

ASSEMBLY, No. 3515

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED MARCH 8, 2022

Sponsored by:
Assemblyman PAUL D. MORIARTY
District 4 (Camden and Gloucester)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning various benefits and ethical standards for
2 public officers and employees and amending and supplementing
3 various parts of the statutory law.

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

7
8 1. Section 13 of P.L.1971, c.182 (C.52:13D-24) is amended to
9 read as follows:

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

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

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

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

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

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 or of two or more states, or any political subdivision of another
2 state.

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

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

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

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

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

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

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

1 e. A violation of this section shall not constitute a crime or
2 offense under the laws of this State.

3 (cf: P.L.2008, c.29, s.105)

4
5 2. Section 2 of P.L.2003, c.255 (C.52:13D-24.1) is amended as
6 follows:

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

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

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

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

3 (cf: P.L.2005, c.382, s.15)
4

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

46 l. No board member, employee of a school district, or
47 employee or officer of the New Jersey School Boards Association
48 shall solicit or accept any gift, favor, loan, political contribution,

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

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

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

1 available to the member, officer, or employee for the purposes of
2 this subsection.

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

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

10

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

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

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

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

46 In making a determination regarding an alleged violation of the
47 Code of Ethics for School Board Members, the burden of proof
48 shall be on the accusing party to establish factually a violation of

1 the code. A decision regarding a complaint alleging violations of
2 the code shall be rendered by the commission within 90 days of the
3 receipt of the complaint by the commission.

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

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

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

42 d. Any appeal of the commission's determination regarding a
43 violation of this act, or in the case of a board member, this act or the
44 code of ethics, and of the commissioner's decision regarding the
45 sanction shall be in accordance with the provisions of P.L.2008,
46 c.36 (C.18A:6-9.1 et al.).

47 e. If prior to the hearing the commission determines, by
48 majority vote, that the complaint is frivolous, the commission may

1 impose on the complainant a fine not to exceed \$500. The standard
2 for determining whether a complaint is frivolous shall be the same
3 as that provided in subsection b. of section 1 of P.L.1988, c.46
4 (C.2A:15-59.1).

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

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

20
21 6. Section 5 of P.L.1991, c.29 (C.40A:9-22.5) is amended to
22 read as follows:

23 5. Local government officers or employees under the
24 jurisdiction of the Local Finance Board shall comply with the
25 following provisions:

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

31 b. No independent local authority shall, for a period of one year
32 next subsequent to the termination of office of a member of that
33 authority:

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

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

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

43 The restrictions contained in this subsection shall also apply to
44 any business organization in which the former authority member
45 holds an interest.

46 c. No local government officer or employee shall use or
47 attempt to use his official position to secure unwarranted privileges
48 or advantages for himself or others;

- 1 d. No local government officer or employee shall act in his
2 official capacity in any matter where he, a member of his immediate
3 family, or a business organization in which he has an interest, has a
4 direct or indirect financial or personal involvement that might
5 reasonably be expected to impair his objectivity or independence of
6 judgment;
- 7 e. No local government officer or employee shall undertake
8 any employment or service, whether compensated or not, which
9 might reasonably be expected to prejudice his independence of
10 judgment in the exercise of his official duties;
- 11 f. No **【**local government officer or employee,**】** member of
12 **【**his**】** the immediate family of a local government officer or
13 employee, or business organization in which **【**he**】** the local
14 government officer or employee has an interest, shall solicit or
15 accept any gift, favor, loan, political contribution, service, promise
16 of future employment, or other thing of value **【**based upon an
17 understanding**】** under circumstances from which it may be
18 reasonably inferred that the gift, favor, loan, contribution, service,
19 promise, or other thing of value was given or offered for the
20 purpose of influencing **【**him**】** the local government officer or
21 employee, directly or indirectly, in the discharge of his official
22 duties. This provision shall not apply to the solicitation or
23 acceptance of contributions to the campaign of an announced
24 candidate for elective public office, if the family member of the
25 local government officer or employee has no knowledge or reason
26 to believe that the campaign contribution, if accepted, was given
27 with the intent to influence the local government officer or
28 employee in the discharge of his official duties;
- 29 g. No local government officer or employee shall use, or allow
30 to be used, his public office or employment, or any information, not
31 generally available to the members of the public, which he receives
32 or acquires in the course of and by reason of his office or
33 employment, for the purpose of securing financial gain for himself,
34 any member of his immediate family, or any business organization
35 with which he is associated;
- 36 h. No local government officer or employee or business
37 organization in which he has an interest shall represent any person
38 or party other than the local government in connection with any
39 cause, proceeding, application or other matter pending before any
40 agency in the local government in which he serves. This provision
41 shall not be deemed to prohibit one local government employee
42 from representing another local government employee where the
43 local government agency is the employer and the representation is
44 within the context of official labor union or similar representational
45 responsibilities;
- 46 i. No local government officer shall be deemed in conflict with
47 these provisions if, by reason of his participation in the enactment

1 of any ordinance, resolution or other matter required to be voted
2 upon or which is subject to executive approval or veto, no material
3 or monetary gain accrues to him as a member of any business,
4 profession, occupation or group, to any greater extent than any gain
5 could reasonably be expected to accrue to any other member of
6 such business, profession, occupation or group;

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

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

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

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

44 n. No local government officer or employee, nor a member of
45 the immediate family of the officer or employee, shall solicit,
46 receive or agree to receive, whether directly or indirectly, any ticket
47 or other form of admission to any place of entertainment that is
48 provided free of charge or at a discounted rate by the sponsor,

1 promoter, performer, owner or operator of the event or
2 entertainment venue unless the same free or reduced admission is
3 available to (a) the public; (b) a class consisting of all local
4 government officers or employees, whether or not restricted on the
5 basis of geographic consideration; (c) all members of a group or
6 class in which membership is unrelated to local government agency
7 service; (d) all members of an organization, such as an employees'
8 association or local government officers' or employees' credit
9 union, in which membership is related to local government agency
10 service; or (e) a group or class that is not defined in a manner that
11 specifically discriminates among local government agency officers
12 or employees on the basis of branch of government or type of
13 responsibility, or on a basis that favors those of higher rank or rate
14 of pay. Free or discounted admission available to the member of
15 the immediate family of an officer or employee shall be treated as
16 available to the officer or employee for the purposes of this
17 subsection.

