

[First Reprint]

SENATE, No. 729

STATE OF NEW JERSEY
216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:

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District 21 (Morris, Somerset and Union)

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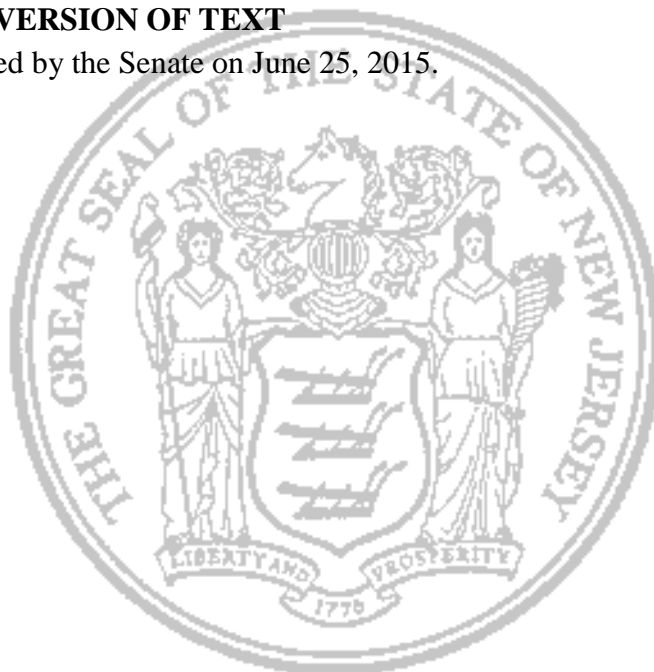
Senators A.R.Bucco and Whelan

SYNOPSIS

Transfers responsibility for establishment and enforcement of ethical standards for local officials and school officials to the State Ethics Commission.

CURRENT VERSION OF TEXT

As amended by the Senate on June 25, 2015.



(Sponsorship Updated As Of: 6/23/2015)

1 AN ACT concerning local government ethics, revising various parts
2 of the statutory law, and supplementing P.L.1991, c.393
3 (C.18A:12-21 et seq.) ¹**and 40A of the New Jersey Statutes** ,
4 P.L.1991, c.29 (C.40A:9-22.1 et seq.), and P.L.1971, c.182
5 (C.52:13D-12 et seq.)¹.
6

7 **BE IT ENACTED** by the Senate and General Assembly of the State
8 of New Jersey:
9

10 1. Section 2 of P.L.1991, c.393 (C.18A:12-22) is amended to
11 read as follows:

12 2. The Legislature **find** finds and declares:

13 a. In our representative form of government it is essential that
14 the conduct of members of local boards of education and local
15 school administrators hold the respect and confidence of the people.
16 These board members and administrators must avoid conduct which
17 is in violation of their public trust or which creates a justifiable
18 impression among the public that such trust is being violated.

19 b. To ensure and preserve public confidence, school board
20 members and local school administrators should have the benefit of
21 specific standards to guide their conduct and of some disciplinary
22 mechanism to ensure the uniform maintenance of those standards
23 among them.

24 c. It is also recognized that under a free government it is both
25 necessary and desirable that all citizens, public officials included,
26 should have certain specific interests in the decisions of
27 government, and that the activities and conduct of public officials
28 should not, therefore, be unduly circumscribed.

29 (cf: P.L.1991, c.393, s.2)
30

31 2. Section 3 of P.L.1991, c.393 (C.18A:12-23) is amended to
32 read as follows:

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

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

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate floor amendments adopted June 25, 2015.

1 regarding hiring or the purchase or acquisition of any property or
2 services by the local school district;

3 "Board member" means any person holding membership,
4 whether by election or appointment, on any board of education
5 other than the State Board of Education and any person holding
6 membership on a charter school board of trustees;

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

11 "Cohabitant" means any person who resides with the school
12 official;

13 "Commission" means the **【School】** State Ethics Commission
14 established **【pursuant to section 7 of this act】** pursuant to the "New
15 Jersey Conflicts of Interest Law," P.L.1971, c.182 (C.52:13D-12 et
16 seq.);

17 **【"Commissioner" means the Commissioner of Education;】**

18 "Financial disclosure statement" means the financial disclosure
19 statement required to be filed by school officials pursuant to section
20 6 of P.L.1991, c.393 (C.18A:12-26);

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

24 "Local school district" means any local or regional school district
25 established pursuant to chapter 8 or chapter 13 of Title 18A of the
26 New Jersey Statutes, a charter school established pursuant to
27 P.L.1995, c.426 (C.18A:36A-1 et seq.), and any jointure
28 commission, county vocational school, county special services
29 district, educational services commission, educational research and
30 demonstration center, environmental education center, and
31 educational information and resource center;

32 "Member of immediate family" means the spouse **【or dependent**
33 **child】**, civil union partner, or domestic partner, or the child, parent,
34 or sibling whether by blood, marriage or adoption, of a school
35 official residing in the same household;

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

40 **【"Relative" means the spouse, natural or adopted child, parent,**
41 **or sibling of a school;】** and

42 "School official" means a board member, an employee or officer
43 of the New Jersey School Boards Association, but not including any
44 member of the secretarial, clerical or maintenance staff of the
45 association, or an administrator**【; and**

1 "Spouse" means the person to whom a school official is legally
2 married under New Jersey law].

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

4
5 ¹3. (New section) Every board of education and every board of
6 trustees of a charter school shall appoint a person to serve, without
7 compensation, as the school ethics ombudsman for a five-year term.
8 The school ethics ombudsman shall function as a liaison between
9 the school district and charter school, as the case may be, and the
10 State Ethics Commission's local government ethics adviser.¹

11
12 ¹[3.] 4.¹ Section 4 of P.L.1991, c.393 (C.18A:12-24) is
13 amended to read as follows:

14 4. The State Ethics Commission shall promulgate a uniform
15 ethics code to govern and guide the conduct of all school officials.
16 The uniform ethics code shall include the following provisions:

17 a. No school official [or member of his immediate family]
18 shall have an interest [in a business organization] , financial or
19 otherwise, direct or indirect, or engage in any business, transaction,
20 or professional activity, which is in substantial conflict with the
21 proper discharge of his duties in the public interest;

22 b. No school official shall use or attempt to use his official
23 position to secure unwarranted privileges[,] or advantages [or

24 employment] for himself [, members of his immediate family] or
25 others;
26 c. No school official shall act in his official capacity in any
27 matter [where] wherein he [, a member of his immediate family, or

28 a business organization in which he has an interest,] has a direct or
29 indirect financial [involvement] interest that might reasonably be
30 expected to impair his objectivity or independence of judgment.
31 [No school official shall act in his official capacity in any matter
32 where he or a member of his immediate family has a personal
33 involvement that is or creates some benefit to the school official or
34 member of his immediate family];

35 d. No school official shall undertake any employment or
36 service, whether compensated or not, which might reasonably be
37 expected to prejudice his independence of judgment in the exercise
38 of his official duties;
39 e. No school official, or member of his immediate family, or
40 cohabitant, or partner, or associate, or business organization in
41 which he has an interest, shall directly or indirectly solicit or accept
42 any gift, favor, loan, political contribution, service, employment,
43 promise of future employment, or other thing of value [based upon
44 an understanding that the gift, favor, loan, contribution, service,
45 promise, or other thing of value was given or offered for the
46 purpose of influencing him, directly or indirectly, in the discharge

1 of his official duties] ,which solicitation or acceptance is related in
2 any way to the school official's public duties. This provision shall
3 not apply to the solicitation or acceptance of contributions to the
4 campaign of an announced candidate for elective public office, if
5 the school official has no knowledge or reason to believe that the
6 campaign contribution, if accepted, was given with the intent to
7 influence the school official in the discharge of his official duties;

8 f. No school official shall [use, or allow to be used, his public
9 office or employment, or any information, not generally available to
10 the members of the public, which he receives or acquires in the
11 course of and by reason of his office or employment, for the
12 purpose of securing financial gain for himself, any member of his
13 immediate family, or any business organization with which he is
14 associated] willfully disclose to any person any information not
15 generally available to members of the public which he receives or
16 acquires in the course of and by reason of his official duties. No
17 school official shall use, whether directly or indirectly, any
18 information not generally available to members of the public which
19 he receives or acquires in the course of and by reason of his official
20 duties;

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

30 h. No school official shall be deemed in conflict with these
31 provisions if, by reason of his participation in any matter required
32 to be voted upon, no material or monetary gain accrues to him as a
33 member of any business, profession, occupation or group, to any
34 greater extent than any gain could reasonably be expected to accrue
35 to any other member of that business, profession, occupation or
36 group;

37 i. No elected member shall be prohibited from making an
38 inquiry for information on behalf of a constituent, if no fee, reward
39 or other thing of value is promised to, given to or accepted by the
40 member [or] , a member of his immediate family, or a cohabitant,
41 whether directly or indirectly, in return therefor;

42 j. Nothing shall prohibit any school official, or members of his
43 immediate family, from representing himself, or themselves, in
44 negotiations or proceedings concerning his, or their, own interests;
45 [and]

46 k. Employees of the New Jersey School Boards Association
47 shall not be precluded from providing assistance, in the normal

1 course of their duties, to boards of education in the negotiation of a
2 collective bargaining agreement regardless of whether a member of
3 their immediate family or cohabitant is a member of, or covered by,
4 a collective bargaining agreement negotiated by a Statewide union
5 with which a board of education is negotiating; and

6 1. No school official should knowingly act in any way that may
7 reasonably be expected to create an impression or suspicion among
8 the public having knowledge of his acts that he may be engaged in
9 conduct violative of his trust as a school official.

