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LAW/RWH

P.L.2011, CHAPTER 150, *approved January 5, 2012*

Senate, No. 211

1 **AN ACT** concerning guidance offered under the “Local Government  
2 Ethics Law” on potential conflict of interests for certain  
3 members of the governing body of a municipality wherein a  
4 casino is located and amending P.L.2009, c.26.

5

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

8

9 1. Section 3 of P.L.2009, c.26 (C.52:13D-17.3) is amended to  
10 read as follows:

11 3. Notwithstanding the provisions of section 4 of P.L.1981,  
12 c.142 (C.52:13D-17.2), a member of the governing body of a  
13 municipality wherein a casino is located, other than the mayor, and  
14 a member of the immediate family thereof, may hold employment  
15 with the holder of, or applicant for, a casino license, or any holding  
16 or intermediary company with respect thereto, while serving in that  
17 elective office and thereafter, if that member of the governing body,  
18 or member of the immediate family thereof, held that specific  
19 employment when that member of the governing body took office.

20 **[Such]** Notwithstanding any provision of the "Local Government  
21 Ethics Law," P.L.1991, c.29 (C.40A:9-22.1 et seq.) to the contrary,  
22 such a member or member-elect of the governing body shall  
23 [consult with] request the Local Finance Board in the Division of  
24 Local Government Services in the Department of Community  
25 Affairs to provide guidance in the form of a written advisory  
26 opinion, pursuant to the “Local Government Ethics Law,” regarding  
27 any potential conflict of interest that may arise as a result of the  
28 employment described herein while serving on the governing body.

29 **[The board shall provide guidance to the member with respect to**  
30 **the "Local Government Ethics Law," P.L.1991, c.29 (C.40A:9-22.1**  
31 **et seq.)]** Any advisory opinion issued under the “Local Government  
32 Ethics Law” for this purpose shall be a government record, as  
33 defined in section 1 of P.L.1995, c.23 (C.47:1A-1.1), that is  
34 accessible to the public and shall not be confidential. The Local  
35 Finance Board may adopt, pursuant to the "Administrative  
36 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules and  
37 regulations necessary to implement the provisions of this section.

38 (P.L.2009, c.26, s.3)

39

40 2. This act shall take effect immediately.

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

**Matter underlined thus is new matter.**

**S211**

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Requires guidance offered by Local Finance Board to members of local governing body employed by casino, or regarding casino employment of immediate family member thereof, be in form of public advisory opinions.

# SENATE, No. 211

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## STATE OF NEW JERSEY

### 214th LEGISLATURE

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PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

**Sponsored by:**

**Senator JIM WHELAN**

**District 2 (Atlantic)**

**SYNOPSIS**

Requires guidance offered by Local Finance Board to members of local governing body employed by casino, or regarding casino employment of immediate family member thereof, be in form of public advisory opinions.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



S211 WHELAN

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4 casino is located and amending P.L.2009, c.26.

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14 a member of the immediate family thereof, may hold employment  
15 with the holder of, or applicant for, a casino license, or any holding  
16 or intermediary company with respect thereto, while serving in that  
17 elective office and thereafter, if that member of the governing body,  
18 or member of the immediate family thereof, held that specific  
19 employment when that member of the governing body took office.

20 **[Such]** Notwithstanding any provision of the "Local Government  
21 Ethics Law," P.L.1991, c.29 (C.40A:9-22.1 et seq.) to the contrary,  
22 such a member or member-elect of the governing body shall  
23 **[consult with]** request the Local Finance Board in the Division of  
24 Local Government Services in the Department of Community  
25 Affairs to provide guidance in the form of a written advisory  
26 opinion, pursuant to the “Local Government Ethics Law,” regarding  
27 any potential conflict of interest that may arise as a result of the  
28 employment described herein while serving on the governing body.  
29 **[The board shall provide guidance to the member with respect to**  
30 **the "Local Government Ethics Law," P.L.1991, c.29 (C.40A:9-22.1**  
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33 defined in section 1 of P.L.1995, c.23 (C.47:1A-1.1), that is  
34 accessible to the public and shall not be confidential. The Local  
35 Finance Board may adopt, pursuant to the "Administrative  
36 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules and  
37 regulations necessary to implement the provisions of this section.

