purposes, unless the use of the residence is directly related and  
11 essential to the performance of those official duties of the officer,  
12 employee, or official, as documented in writing, that concern the  
13 maintenance of security for specified persons or property, law  
14 enforcement, or the health, safety, or welfare of members of the  
15 public;

16 an allowance, stipend, subsidy, or other form of payment for the  
17 purchase, lease, or maintenance of a residence or a motor vehicle  
18 owned or leased by the officer, employee, or official, or by an  
19 immediate family member, for the personal or primarily personal  
20 use of the officer, employee, or official, except reasonable mileage  
21 reimbursement when the vehicle is used for the performance of  
22 duties;

23 a motor vehicle owned or leased by the government entity that is  
24 assigned exclusively to the officer, employee, or official on a full-  
25 time basis, unless the assignment and use of the motor vehicle is  
26 directly related and essential to the performance of those official  
27 duties of the officer, employee, or official, as documented in  
28 writing, that concern the maintenance of security for specified  
29 persons or property, law enforcement, inspections or audits of  
30 regulated facilities, entities, or persons, or the health, safety, or  
31 welfare of members of the public, or is essential, as documented in  
32 writing, for a specified period of time to the personal security of the  
33 officer, employee, or official;

34 a driver or chauffer whose assigned full-time or part-time duties  
35 are to operate any motor vehicle in which the officer, employee, or  
36 official, or an immediate family member, is a passenger, unless the  
37 driver is a law enforcement officer who is assigned also to provide  
38 for the security of the officer, employee, or official when the need  
39 for such security has been documented;

40 an exemption from the payment of any toll relating to the use of  
41 a State toll bridge or toll road or fare relating to the use of the  
42 transportation services of a State agency, or payment for any such  
43 toll or fare or any other travel expense for commuting between the  
44 place of residence and the place of employment or for tolls, fare, or  
45 other travel expense not directly related to the performance of  
46 duties by the officer, employee, or official;

1 a personal line of credit or a credit card, or an allowance,  
2 stipend, subsidy, or other payment for a credit card, unless the use  
3 of a credit card is directly related and essential to the performance  
4 of those official duties of the officer, employee, or official, as  
5 documented in writing, that concern the maintenance of security for  
6 specified persons or property, law enforcement, inspections or  
7 audits of regulated facilities, entities, or persons, or the health,  
8 safety, or welfare of members of the public; or

9 tuition reimbursement for attendance of courses at an institution  
10 of higher education, including a county college, within or outside of  
11 this State, unless the course is taken at an accredited public  
12 institution of higher education in this State, the reimbursement is  
13 limited to not more than 50 percent of the tuition for each course,  
14 the employee receives a grade of at least a C or its equivalent, for  
15 the course, the course is directly related to the skills and knowledge  
16 required for the duties being performed by the officer or employee  
17 when the reimbursement is made or required for the performance of  
18 the duties of a position to which the officer or employee may  
19 directly be promoted from the current position, and the officer and  
20 employee agrees to remain a public officer or employee for five  
21 years after the final tuition reimbursement is made. If the officer or  
22 employee does not remain a public employee for that period of  
23 time, the officer or employee must reimburse the public entity for  
24 tuition reimbursements made with the reimbursement pro-rated for  
25 the number of years the public officer or employee remains after the  
26 final tuition reimbursement is made. This paragraph will not apply  
27 to tuition reimbursement for a course or program that provides a  
28 certification of a skill or understanding sufficient to perform or  
29 assess a particular technological, mechanical, industrial,  
30 operational, accounting, or construction process or function, and  
31 that certification is required for holding that office or employment.

32 Other provisions of law relevant to the matters covered in these  
33 sections would remain applicable to the extent not inconsistent.  
34 These provisions would not be construed to preclude the imposition  
35 of additional restrictions by directive or regulation.

36 For the matters described above, the bill defines "State" to mean  
37 any of the principal departments in the Executive Branch of the  
38 State Government, and any division, board, bureau, office,  
39 commission or other instrumentality within or created by such  
40 department; any independent State authority, commission,  
41 instrumentality or agency; the Offices of the Governor and the  
42 Lieutenant Governor and the officers and employees of those  
43 offices; the Legislature of the State, and any office, board, bureau  
44 or commission within or created by the Legislative Branch;  
45 institutions of higher education of this State; and, to the extent  
46 consistent with law, any interstate agency to which New Jersey is a  
47 party. For a violation, the officer, employee, or elected official

1 would have to pay a civil penalty of not less than \$500 nor more  
2 than \$10,000

3 Section 16: This section prohibits a State officer or employee or  
4 special State officer or employee, other than a member of the  
5 Legislature or such an officer or employee of the Legislature, but  
6 including the officers and employees of the Office of the Governor  
7 and the Lieutenant Governor, from undertaking any travel outside  
8 of the State, or within the State when it involves an overnight stay,  
9 when the expenses of that travel or the expenses incident thereto, or  
10 both, are paid in part or in whole with the public funds of a State  
11 agency unless that travel has been determined in advance by the  
12 office of the Governor to be essential to the performance of the  
13 duties of the officer or employee and approved in writing by the  
14 Governor or the Governor's designee. When the performance of the  
15 duties of an officer or employee require travel on a regular or  
16 recurring basis, the Governor may grant approval in advance for  
17 such travel, under such terms and conditions as the Governor  
18 determines, during a specified period of time not to exceed one year  
19 from the date of approval as determined by the Governor. The bill  
20 bars an officer or employee from receiving an amount for travel and  
21 travel-related expenses in advance of the travel. This requirement  
22 will not apply to an officer or employee for travel solely to the  
23 Philadelphia, New York City, or Wilmington metropolitan areas to  
24 meet with federal or state government officers or employees, or  
25 members of the State's Congressional delegation or their officers or  
26 employees, for a period not to exceed two consecutive days, or to  
27 Washington, D.C., for the same purposes for two consecutive days.

28 Sections 17 and 18: These sections increase the accountability  
29 of local units of government regarding approvals and expenditures  
30 for travel by local government officers and employees. While a  
31 2007 law, N.J.S.A.18A:11-12, imposed stringent requirements  
32 regarding travel and expense reimbursement upon school board  
33 members and school district employees, local governments are  
34 afforded considerable discretion over authorizing and monitoring  
35 travel by local government officers and employees.

36 These sections impose upon local governments travel restrictions  
37 and accountability measures that are substantially similar to those  
38 currently applicable to school districts. The sections would require  
39 local governing bodies to adopt travel policies and procedures  
40 ensuring that all travel by local government officers and employees  
41 is necessary and fiscally prudent. Local unit travel expenditures  
42 would have to be directly related to and within the scope of the  
43 officer's or employee's current responsibilities, critical to the needs  
44 of the local unit or further the efficient operation of the local unit,  
45 consistent with the local unit's professional development plan, and,  
46 except as otherwise provided in statutory law, in compliance with

1 State travel payment guidelines established by the Department of  
2 the Treasury and the federal Office of Management and Budget.  
3 The bill provides that local units must adopt travel policies  
4 requiring: officers and employees to document the primary purpose  
5 for the travel, the key issues addressed at the event and their  
6 relevance to improving the operation of the local unit; governing  
7 bodies to maintain detailed documentation demonstrating  
8 compliance with the local unit's travel policy including travel  
9 approvals, reports, and receipts for all local unit funded  
10 expenditures; and that travel occur only upon prior written approval  
11 of the chief financial officer and prior approval of the governing  
12 body.  
13 These sections apply to the governing bodies and officers and  
14 employees of fire districts.