18 As used in this subsection, "place of entertainment" means any
19 privately or publicly owned and operated entertainment facility
20 within or outside of this State, such as a theater, stadium, museum,
21 arena, racetrack or other place where performances, concerts,
22 exhibits, games or contests are held and for which an entry fee is
23 charged.

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

25

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

28 10. a. An appointed local government officer or employee
29 found guilty by the Local Finance Board or a county or municipal
30 ethics board of the violation of any provision of P.L.1991, c.29
31 (C.40A:9-22.1 et seq.) or of any code of ethics in effect pursuant to
32 P.L.1991, c.29 (C.40A:9-22.1 et seq.), shall be fined not less than
33 \$100.00 nor more than \$500.00, or not less than \$500 nor more than
34 \$10,000 for a violation of subsection l. or m. of section 5 of
35 P.L.1991, c.29 (C.40A:9-22.5), which penalty may be collected in a
36 summary proceeding pursuant to "The Penalty Enforcement Law of
37 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The board or a county
38 or municipal ethics board shall report its findings to the office or
39 agency having the power of removal or discipline of the appointed
40 local government officer or employee and may recommend that
41 further disciplinary action be taken. If a board finds that the
42 conduct of the appointed local government officer or employee
43 constitutes a willful and continuous disregard of the provision of
44 subsection l. of section 5 of P.L.1991, c.29 (C.40A:9-22.5), the
45 office or agency may order that the officer or employee be removed
46 from office or employment and may further bar the officer or
47 employee from holding any public office or employment in this
48 State in any capacity whatsoever for a period not exceeding five

1 years from the date on which the officer or employee was found by
2 the board to have committed a violation.

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

8 b. An elected local government officer or employee found
9 guilty by the Local Finance Board or a county or municipal ethics
10 board of the violation of any provision of P.L.1991, c.29 (C.40A:9-
11 22.1 et seq.) or of any code of ethics in effect pursuant to P.L.1991,
12 c.29 (C.40A:9-22.1 et seq.), shall be fined not less than \$100.00 nor
13 more than \$500.00, or not less than \$500 nor more than \$10,000 for
14 a violation of subsection l. or m. of section 5 of P.L.1991, c.29
15 (C.40A:9-22.5), which penalty may be collected in a summary
16 proceeding pursuant to ["The"] the "Penalty Enforcement Law of
17 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). In addition, a person
18 who willfully violates the provision of subsection m. of section 5 of
19 P.L.1991, c.29 (C.40A:9-22.5) shall be guilty of a disorderly
20 persons offense and shall be subject to a fine not to exceed \$1,000,
21 or imprisonment not to exceed six months, or both.

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

24 (cf: P.L.1999, c.440, s.101)

25
26 8. Section 9 of P.L.1991, c.29 (C.40A:9-22.9) is amended to
27 read as follows:

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

1 or information concerning the complaint which he wishes.
2 Thereafter, if the board determines that a reasonable doubt exists as
3 to whether the local government officer or employee is in conflict
4 with the provisions of this act, the board shall conduct a hearing in
5 the manner prescribed by section 12 of this act, concerning the
6 possible violation and any other facts and circumstances which may
7 have come to the attention of the board with respect to the conduct
8 of the local government officer or employee. The board shall
9 render a decision as to whether the conduct of the officer or
10 employee is in conflict with the provisions of this act. This
11 decision shall be made by no less than two-thirds of all members of
12 the board. If the board determines that the officer or employee is in
13 conflict with the provisions of this act, it may impose any penalties
14 which it believes appropriate within the limitations of this act. A
15 final decision of the board may be appealed in the same manner as
16 any other final State agency decision.

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

18

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

21 18. The county ethics board, upon receipt of a signed written
22 complaint by any person alleging that the conduct of any local
23 government officer or employee serving the county is in conflict
24 with the county code of ethics or any financial disclosure
25 requirements shall acknowledge receipt of the complaint within 30
26 days of receipt and initiate an investigation concerning the facts and
27 circumstances set forth in the complaint. With regard to subsection
28 m. of section 5 of P.L.1991, c.29 (C.40A:9-22.5), the board shall
29 have continued jurisdiction over an officer or employee following
30 the termination of service by that officer or employee in an office or
31 employment. The ethics board shall make a determination as to
32 whether the complaint is within its jurisdiction or frivolous or
33 without any reasonable factual basis. If the ethics board shall
34 conclude that the complaint is outside its jurisdiction, frivolous or
35 without factual basis, it shall reduce that conclusion to writing and
36 shall transmit a copy thereof to the complainant and to the local
37 government officer or employee against whom the complaint was
38 filed. Otherwise the ethics board shall notify the local government
39 officer or employee against whom the complaint was filed of the
40 nature of the complaint and the facts and circumstances set forth
41 therein. The officer or employee shall have the opportunity to
42 present the ethics board with any statement or information
43 concerning the complaint which he wishes. Thereafter, if the ethics
44 board determines that a reasonable doubt exists as to whether the
45 local government officer or employee is in conflict with the county
46 code of ethics or any financial disclosure requirements, it shall
47 conduct a hearing in the manner prescribed by section 12 of this act,
48 concerning the possible violation and any other facts and