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

11
12 ¹**[4.] 5.**¹ Section 6 of P.L.1991, c.393 (C.18A:12-26) is
13 amended to read as follows:

14 6. a. Each school official shall annually file a financial
15 disclosure statement with the **[School] State** Ethics Commission.
16 **[All financial disclosure statements filed pursuant to this act shall**
17 **include the following information which shall specify, where**
18 **applicable, the name and address of each source and the school**
19 **official's position:**

20 (1) Each source of income, earned or unearned, exceeding
21 \$2,000 received by the school official or a member of his immediate
22 family during the preceding calendar year. Individual client fees,
23 customer receipts or commissions on transactions received through
24 a business organization need not be separately reported as sources
25 of income. If a publicly traded security or interest derived from a
26 financial institution is the source of income, the security or interest
27 derived from a financial institution need not be reported unless the
28 school official or member of his immediate family has an interest in
29 the business organization or financial institution;

30 (2) Each source of fees and honorariums having an aggregate
31 amount exceeding \$250 from any single source for personal
32 appearances, speeches or writings received by the school official or
33 a member of his immediate family during the preceding calendar
34 year;

35 (3) Each source of gifts, reimbursements or prepaid expenses
36 having an aggregate value exceeding \$250 from any single source,
37 excluding relatives, received by the school official or a member of
38 his immediate family during the preceding calendar year; and

39 (4) The name and address of all business organizations in which
40 the school official or a member of his immediate family had an
41 interest during the preceding calendar year.] ¹All financial
42 disclosure statements filed pursuant to P.L.1991, c.393 (C.18A:12-
43 21 et seq.) shall include the following information which shall
44 specify, where applicable, the name and address of each source and
45 the school official's position:

46 (1) Each source of income, earned or unearned, exceeding
47 \$2,000 received by the school official or a member of his immediate

1 family during the preceding calendar year. Individual client fees,
2 customer receipts, or commissions on transactions received through
3 a business organization need not be separately reported as sources
4 of income. If a publicly traded security or interest derived from a
5 financial institution is the source of income, the security or interest
6 derived from a financial institution need not be reported unless the
7 school official or member of his immediate family has an interest in
8 the business organization or financial institution;

9 (2) Each source of fees and honorariums having an aggregate
10 amount exceeding \$250 from any single source for personal
11 appearances, speeches, or writings received by the school official or
12 a member of his immediate family during the preceding calendar
13 year;

14 (3) Each source of gifts, reimbursements, or prepaid expenses
15 having an aggregate value exceeding \$250 from any single source,
16 excluding relatives, received by the school official or a member of
17 his immediate family during the preceding calendar year; and

18 (4) The name and address of all business organizations in which
19 the school official or a member of his immediate family had an
20 interest during the preceding calendar year.¹

21 b. The commission shall prescribe a financial disclosure
22 statement form for filing purposes **].** Initial financial disclosure
23 statements shall be filed within 90 days following the effective date
24 of this act. Thereafter, statements shall be filed on or before April
25 30th each year **]** which shall be available for download from the
26 commission's website. Financial disclosure statements shall be
27 filed on or before May 15th each year, except that each school
28 official shall file a financial disclosure statement within 120 days of
29 taking office, being appointed, or commencing employment.

30 c. All financial disclosure statements filed shall be public
31 records and made available on the websites of the local school
32 districts.

33 d. The commission shall impose a civil penalty for a failure to
34 file an appropriate financial disclosure statement or form. The civil
35 penalty shall be \$50 for each day of the violation, which penalty
36 may be collected in a summary proceeding pursuant to the "Penalty
37 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).
38 (cf: P.L.1991, c.393, s.6)

39
40 ¹**[5.] 6.**¹ Section 13 of P.L.1991, c.393 (C.18A:12-33) is
41 amended to read as follows:

42 13. a. Each newly elected or appointed board member shall
43 complete during the first year of the member's first term a training
44 program to be prepared and offered by the New Jersey School
45 Boards Association, in consultation with the New Jersey
46 Association of School Administrators, the New Jersey Principals
47 and Supervisors Association, and the Department of Education,

1 regarding the skills and knowledge necessary to serve as a local
2 school board member. The training program shall include
3 information regarding the school district monitoring system
4 established pursuant to P.L.2005, c.235, the New Jersey Quality
5 Single Accountability Continuum, and the five key components of
6 school district effectiveness on which school districts are evaluated
7 under the monitoring system: instruction and program; personnel;
8 fiscal management; operations; and governance.

9 The board member shall complete a training program on school
10 district governance in each of the subsequent two years of the board
11 member's first term.

12 b. Within one year after each re-election or re-appointment to
13 the board of education, the board member shall complete an
14 advanced training program to be prepared and offered by the New
15 Jersey School Boards Association. This advanced training program
16 shall include information on relevant changes to New Jersey school
17 law and other information deemed appropriate to enable the board
18 member to serve more effectively.

19 c. The New Jersey School Boards Association shall examine
20 options for providing training programs to school board members
21 through alternative methods such as on-line or other distance
22 learning media or through regional-based training.

23 d. Within one year after being newly elected or appointed or
24 being re-elected or re-appointed to the board of education, a board
25 member shall complete a training program on harassment,
26 intimidation, and bullying in schools, including a school district's
27 responsibilities under P.L.2002, c.83 (C.18A:37-13 et seq.). A
28 board member shall be required to complete the program only once.

29 e. Training on harassment, intimidation, and bullying in
30 schools shall be provided by the New Jersey School Boards
31 Association, in consultation with recognized experts in school
32 bullying from a cross section of academia, child advocacy
33 organizations, nonprofit organizations, professional associations,
34 and government agencies.

35 f. A school official shall complete a training program on
36 ethical standards established by the State Ethics Commission at
37 such times and intervals as required by the commission.

38 (cf: P.L.2010, c.122, s.6)

39

40 ¹**[6.] 7.**¹ Section 14 of P.L.1991, c.393 (C.18A:12-34) is
41 amended to read as follows:

42 14. The **[State Board of Education]** State Ethics Commission
43 may promulgate regulations pursuant to the "Administrative
44 Procedures Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate
45 the purposes of **[this act]** P.L.1991, c.393 (C.18A:21 et seq.) and
46 P.L. , c. (C.) (pending before the Legislature as this bill).

47 (cf: P.L.1991, c.393, s.14)

- 1 ¹~~7.~~^{8.} Section 3 of P.L.1991, c.29 (C.40A:9-22.3) is
2 amended to read as follows:
- 3 3. As used in this act:
- 4 a. **["Board"** means the Local Finance Board in the Division of
5 Local Government Services in the Department of Community
6 Affairs;**]** (Deleted by amendment, P.L. , c.) (pending before the
7 Legislature as this bill)
- 8 b. "Business organization" means any corporation, partnership,
9 firm, enterprise, franchise, association, trust, sole proprietorship,
10 union or other legal entity;
- 11 c. "Governing body" means, in the case of a municipality, the
12 commission, council, board or body, by whatever name it may be
13 known, having charge of the finances of the municipality, and, in
14 the case of a county, the board of chosen freeholders, or, in the case
15 of a county having adopted the provisions of the "Optional County
16 Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), as defined in
17 the form of government adopted by the county under that act;
- 18 d. "Interest" means the ownership or control of more than 10%
19 of the profits, assets or stock of a business organization but shall
20 not include the control of assets in a nonprofit entity or labor union;
- 21 e. "Local government agency" means any agency, board,
22 governing body, including the chief executive officer, bureau,
23 division, office, commission or other instrumentality within a
24 county or municipality, and any independent local authority,
25 including any entity created by more than one county or
26 municipality, which performs functions other than of a purely
27 advisory nature, but shall not include a school board;
- 28 f. "Local government employee" means any person, whether
29 compensated or not, whether part-time or full-time, employed by or
30 serving on a local government agency who is not a local
31 government officer, but shall not mean any employee of a school
32 district;
- 33 g. "Local government officer" means any person whether
34 compensated or not, whether part-time or full-time: (1) elected to
35 any office of a local government agency; (2) serving on a local
36 government agency which has the authority to enact ordinances,
37 approve development applications or grant zoning variances; (3)
38 who is a member of an independent municipal, county or regional
39 authority; or (4) who is a managerial executive or confidential
40 employee of a local government agency, as defined in section 3 of
41 the "New Jersey Employer-Employee Relations Act," P.L.1941,
42 c.100 (C.34:13A-3), but shall not mean any employee of a school
43 district or member of a school board;
- 44 h. **["Local government officer or employee"** means a local
45 government officer or a local government employee;**]** (Deleted by
46 amendment, P.L. , c.) (pending before the Legislature as this
47 bill)

1 i. "Member of immediate family" means the spouse **[**or
2 dependent child**]**, civil union partner, domestic partner, child,
3 parent, or sibling, whether by blood, marriage or adoption, of a
4 local government officer or employee residing in the same
5 household;

6 j. "Cohabitant" means any person who resides with the local
7 government officer or employee;

8 k. "Commission" means the State Ethics Commission
9 established in but not of the New Jersey Department of Law and
10 Public Safety by the provisions of P.L.1971, c.182 (C.52:13D-12 et
11 seq.);

12 l. "Financial Disclosure Statement" means a comprehensive
13 statement of assets, liabilities, business interests and sources of
14 income which persons occupying certain positions in government
15 are required to file annually pursuant to statute, regulation, or
16 Executive Order;

17 m. "Party" means any group, government entity, association,
18 organization, firm, partnership, or corporation; and

19 n. "Relative" means an individual's spouse, civil union partner,
20 or domestic partner, or the individual's, spouse's, civil union
21 partner's, or domestic partner's parent, child, brother, sister, aunt,
22 uncle, niece, nephew, grandparent, grandchild, son-in-law,
23 daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half-
24 brother, or half-sister, whether the relative is related by blood,
25 marriage, or adoption.

