

ASSEMBLY, No. 654

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

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District 36 (Bergen and Passaic)

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Assemblywoman Lampitt

SYNOPSIS

Requires all elected or appointed local government officers to receive ethics training.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 1/3/2022)

1 AN ACT concerning local government ethics and supplementing
2 P.L.1991, c.29 (C.40A:9-22.1 et seq.).

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

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7 1. a. Each local government officer serving in this State shall
8 complete a training program regarding the requirements of the
9 "Local Government Ethics Law," P.L.1991, c.29 (C.40A:9-22.1 et
10 seq.), and any additional requirements of an applicable municipal or
11 county code of ethics adopted pursuant thereto. A newly elected or
12 appointed local government officer shall complete the training
13 program required under this section during the first six months of
14 the officer's first term, or if first elected or appointed prior to the
15 promulgation of rules and regulations under section 2 of P.L. ,
16 c. (C.) (pending before the Legislature as this bill), within six
17 months following the promulgation of those rules and regulations.
18 Once a local government officer completes the training program
19 required by this section, that officer shall not be required to repeat
20 the training when subsequently elected or appointed to any other
21 local governing body or local government agency, except for
22 updates as may be required under subsection b. of this section.

23 b. The Division of Local Government Services in the
24 Department of Community Affairs shall develop the training
25 program required pursuant to subsection a. of this section. In
26 developing the program, the division shall examine similar
27 programs developed by the various public, non-profit, and private
28 sector entities currently at the forefront of government ethics issues
29 and training across the country, and shall survey the available
30 training resources and methods. The training program that is
31 developed shall not be limited to live training venues, but may
32 instead be delivered through online or video technology when
33 practicable. The training may be provided by employees of the
34 department or by any person, agency, organization or entity
35 contracted by the department for that purpose, and shall be offered
36 on a semi-yearly or more frequent basis at locations easily
37 accessible to those receiving the training. The training program
38 may include a requirement that local government officers attend
39 update sessions when there is a significant change to the ethics laws
40 or regulations.

41 c. Upon completion of the training required pursuant to this
42 section, each local government officer shall sign a statement
43 asserting that the officer has received the training and understands
44 the requirements of the "Local Government Ethics Law," P.L.1991,
45 c.29 (C.40A:9-22.1 et seq.), and any additional requirements of an
46 applicable municipal or county code of ethics adopted pursuant
47 thereto.

1 2. Within 120 days of the effective date of this act, the
2 Commissioner of Community Affairs shall, in accordance with the
3 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
4 seq.), adopt and promulgate the rules and regulations necessary for
5 the implementation of this act. The rules and regulations shall
6 include a time frame that shall not exceed 18 months from the
7 promulgation of the rules and regulations, for the training of each
8 local government officer in this State serving at that time, and shall
9 implement in an escalating schedule, from \$1,000 to \$5,000,
10 personal fines that shall not be paid or reimbursed by the governing
11 body or local government agency, for the failure of a local
12 government officer to complete the training within the specified
13 time frame. Fines imposed pursuant to this subsection shall be
14 collected in accordance with the "Penalty Enforcement Law of
15 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

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17 3. This act shall take effect immediately, except that section 1
18 shall remain inoperable until the promulgation of rules and
19 regulations pursuant to section 2.

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STATEMENT

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24 This bill would supplement the "Local Government Ethics Law,"
25 P.L.1991, c.29 (C.40A:9-22.1 et seq.), to require all local
26 government officers to complete training concerning the
27 requirements of that law and any applicable municipal or county
28 code of ethics adopted pursuant thereto. The law currently defines
29 a "local government officer" as:

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any person whether compensated or not, whether
part-time or full-time: (1) elected to any office of a
local government agency; (2) serving on a local
government agency which has the authority to enact
ordinances, approve development applications or
grant zoning variances; (3) who is a member of an
independent municipal, county or regional authority;
or (4) who is a managerial executive or confidential
employee of a local government agency, as defined in
section 3 of the "New Jersey Employer-Employee
Relations Act," P.L.1941, c.100 (C.34:13A-3), but
shall not mean any employee of a school district or
member of a school board.

The training would be developed by the Division of Local
Government Services in the Department of Community Affairs, and
would be administered on a semi-annual or more frequent basis by
employees of that department or by an individual, agency,
organization or entity contracted by the department to do so. In
developing the training, the bill would require the division to

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1 examine similar programs in this and other states and to survey the
2 available training resources and methods. The Commissioner of
3 Community Affairs would develop the program's rules and
4 regulations, which would include a time frame, not to exceed 18
5 months from the promulgation of the rules, for the training and an
6 escalating fine schedule, from \$1,000 to \$5,000, for the failure of a
7 local government officer to receive the training within the specified
8 time frame.

9 Recently, the widely publicized violations of law at the local
10 level underscore the need for legislative measures such as this bill.
11 The education and training of all local government officers, as this
12 bill would require, is an important first step towards greater
13 integrity at all levels of government.