1 circumstances which may have come to its attention with respect to
2 the conduct of the local government officer or employee. The
3 ethics board shall render a decision as to whether the conduct of the
4 officer or employee is in conflict with the county code of ethics or
5 any financial disclosure requirements. This decision shall be made
6 by no less than two-thirds of all members of the ethics board. If the
7 ethics board determines that the officer or employee is in conflict
8 with the code or any financial disclosure requirements, it may
9 impose any penalties which it believes appropriate within the
10 limitations of this act. A final decision of the ethics board may be
11 appealed to the Local Finance Board within 30 days of the decision.
12 (cf: P.L.1991, c.29, s.18)

13

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

16 24. The municipal ethics board, upon receipt of a signed written
17 complaint by any person alleging that the conduct of any local
18 government officer or employee serving the municipality is in
19 conflict with the municipal code of ethics or financial disclosure
20 requirements, shall acknowledge receipt of the complaint within 30
21 days of receipt and initiate an investigation concerning the facts and
22 circumstances set forth in the complaint. With regard to subsection
23 m. of section 5 of P.L.1991, c.29 (C.40A:9-22.5), the board shall
24 have continued jurisdiction over an officer or employee following
25 the termination of service by that officer or employee in an office or
26 employment. The ethics board shall make a determination as to
27 whether the complaint is within its jurisdiction or frivolous or
28 without any reasonable factual basis. If the ethics board shall
29 conclude that the complaint is outside its jurisdiction, frivolous or
30 without factual basis, it shall reduce that conclusion to writing and
31 shall transmit a copy thereof to the complainant and to the local
32 government officer or employee against whom the complaint was
33 filed. Otherwise the ethics board shall notify the local government
34 officer or employee against whom the complaint was filed of the
35 nature of the complaint and the facts and circumstances set forth
36 therein. The officer or employee shall have the opportunity to
37 present the ethics board with any statement or information
38 concerning the complaint which he wishes. Thereafter, if the ethics
39 board determines that a reasonable doubt exists as to whether the
40 local government officer or employee is in conflict with the
41 municipal code of ethics or any financial disclosure requirements, it
42 shall conduct a hearing in the manner prescribed by section 12 of
43 this act, concerning the possible violation and any other facts and
44 circumstances which may have come to its attention with respect to
45 the conduct of the local government officer or employee. The
46 ethics board shall render a decision as to whether the conduct of the
47 officer or employee is in conflict with the municipal code of ethics

1 or any financial disclosure requirements. This decision shall be
2 made by no less than two-thirds of all members of the ethics board.

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

9
10 11. Section 6 of P.L.1971, c.182 (C.52:13D-17) is amended to
11 read as follows:

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

28 Any person who willfully violates the provisions of this
29 **【section】** subsection is a disorderly person, and shall be subject to a
30 fine not to exceed \$1,000 or imprisonment not to exceed six
31 months, or both.

32 In addition, for violations occurring after the effective date of
33 P.L.2005, c.382, any former State officer or employee or former
34 special State officer or employee of a State agency in the Executive
35 Branch found by the State Ethics Commission to have violated any
36 of the provisions of this **【section】** subsection shall be assessed a
37 civil penalty of not less than \$500 nor more than \$10,000, which
38 penalty may be collected in a summary proceeding pursuant to the
39 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-
40 10 et seq.).

41 b. No person as defined herein, or any member of the person's
42 immediate family, or any partnership, firm, or corporation with
43 which such person is associated or in which the person has an
44 interest, or any partner, officer, director, or employee while the
45 person is associated with such partnership, firm, or corporation,
46 shall, within two years next subsequent to the termination of the
47 office or employment of such person, hold, directly or indirectly, an
48 interest in, or hold employment with, or represent, appear for or

1 negotiate on behalf of, any vendor or contractor that was awarded a
2 public contract with which the person had been substantially and
3 directly involved by making an investigation, rendering a ruling, or
4 giving an opinion at any time during the course of the person's
5 office or employment. As used in this subsection, "person" means a
6 State officer or employee or special State officer or employee,
7 including a member of the Legislature, the Governor, and the
8 Lieutenant Governor, and including the officers and employees of
9 the Office of the Governor and the Lieutenant Governor.

10 Any person who willfully violates the provision of this
11 subsection is a disorderly person, and shall be subject to a fine not
12 to exceed \$1,000, or imprisonment not to exceed six months, or
13 both. In addition, any former State officer or employee or former
14 special State officer or employee of a State agency in the Executive
15 Branch, including the Governor, and the Lieutenant Governor, and
16 including the officers and employees of the Office of the Governor
17 and the Lieutenant Governor, found by the State Ethics Commission
18 State to have violated the provision of this section shall be assessed
19 a fine of not less than \$500 nor more than \$10,000, which penalty
20 may be collected in a summary proceeding pursuant to the "Penalty
21 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

22 (cf: P.L.2005, c.382, s.3)

23
24 12. (New section) The State shall not provide, directly or
25 indirectly, to an officer, employee, or elected official of the State,
26 nor shall an officer, employee, or elected official of the State
27 accept:

28 a residence owned or leased by the State that the officer,
29 employee, or official may use at any time for personal purposes,
30 unless the use of the residence is directly related and essential to the
31 performance of those official duties of the officer, employee or
32 official, as documented in writing, that concern the maintenance of
33 security for specified persons or property, law enforcement, or the
34 health, safety, or welfare of members of the public;

35 an allowance, stipend, subsidy, or other form of payment for the
36 purchase, lease, or maintenance of a residence or a motor vehicle
37 owned or leased by the officer, employee, or official, or by an
38 immediate family member, for the personal or primarily personal
39 use of the officer, employee, or official, except reasonable mileage
40 reimbursement when the vehicle is used for the performance of
41 duties;

42 a motor vehicle owned or leased by the State that is assigned
43 exclusively to the officer, employee, or official on a full-time basis,
44 unless the assignment and use of the motor vehicle is directly
45 related and essential to the performance of those official duties of
46 the officer, employee, or official, as documented in writing, that
47 concern the maintenance of security for specified persons or
48 property, law enforcement, inspections or audits of regulated