26 (cf: P.L.1991, c.29, s.3)

27
28 ¹**[8.]** ^{9.}¹ Section 4 of P.L.1991, c.29 (C.40A:9-22.4) is
29 amended to read as follows:

30 4. The **[**Local Finance Board in the Division of Local
31 Government Services in the Department of Community Affairs**]**
32 State Ethics Commission shall have jurisdiction to govern and guide
33 the conduct of local government officers or employees regarding
34 violations of the provisions of this act, or the uniform local ethics
35 code promulgated pursuant to section ¹**[28]** ²⁴¹ of P.L. _____,
36 c. (C. _____) (pending before the Legislature as this bill) **[**who are
37 not otherwise regulated by a**]** ¹**[**or any supplemental county or
38 municipal code of ethics promulgated by a county or municipal
39 ethics board in accordance with the provisions of this act**]**¹. Local
40 government officers or employees serving a local government
41 agency created by more than one county or municipality and
42 officers or employees of county colleges established pursuant to
43 N.J.S.18A:64A-1 et seq. shall be under the jurisdiction of the
44 **[**board**]** commission. The **[**board**]** commission in interpreting and
45 applying the provisions of this act shall recognize that under the
46 principles of democracy, public officers and employees cannot and
47 should not be expected to be without any personal interest in the

1 decisions and policies of government; that citizens who are
2 government officers and employees have a right to private interests
3 of a personal, financial and economic nature; and that standards of
4 conduct shall distinguish between those conflicts of interest which
5 are legitimate and unavoidable in a free society and those conflicts
6 of interest which are prejudicial and material and are, therefore,
7 corruptive of democracy and free society.

8 (cf: P.L.1995, c.21, s.1)

9
10 ¹~~9.~~ 10.¹ Section 6 of P.L.1991, c.29 (C.40A:9-22.6) is
11 amended to read as follows:

12 6. a. Local government officers and certain local government
13 employees as designated by regulation shall annually file a financial
14 disclosure statement. **【All financial disclosure statements filed**
15 **pursuant to this act shall include the following information which**
16 **shall specify, where applicable, the name and address of each**
17 **source and the local government officer's job title:**

18 (1) Each source of income, earned or unearned, exceeding
19 \$2,000 received by the local government officer or a member of his
20 immediate family during the preceding calendar year. Individual
21 client fees, customer receipts or commissions on transactions
22 received through a business organization need not be separately
23 reported as sources of income. If a publicly traded security is the
24 source of income, the security need not be reported unless the local
25 government officer or member of his immediate family has an
26 interest in the business organization;

27 (2) Each source of fees and honorariums having an aggregate
28 amount exceeding \$250 from any single source for personal
29 appearances, speeches or writings received by the local government
30 officer or a member of his immediate family during the preceding
31 calendar year;

32 (3) Each source of gifts, reimbursements or prepaid expenses
33 having an aggregate value exceeding \$400 from any single source,
34 excluding relatives, received by the local government officer or a
35 member of his immediate family during the preceding calendar
36 year;

37 (4) The name and address of all business organizations in which
38 the local government officer or a member of his immediate family
39 had an interest during the preceding calendar year; and

40 (5) The address and brief description of all real property in the
41 State in which the local government officer or a member of his
42 immediate family held an interest during the preceding calendar
43 year.】

44 b. The **【Local Finance Board】** State Ethics Commission shall
45 prescribe a financial disclosure statement form for filing purposes
46 which shall be available for download from the commission's
47 Internet website. **【For counties and municipalities which have not**

1 established ethics boards, the board shall transmit sufficient copies
 2 of the forms to the municipal clerk in each municipality and the
 3 county clerk in each county for filing in accordance with this act.
 4 The municipal clerk shall make the forms available to the local
 5 government officers serving the municipality. The county clerk
 6 shall make the forms available to the local government officers
 7 serving the county.

8 For counties and municipalities which have established ethics
 9 boards, the Local Finance Board shall transmit sufficient copies of
 10 the forms to the ethics boards for filing in accordance with this act.
 11 The ethics boards shall make the forms available to the local
 12 government officers within their jurisdiction.】

13 For local government officers serving ~~the~~ a municipality, the
 14 original statement shall be filed with the municipal clerk in the
 15 municipality in which the local government officer serves. For
 16 local government officers serving ~~the~~ a county, the original
 17 statement shall be filed with the county clerk in the county in which
 18 the local government officer serves. A copy of the statement shall
 19 be filed with the ~~board~~ commission. ¹【In ~~counties or~~
 20 ~~municipalities~~ any county or municipality which ~~have~~ has
 21 established ~~ethics boards~~ an ethics board, a copy of the statement
 22 shall also be filed with the ethics board having jurisdiction over the
 23 local government officer.】¹ 【Local government officers shall file
 24 the initial financial disclosure statement within 90 days following
 25 the effective date of this act. Thereafter, statements】 A statement
 26 shall be filed on or before ~~April 30th~~ May 15th each year, except
 27 that each local government officer shall file a financial disclosure
 28 statement within ~~30~~ 120 days of taking office.

29 c. All financial disclosure statements filed shall be public
 30 records.

31 d. Failure to file the financial disclosure statement by the
 32 prescribed deadline shall result in a civil penalty of \$50 per day that
 33 the statement is late, which may be collected in a summary
 34 proceeding pursuant to the "Penalty Enforcement Law of 1999,"
 35 P.L.1999, c.274 (C.2A:58-10 et seq.).
 36 (cf: P.L.2008, c.72, s.1)
 37

38 ¹【10.】 11.¹ Section 8 of P.L.1991, c.29 (C.40A:9-22.8) is
 39 amended to read as follows:

40 8. A local government officer or employee ¹【not regulated by a
 41 county or municipal code of ethics】¹ may request and obtain from
 42 the ~~Local Finance Board~~ State Ethics Commission an advisory
 43 opinion as to whether any proposed activity or conduct would in its
 44 opinion constitute a violation of the provisions of this act or the
 45 uniform local ethics code promulgated pursuant to section ¹【28】
 46 24¹ of P.L. , c. (C.) (pending before the Legislature as this

1 bill). Advisory opinions of the board shall not be made public,
2 except when the **board** commission by the vote of two-thirds of
3 all of its members directs that the opinion be made public. Public
4 advisory opinions shall not disclose the name of the local
5 government officer or employee unless the **board** commission in
6 directing that the opinion be made public so determines.
7 (cf: P.L.1991, c.29, s.8)

8
9 ¹**[11.] 12.** Section 10 of P.L.1991, c.29 (C.40A:9-22.10) is
10 amended to read as follows:

11 10. a. **An** Any current or former appointed local government
12 officer or employee found guilty by the **Local Finance Board**
13 State Ethics Commission ¹**or a county or municipal ethics board**¹
14 of the violation of any provision of **P.L.1991, c.29 (C.40A:9-22.1**
15 **et seq.)** P.L. , c. (C.) (pending before the Legislature as
16 this bill), or of any code of ethics in effect pursuant to **P.L.1991,**
17 **c.29 (C.40A:9-22.1 et seq.)** P.L. , c. (C.) (pending before
18 the Legislature as this bill), shall be fined not less than **[\$100.00]**
19 \$500 nor more than **[\$500.00] \$10,000**, which penalty may be
20 collected in a summary proceeding pursuant to **["The Penalty]** the
21 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10
22 et seq.) ¹; provided, however, the commission may impose lesser
23 finer or reprimands when warranted by the nature of the violation¹.
24 The **board** commission ¹**or a county or municipal ethics board**¹
25 shall report its findings to the office or agency having the power of
26 removal or discipline of the appointed local government officer or
27 employee and may recommend that further disciplinary action be
28 taken.

29 b. **An** Any current or former elected local government
30 officer or employee found guilty by the **Local Finance Board**
31 State Ethics Commission ¹**or a county or municipal ethics board**¹
32 of the violation of any provision of **P.L.1991, c.29 (C.40A:9-22.1**
33 **et seq.)** P.L. , c. (C.) (pending before the Legislature as
34 this bill) or of any code of ethics in effect pursuant to **P.L.1991,**
35 **c.29 (C.40A:9-22.1 et seq.)** P.L. , c. (C.) (pending before
36 the Legislature as this bill), shall be fined not less than **[\$100.00]**
37 \$500 nor more than **[\$500.00] \$10,000**, which penalty may be
38 collected in a summary proceeding pursuant to **["The Penalty]** the
39 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10
40 et seq.) ¹; provided, however, the commission may impose lesser
41 finer or reprimands when warranted by the nature of the violation¹.

