

Governor Phil Murphy

Remarks by Governor Murphy on Ethics Reform at the Edward J. Bloustein School of Planning and Public Policy at Rutgers University

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Remarks As Prepared for Delivery:

“A Comprehensive Approach to Ethics Reform in Trenton”

**Governor James J. Florio Policy Lecture –
Edward J. Bloustein School of Planning and Public Policy at Rutgers University**

February 19, 2020

Good evening, everyone.

Thank you, Professor Carl Van Horn, for that overly generous introduction. And, thank you, Dean Vonu Thakuriah, for welcoming us to the Bloustein School.

It is an honor to be back here at Bloustein, in particular, and at Rutgers University, in general.

I don't think I can overstate my affinity for this university, and the excitement that I feel for Rutgers' future, and with it, for our collective future.

Atop the list of reasons for this excitement is every Rutgers student here this evening.

It's a Wednesday evening in the middle of February. The Scarlet Knights tip-off against Michigan in less than two hours ... and, yet, here you are.

But, if you think I'm going to keep you here past game time, don't worry. I'm going to the game, too!

However, the fact that you are here tonight, to continue, I hope, learning and partaking in a civil dialogue about the future of our state gives me tremendous faith about our future. Looking around, I have no fear knowing that your generation will someday be the ones leading. It gives me great optimism.

Another reason for my excitement in being here is the incoming president of Rutgers, Dr. Jonathan Holloway. I have had the chance to talk with him on multiple occasions. His energy is unmistakable and his vision for leading Rutgers is clear.

While I'm at it, let's also thank Dr. Bob Barchi for his tremendous leadership over the past decade. And, I gotta be honest, I am also excited for the return of Coach Greg Schiano, just as I know many, many Scarlet Knights are.


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Rutgers joined the Big Ten because it knew it could compete with the absolute best, both in the classroom and on the field. Rutgers stands shoulder-to-shoulder with this nation's best research universities, including the ones that it meets in athletic competition.

Suffice it to say, on multiple counts, Rutgers' future is blindingly bright.

Of course, that doesn't mean anyone can sit back and just expect good things to happen. Everyone still has jobs to do and expectations to meet.

And, that includes me, and that's what brings me here.

I sought this office with a pledge that, if elected, I would base every decision on one consideration – doing what is right not for my next election, but for the next generation.

A big part of this pledge was changing the culture in Trenton, to make it more open and accessible, responsive, and, ultimately, more representative of our state and our great people – to make sure that government works for people, and not special interests.

That means we've had to take on some tough fights. But, thankfully, there are strong models for principled leadership in the Governor's Office that I've been able to tap into.

The late Governor Brendan Byrne was an invaluable source of wisdom and wit. Former Governor Tom Kean has been a terrific friend. Same with Governor Dick Codey.

And, then, there's Governor Jim Florio. State legislator, Congressman, Governor, elder statesman. Over his career in public life, Jim Florio has worn many hats. He's taken on many tough fights – some he won and some he lost – but never wavered from doing what he believed was in the best interests of the people of New Jersey.

I think the principles that Governor Florio took to the office every day are best summed up by one of the last lines of his fourth, and final, State of the State Address, delivered the week before he left office. He said, "Short-term expediency as a way of avoiding the long-term public interest is, in the ultimate reckoning, a sure-thing losing cause."

Words to live by.

Words to govern by, too.

In May 1992, Governor Florio visited a political science class at what was at the time Montclair State College – today it's a full-fledged university – to propose a comprehensive suite of ethics reforms aimed at cleaning up Trenton and, as he said to that class, "to restore reason to the system and faith in government."

So, I am proud, nearly 28 years later, to stand before another group of New Jersey scholars to put forward our administration's comprehensive plan to modernize the ethics laws of our state, so that the people of New Jersey can regain faith about the way business is conducted in the State House, and so they can have unprecedented access to our political process.

I am sure there are those who will hear what I am proposing tonight and criticize these proposals because they may challenge, or even threaten, a status quo in which they are very comfortable. But, as Governor Florio reminds us, in the ultimate reckoning, theirs is a sure-thing losing cause.

I am joined tonight by a bipartisan group of state legislators, some long-time veterans, others only in office for a few years. One thing has brought us all together tonight.