1 facilities, entities, or persons, or the health, safety, or welfare of
2 members of the public, or is essential, as documented in writing, for
3 a specified period of time to the personal security of the officer,
4 employee, or official;

5 a driver or chauffer whose assigned full-time or part-time duties
6 are to operate any motor vehicle in which the officer, employee, or
7 official, or an immediate family member, is a passenger, unless the
8 driver is a law enforcement officer who is assigned also to provide
9 for the security of the officer, employee, or official when the need
10 for such security has been documented;

11 an exemption from the payment of any toll relating to the use of
12 a State toll bridge or toll road or fare relating to the use of the
13 transportation services of a State agency, or payment for any such
14 toll or fare or any other travel expense for commuting between the
15 place of residence and the place of employment or for tolls, fare, or
16 other travel expense not directly related to the performance of
17 duties by the officer, employee, or official;

18 a personal line of credit or a credit card, or an allowance,
19 stipend, subsidy, or other payment for a credit card, unless the use
20 of a credit card is directly related and essential to the performance
21 of those official duties of the officer, employee, or official, as
22 documented in writing, that concern the maintenance of security for
23 specified persons or property, law enforcement, inspections or
24 audits of regulated facilities, entities, or persons, or the health,
25 safety, or welfare of members of the public; or

26 tuition reimbursement for attendance of courses at an institution
27 of higher education, including a county college, within or outside of
28 this State, unless the course is taken at an accredited public
29 institution of higher education in this State, the reimbursement is
30 limited to not more than 50 percent of the tuition for each course,
31 the officer or employee receives a grade of at least a C or its
32 equivalent for the course, the course is directly related to the skills
33 and knowledge required for the duties being performed by the
34 officer or employee when the reimbursement is made or required
35 for the performance of the duties of a position to which the officer
36 or employee may directly be promoted from the current position,
37 and the officer and employee agrees to remain a public officer or
38 employee for five years after the final tuition reimbursement is
39 made. If the officer or employee does not remain a public officer or
40 employee for that period of time, the officer or employee shall be
41 required to reimburse the public entity for tuition reimbursements
42 made with the reimbursement pro-rated for the number of years the
43 public officer or employee remains after the final tuition
44 reimbursement is made. This paragraph shall not apply to tuition
45 reimbursement for a course or program that provides a certification
46 of a skill or understanding sufficient to perform or assess a
47 particular technological, mechanical, industrial, operational,

1 accounting, or construction process or function, and that
2 certification is required for holding that office or employment.

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

8 As used in this section, "State" means any of the principal
9 departments in the Executive Branch of the State Government, and
10 any division, board, bureau, office, commission or other
11 instrumentality within or created by such department; any
12 independent State authority, commission, instrumentality or agency;
13 the Offices of the Governor and the Lieutenant Governor and the
14 officers and employees of those offices; the Legislature of the State,
15 and any office, board, bureau or commission within or created by
16 the Legislative Branch; institutions of higher education of this
17 State; and, to the extent consistent with law, any interstate agency
18 to which New Jersey is a party.

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

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

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

27

28 13. (New section) A county or municipality, or any agency,
29 board, bureau, office, commission, or other instrumentality of a
30 county or municipality, and any independent local authority, or a
31 fire district, shall not provide, directly or indirectly, to an officer,
32 employee, or elected official, nor shall an officer, employee, or
33 official accept:

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

42 an allowance, stipend, subsidy, or other form of payment for the
43 purchase, lease, or maintenance of a residence or a motor vehicle
44 owned or leased by the officer, employee, or official, or by an
45 immediate family member, for the personal or primarily personal
46 use of the officer, employee, or official, except reasonable mileage
47 reimbursement when the vehicle is used for the performance of
48 duties;

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

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

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

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

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

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

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

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

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

23
24 14. (New section) A local school district shall not provide,
25 directly or indirectly, to an officer, employee, or elected official,
26 nor shall an officer, employee or official accept:

27 a residence owned or leased by the district that the officer,
28 employee, or official may use at any time for personal purposes,
29 unless the use of the residence is directly related and essential to the
30 performance of those official duties of the officer, employee or
31 official, as documented in writing, that concern the maintenance of
32 security for specified persons or property, law enforcement, or the
33 health, safety, or welfare of members of the public;

34 an allowance, stipend, subsidy, or other form of payment for the
35 purchase, lease, or maintenance of a residence or a motor vehicle
36 owned or leased by the officer, employee, or official, or by an
37 immediate family member, for the personal or primarily personal
38 use of the officer, employee, or official, except reasonable mileage
39 reimbursement when the vehicle is used for the performance of
40 duties;

41 a motor vehicle owned or leased by the district that is assigned
42 exclusively to the officer, employee, or official on a full-time basis,
43 unless the assignment and use of the motor vehicle is directly
44 related and essential to the performance of those official duties of
45 the officer, employee, or official, as documented in writing, that
46 concern the maintenance of security for specified persons or
47 property, law enforcement, inspections or audits of regulated
48 facilities, entities, or persons, or the health, safety, or welfare of

1 members of the public, or is essential, as documented in writing, for
2 a specified period of time to the personal security of the officer,
3 employee, or official;

4 a driver or chauffer whose assigned full-time or part-time duties
5 are to operate any motor vehicle in which the officer, employee, or
6 official, or an immediate family member, is a passenger, unless the
7 driver is a law enforcement officer who is assigned also to provide
8 for the security of the officer, employee, or official when the need
9 for such security has been documented;

10 an exemption from the payment of any toll relating to the use of
11 a State toll bridge or toll road or fare relating to the use of the
12 transportation services of a State agency, or payment for any such
13 toll or fare or any other travel expense for commuting between the
14 place of residence and the place of employment or for tolls, fare, or
15 other travel expense not directly related to the performance of
16 duties by the officer, employee, or official;