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

1 ¹~~12.~~ 13.¹ Section 11 of P.L.1991, c.29 (C.40A:9-22.11) is
2 amended to read as follows:

3 11. The finding by the ~~Local Finance Board~~ State Ethics
4 Commission ¹~~or a county or municipal ethics board~~¹ that an
5 appointed local government officer or employee is guilty of the
6 violation of the provisions of this act ¹~~,~~¹ or¹ the uniform local
7 ethics code promulgated pursuant to section ¹~~28~~¹ 24¹ of P.L. , c.
8 (C.) (pending before the Legislature as this bill), ¹~~or~~ ¹~~of~~ any
9 supplemental code of ethics in effect pursuant to this act,¹ shall be
10 sufficient cause for his removal, suspension, demotion or other
11 disciplinary action by the officer or agency having the power of
12 removal or discipline. When a person who is in the career service is
13 charged with violating the provisions of this act or any code of
14 ethics in effect pursuant to this act, the procedure leading to
15 removal, suspension, demotion or other disciplinary action shall be
16 governed by any applicable procedures of Title 11A of the New
17 Jersey Statutes and the rules promulgated pursuant thereto.
18 (cf: P.L.1991, c.29, s.11)

19

20 ¹14. Section 13 of P.L.1991, c.29 (C.40A:9-22.13) is amended
21 to read as follows:

22 13. ~~a.~~ Each county of the State governed under the provisions
23 of P.L.1972, c.154 (C.40:41A-1 et seq.) ~~may, by ordinance, and~~
24 ~~the remaining counties may~~ shall, by resolution ~~establish~~
25 appoint a county ethics ~~board consisting of six members who are~~
26 residents of the county, at least two of whom shall be public
27 members. The members of the ethics board shall be appointed by
28 the governing body of the county and no more than one of whom
29 shall be from the same municipality. The members shall be chosen
30 by virtue of their known and consistent reputation for integrity and
31 their knowledge of local government affairs. No more than three
32 members of the ethics board shall be of the same political party.

33 b. The members of the county ethics board shall annually elect a
34 chairman from among the membership.

35 c. The members ~~ombudsman who~~ shall serve without
36 compensation for a term of five years~~;~~; except that of the members
37 initially appointed, two of the public members shall be appointed to
38 serve for a term of five years, one member shall be appointed to
39 serve for a term of four years, and the remaining members shall be
40 appointed to serve for a term of three years. Each member shall
41 serve until his successor has been appointed and qualified. Any
42 vacancy occurring in the membership of the ethics board shall be
43 filled in the same manner as the original appointment for the
44 unexpired term.

45 d. Members of the ethics board shall serve without compensation
46 but shall be reimbursed by the county for necessary expenses

1 incurred in the performance of their duties under this act]. The
2 county ethics ombudsman shall function as a liaison between the
3 county, including its authorities, and the State Ethics Commission's
4 local government ethics adviser.¹

5 (cf: P.L.1991, c.29, s.13)

6

7 ¹13. Section 15 of P.L.1991, c.29 (C.40A:9-22.15) is amended
8 to read as follows:

9 15. **【Within 90 days after】** After the establishment of a county
10 ethics board, that ethics board **【shall】** may promulgate, by
11 resolution, a county code of ethics for all local government officers
12 and employees serving the county, subject to the approval of the
13 State Ethics Commission. Local government officers and
14 employees serving a county independent authority shall be deemed
15 to be serving the county for purposes of this act.

16 The county code of ethics so promulgated shall be **【either**
17 **identical to the provisions set forth in section 5 of this act or more**
18 **restrictive, but shall not be less restrictive】** formulated with respect
19 to the particular needs and problems of the county to which said
20 code is to apply and, when applicable, shall be a supplement to the
21 uniform local ethics code promulgated pursuant to section 28 of
22 P.L. , c. (C.) (pending before the Legislature as this bill).
23 Within 15 days following the promulgation thereof, the county code
24 of ethics, and a notice of the date of the public hearing to be held
25 thereon, shall be published in at least one newspaper circulating
26 within the county and shall be distributed to the county clerk and to
27 the heads of the local government agencies serving the county for
28 circulation among the local government officers and employees
29 serving the county. The county ethics board shall hold a public
30 hearing on the county code of ethics not less than 30 days following
31 its promulgation at which any local government officer or employee
32 serving the county and any other person wishing to be heard shall
33 be permitted to testify. As a result of the hearing, the ethics board
34 may amend or supplement the county code of ethics as it deems
35 necessary. **【If the county code of ethics is not identical to the**
36 **provisions set forth in section 5 of this act, the】** The county ethics
37 board shall thereafter submit the county code of ethics to the **【Local**
38 **Finance Board】** State Ethics Commission for approval. The
39 **【board】** commission shall approve or disapprove a county code of
40 ethics within **【60】** 30 days following receipt. If the **【board】**
41 commission fails to act within that period, the county code of ethics
42 shall be deemed approved. A county code of ethics requiring
43 **【board】** commission approval shall take effect for all local
44 government officers and employees serving the county **【60】** 90
45 days after approval by the **【board】** commission. **【A county code of**
46 ethics identical to the provisions set forth in section 5 of this act

1 shall take effect 10 days after the public hearing thereon.】 The
2 county ethics board shall forward a copy of the county code of
3 ethics to the county clerk and shall make copies of the county code
4 of ethics available to local government officers and employees
5 serving the county.

6 (cf: P.L.1991, c.29, s.15)】¹

7
8 ¹【14. Section 16 of P.L.1991, c.29 (C.40A:9-22.16) is amended
9 to read as follows:

10 16. A county ethics board shall have the following powers:

11 a. To initiate, receive, hear and review complaints and hold
12 hearings with regard to possible violations of the uniform local
13 ethics code promulgated pursuant to section 28 of
14 P.L. , c. (C.) (pending before the Legislature as this bill), a
15 supplemental county code of ethics or financial disclosure
16 requirements by local government officers or employees serving the
17 county;

18 b. To conduct investigations, hold hearings and issue
19 subpoenas **【for the production of documents and the attendance of**
20 **witnesses with respect to its investigation of any complaint or to the**
21 **holding of a hearing】** to compel the attendance of witnesses and the
22 production before it of such books and papers as it may deem
23 necessary, proper and relevant to the matter under investigation.
24 The members of the board and the persons appointed by the board
25 for that purpose are hereby empowered to administer oaths and
26 examine witnesses under oath;

27 c. To forward to the county prosecutor or the Attorney General
28 or other governmental body any information concerning violations
29 of the uniform local ethics code promulgated pursuant to section 28
30 of P.L. , c. (C.) (pending before the Legislature as this
31 bill), a supplemental county code of ethics or financial disclosure
32 requirements by local government officers or employees serving the
33 county which may become the subject of criminal prosecution or
34 which may warrant the institution of other legal proceedings by the
35 Attorney General;

36 d. To render advisory opinions to local government officers or
37 employees serving the county as to whether a given set of facts and
38 circumstances would constitute a violation of any provision of the
39 uniform local ethics code promulgated pursuant to section 28 of
40 P.L. , c. (C.) (pending before the Legislature as this bill), a
41 supplemental county code of ethics or financial disclosure
42 requirements;

43 e. To enforce the provisions of the uniform local ethics code
44 promulgated pursuant to section 28 of P.L. , c. (C.)
45 (pending before the Legislature as this bill), a supplemental county
46 code of ethics and financial disclosure requirements with regard to
47 local government officers or employees serving the county and to

1 impose penalties for the violation thereof as are authorized by this
2 act; and

3 f. To adopt rules and regulations pursuant to the
4 “Administrative Procedure Act”, P.L. 1968, c.410 (C.52:14B-1 et
5 seq.) and to do other things as are necessary to implement the
6 purposes of this act.

7 (cf: P.L.1991, c.29, s.16)】¹

8
9 ¹【15. Section 17 of P.L.1991, c.29 (C.40A:9-22.17) is amended
10 to read as follows:

11 17. A local government officer or employee serving the county
12 may request and obtain from the county ethics board an advisory
13 opinion as to whether any proposed activity or conduct would in its
14 opinion constitute a violation of the uniform local ethics code
15 promulgated pursuant to section 28 of P.L. , c. (C.)
16 (pending before the Legislature as this bill), a supplemental county
17 code of ethics , or any financial disclosure requirements. Advisory
18 opinions of the county ethics board shall not be made public, except
19 when the ethics board by the vote of two-thirds of all of its
20 members directs that the opinion be made public. Public advisory
21 opinions shall not disclose the name of the local government officer
22 or employee unless the ethics board in directing that the opinion be
23 made public so determines. A final decision of the ethics board
24 may be appealed to the State Ethics Commission within 30 days of
25 the decision.

26 (cf: P.L.1991, c.29, s.17)】¹

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

30 18. The county ethics board, upon receipt of a signed written
31 complaint by any person alleging that the conduct of any local
32 government officer or employee serving the county is in conflict
33 with the uniform local ethics code promulgated pursuant to section
34 28 of P.L. , c. (C.) (pending before the Legislature as this
35 bill), a supplemental county code of ethics or any financial
36 disclosure requirements shall acknowledge receipt of the complaint
37 within 30 days of receipt and initiate an investigation concerning
38 the facts and circumstances set forth in the complaint. The ethics
39 board shall make a determination as to whether the complaint is
40 within its jurisdiction or frivolous or without any reasonable factual
41 basis. If the ethics board shall conclude that the complaint is
42 outside its jurisdiction, frivolous or without factual basis, it shall
43 reduce that conclusion to writing and shall transmit a copy thereof
44 to the complainant and to the local government officer or employee
45 against whom the complaint was filed. Otherwise the ethics board
46 shall notify the local government officer or employee against whom
47 the complaint was filed of the nature of the complaint and the facts

