

Joint Legislative Committee on Ethical Standards

Resolution on Ethics Counsel Question 5

ADOPTED JUNE 23, 2009

Question 5 of Ethics Counsel reads as follows:

5. Legislators and staffers are often offered/given complimentary subscriptions, periodicals or educational materials for use in their official capacities by individuals, trade organizations and other entities who have some interest in the legislative process. Are such things prohibited pursuant to N.J.S.A. 52:13D-24 as the receipt of something of value from a source other than the State for matters related to official duties? Is it acceptable for legislative entities, such as the Office of Legislative Services, to accept such materials on behalf of the State for agency-wide use?

Whereas, no member of the Legislature or staff shall accept a “thing of value” offered or related to official duties, except as otherwise authorized by law or Code of Ethics;

Whereas, to prohibit the receipt of subscriptions, periodicals and educational materials for use by legislators and staff in performance of their official duties would come perilously close to restricting speech; and

Whereas, educational materials are readily distinguishable from those of pure entertainment or unrelated educational value.

BE IT RESOLVED, that legislators and staff may accept such educational materials, from entities related to the legislative process, on behalf of the State, as they are not “things of value” within the contemplation of the statute.

BE IT RESOLVED, that such educational materials accepted by legislators and staff may be used in the ordinary course of legislative business but shall be considered the property of the district office, partisan staff or the Office of Legislative Services, depending upon who accepted receipt of the materials.