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.



An Act concerning various benefits and ethical standards for public officers and employees and amending and supplementing various parts of the statutory law.

Be It Enacted by the Senate and General Assembly of the State of New Jersey:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. **[**Subsection a. of this section shall not apply if an officer or staff member of the Executive Branch or member of the Legislature or legislative staff who accepted any compensation, reward, gift, honorarium or other thing of value offered or given by a lobbyist or governmental affairs agent makes a full reimbursement, within 90 days of acceptance, to the lobbyist or governmental affairs agent in an amount equal to the money accepted or the fair market value of that which was accepted if other than money. As used in this subsection, "fair market value" means the actual cost of the compensation, reward, gift, honorarium or other thing of value accepted.**]** (Deleted by amendment, P.L. , c. ) (pending before the Legislature as this bill).

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

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

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

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

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

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

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

e. No **[**school official, or**]** member of **[**his**]** the immediate family of a board member, of an employee of a school district, or of an officer or employee of the New Jersey School Boards Association, or business organization in which **[**he**]** the board member, employee of a school district, or officer or employee of the New Jersey School Boards Association has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value **[**based upon an understanding**]** 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 **[**him**]** the board member, employee of a school district, or officer or employee of the New Jersey School Boards Association, directly or indirectly, in the discharge of his official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the **[**school official**]** member of the immediate family has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the **[**school official**]** board member, employee of a school district, or officer or employee of the New Jersey School Boards Association in the discharge of his official duties;

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

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

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

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

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

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

l. No board member, employee of a school district, or employee or officer of the New Jersey School Boards Association shall solicit or accept 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 member, employee, or officer, directly or indirectly, in the discharge of official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the member, employee, or officer has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the member, employee, or officer in the discharge of his official duties;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

f. No **[**local government officer or employee,**]** member of **[**his**]** the immediate family of a local government officer or employee, or business organization in which **[**he**]** the local government officer or employee has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value **[**based upon an understanding**]** 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 **[**him**]** the local government officer or employee, directly or indirectly, in the discharge of his official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the family member of the local government officer or employee has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the local government officer or employee in the discharge of his official duties;

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

h. No local government officer or employee or business organization in which he has an interest shall represent any person or party other than the local government in connection with any cause, proceeding, application or other matter pending before any agency in the local government in which he serves. This provision shall not be deemed to prohibit one local government employee from representing another local government employee where the local government agency is the employer and the representation is within the context of official labor union or similar representational responsibilities;

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

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

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

l. No local government officer or employee shall solicit or accept 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. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the officer or employee has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the officer or employee in the discharge of his official duties;

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

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

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

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

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

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

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

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

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

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

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

9. The Local Finance Board, upon receipt of a signed written complaint by any person alleging that the conduct of any local government officer or employee, not regulated by a county or municipal code of ethics, is in conflict with the provisions of this act, shall acknowledge receipt of the complaint within 30 days of receipt and initiate an investigation concerning the facts and circumstances set forth in the complaint. With regard to subsection m. of section 5 of P.L.1991, c.29 (C.40A:9-22.5), the board shall have continued jurisdiction over an officer or employee following the termination of service by that officer or employee in an office or employment. The board shall make a determination as to whether the complaint is within its jurisdiction or frivolous or without any reasonable factual basis. If the board shall conclude that the complaint is outside its jurisdiction, frivolous or without factual basis, it shall reduce that conclusion to writing and shall transmit a copy thereof to the complainant and to the local government officer or employee against whom the complaint was filed. Otherwise the board shall notify the local government officer or employee against whom the complaint was filed of the nature of the complaint and the facts and circumstances set forth therein. The officer or employee shall have the opportunity to present the board with any statement or information concerning the complaint which he wishes. Thereafter, if the board determines that a reasonable doubt exists as to whether the local government officer or employee is in conflict with the provisions of this act, the board shall conduct a hearing in the manner prescribed by section 12 of this act, concerning the possible violation and any other facts and circumstances which may have come to the attention of the board with respect to the conduct of the local government officer or employee. The board shall render a decision as to whether the conduct of the officer or employee is in conflict with the provisions of this act. This decision shall be made by no less than two-thirds of all members of the board. If the board determines that the officer or employee is in conflict with the provisions of this act, it may impose any penalties which it believes appropriate within the limitations of this act. A final decision of the board may be appealed in the same manner as any other final State agency decision.