17 a personal line of credit or a credit card, or an allowance,
18 stipend, subsidy, or other payment for a credit card, unless the use
19 of a credit card is directly related and essential to the performance
20 of those official duties of the officer, employee, or official, as
21 documented in writing, that concern the maintenance of security for
22 specified persons or property, law enforcement, inspections or
23 audits of regulated facilities, entities, or persons, or the health,
24 safety, or welfare of members of the public; or

25 tuition reimbursement for attendance of courses at an institution
26 of higher education, including a county college, within or outside of
27 this State, unless the course is taken at an accredited public
28 institution of higher education in this State, the reimbursement is
29 limited to not more than 50 percent of the tuition for each course,
30 the officer or employee receives a grade of at least a C or its
31 equivalent for the course, the course is directly related to the skills
32 and knowledge required for the duties being performed by the
33 officer or employee when the reimbursement is made or required
34 for the performance of the duties of a position to which the officer
35 or employee may directly be promoted from the current position,
36 and the officer and employee agrees to remain a public officer or
37 employee for five years after the final tuition reimbursement is
38 made. If the officer or employee does not remain a public officer or
39 employee for that period of time, the officer or employee shall be
40 required to reimburse the public entity for tuition reimbursements
41 made with the reimbursement pro-rated for the number of years the
42 public officer or employee remains after the final tuition
43 reimbursement is made. This paragraph shall not apply to tuition
44 reimbursement for a course or program that provides a certification
45 of a skill or understanding sufficient to perform or assess a
46 particular technological, mechanical, industrial, operational,
47 accounting, or construction process or function, and that
48 certification is required for holding that office or employment.

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

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

13 Other provisions of law relevant to the matters covered in this
14 section shall remain applicable to the extent not inconsistent with
15 this section. This section shall not be construed to preclude the
16 imposition of additional restrictions by directive or regulation.

17

18 15. (New section) A county college shall not provide, directly
19 or indirectly, to an officer or employee, nor shall an officer or
20 employee accept:

21 a residence owned or leased by the college that the officer or
22 employee may use at any time for personal purposes, unless the use
23 of the residence is directly related and essential to the performance
24 of those official duties of the officer or employee, as documented in
25 writing, that concern the maintenance of security for specified
26 persons or property, law enforcement, or the health, safety, or
27 welfare of members of the public;

28 an allowance, stipend, subsidy, or other form of payment for the
29 purchase, lease, or maintenance of a residence or a motor vehicle
30 owned or leased by the officer or employee, or by an immediate
31 family member, for the personal or primarily personal use of the
32 officer or employee, except reasonable mileage reimbursement
33 when the vehicle is used for the performance of duties;

34 a motor vehicle owned or leased by the college that is assigned
35 exclusively to the officer or employee on a full-time basis, unless
36 the assignment and use of the motor vehicle is directly related and
37 essential to the performance of those official duties of the officer or
38 employee, as documented in writing, that concern the maintenance
39 of security for specified persons or property, law enforcement,
40 inspections or audits of regulated facilities, entities, or persons, or
41 the health, safety, or welfare of members of the public, or is
42 essential, as documented in writing, for a specified period of time to
43 the personal security of the officer or employee;

44 a driver or chauffer whose assigned full-time or part-time duties
45 are to operate any motor vehicle in which the officer or employee,
46 or an immediate family member, is a passenger, unless the driver is
47 a law enforcement officer who is assigned also to provide for the

1 security of the officer or employee when the need for such security
2 has been documented;

3 an exemption from the payment of any toll relating to the use of
4 a State toll bridge or toll road or fare relating to the use of the
5 transportation services of a State agency, or payment for any such
6 toll or fare or any other travel expense for commuting between the
7 place of residence and the place of employment or for tolls, fare, or
8 other travel expense not directly related to the performance of
9 duties by the officer or employee;

10 a personal line of credit or a credit card, or an allowance,
11 stipend, subsidy, or other payment for a credit card, unless the use
12 of a credit card is directly related and essential to the performance
13 of those official duties of the officer or employee, as documented in
14 writing, that concern the maintenance of security for specified
15 persons or property, law enforcement, inspections or audits of
16 regulated facilities, entities, or persons, or the health, safety, or
17 welfare of members of the public; or

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

42 For violation of this section, the officer or employee shall be
43 fined not less than \$500 nor more than \$10,000, which penalty may
44 be collected in a summary proceeding in the name of the
45 Commission on Higher Education pursuant to the "Penalty
46 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).
47 The municipal court and the Superior Court shall have jurisdiction

1 of proceedings for the enforcement of the penalty provided by this
2 section.

3 As used in this section, “immediate family member” means a
4 spouse, child, parent, or sibling residing in the same household.

5 Other provisions of law relevant to the matters covered in this
6 section shall remain applicable to the extent not inconsistent with
7 this section. This section shall not be construed to preclude the
8 imposition of additional restrictions by directive or regulation.

9
10 16. (New section) A State officer or employee or special State
11 officer or employee as defined in section 2 of P.L.1971, c.182,
12 (C:52:13D-13), other than a member of the Legislature or such an
13 officer or employee of the Legislature, but including the officers
14 and employees of the Office of the Governor and the Lieutenant
15 Governor, shall not undertake any travel outside of the State, or
16 within the State that involves an overnight stay, when the expenses
17 of that travel or the expenses incident thereto, or both, are paid in
18 part or in whole with the public funds of a State agency, as defined
19 in section 2 of P.L.1971, c.182, (C:52:13D-13), unless that travel
20 has been determined in advance by the office of the Governor to be
21 essential to the performance of the duties of the officer or employee
22 and approved in writing by the Governor or the Governor’s
23 designee. When the performance of the duties of an officer or
24 employee require travel on a regular or recurring basis, the
25 Governor may grant approval in advance for travel, under such
26 terms and conditions as the Governor shall determine, during a
27 specified period of time not to exceed one year from the date of
28 approval as determined by the Governor. An officer or employee
29 shall not receive an amount for travel and travel-related expenses in
30 advance of the travel.