We all agree that the time has come to take another whack at the long-standing so-called traditions of Trenton. The time is now to dig deeper, and work harder, to change the culture.

Some of the steps I will outline today can be achieved through executive action. But most of the steps will require legislation. And, I thank my partners in this effort – former Governor Codey, Republican Senator Chris Brown, and Republican Assemblyman Ryan Peters.

This is an example of the best of what Trenton can be and what we can do – people willing to take on a failed status quo – people working across party lines to bring change – people putting the public good ahead of personal gain – people committed to opening up the process.

But too often, we see a different Trenton – one where the culture can be resistant to change and looks out for insiders, rather than looking out for the people we are supposed to serve.

I am glad that we are finally recognizing that change must come and that it must start now. To paraphrase President Barack Obama, change doesn't come from Trenton, change comes to Trenton.

What I am proposing, and what my partners will take on through their sponsorship, is the first full-scale and comprehensive push for new ethics rules in Trenton in a decade.

In that time, trust in our state institutions has deteriorated. New Jersey made national headlines, but too often it was for all the wrong reasons. In 2012, the Center for Public Integrity gave New Jersey a B+ grade on ethics, the top in the nation – by 2015, we had fallen to being a D student, and 19th in the nation.

Let's get back to being at the top of the class.

These proposals will shine light into the dark corners of our politics, and reestablish faith, as best we can, that those elected to serve are there to serve the people – all of the people – and not the special, or their own, interests.

Now, let me be perfectly clear – the women and men I have the honor to serve alongside, and who I work with, are fine, principled people. I believe, firmly, that they all want to do what's best for our communities and our constituents.

But that doesn't mean we can't take the commonsense steps I am proposing. We can always do better. That applies equally to the executive branch as it does to the Legislature, or county and local governments. It is time that we restore trust and confidence in our institutions.

That's what the obligation of our offices demands.

First, let's reform the practices of lobbyists, and others, who make their livings by trying to influence legislation and laws.

In the coming weeks, I will use my executive authority to increase transparency in our state and local government by requiring new measures of transparency for those who do business with the state.

Through legislation, let's lower the threshold of work that defines "lobbying" from its current 20-hour-a-year level to a one-hour-a-year level.

And, let's end the "shadow lobbying" industry by requiring that everyone hired to influence government decisions be disclosed. We know it's not just the work of lobbyists, but PR people, lawyers, research analysts, and the amorphously titled "consultants and advisors" who often have their own pre-existing relationships and often have just as much, if not more, pull with the people lobbyists target.

In fact, Senate President Sweeney introduced a similar proposal last session, and I thank him for his attention to this issue. I look forward to working with him to get this reform done.

Second, we propose the elimination of the broad exemption of the Legislature from the Open Public Records Act.

Under the current public records law, legislative communications that either involve constituents or which involve legislators in the course of their official duties are exempt from disclosure. Over the years, these exemptions have been interpreted to mean that the legislature is entirely exempt from OPRA.

This has led to some absurd results.

For instance, if a lobbyist – who is advocating for his or her client's interest, not ours – sends a draft bill to a staff member in my office, it is a public record that can be disclosed. But, if that same lobbyist sends that same bill to a legislative staff member, it is exempt from disclosure.

That's what you call an unlevel playing field. And, it's a reason why so many residents are skeptical about government. Now I'm not saying that certain privileges should not apply to internal communications. I know that they are important to ensuring we can have open and honest discussion. But, let's all agree to live under the same rules. It is time we level the playing field.

Our third group of reforms would make it clear that no one enters government service to get a big payday for themselves, either while they are serving or on the back end.

So, let's bring the Legislature's rules on accepting gifts in line with the more stringent standards that have been set for the executive branch. Executive branch employees are subject to a zero-tolerance policy and cannot accept any gifts that are related in any way to their public duties.

Again, let's all be on an equal footing. This should just be common sense.

In the same vein, we propose applying the same rules for outside employment for all members of senior staff across the executive and legislative branches.

No one on my senior staff can accept an outside gig – no matter for how much or how little – without first getting that job cleared by the State Ethics Commission.

Let's expand this policy and ensure that the same process is followed by both branches: staff members in either branch of government, above a certain income threshold, must be required to receive ethics clearance from either the State Ethics Commission or the Joint Legislative Committee on Ethical Standards before collecting an outside paycheck.