1 and circumstances set forth therein. The officer or employee shall
 2 have the opportunity to present the ethics board with any statement
 3 or information concerning the complaint which he wishes.
 4 Thereafter, if the ethics board determines that a reasonable doubt
 5 exists as to whether the local government officer or employee is in
 6 conflict with the uniform local ethics code promulgated pursuant to
 7 section 28 of P.L. , c. (C.) (pending before the Legislature
 8 as this bill), a supplemental county code of ethics or any financial
 9 disclosure requirements, it shall conduct a hearing in the manner
 10 prescribed by section 12 of this act, concerning the possible
 11 violation and any other facts and circumstances which may have
 12 come to its attention with respect to the conduct of the local
 13 government officer or employee. The ethics board shall render a
 14 decision as to whether the conduct of the officer or employee is in
 15 conflict with the uniform local ethics code promulgated pursuant to
 16 section 28 of P.L. , c. (C.) (pending before the Legislature
 17 as this bill), a supplemental county code of ethics or any financial
 18 disclosure requirements. This decision shall be made by no less
 19 than two-thirds of all members of the ethics board. If the ethics
 20 board determines that the officer or employee is in conflict with the
 21 uniform local ethics code promulgated pursuant to section 28 of
 22 P.L. , c. (C.) (pending before the Legislature as this bill), a
 23 supplemental county code of ethics or any financial disclosure
 24 requirements, it may impose any penalties which it believes
 25 appropriate within the limitations of this act. A final decision of the
 26 ethics board may be appealed to the [Local Finance Board] State
 27 Ethics Commission within 30 days of the decision.
 28 (cf: P.L.1991, c.29, s.18)]¹

29

30 ¹[17. Section 21 of P.L.1991, c.29 (C.40A:9-22.21) is amended
 31 to read as follows:

32 21. [Within 90 days after] After the establishment of a
 33 municipal ethics board, that ethics board [shall] may promulgate by
 34 resolution a municipal code of ethics for all local government
 35 officers and employees serving the municipality , subject to the
 36 approval of the State Ethics Commission. Local government
 37 officers and employees serving a municipal independent authority
 38 shall be deemed to be serving the municipality for purposes of this
 39 act.

40 The municipal code of ethics so promulgated shall be [either
 41 identical to the provisions set forth in section 5 of this act or more
 42 restrictive, but shall not be less restrictive] formulated with respect
 43 to the particular needs and problems of the local municipality to
 44 which said code is to apply and, when applicable, shall be a
 45 supplement to the uniform local ethics code promulgated pursuant
 46 to section 28 of P.L. , c. (C.) (pending before the
 47 Legislature as this bill). Within 15 days following the promulgation

1 thereof, the municipal code of ethics, and a notice of the date of the
 2 public hearing to be held thereon, shall be published in at least one
 3 newspaper circulating within the municipality and shall be
 4 distributed to the municipal clerk and to the heads of the local
 5 government agencies serving the municipality for circulation among
 6 the local government officers and employees serving the
 7 municipality. The municipal ethics board shall hold a public
 8 hearing on the municipal code of ethics not less than 30 days
 9 following its promulgation at which any local government officer or
 10 employee serving the municipality and any other person wishing to
 11 be heard shall be permitted to testify. As a result of the hearing, the
 12 ethics board may amend or supplement the municipal code of ethics
 13 as it deems necessary. **【If the municipal code of ethics is not**
 14 **identical to the provisions set forth in section 5 of this act, the】** The
 15 municipal ethics board shall thereafter submit the municipal code of
 16 ethics to the 【Local Finance Board】 State Ethics Commission for
 17 approval. The 【board】 commission shall approve or disapprove a
 18 municipal code of ethics within 【60】 90 days following receipt. If
 19 the 【board】 commission fails to act within that period, the
 20 municipal code of ethics shall be deemed approved. A municipal
 21 code of ethics requiring 【board】 commission approval shall take
 22 effect for all local government officers and employees serving the
 23 municipality 【60】 30 days after approval by the 【board】
 24 commission. **【A municipal code of ethics identical to the**
 25 **provisions set forth in section 5 of this act shall take effect 10 days**
 26 **after the public hearing held thereon.】** The municipal ethics board
 27 shall forward a copy of the municipal code of ethics to the
 28 municipal clerk and shall make copies of the municipal code of
 29 ethics available to local government officers and employees serving
 30 the municipality.
 31 (cf: P.L.1991, c.29, s.21)】¹

32
 33 ¹**【18. Section 22 of P.L.1991, c.29 (C.40A:9-22.22) is amended**
 34 **to read as follows:**

35 22. A municipal ethics board shall have the following powers:

36 a. To initiate, receive, hear and review complaints and hold
 37 hearings with regard to possible violations of the uniform local
 38 ethics code promulgated pursuant to section 28 of P.L. _____,
 39 c. (C. _____) (pending before the Legislature as this bill), a
 40 supplemental municipal code of ethics or financial disclosure
 41 requirements by local government officers or employees serving the
 42 municipality;

43 b. To conduct investigations, hold hearings, and issue
 44 subpoenas **【for the production of documents and the attendance of**
 45 **witnesses with respect to its investigation of any complaint or to the**
 46 **holding of a hearing】** to compel the attendance of witnesses and the

1 production before it of such books and papers as it may deem
 2 necessary, proper and relevant to the matter under investigation.
 3 The members of the board and the persons appointed by the board
 4 for that purpose are hereby empowered to administer oaths and
 5 examine witnesses under oath;

6 c. To forward to the county prosecutor or the Attorney General
 7 or other governmental body any information concerning violations
 8 of the uniform local ethics code promulgated pursuant to section 28
 9 of P.L. , c. (C.) (pending before the Legislature as this
 10 bill), a supplemental municipal code of ethics or financial
 11 disclosure requirements by local government officers or employees
 12 serving the municipality which may become the subject of criminal
 13 prosecution or which may warrant the institution of other legal
 14 proceedings by the Attorney General;

15 d. To render advisory opinions to local government officers or
 16 employees serving the municipality as to whether a given set of
 17 facts and circumstances would constitute a violation of any
 18 provision of the uniform local ethics code promulgated pursuant to
 19 section 28 of P.L. , c. (C.) (pending before the Legislature
 20 as this bill), a supplemental municipal code of ethics or financial
 21 disclosure requirements;

22 e. To enforce the provisions of the uniform local ethics code
 23 promulgated pursuant to section 28 of P.L. , c. (C.)
 24 (pending before the Legislature as this bill), a supplemental
 25 municipal code of ethics and financial disclosure requirements with
 26 regard to local government officers or employees serving the
 27 municipality and to impose penalties for the violation thereof as are
 28 authorized by this act; and

29 f. To adopt rules and regulations pursuant to the
 30 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
 31 seq.) and to do other things as are necessary to implement the
 32 purposes of this act.

33 (cf: P.L.1991, c.29, s.22)]¹

34

35 ¹[19. Section 23 of P.L.1991, c.29 (C.40A:9-22.23) is amended
 36 to read as follows:

37 23. A local government officer or employee serving the
 38 municipality may request and obtain from the municipal ethics
 39 board an advisory opinion as to whether any proposed activity or
 40 conduct would in its opinion constitute a violation of the uniform
 41 local ethics code promulgated pursuant to section 28 of P.L. ,
 42 c. (C.) (pending before the Legislature as this bill), a
 43 supplemental municipal code of ethics , or any financial disclosure
 44 requirements. Advisory opinions of the municipal ethics board
 45 shall not be made public, except when the ethics board by the vote
 46 of two-thirds of all of its members directs that the opinion be made
 47 public. Public advisory opinions shall not disclose the name of the

1 local government officer or employee unless the ethics board in
2 directing that the opinion be made public so determines. A final
3 decision of the ethics board may be appealed to the State Ethics
4 Commission within 30 days of the decision.

5 (cf: P.L.1991, c.29, s.23)]¹

6

7 ¹[20. Section 24 of P.L.1991, c.29 (C.40A:9-22.24) is amended
8 to read as follows:

9 24. The municipal ethics board, upon receipt of a signed written
10 complaint by any person alleging that the conduct of any local
11 government officer or employee serving the municipality is in
12 conflict with the uniform local ethics code promulgated pursuant to
13 section 28 of P.L. , c. (C.) (pending before the Legislature
14 as this bill), a supplemental municipal code of ethics , or financial
15 disclosure requirements, shall acknowledge receipt of the complaint
16 within 30 days of receipt and initiate an investigation concerning
17 the facts and circumstances set forth in the complaint. The ethics
18 board shall make a determination as to whether the complaint is
19 within its jurisdiction or frivolous or without any reasonable factual
20 basis. If the ethics board shall conclude that the complaint is
21 outside its jurisdiction, frivolous or without factual basis, it shall
22 reduce that conclusion to writing and shall transmit a copy thereof
23 to the complainant and to the local government officer or employee
24 against whom the complaint was filed. Otherwise the ethics board
25 shall notify the local government officer or employee against whom
26 the complaint was filed of the nature of the complaint and the facts
27 and circumstances set forth therein. The officer or employee shall
28 have the opportunity to present the ethics board with any statement
29 or information concerning the complaint which he wishes.
30 Thereafter, if the ethics board determines that a reasonable doubt
31 exists as to whether the local government officer or employee is in
32 conflict with the uniform local ethics code promulgated pursuant to
33 section 28 of P.L. , c. (C.) (pending before the Legislature
34 as this bill), a supplemental municipal code of ethics , or any
35 financial disclosure requirements, it shall conduct a hearing in the
36 manner prescribed by section 12 of this act, concerning the possible
37 violation and any other facts and circumstances which may have
38 come to its attention with respect to the conduct of the local
39 government officer or employee. The ethics board shall render a
40 decision as to whether the conduct of the officer or employee is in
41 conflict with the uniform local ethics code promulgated pursuant to
42 section 28 of P.L. , c. (C.) (pending before the Legislature
43 as this bill), a supplemental municipal code of ethics , or any
44 financial disclosure requirements. This decision shall be made by
45 no less than two-thirds of all members of the ethics board.

