

[First Reprint]

**SENATE, No. 1063**

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**STATE OF NEW JERSEY**  
**214th LEGISLATURE**

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INTRODUCED FEBRUARY 4, 2010

**Sponsored by:**

**Senator JENNIFER BECK**

**District 12 (Mercer and Monmouth)**

**Senator RONALD L. RICE**

**District 28 (Essex)**

**Co-Sponsored by:**

**Senators Haines and Weinberg**

**SYNOPSIS**

Prohibits local officer or employee from lobbying or advocating before any body of the municipality where officer or employee serves.

**CURRENT VERSION OF TEXT**

As amended by the Senate on March 11, 2010.



**(Sponsorship Updated As Of: 6/11/2010)**

1 AN ACT concerning local government ethics, amending P.L.1991,  
2 c.29 <sup>1</sup>[and supplementing Title 2C of the New Jersey Statutes]<sup>1</sup>.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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

9 5. Local government officers or employees under the  
10 jurisdiction of the Local Finance Board shall comply with the  
11 following provisions:

12 a. No local government officer or employee or member of his  
13 immediate family shall have an interest in a business organization  
14 or engage in any business, transaction, or professional activity,  
15 which is in substantial conflict with the proper discharge of his  
16 duties in the public interest;

17 b. No independent local authority shall, for a period of one year  
18 next subsequent to the termination of office of a member of that  
19 authority:

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

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

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

29 The restrictions contained in this subsection shall also apply to  
30 any business organization in which the former authority member  
31 holds an interest.

32 c. No local government officer or employee shall use or  
33 attempt to use his official position to secure unwarranted privileges  
34 or advantages for himself or others;

35 d. No local government officer or employee shall act in his  
36 official capacity in any matter where he, a member of his immediate  
37 family, or a business organization in which he has an interest, has a  
38 direct or indirect financial or personal involvement that might  
39 reasonably be expected to impair his objectivity or independence of  
40 judgment. Whenever a local government officer or employee has  
41 any <sup>1</sup>[substantive benefit] direct or indirect financial or personal  
42 involvement<sup>1</sup> in any matter before any board, commission,  
43 authority, or other body of the municipality in which he is an officer  
44 or employee, that officer or employee shall be prohibited from any

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate floor amendments adopted March 11, 2010.

1 activity that might reasonably be construed as lobbying or  
2 advocating for that interest before the board, commission, authority,  
3 or other body of the municipality, except in instances where the  
4 officer or employee receives a notice of a hearing pursuant to  
5 subsection b. of section 7.1 of P.L.1975, c.291 (C.40:55D-12), and  
6 shall publicly state the reason for his or her withdrawal or  
7 prohibition from participation in the activity. Nothing in this  
8 subsection shall prohibit an officer or employee from expressing a  
9 personal opinion on matters in which he or his immediate family, or  
10 any business organization with which he or an immediate family  
11 member is associated, **'[receive no substantive benefit]** have no  
12 direct or indirect financial or personal involvement<sup>1</sup>;

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

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

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

38 h. <sup>1</sup>(1) No local government officer or employee or business  
39 organization in which he has an interest shall represent any person  
40 or party other than the local government in connection with any  
41 cause, proceeding, application or other matter pending before any  
42 agency in the local government in which he serves. This provision  
43 shall not be deemed to prohibit one local government employee  
44 from representing another local government employee where the  
45 local government agency is the employer and the representation is  
46 within the context of official labor union or similar representational  
47 responsibilities;

1        '(2) No former local government officer or employee shall, for a  
2 period of one year next subsequent to the termination of office or  
3 employment be permitted to represent, appear for, or negotiate on  
4 behalf of any party before any local government agency in which  
5 the employee served;'

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

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

19        k. Nothing 'in this section' shall 'be construed to' prohibit any  
20 local government officer or employee, or members of his immediate  
21 family, from representing himself, or themselves, in negotiations or  
22 proceedings concerning his, or their, own interests.