31 This section shall not apply to an officer or employee with regard
32 to travel solely to the Philadelphia, New York City, or Wilmington
33 metropolitan areas to meet with federal or state government officers
34 or employees, or members of the State’s Congressional delegation
35 or their officers or employees, for a period not to exceed one day, or
36 to the Washington, D.C., metropolitan area for the same purposes
37 for a period not to exceed two consecutive days.

38
39 17. Section 1 of P.L.1971, c.323 (C.40A:5-16.1) is amended to
40 read as follows:

41 1. **【**Notwithstanding the provisions of N.J.S.40A:5-16, the
42 governing body of any local unit may, by resolution, provide for
43 and authorize payment of advances to officers and employees of the
44 local unit toward their expenses for authorized official travel and
45 expenses incident thereto. Any such resolution shall provide for the
46 verification and adjustment of such expenses and advances and the
47 repayment of any excess advanced by means of a detailed bill of
48 items or demand and the certifications or affidavit required by

1 N.J.S.40A:5-16 which shall be submitted within 10 days after the
2 completion of the travel for which an advance was made.】

3 a. As used in this section:

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

8 (a) "training and seminars" which means all regularly
9 scheduled, formal residential or non-residential training functions,
10 conducted at a hotel, motel, convention center, residential facility,
11 or at any educational institution or facility;

12 (b) "conventions and conferences" which means general
13 programs, sponsored by professional associations on a regular basis,
14 which address subjects of particular interest to a local unit or are
15 convened to conduct association business. The primary purpose of
16 attendance at conferences and conventions is the development of
17 new skills and knowledge or the reinforcement of those skills and
18 knowledge in a particular field related to local unit operations.
19 These are distinct from formal staff training and seminars, although
20 some training may take place at such events;

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

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

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

32 (3) Local unit travel expenditures include costs for all required
33 training and all travel authorized in existing local unit employee
34 contracts and local unit policies. This includes, but is not limited
35 to, required professional development and other staff training,
36 required training for new governing body members, and attendance
37 at specific conferences authorized in existing employee contracts.

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

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

46 c. A governing body shall ensure through its policy and
47 procedures that all travel by its officers and employees is necessary
48 and fiscally prudent, and shall include the requirement that all local

1 unit travel expenditures are:

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

5 (2) for travel that is critical to the needs of the local unit or
6 further the efficient operation of the local unit; and

7 (3) in compliance with State travel payment guidelines as
8 established by the Department of the Treasury and with guidelines
9 established by the federal Office of Management and Budget;
10 except that those guidelines that conflict with the provisions of Title
11 40A of the New Jersey Statutes shall not be applicable, including,
12 but not limited to, the authority to issue travel charge cards. The
13 governing body shall specify in its travel policy the applicable
14 restrictions and requirements set forth in the State and federal
15 guidelines including, but not limited to, types of travel, methods of
16 transportation, mileage allowance, subsistence allowance, and
17 submission of supporting documentation including receipts, checks
18 or vouchers.

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

25 e. A governing body shall require in its travel policy that
26 detailed documentation be maintained on file in the local unit which
27 demonstrates compliance with the local unit's travel policy
28 including travel approvals, reports, and receipts for all local unit
29 funded expenditures, as appropriate.

30 f. A governing body shall require in its policy that travel occur
31 only upon prior written approval of the chief financial officer and
32 prior approval by a majority of the full voting membership of the
33 governing body and that the travel be in compliance with the "Local
34 Government Ethics Law," P.L.1991, c.29 (C.40A:9-22.1 et seq.)

35 g. A governing body may authorize in its travel policy an
36 annual maximum amount per local unit officer and employee for
37 regular business travel for which governing body approval is not
38 required.

39 h. A governing body may also approve, at any time prior to the
40 event, travel for multiple months as long as the governing body
41 approval, as detailed in its minutes, itemizes the approval by event,
42 total cost, and number of officers and employees attending the
43 event. General or blanket pre-approval for travel is not authorized.
44 Approval shall be itemized by event, event total cost, and number of
45 officers and employees attending the event.

46 i. A local unit shall state in its policy that travel payments will
47 be paid only upon compliance with this section and the local unit's
48 travel policy provisions and approval requirements. The policy

1 shall state that the local unit will not ratify or approve payments or
2 reimbursements for travel after completion of the travel event.

3 j. A local unit officer or employee shall not receive an amount
4 for travel and travel-related expenses in advance of the travel.

5 k. A local unit travel policy shall require a member of the
6 governing body to recuse himself from voting on travel if the
7 governing body member, a member of his immediate family, or a
8 business organization in which he has an interest, has a direct or
9 indirect financial involvement that may reasonably be expected to
10 impair his objectivity or independence of judgment.

11 l. A local unit travel policy shall prohibit a member of the
12 governing body from acting in his official capacity in any matter in
13 which he or a member of his immediate family has a personal
14 involvement that is or creates some benefit to the governing body
15 member or a member of his immediate family; or undertake any
16 employment or service, whether compensated or not, which may
17 reasonably be expected to prejudice his independence of judgment
18 in the execution of his official duties.

19 m. A local unit travel policy may exclude from the requirements
20 of prior governing body approval pursuant to subsection f. of this
21 section any travel caused by or subject to contractual provisions,
22 other statutory requirements, or federal regulatory requirements.
23 The governing body may not exclude such travel from the
24 subsistence requirements pursuant to subsections n. and o. of this
25 section and the annual maximum travel expenditure amount
26 pursuant to subsection p. of this section.

27 n. A local unit travel policy shall not allow subsistence
28 payment or reimbursement for one-day trips that do not involve
29 overnight lodging except in limited circumstances authorized in
30 Department of the Treasury guidelines.