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

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

18. The county ethics board, upon receipt of a signed written complaint by any person alleging that the conduct of any local government officer or employee serving the county is in conflict with the county code of ethics or any financial disclosure requirements shall acknowledge receipt of the complaint within 30 days of receipt and initiate an investigation concerning the facts and circumstances set forth in the complaint. With regard to subsection m. of section 5 of P.L.1991, c.29 (C.40A:9-22.5), the board shall have continued jurisdiction over an officer or employee following the termination of service by that officer or employee in an office or employment. The ethics board shall make a determination as to whether the complaint is within its jurisdiction or frivolous or without any reasonable factual basis. If the ethics board shall conclude that the complaint is outside its jurisdiction, frivolous or without factual basis, it shall reduce that conclusion to writing and shall transmit a copy thereof to the complainant and to the local government officer or employee against whom the complaint was filed. Otherwise the ethics board shall notify the local government officer or employee against whom the complaint was filed of the nature of the complaint and the facts and circumstances set forth therein. The officer or employee shall have the opportunity to present the ethics board with any statement or information concerning the complaint which he wishes. Thereafter, if the ethics board determines that a reasonable doubt exists as to whether the local government officer or employee is in conflict with the county code of ethics or any financial disclosure requirements, it shall conduct a hearing in the manner prescribed by section 12 of this act, concerning the possible violation and any other facts and circumstances which may have come to its attention with respect to the conduct of the local government officer or employee. The ethics board shall render a decision as to whether the conduct of the officer or employee is in conflict with the county code of ethics or any financial disclosure requirements. This decision shall be made by no less than two-thirds of all members of the ethics board. If the ethics board determines that the officer or employee is in conflict with the code or any financial disclosure requirements, it may impose any penalties which it believes appropriate within the limitations of this act. A final decision of the ethics board may be appealed to the Local Finance Board within 30 days of the decision.

(cf: P.L.1991, c.29, s.18)

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

24. The municipal ethics board, upon receipt of a signed written complaint by any person alleging that the conduct of any local government officer or employee serving the municipality is in conflict with the municipal code of ethics or financial disclosure requirements, shall acknowledge receipt of the complaint within 30 days of receipt and initiate an investigation concerning the facts and circumstances set forth in the complaint. With regard to subsection m. of section 5 of P.L.1991, c.29 (C.40A:9-22.5), the board shall have continued jurisdiction over an officer or employee following the termination of service by that officer or employee in an office or employment. The ethics board shall make a determination as to whether the complaint is within its jurisdiction or frivolous or without any reasonable factual basis. If the ethics board shall conclude that the complaint is outside its jurisdiction, frivolous or without factual basis, it shall reduce that conclusion to writing and shall transmit a copy thereof to the complainant and to the local government officer or employee against whom the complaint was filed. Otherwise the ethics board shall notify the local government officer or employee against whom the complaint was filed of the nature of the complaint and the facts and circumstances set forth therein. The officer or employee shall have the opportunity to present the ethics board with any statement or information concerning the complaint which he wishes. Thereafter, if the ethics board determines that a reasonable doubt exists as to whether the local government officer or employee is in conflict with the municipal code of ethics or any financial disclosure requirements, it shall conduct a hearing in the manner prescribed by section 12 of this act, concerning the possible violation and any other facts and circumstances which may have come to its attention with respect to the conduct of the local government officer or employee. The ethics board shall render a decision as to whether the conduct of the officer or employee is in conflict with the municipal code of ethics or any financial disclosure requirements. This decision shall be made by no less than two-thirds of all members of the ethics board.

If the ethics board determines that the officer or employee is in conflict with the code or any financial disclosure requirements, it may impose any penalties which it believes appropriate within the limitations of this act. A final decision of the ethics board may be appealed to the Local Finance Board within 30 days of the decision.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. As used in this section:

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

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

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

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

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

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

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

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

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

c. A governing body shall ensure through its policy and procedures that all travel by its officers and employees is necessary and fiscally prudent, and shall include the requirement that all local unit travel expenditures are: (1) directly related to and within the scope of the officer’s and employee's current responsibilities and, for employees, the local unit 's professional development plan;

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

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

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

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

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

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

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

i. A local unit shall state in its policy that travel payments will be paid only upon compliance with this section and the local unit's travel policy provisions and approval requirements. The policy shall state that the local unit will not ratify or approve payments or reimbursements for travel after completion of the travel event.

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

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

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

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

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

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

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

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

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

(4) in any case in which the total per diem reimbursement is greater than the federal per diem rate, except as stated in paragraph (2) of this subsection, the costs shall be considered to be excessive and shall not be paid by local unit funds;

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

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

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

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

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

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

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

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

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

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

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

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

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

(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.

STATEMENT

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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