46 If the ethics board determines that the officer or employee is in
47 conflict with the uniform local ethics code promulgated pursuant to

1 section 28 of P.L. , c. (C.) (pending before the Legislature
2 as this bill), a supplemental municipal code of ethics, or any
3 financial disclosure requirements, it may impose any penalties
4 which it believes appropriate within the limitations of this act. A
5 final decision of the ethics board may be appealed to the [Local
6 Finance Board] State Ethics Commission within 30 days of the
7 decision.

8 (cf: P.L.1991, c.29, s.24)]¹

9
10 ¹15. Section 19 of P.L.1991, c.29 (C.40A:9-22.19) is amended
11 to read as follows:

12 40A:9-22.19. a. Each municipality of the State [may] shall, by
13 [ordinance, establish] resolution appoint a municipal ethics [board
14 consisting of six members who are residents of the municipality, at
15 least two of whom shall be public members. The members of the
16 ethics board shall be appointed by the governing body of the
17 municipality. The members shall be chosen by virtue of their known
18 and consistent reputation for integrity and their knowledge of local
19 government affairs. No more than three members of the ethics
20 board shall be of the same political party.

21 b. The members of the municipal ethics board shall annually
22 elect a chairman from among the membership.

23 c. The members] ombudsman who shall serve, without
24 compensation, for a term of five years[; except that of the members
25 initially appointed, two of the public members shall be appointed to
26 serve for a term of five years, one member shall be appointed to
27 serve for a term of four years, and the remaining members shall be
28 appointed to serve for a term of three years. Each member shall
29 serve until his successor has been appointed and qualified. Any
30 vacancy occurring in the membership of the ethics board shall be
31 filled in the same manner as the original appointment for the
32 unexpired term.

33 d. Members of the ethics board shall serve without
34 compensation but shall be reimbursed by the municipality for
35 necessary expenses incurred in the performance of their duties
36 under this act]. The municipal ethics ombudsman shall function as
37 a liaison between the municipality, including its authorities, and the
38 State Ethics Commission's local government ethics adviser.¹

39 (cf: P.L.1991, c.29, s.19)

40
41 ¹16. Section 10 of P.L.1971, c.182 (C.52:13D-21) is amended to
42 read as follows:

43 10. (a) The Executive Commission on Ethical Standards created
44 pursuant to P.L.1967, c.229, is continued and established in the
45 Department of Law and Public Safety and shall constitute the first
46 commission under P.L.1971, c.182 (C.52:13D-12 et al.).

1 Upon the effective date of P.L.2005, c.382, the Executive
2 Commission on Ethical Standards shall be renamed, and thereafter
3 referred to, as the State Ethics Commission. For the purposes of
4 complying with the provisions of Article V, Section IV, paragraph 1
5 of the New Jersey Constitution, the State Ethics Commission is
6 allocated in, but not of, the Department of Law and Public Safety,
7 but notwithstanding that allocation, the commission shall be
8 independent of any supervision and control by the department or by
9 any board or officer thereof.

10 (b) The commission shall be composed of seven members as
11 follows: three members appointed by the Governor from among
12 State officers and employees serving in the Executive Branch; and
13 four public members appointed by the Governor, not more than two
14 of whom shall be of the same political party.

15 Each member appointed from the Executive Branch shall serve at
16 the pleasure of the Governor during the term of office of the
17 Governor appointing the member and until the member's successor
18 is appointed and qualified. The public members shall serve for
19 terms of four years and until the appointment and qualification of
20 their successors, but of the public members first appointed pursuant
21 to P.L.2003, c.160, one shall serve for a term of two years and one
22 shall serve for a term of four years, and of the two public members
23 first appointed pursuant to P.L.2005, c.382, one shall serve for a
24 term of one year and one shall serve for a term of three years. The
25 Governor shall designate one public member to serve as chairman
26 and one member to serve as vice-chairman of the commission.

27 The members of the State Ethics Commission who were
28 appointed by the Governor from among the State officers and
29 employees serving in the Executive Branch serving on January 17,
30 2006 are terminated as of that day. A member terminated pursuant
31 to this paragraph shall be eligible for reappointment.

32 Vacancies in the membership of the commission shall be filled in
33 the same manner as the original appointments but, in the case of
34 public members, for the unexpired term only. None of the public
35 members shall be State officers or employees or special State
36 officers or employees, except by reason of their service on the
37 commission. A public member may be reappointed for subsequent
38 terms on the commission.

39 (c) Each member of the commission shall serve without
40 compensation but shall be entitled to be reimbursed for all actual
41 and necessary expenses incurred in the performance of the
42 member's duties.

43 (d) (1) The Attorney General shall act as legal adviser and
44 counsel to the commission. The Attorney General shall upon
45 request advise the commission in the rendering of advisory opinions
46 by the commission, in the approval and review of codes of ethics
47 adopted by State agencies in the Executive Branch and in the

1 recommendation of revisions in codes of ethics or legislation
2 relating to the conduct of State officers and employees in the
3 Executive Branch.

4 (2) The commission, in consultation with the Attorney General,
5 shall designate an attorney in the Department of Law and Public
6 Safety to act as its local government ethics adviser in order to
7 consult and confer with school ethics ombudsmen and local ethics
8 ombudsmen on school and local ethics issues.

9 (e) (1) The commission may, within the limits of funds
10 appropriated or otherwise made available to it for the purpose,
11 employ such other professional, technical, clerical or other
12 assistants, excepting legal counsel, and incur such expenses as may
13 be necessary for the performance of its duties.

14 (2) The commission shall employ a training officer who shall be
15 in the unclassified service of the civil service of this State. The
16 training officer shall devote full-time to the creation, maintenance
17 and coordination of a training program on ethical standards. The
18 program shall be established for the purpose specified in section 2
19 of P.L.2005, c.382 (C.52:13D-21.1). The program shall be
20 provided by the training officer or assistants or deputies of such
21 officer, or by such other persons as may be designated by the
22 commission. The commission shall approve the form and content
23 of the training program created by the training officer and shall
24 determine when and at what intervals State officers and employees
25 and special State officers and employees in a State agency in the
26 Executive Branch shall be required to complete such a program.
27 The training program may include content which in particular
28 addresses the situations of certain identified groups of officers or
29 employees such as those who are involved in contracting processes.

30 (3) The commission shall employ a compliance officer who
31 shall be in the unclassified service of the civil service of this State.
32 The compliance officer shall devote full-time to the creation,
33 maintenance, monitoring and coordination of procedures to ensure
34 that all State officers and employees and special State officers and
35 employees in State agencies in the Executive Branch comply fully
36 with all reporting and training requirements and that all materials,
37 forms, codes, orders and notices are distributed to and
38 acknowledged by appropriate individuals, as may be required. In
39 addition, the compliance officer shall conduct, on such regular basis
40 as determined by the commission, systematic audits of State
41 agencies in the Executive Branch for compliance with the laws,
42 regulations, codes, orders, procedures, advisory opinions and
43 rulings concerning the ethical standards for State employees and
44 officers and special State officers and employees.

45 (f) The commission, in order to perform its duties pursuant to
46 the provisions of P.L.1971, c.182 (C.52:13D-12 et al.), shall have
47 the power to conduct investigations, hold hearings, compel the

1 attendance of witnesses and the production before it of such books
2 and papers as it may deem necessary, proper and relevant to the
3 matter under investigation. The members of the commission and
4 the persons appointed by the commission for that purpose are
5 hereby empowered to administer oaths and examine witnesses
6 under oath.

7 (g) The commission is authorized to render advisory opinions as
8 to whether a given set of facts and circumstances would, in its
9 opinion, constitute a violation of the provisions of P.L.1971, c.182
10 (C.52:13D-12 et al.) or of a code of ethics promulgated pursuant to
11 the provisions of P.L.1971, c.182 (C.52:13D-12 et al.).

12 (h) The commission shall have jurisdiction to initiate, receive,
13 hear and review complaints regarding violations, by any current or
14 former State officer or employee or current or former special State
15 officer or employee, in the Executive Branch, of the provisions of
16 P.L.1971, c.182 (C.52:13D-12 et al.) or of a code of ethics
17 promulgated pursuant to the provisions of P.L.1971, c.182
18 (C.52:13D-12 et al.). Any complaint regarding a violation of a code
19 of ethics may be referred by the commission for disposition in
20 accordance with subsection (d) of section 12 of P.L.1971, c.182
21 (C.52:13D-23).

22 An investigation regarding a violation committed during service
23 by a former State officer or employee or special State officer or
24 employee shall be initiated by the commission not later than two
25 years following the termination of service.

26 The commission shall have the authority to dismiss a complaint
27 that it determines to be frivolous.

28 (i) Any current or former State officer or employee or current
29 or former special State officer or employee found guilty by the
30 commission of violating any provision of P.L.1971, c.182
31 (C.52:13D-12 et al.) or of a code of ethics promulgated pursuant to
32 the provisions of P.L.1971, c.182 (C.52:13D-12 et al.) shall be fined
33 not less than \$500 nor more than \$10,000, which penalty may be
34 collected in a summary proceeding pursuant to the "Penalty
35 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.),
36 and may be suspended from office or employment by order of the
37 commission for a period of not in excess of one year. If the
38 commission finds that the conduct of the officer or employee
39 constitutes a willful and continuous disregard of the provisions of
40 P.L.1971, c.182 (C.52:13D-12 et al.) or of a code of ethics
41 promulgated pursuant to the provisions of P.L.1971, c.182
42 (C.52:13D-12 et al.), it may order that person removed from office
43 or employment and may further bar the person from holding any
44 public office or employment in this State in any capacity
45 whatsoever for a period of not exceeding five years from the date
46 on which the person was found guilty by the commission.