31 o. A local unit travel policy shall allow subsistence payment or
32 reimbursement for overnight travel is eligible as authorized in
33 Department of the Treasury guidelines, except as otherwise
34 superseded by the following:

35 (1) per diem payment or reimbursement for lodging and meals
36 shall be actual reasonable costs, not to exceed the federal per diem
37 rates as established in the federal register for the current year;

38 (2) lodging expenses may exceed the federal per diem rates if
39 the hotel is the site of the convention, conference, seminar or
40 meeting and the going rate of the hotel is in excess of the federal
41 per diem rates. If the hotel at the site of the convention, conference,
42 seminar, or meeting is no longer available, lodging may be paid for
43 similar accommodations at a rate not to exceed the hotel rate for the
44 event;

45 (3) receipts are required for hotel expenses. Meal expenses
46 under the federal per diem allowance limits do not require receipts;

47 (4) in any case in which the total per diem reimbursement is
48 greater than the federal per diem rate, except as stated in paragraph

1 (2) of this subsection, the costs shall be considered to be excessive
2 and shall not be paid by local unit funds;

3 (5) local units shall patronize hotels and motels that offer
4 special rates to government employees unless alternative lodging
5 offers greater cost benefits; and

6 (6) payment or reimbursement is approved for the full cost of an
7 official convention meal that the officer or employee attends if the
8 meal is scheduled as an integral part of the convention or
9 conference proceedings. If a meal is included in the registration
10 fee, the allowance for the meal is not eligible for reimbursement.

11 p. Each local unit budget shall include a separate item of
12 appropriation for travel, establishing a maximum local unit travel
13 expenditure amount for the budget year, which the local unit shall
14 not exceed in that budget year.

15 (1) The maximum local unit travel expenditure amount shall
16 include all travel in accordance with this section supported by local
17 and State funds.

18 (2) A local unit may exclude from the maximum travel
19 expenditure amount amounts supported by federal funds and by
20 dedicated revenues.

21 q. Each local unit shall maintain separate accounting for local
22 unit travel expenditures as necessary to ensure compliance with the
23 maximum travel expenditure amount. This may include, but need
24 not be limited to, a separate or offline accounting of such
25 expenditures or expanding the local unit's accounting system. The
26 tracking system shall be sufficient to demonstrate compliance with
27 the board's policy and this section, and shall provide auditable
28 information.

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

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

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

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

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

45
46 18. Section 1 of P.L.1983, c.475 (C.40A:14-81.5) is amended to
47 read as follows:

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

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

Sections 1 through 3: These sections of the bill amend the “New Jersey Conflicts of Interest Law,” N.J.S.A.52:13D-12 et seq., and the “Legislative and Governmental Process Activities Disclosure Act,” N.J.S.A.52:13C-18 et seq., to add to the provision on the acceptance of gifts by members of the Legislature, State officers and employees and special State officers and employees the officers and employees of the staff of the Governor and Lieutenant Governor. The bill amends provisions of current law that permit the acceptance by members and staff of the Legislature and Executive Branch officers and employees of gifts from lobbyists and governmental affairs agents totaling not more than \$250 per year to permit only gifts involving a de-minimus value.

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

1 The bill also modifies the standard which prohibits a member of
2 the immediate family of such a person, or a business organization in
3 which the public officer or employee has an interest, from soliciting
4 or accepting gifts, favors, loans, political contributions, services,
5 promises of future employment, or other things of value. Current
6 law prohibits a family member or such a business organization from
7 soliciting or accepting a gift or other thing of value based on an
8 understanding that it was given or offered for the purpose of
9 influencing the school or local government official or employee,
10 including an employee of the New Jersey School Boards
11 Association, in the discharge of official duties. The bill changes the
12 standard so that the prohibition applies in circumstances from which
13 it may be reasonably inferred that the gift or other thing of value
14 was given or offered for the purpose of influencing the official or
15 employee in the discharge of official duties.

16 The bill provides for the imposition of a civil penalty of not less
17 than \$500 nor more than \$10,000 for a violation of these
18 prohibitions, and for possible removal from office and being barred
19 from holding public employment for a period of up to five years if
20 the violator's conduct is found to constitute a willful and continuous
21 disregard of the prohibitions.

22 These sections of the bill also bar State officers and employees,
23 special State officers and employees, members of the Legislature,
24 the Governor, Lieutenant Governor and officers and employees of
25 the Office of the Governor and Lieutenant Governor, and local
26 government and school district officers and employees, and the
27 members of the immediate family of these officers, employees, and
28 members, from soliciting, receiving, or agreeing to receive, whether
29 directly or indirectly, any ticket or other form of admission to any
30 place of entertainment that is provided free of charge or at a
31 discounted rate by the sponsor, promoter, performer owner, or
32 operator of the event or entertainment venue unless the same free or
33 reduced admission is available to (a) the public; (b) a class
34 consisting of all officers or employees of the State, local
35 government, or school district, as appropriate, whether or not
36 restricted on the basis of geographic consideration; (c) all members
37 of a group or class in which membership is unrelated to public
38 service; (d) all members of an organization, such as an employees'
39 association or public employees' credit union, in which membership
40 is related to public service; or (e) a group or class that is not defined
41 in a manner that specifically discriminates among public officers or
42 employees on the basis of branch of government or type of
43 responsibility, or on a basis that favors those of higher rank or rate
44 of pay. Free or discounted admission available to the member of
45 the immediate family would be treated as available to the public
46 officer, employee, or member.

47 "Place of entertainment" is defined as any privately or publicly
48 owned and operated entertainment facility within or outside of this

1 State, such as a theater, stadium, museum, arena, racetrack or other
2 place where performances, concerts, exhibits, games or contests are
3 held and for which an entry fee is charged.