We similarly propose standardizing the financial disclosures that employees of the executive and legislative branches must complete. Right now, the executive branch financial disclosure form is more robust than the Legislature's.

But, I think we should go further – we will introduce a new disclosure form that anyone working in either branch of government who earns in excess of \$100,000 will have to complete each year when this bill becomes law.

Fourth, we propose doubling the length of time that a former public official – whether it be a former governor, cabinet official, or legislator – must wait before they can register as a lobbyist from one year to two years. And, we propose applying this "cooling off" period to any executive branch and legislative branch staff that has to complete the financial disclosure form I just discussed.

This timeframe would ensure that an outgoing official can't lobby within the same legislative session in which they may have served in public office. Many other states, including New York, Colorado, and Alabama, have a two-year cooling off period, and so should we.

Finally, we must ensure greater transparency in how the people's business is conducted.

I think we've all read stories of late-night legislative sessions, with amendments agreed-to and voted upon before they've actually been committed to paper and put forward for the public to see.

Chaos, and decisions made behind closed doors, may have always been associated with Trenton, but they are not how our democratically elected institutions should function in the 21st century.

How can the public make their voices heard when bills can be voted on before their text is even available for the public to see?

When it took office last January, the House of Representatives, under Speaker Nancy Pelosi's leadership, gave us a great model, which I propose we follow – no bills or resolutions should be voted on until their final version has been made publicly available, on an official website, for at least 72 hours.

I further propose that the only way either the Senate or Assembly can get around this rule would be by an emergency 75-percent super-majority vote – the same threshold that currently exists for waiving certain procedural requirements.

And, let's require the disclosure of all interest groups who go before the Legislature's committees to publicly support or oppose legislation. Right now, the only way the general public can get this information is to take time off from work to attend a hearing, or to take time from the rest of their day to listen to its archived proceedings.

Let's put this information right out in the open, where the average New Jerseyan can find it within seconds rather than having to cull through hours of testimony. California already does this, and so should we.

Altogether, these are nine distinct and commonsense ideas. Make no mistake, these are big proposals that will upset some people.

But, we must attack the understandable cynicism that discourages so many people, by opening up our democracy, and allowing our residents to be more engaged and better informed.

They are designed to make serious, profound and lasting changes to Trenton's culture.

There is an old line that laws are like sausages – you don't want to see how either is made.

Well, in this time when consumers are demanding higher standards when it comes to the makeup of their sausages, why wouldn't we demand the same of our laws?

Now, I do not put forward these proposals – and I know that my legislative partners will not introduce them – to try to embarrass anyone. That is not the cause of government.

Make no mistake: all parties can do better, and that includes the executive branch.

We are all in this together. Our cause, after all, is found in no less than the opening words of our national Constitution – “a more perfect union.”

Governor Florio captured this sentiment thirty years ago, when he delivered remarks at Rutgers' commencement, in 1990.

In his remarks to the graduates, he said, “We are not a perfect society. Far from it. But we are perfectable. And, every so often we are called upon to be a little more alert, a little more active.”

So that is the meaning of why we are here tonight. Ours is not a perfect government – it's good, but it's not perfect. We all know that.

But, that doesn't mean we just accept Trenton's political culture as something we can't change – or as something that isn't worthy of trying to change.

That does not mean that we give up on the idea that Trenton is not perfectable.

And, in this political day and age, in this heightened atmosphere, we are called upon, again, to be a little more alert, and a little more active.

That's something we should embrace, and not run from. And, we must embrace the urgency of change.

The legislators who will sponsor these bills – Democrats and Republicans – prove that the desire to improve our government, to make it more responsive and relatable, is not a partisan endeavor. Neither party holds a monopoly on ideas, nor on the desire to make things better.

Governor Florio showed tremendous strength during his time in office in standing up and taking on the tough fights. But, he showed equal strength in sitting down and working together with those of the opposite party. So, let's do that again. And, let's start right here.

I thank you all so much for the honor of being able to speak tonight. Thank you to my legislative colleagues for their friendship and partnership.

Again, my deepest thanks to the Bloustein School, and to each of you.

And, let's go Scarlet Knights!

Governor Phil Murphy

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