1 In addition, for violations occurring after the effective date of
2 P.L.2005, c.382, the commission may order restitution, demotion,
3 censure or reprimand, or for a failure to file an appropriate financial
4 disclosure statement or form, shall impose a civil penalty of \$50 for
5 each day of the violation, which penalty may be collected in a
6 summary proceeding pursuant to the "Penalty Enforcement Law of
7 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

8 (j) The remedies provided herein are in addition to all other
9 criminal and civil remedies provided under the law.

10 (k) The commission shall promulgate, pursuant to the
11 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
12 seq.), such rules and regulations as may be necessary to effectuate
13 the purposes of P.L.1971, c.182 (C.52:13D-12 et al.).

14 (l) (1) The commission shall communicate periodically with the
15 State Auditor, the State Inspector General, the State Commission of
16 Investigation and the Office of Government Integrity, or its
17 successor, in the Department of Law and Public Safety.

18 (2) The Executive Director of the commission shall meet with
19 the head of each principal department of the Executive Branch of
20 State Government, each board member if a board is considered the
21 head of a principal department, and the Secretary of Agriculture, the
22 Commissioner of Education, and the Secretary and Chief Executive
23 Officer of the New Jersey Commerce and Economic Growth
24 Commission, within 30 days after the head, member, secretary or
25 commissioner takes office, and shall meet annually with these
26 individuals as a group, to inform them of the laws, regulations,
27 codes, orders, procedures, advisory opinions and rulings concerning
28 applicable ethical standards.

29 (m) The commission shall create and maintain a toll-free
30 telephone number to receive comments, complaints and questions
31 concerning matters under the jurisdiction of the commission.
32 Information or questions received by the commission by this means
33 shall be confidential and not accessible to the public pursuant to
34 P.L.1963, c.73 (C.47:1A-1 et seq.).

35 (n) Financial disclosure statements required to be submitted to
36 the commission by law, regulation or executive order shall be made
37 available to the public, promptly after receipt, on the Internet site of
38 the commission, commencing with submissions for 2005.

39 (o) The commission shall prepare and ensure the distribution to
40 each State officer and employee and special State officer and
41 employee in a State agency in the Executive Branch of a plain
42 language ethics guide which provides a clear and concise summary
43 of the laws, regulations, codes, orders, procedures, advisory
44 opinions and rulings concerning ethical standards applicable to such
45 officers and employees. The guide shall be prepared to promote
46 ethical day-to-day decision making, to give general advice
47 regarding conduct and situations, to provide easy reference to

1 sources, and to explain the role, activities and jurisdiction of the
2 State Ethics Commission. Each State officer and employee and
3 special State officer and employee shall certify that he or she has
4 received the guide, reviewed it and understands its provisions.

5 (p) The commission shall have jurisdiction to enforce the
6 provisions of an Executive Order that specifically provides for
7 enforcement by the commission.

8 (cf: P.L.2005, c.382, s.1)

9

10 ¹**[21.] 17.**¹ (New section) a. Within 180 days following the
11 effective date of P.L. , c. (C.) (pending before the Legislature
12 as this act), the State Ethics Commission shall promulgate a
13 uniform code of ethics to govern and guide the conduct of all school
14 officials. The ethics code promulgated pursuant to this subsection
15 shall include the provisions of section 4 of P.L.1991, c.393
16 (C.18A:12-24).

17 b. A local school district may establish a supplemental code of
18 ethics to address the particular needs and problems of the school
19 district. A supplemental code of ethics established pursuant to this
20 subsection shall become effective only upon its approval by the
21 State Ethics Commission. A representative of a local school district
22 may consult with the State Ethics Commission at any time in
23 connection with the preparation or revision of a supplemental code
24 of ethics.

25

26 ¹**[22.] 18.**¹ (New section) a. In addition to the powers and
27 duties set forth in P.L.1971, c.182 (C.52:13D-21 et seq.), the State
28 Ethics Commission shall:

29 (1) Pursuant to the provisions of P.L.1971, c.182 (C.52:13D-12
30 et seq.), have the power to conduct investigations, hold hearings,
31 compel the attendance of witnesses and the production before it of
32 such books and papers as it may deem necessary, proper and
33 relevant to the matter under investigation. The members of the
34 commission and the persons appointed by the commission for that
35 purpose are hereby empowered to administer oaths and examine
36 witnesses under oath;

37 (2) Be authorized to render advisory opinions as to whether a
38 given set of facts and circumstances would, in its opinion, constitute
39 a violation of the provisions of P.L.1991, c.393 (C.18A:12-21 et
40 seq.), section 5 of P.L.2001, c.178 (C.18A:12-24.1),
41 P.L. , c. (C.) (pending before the Legislature as this bill), or a
42 code of ethics established by a local school district;

43 (3) Have jurisdiction to initiate, receive, hear, and review
44 complaints regarding violations by any current or former school
45 official, of the provisions of P.L.1991, c.393 (C.18A:12-21 et seq.),
46 section 5 of P.L.2001, c.178 (C.18A:12-24.1), P.L. , c. (C.)
47 (pending before the Legislature as this bill), or a code of ethics

1 established by the State Ethics Commission or by a local school
2 district.

3 An investigation regarding a violation committed during service
4 by a school official shall be initiated by the commission not later
5 than two years following the termination of service.

6 The commission shall have the authority to dismiss a complaint
7 that it determines to be frivolous; and

8 (4) Conduct audits of the ethics policies, procedures and
9 practices of local school districts to determine their compliance
10 with the reporting, documentation, training and other ethics
11 requirements contained in P.L.1991, c.393 (C.18A:12-21 et seq.),
12 section 5 of P.L.2001, c.178 (C.18A:12-24.1), P.L. , c. (C.)
13 (pending before the Legislature as this bill), or a code of ethics
14 established by the State Ethics Commission or by a local school
15 district, and require local school districts to correct any deficiencies
16 identified by an audit.

17 b. Any current or former school official found guilty by the
18 commission of violating any provision of P.L.1991, 393 (C.18A:12-
19 21 et seq.), section 5 of P.L.2001, c.178 (C.18A:12-24.1), P.L. , c.
20 (C.) (pending before the Legislature as this bill), or a code of
21 ethics established by the State Ethics Commission or a local school
22 district, shall be fined not less than \$500 nor more than \$10,000 per
23 violation, which penalty may be collected in a summary proceeding
24 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,
25 c.274 (C.2A:58-10 et seq.).

26 A school official may be suspended from office or employment
27 if the commission finds that the conduct constitutes a willful and
28 continuous disregard of the provisions of P.L.1991, c.393
29 (C.18A:12-21 et seq.), section 5 of P.L.2001, c.178 (C.18A:12-
30 24.1), P.L. , c. (C.) (pending before the Legislature as this
31 bill), or a code of ethics established by the State Ethics Commission
32 or the local school district.

33 The commission may order restitution, demotion, censure or
34 reprimand.

35 c. The remedies provided herein are in addition to all other
36 criminal and civil remedies provided under the law.

37

38 ¹[23.] 19.¹ (New section) Violations of a code of ethics
39 established pursuant to P.L.1991, c.393 (C.18A:12-21 et seq.),
40 section 5 of P.L.2001, c.178 (C.18A:12-24.1), P.L. , c. (C.)
41 (pending before the Legislature as this bill), or a code of ethics
42 established by the local school district shall be cause for removal,
43 suspension, demotion or other disciplinary action by the board of
44 education having the power of removal or discipline. No action for
45 removal or discipline shall be taken under this subsection except
46 upon the referral or with the approval of the State Ethics
47 Commission and in accordance with the procedures governed by the

1 applicable provisions of Title 18A of the New Jersey Statutes
2 regarding tenure rights or Title 11A of the New Jersey Statutes.

3
4 ¹**[24.]** 20.¹ (New section) No person shall induce or attempt to
5 induce any school official to violate any provision of P.L.1991,
6 c.393 (C.18A:12-21 et seq.), section 5 of P.L.2001, c.178
7 (C.18A:12-24.1), P.L. , c. (C.) (pending before the Legislature
8 as this bill), or a code of ethics established by a local school district.
9 Any person who willfully violates this section is a disorderly
10 person, and shall be subject to a fine not to exceed \$500 or
11 imprisonment not to exceed 6 months, or both. The commission
12 shall refer these matters to appropriate law enforcement agencies.

13
14 ¹**[25.]** 21.¹ (New section) No school official, subsequent to the
15 termination of his office or employment in the local school district,
16 shall represent, appear for, negotiate on behalf of, or provide
17 information not generally available to members of the public or
18 services to, or agree to represent, appear for, negotiate on behalf of,
19 or provide information not generally available to members of the
20 public or services to, whether by himself or through any
21 partnership, firm, or corporation in which he has an interest or
22 through any partner, officer, or employee thereof, any person or
23 party other than the local school district in connection with any
24 cause, proceeding, application, or other matter with respect to
25 which the school official shall have made any investigation,
26 rendered any ruling, given any opinion, or been otherwise
27 substantially and directly involved at any time during the course of
28 his office or employment.

29
30 ¹**[26.]** 22.¹ (New section) When a quorum of a board of
31 education or a board of trustees of a charter school invokes the
32 doctrine of necessity, it shall use the following procedure:

- 33 a. Adopt a resolution setting forth that it is invoking the
34 doctrine of necessity, the reason for doing so, and the specific
35 nature of the conflict of interest;
36 b. Read the resolution at a regularly scheduled public meeting;
37 and
38 c. Post a copy of the resolution for 30 days in the place where
39 it posts other public notices.