23        '[1. All local government officers and employees shall be  
24 provided with a statement setting forth the requirements of this  
25 section upon their appointment, reappointment, election, or  
26 employment, and shall sign the statement to affirm their  
27 responsibility to uphold these provisions]'

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

29

30        '[2. (New section) a. For the purposes of this section, "public  
31 servant" means a public official, employee, or appointee, including  
32 a local government officer or employee under section 3 of  
33 P.L.1991, c.29 (C.40A:9-22.3).

34        b. No public servant shall knowingly act in his official capacity  
35 to approve, or lobby for the approval of, any application, contract,  
36 purchase order, or land use plan concerning a matter in which he, a  
37 member of his immediate family, or a business organization in  
38 which he has a direct or indirect financial or personal involvement  
39 or interest.

40        c. Notwithstanding any law to the contrary, any public servant  
41 who violates any provision of subsection b. of this section or  
42 section 5 of P.L.1991, c.29 (C.40A:9.22.5) is guilty of a crime of  
43 the second degree pursuant to N.J.S.2C:30-2, concerning official  
44 misconduct, and shall forfeit any right to hold future public office  
45 or public employment within the State. ]'

1       <sup>1</sup>2. Section 6 of P.L.1991, c.29 (C.40A:9-22.6) is amended to  
2 read as follows:

3       a. Local government officers shall annually file a financial  
4 disclosure statement. All financial disclosure statements filed  
5 pursuant to this act shall include the following information which  
6 shall specify, where applicable, the name and address of each  
7 source and the local government officer's job title:

8       (1) Each source of income, earned or unearned, exceeding  
9 \$2,000 received by the local government officer or a member of his  
10 immediate family during the preceding calendar year. Individual  
11 client fees, customer receipts or commissions on transactions  
12 received through a business organization need not be separately  
13 reported as sources of income. If a publicly traded security is the  
14 source of income, the security need not be reported unless the local  
15 government officer or member of his immediate family has an  
16 interest in the business organization;

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

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

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

30       (5) The address and brief description of all real property in the  
31 State in which the local government officer or a member of his  
32 immediate family held an interest during the preceding calendar  
33 year.

34       b. The Local Finance Board shall prescribe a financial  
35 disclosure statement form for filing purposes. **【**For counties and  
36 municipalities which have not established ethics boards, the board  
37 shall transmit sufficient copies of the forms to the municipal clerk  
38 in each municipality and the county clerk in each county for filing  
39 in accordance with this act**】** The form shall include an ethics  
40 statement setting forth the limitations on certain activity pursuant to  
41 section 5 of P.L.1991, c.29 (C.40A:9-22.5). The ethics statement  
42 shall include a certification stating that the local officer has  
43 received, read, and understood the ethics statement. The Board  
44 shall provide access to the form through the Board's website. The  
45 municipal clerk shall make the **【**forms**】** form available to the local  
46 government officers serving the municipality. The county clerk

1 shall make the **[forms]** form available to the local government  
2 officers serving the county.

3 **[For counties and municipalities which have established ethics**  
4 **boards, the Local Finance Board shall transmit sufficient copies of**  
5 **the forms to the ethics boards for filing in accordance with this act.]**

6 The ethics boards shall make the **[forms]** form available to the  
7 local government officers within their jurisdiction. For local  
8 government officers serving the municipality, the original statement  
9 shall be filed with the municipal clerk in the municipality in which  
10 the local government officer serves.

11 For local government officers serving the county, the original  
12 statement shall be filed with the county clerk in the county in which  
13 the local government officer serves. A copy of the statement shall  
14 be filed with the board. In counties or municipalities which have  
15 established ethics boards a copy of the statement shall also be filed  
16 with the ethics board having jurisdiction over the local government  
17 officer. Local government officers shall file the initial financial  
18 disclosure statement within 90 days following the effective date of  
19 this act. Thereafter, statements shall be filed on or before April  
20 30th each year, except that each local government officer shall file a  
21 financial disclosure statement within 30 days of taking office.

22 c. All financial disclosure statements filed shall be public  
23 records.<sup>1</sup>

24 (cf: P.L.2008, c.72, s.1)

25

26 3. This act shall take effect **'[immediately]** on January 1,  
27 2011<sup>1</sup>.