38 (P.L.2009, c.26, s.3)

39

40 2. This act shall take effect immediately.

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

**Matter underlined thus is new matter.**

1 STATEMENT

2

3 This bill requires the guidance offered by the Local Finance  
4 Board in the Division of Local Government Services in the  
5 Department of Community Affairs to members of the local  
6 governing body of a municipality wherein a casino is located, who  
7 are employed by a casino, or regarding the casino employment of an  
8 immediate family member thereof, to be issued in the form of a  
9 public advisory opinion.

10 Under current law, a member of the governing body of a  
11 municipality wherein a casino is located, other than the mayor, and  
12 a member of the immediate family thereof, may hold employment  
13 with the holder of, or applicant for, a casino license, or any holding  
14 or intermediary company with respect thereto, while serving in that  
15 elective office and thereafter, if that member of the governing body,  
16 or member of the immediate family thereof, held that specific  
17 employment when that member of the governing body took office.  
18 Current law also requires such a member to consult with the Local  
19 Finance Board regarding any potential conflict of interest that may  
20 arise as a result of the employment, and pursuant to the "Local  
21 Government Ethics Law," P.L.1991, c.29 (C.40A:9-22.1 et seq.).

22 This bill would formalize this guidance by requiring it to be  
23 issued in the form of advisory opinions. This bill also provides that  
24 these opinions are not to be considered confidential, and may  
25 therefore be made public by the Local Finance Board.

SENATE STATE GOVERNMENT, WAGERING, TOURISM &  
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

**SENATE, No. 211**

**STATE OF NEW JERSEY**

DATED: JUNE 3, 2010

The Senate State Government, Wagering, Tourism & Historic Preservation Committee reports favorably Senate Bill No. 211.

This bill requires the guidance offered by the Local Finance Board in the Division of Local Government Services in the Department of Community Affairs to members of the local governing body of a municipality wherein a casino is located, who are employed by a casino, or regarding the casino employment of an immediate family member thereof, to be issued in the form of a public advisory opinion.

Under current law, a member of the governing body of a municipality wherein a casino is located, other than the mayor, and a member of the immediate family thereof, may hold employment with the holder of, or applicant for, a casino license, or any holding or intermediary company with respect thereto, while serving in that elective office and thereafter, if that member of the governing body, or member of the immediate family thereof, held that specific employment when that member of the governing body took office. Current law also requires such a member to consult with the Local Finance Board regarding any potential conflict of interest that may arise as a result of the employment, and pursuant to the "Local Government Ethics Law," P.L.1991, c.29 (C.40A:9-22.1 et seq.).

This bill would formalize this guidance by requiring it to be issued in the form of advisory opinions. This bill also provides that these opinions are not to be considered confidential, and may therefore be made public by the Local Finance Board.

This bill was pre-filed for introduction in the 2010-2011 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.



ASSEMBLY REGULATORY OVERSIGHT AND GAMING  
COMMITTEE

STATEMENT TO

**SENATE, No. 211**

**STATE OF NEW JERSEY**

DATED: DECEMBER 8, 2011

The Assembly Regulatory Oversight and Gaming Committee reports favorably Senate, No. 211.

This bill requires the guidance offered by the Local Finance Board in the Division of Local Government Services in the Department of Community Affairs to members of the local governing body of a municipality wherein a casino is located, who are employed by a casino, or regarding the casino employment of an immediate family member thereof, to be issued in the form of a public advisory opinion.

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This bill would formalize this guidance by requiring it to be issued in the form of advisory opinions. This bill also provides that these opinions are not to be considered confidential, and may therefore be made public by the Local Finance Board.

This bill is identical to Assembly, No. 4383.

# ASSEMBLY, No. 4383

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED NOVEMBER 28, 2011

**Sponsored by:**

**Assemblyman JOHN J. BURZICHELLI**

**District 3 (Salem, Cumberland and Gloucester)**

**Assemblyman RALPH R. CAPUTO**

**District 28 (Essex)**

**SYNOPSIS**

Requires guidance offered by Local Finance Board to members of local governing body employed by casino, or regarding casino employment of immediate family member thereof, be in form of public advisory opinions.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/9/2011)**

A4383 BURZICHELLI, CAPUTO

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**STATE OF NEW JERSEY**

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