40
41 ¹**[27.]** 23.¹ (New section) a. The School Ethics Commission
42 established pursuant to section 7 of P.L.1991, c.393 (C.18A:12-27)
43 is abolished and all of its functions, powers, and duties are
44 transferred to and assumed by the State Ethics Commission.

45 b. Whenever, in any law, rule, regulation, order, contract,
46 document, judicial or administrative proceeding or otherwise,

1 reference is made to the School Ethics Commission, the same shall
2 mean and refer to the State Ethics Commission.

3 c. All cases pending before the School Ethics Commission on
4 the effective date of this act shall be transmitted to the State Ethics
5 Commission for resolution consistent with the provisions of P.L. ,
6 c. (C.) (pending before the Legislature as this bill).

7 d. Initial decisions rendered on or after the effective date of
8 this act in contested matters previously transmitted to the Office of
9 Administrative Law by the State Ethics Commission shall be
10 transmitted to the State Ethics Commission for final decision
11 consistent with section 10 of P.L.1968, c.410 (C.52:14B-10).

12 e. This transfer shall be subject to the provisions of the "State
13 Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

14

15 ¹**[28.]** 24.¹ (New section) Local government officers or
16 employees under the jurisdiction of the State Ethics Commission
17 shall comply with the uniform local ethics code promulgated by the
18 State Ethics Commission, which shall include the following
19 provisions:

20 a. No local government officer or employee, member of his
21 immediate family, relative, or cohabitant shall have an interest in a
22 business organization or engage in any business, transaction, or
23 professional activity, which is in substantial conflict with the proper
24 discharge of his duties in the public interest;

25 b. No independent local authority shall, for a period of one year
26 next subsequent to the termination of office of a member of that
27 authority:

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

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

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

37 The restrictions contained in this subsection shall also apply to
38 any business organization in which the former authority member
39 holds an interest.

40 c. No local government officer or employee shall use or
41 attempt to use his official position to secure unwarranted privileges
42 or advantages for himself or others;

43 d. No local government officer or employee shall act in his
44 official capacity in any matter where he, a relative or cohabitant, or
45 a business organization in which he has an interest, has a direct or
46 indirect financial or personal involvement that might reasonably be
47 expected to impair his objectivity or independence of judgment;

- 1 e. No local government officer or employee shall undertake
2 any employment or service, whether compensated or not, which
3 might reasonably be expected to impair his objectivity or
4 independence of judgment in the exercise of his official duties;
- 5 f. No local government officer or employee, member of his
6 immediate family, cohabitant, partner, associate, or business
7 organization in which he has an interest, shall directly or indirectly
8 solicit or accept any gift, favor, loan, political contribution, service,
9 employment, promise of future employment, or other thing of value
10 related in any way to the local government officer's or employee's
11 public duties. This provision shall not apply to the solicitation or
12 acceptance of contributions to the campaign of an announced
13 candidate for elective public office, if the local government officer
14 has no knowledge or reason to believe that the campaign
15 contribution, if accepted, was given with the intent to influence the
16 local government officer in the discharge of his official duties;
- 17 g. No local government officer or employee shall knowingly
18 act in any way that might reasonably be expected to create an
19 impression or suspicion among the public having knowledge of his
20 acts that he may be engaged in conduct violative of his trust as a
21 local government officer or employee;
- 22 h. No local government officer or employee shall use, or
23 willfully disclose to any person, any information, not generally
24 available to the members of the public, which he receives or
25 acquires in the course of and by reason of his office or employment;
- 26 i. No local government officer or employee or business
27 organization in which he has an interest shall represent, appear for,
28 or negotiate on behalf of, or agree to represent, appear for, or
29 negotiate on behalf of, any person or party other than the local
30 government in connection with any cause, proceeding, application
31 or other matter pending before any agency in the local government
32 in which he serves. This provision shall not be deemed to prohibit
33 one local government employee from representing another local
34 government employee where the local government agency is the
35 employer and the representation is within the context of official
36 labor union or similar representational responsibilities;
- 37 j. No local government officer or employee or business
38 organization in which he has an interest shall knowingly undertake
39 or execute, in whole or in part, any contract, agreement, sale or
40 purchase of the value of \$25 or more, made, entered into, awarded
41 or granted by any agency in the local government in which he
42 serves. The provisions of this subsection shall not apply to
43 contracts, agreements, sales or purchases which are made or let
44 after public notice and competitive bidding.
- 45 k. No local government officer or employee shall supervise, or
46 exercise authority with regard to personnel actions over, a relative
47 or cohabitant of the local government officer or employee;

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

9 m. No elected local government officer shall be prohibited from
10 making an inquiry for information on behalf of a constituent, if no
11 fee, reward or other thing of value is promised to, given to or
12 accepted by the officer or a member of his immediate family,
13 whether directly or indirectly, in return therefor; and

14 n. Nothing shall prohibit any local government officer or
15 employee, or members of his immediate family, from representing
16 himself, or themselves, in negotiations or proceedings concerning
17 his, or their, own interests.

18
19 ¹**[29.] 25.**¹ (New section) In addition to the powers and duties
20 set forth in section 10 of P.L.1971, c.182 (C.52:13D-21), the State
21 Ethics Commission may:

22 a. Initiate, receive, hear and review complaints and hold
23 hearings with regarding to possible violations of P.L. , c. (C.)
24 (pending before the Legislature as this bill) or any code of ethics
25 promulgated pursuant to this act by any current or former school
26 officials, local government employee or local government officer.
27 An investigation regarding a violation committed during service by
28 a former local government employee or local government officer
29 shall be initiated by the commission not later than two years
30 following the termination of service;

31 b. Refer complaints received by the commission to a county or
32 municipal ethics board with jurisdiction over the matter;

33 c. Conduct investigations, hold hearings, and issue subpoenas
34 to compel the attendance of witnesses and the production before it
35 of such books and papers as it may deem necessary, proper and
36 relevant to the matter under investigation. The members of the
37 commission and the persons appointed by the commission for that
38 purpose are hereby empowered to administer oaths and examine
39 witnesses under oath;

40 d. Hear and determine any appeal of a decision made by a
41 county or municipal ethics board;

42 e. Forward to the county prosecutor or the Attorney General or
43 other governmental body any information concerning violations of
44 P.L. , c. (C.) (pending before the Legislature as this bill)
45 which may become the subject of criminal prosecution or which
46 may warrant the institution of other legal proceedings by the
47 Attorney General;

1 f. Render advisory opinions as to whether a given set of facts
2 and circumstances would constitute a violation of this act or of a
3 code of ethics promulgated pursuant to the provisions of P.L. ,
4 c. (C.) (pending before the Legislature as this bill);

5 g. Enforce the provisions of P.L. , c. (C.) (pending
6 before the Legislature as this bill) and impose penalties for the
7 violation thereof;

8 h. Create a uniform local ethics code that establishes ethical
9 standards applicable to all local government employees and local
10 government officers;

11 i. Establish procedures ensuring that each local government
12 employee or local government officer receives a copy of the
13 uniform local ethics code. Each local government employee or
14 local government officer shall certify that he or she has received the
15 uniform local ethics code, reviewed it, and understands its
16 provisions;

17 j. Establish an ethics training program for local government
18 officers and employees that must be completed by local government
19 officers and employees at such times and in such intervals as the
20 commission shall require;

21 k. Conduct audits of the ethics policies, procedures and
22 practices of local government agencies to determine their
23 compliance with the reporting, documentation, training and other
24 ethics requirements contained in P.L. , c. (C.) (pending
25 before the Legislature as this bill), a code of ethics, and any
26 regulation adopted pursuant to P.L. , c. (C.) (pending
27 before the Legislature as this bill), and to require local government
28 agencies to correct any deficiencies identified by an audit; and

29 l. Adopt rules and regulations pursuant to the "Administrative
30 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) and to do
31 other things as are necessary to implement the purposes of ¹**[this**
32 **act]** P.L. , c. (C.) (pending before the Legislature as this
33 bill), including phasing-in the commission's local ethics
34 responsibilities in order to first assume municipal and county ethics
35 administration, followed by the assumption of school ethics
36 administration after an appropriate time period¹.

37
38 ¹**[30.] 26.**¹ The following sections are repealed:

39 Sections 5, 7, 8, 9, 10 and 11 of P.L.1991, c.393 (C.18A:12-25,
40 C.18A:12-27, C.18A:12-28, C.18A:12-29, C.18A:12-30, C.18A:12-
41 31);

42 Section 1 of P.L.2004, c.131 (C.18A:12-23.1);

43 Section 3 of P.L.2008, c.36 (C.18A:12-29.1); ¹**[and]**¹

44 Sections 5, 7 and 9 of P.L.1991, c.29 (C.40A:9-22.5, C.40A:9-
45 22.7, and C.40A:9-22.9) ¹;

46 Section 15 of P.L.1991, c.29 (C.40A:9-22.15);

47 Section 16 of P.L.1991, c.29 (C.40A:9-22.16);

1 Section 17 of P.L.1991, c.29 (C.40A:9-22.17);
2 Section 18 of P.L.1991, c.29 (C.40A:9-22.18);
3 Section 19 of P.L.1991, c.29 (C.40A:9-22.19);
4 Section 20 of P.L.1991, c.29 (C.40A:9-22.20);
5 Section 21 of P.L.1991, c.29 (C.40A:9-22.21);
6 Section 22 of P.L.1991, c.29 (C.40A:9-22.22);
7 Section 23 of P.L.1991, c.29 (C.40A:9-22.23); and
8 Section 24 of P.L.1991, c.29 (C.40A:9-22.24)¹.
9
10 ¹**[31.]** 27.¹ This act shall take effect immediately.