4 Sections 4 through 11: These sections also impose a two-year
5 post employment restriction on a public officer or employee, or a
6 member of the immediate family, or a partnership, firm, or
7 corporation with which the officer or employee is associated or in
8 which the officer or employee has an interest, or a partner, officer,
9 director, or employee while the officer or employee is associated
10 with such partnership, firm, or corporation, from holding, directly
11 or indirectly, within two years next subsequent to the termination of
12 the office or employment of such officer or employee, an interest
13 in, or employment with, or from representing, appearing for or
14 negotiating on behalf of, a vendor or contractor that was awarded a
15 public contract with which the officer or employee had been
16 substantially and directly involved by making an investigation,
17 rendering a ruling, or giving an opinion at any time during the
18 course of the officer's or employee's employment. This prohibition
19 applies to all State officers and employees covered by the State
20 conflicts of interest law, and including a member of the Legislature,
21 and the Governor, the Lieutenant Governor and their staff. It also
22 applies to members of boards of education, employees of school
23 districts, and local government officers and employees. A violation
24 of this prohibition would result in a civil penalty of not less than
25 \$500 nor more than \$10,000, and the bill clarifies the jurisdiction of
26 the various ethics boards over former local government officers and
27 employees for enforcement purposes.

28 Sections 12 through 15: These sections prohibit the State, a
29 county, a municipality, a local school district, a county college, or a
30 fire district from providing, directly or indirectly, to any officer,
31 employee, or elected official and the officer, employee or elected
32 officer from accepting:

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

41 an allowance, stipend, subsidy, or other form of payment for the
42 purchase, lease, or maintenance of a residence or a motor vehicle
43 owned or leased by the officer, employee, or official, or by an
44 immediate family member, for the personal or primarily personal
45 use of the officer, employee, or official, except reasonable mileage
46 reimbursement when the vehicle is used for the performance of
47 duties;

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

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

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

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

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

1 the number of years the public officer or employee remains after the
2 final tuition reimbursement is made. This paragraph will not apply
3 to tuition reimbursement for a course or program that provides a
4 certification of a skill or understanding sufficient to perform or
5 assess a particular technological, mechanical, industrial,
6 operational, accounting, or construction process or function, and
7 that certification is required for holding that office or employment.

8 Other provisions of law relevant to the matters covered in these
9 sections would remain applicable to the extent not inconsistent.
10 These provisions would not be construed to preclude the imposition
11 of additional restrictions by directive or regulation.

12 For the matters described above, the bill defines “State” to mean
13 any of the principal departments in the Executive Branch of the
14 State Government, and any division, board, bureau, office,
15 commission or other instrumentality within or created by such
16 department; any independent State authority, commission,
17 instrumentality or agency; the Offices of the Governor and the
18 Lieutenant Governor and the officers and employees of those
19 offices; the Legislature of the State, and any office, board, bureau
20 or commission within or created by the Legislative Branch;
21 institutions of higher education of this State; and, to the extent
22 consistent with law, any interstate agency to which New Jersey is a
23 party. For a violation, the officer, employee, or elected official
24 would have to pay a civil penalty of not less than \$500 nor more
25 than \$10,000

26 Section 16: This section prohibits a State officer or employee or
27 special State officer or employee, other than a member of the
28 Legislature or such an officer or employee of the Legislature, but
29 including the officers and employees of the Office of the Governor
30 and the Lieutenant Governor, from undertaking any travel outside
31 of the State, or within the State when it involves an overnight stay,
32 when the expenses of that travel or the expenses incident thereto, or
33 both, are paid in part or in whole with the public funds of a State
34 agency unless that travel has been determined in advance by the
35 office of the Governor to be essential to the performance of the
36 duties of the officer or employee and approved in writing by the
37 Governor or the Governor’s designee. When the performance of the
38 duties of an officer or employee require travel on a regular or
39 recurring basis, the Governor may grant approval in advance for
40 such travel, under such terms and conditions as the Governor
41 determines, during a specified period of time not to exceed one year
42 from the date of approval as determined by the Governor. The bill
43 bars an officer or employee from receiving an amount for travel and
44 travel-related expenses in advance of the travel. This requirement
45 will not apply to an officer or employee for travel solely to the
46 Philadelphia, New York City, or Wilmington metropolitan areas to
47 meet with federal or state government officers or employees, or
48 members of the State’s Congressional delegation or their officers or

1 employees, for a period not to exceed two consecutive days, or to
2 Washington, D.C., for the same purposes for two consecutive days.

3 Sections 17 and 18: These sections increase the accountability
4 of local units of government regarding approvals and expenditures
5 for travel by local government officers and employees. While a
6 2007 law, N.J.S.A.18A:11-12, imposed stringent requirements
7 regarding travel and expense reimbursement upon school board
8 members and school district employees, local governments are
9 afforded considerable discretion over authorizing and monitoring
10 travel by local government officers and employees.

11 These sections impose upon local governments travel restrictions
12 and accountability measures that are substantially similar to those
13 currently applicable to school districts. The sections would require
14 local governing bodies to adopt travel policies and procedures
15 ensuring that all travel by local government officers and employees
16 is necessary and fiscally prudent. Local unit travel expenditures
17 would have to be directly related to and within the scope of the
18 officer's or employee's current responsibilities, critical to the needs
19 of the local unit or further the efficient operation of the local unit,
20 consistent with the local unit's professional development plan, and,
21 except as otherwise provided in statutory law, in compliance with
22 State travel payment guidelines established by the Department of
23 the Treasury and the federal Office of Management and Budget.

24 The bill provides that local units must adopt travel policies
25 requiring: officers and employees to document the primary purpose
26 for the travel, the key issues addressed at the event and their
27 relevance to improving the operation of the local unit; governing
28 bodies to maintain detailed documentation demonstrating
29 compliance with the local unit's travel policy including travel
30 approvals, reports, and receipts for all local unit funded
31 expenditures; and that travel occur only upon prior written approval
32 of the chief financial officer and prior approval of the governing
33 body.

34 These sections apply to the governing bodies and officers and
35 employees of fire districts.