

52:13D-21

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2003 **CHAPTER:** 160
NJSA: 52:13D-21 (Executive Commission Ethical Standards)
BILL NO: S1443 (Substituted for A2212)

SPONSOR(S): Coniglio and others

DATE INTRODUCED: May 9, 2002

COMMITTEE: **ASSEMBLY:** State Government

SENATE: State Government

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** June 23, 2003

SENATE: May 16, 2002

DATE OF APPROVAL: August 20, 2003

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Original version of bill enacted)

S1443

[SPONSORS STATEMENT:](#) (Begins on page 4 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

A2212

[SPONSORS STATEMENT:](#) (Begins on page 4 of original bill) [Yes](#)

Bill and Sponsors Statement identical to S1443

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

Identical to Senate Statement to S1443

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

P.L. 2003, CHAPTER 160, *approved August 20, 2003*
Senate Bill No. 1443

1 **AN ACT** concerning the membership of the Executive Commission on
2 Ethical Standards and amending P.L.1971, c.182.

3

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

6

7 1. Section 10 of P.L.1971, c.182 (C.52:13D-21) is amended to
8 read as follows:

9 10. (a) The Executive Commission on Ethical Standards created
10 pursuant to P.L.1967, chapter 229 is continued and established in the
11 Department of Law and Public Safety and shall constitute the first
12 commission under P.L.1971, c.182 (C.52:13D-12 et al.).

13 (b) The commission shall be composed of **[seven]** nine members
14 as follows: seven members appointed by the Governor from among
15 State officers and employees serving in the Executive Branch; and two
16 public members appointed by the Governor, not more than one of
17 whom shall be of the same political party

18 Each member appointed from the Executive Branch shall serve at the
19 pleasure of the Governor during the term of office of the Governor
20 appointing the member and until the member's successor is appointed
21 and qualified. The public members shall serve for terms of four years
22 and until the appointment and qualification of their successors, but of
23 the public members first appointed, one shall serve for a term of two
24 years and one shall serve for a term of four years. The Governor shall
25 designate one member to serve as chairman and one member to serve
26 as vice-chairman of the commission.

27 Vacancies in the membership of the commission shall be filled in the
28 same manner as the original appointments but, in the case of public
29 members, for the unexpired term only. None of the public members
30 shall be State officers or employees or special State officers or
31 employees, except by reason of their service on the commission. A
32 public member may be reappointed for subsequent terms on the
33 commission.

34 (c) Each member of the said commission shall serve without
35 compensation but shall be entitled to be reimbursed for all actual and
36 necessary expenses incurred in the performance of the member's
37 duties.

38 (d) The Attorney General shall act as legal adviser and counsel to
39 the said commission. The Attorney General shall upon request advise
40 the commission in the rendering of advisory opinions by the

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

Matter underlined thus is new matter.

1 commission, in the approval and review of codes of ethics adopted by
2 State agencies in the Executive Branch and in the recommendation of
3 revisions in codes of ethics or legislation relating to the conduct of
4 State officers and employees in the Executive Branch.

5 (e) The said commission may, within the limits of funds
6 appropriated or otherwise made available to it for the purpose, employ
7 such other professional, technical, clerical or other assistants,
8 excepting legal counsel, and incur such expenses as may be necessary
9 for the performance of its duties.

10 (f) The said commission, in order to perform its duties pursuant to
11 the provisions of P.L.1971, c.182 (C.52:13D-12 et al.), shall have the
12 power to conduct investigations, hold hearings, compel the attendance
13 of witnesses and the production before it of such books and papers as
14 it may deem necessary, proper and relevant to the matter under
15 investigation. The members of the said commission and the persons
16 appointed by the commission for such purpose are hereby empowered
17 to administer oaths and examine witnesses under oath.

18 (g) The said commission is authorized to render advisory opinions
19 as to whether a given set of facts and circumstances would, in its
20 opinion, constitute a violation of the provisions of P.L.1971, c.182
21 (C.52:13D-12 et al.) or of a code of ethics promulgated pursuant to
22 the provisions of P.L.1971, c.182 (C.52:13D-12 et al.).

23 (h) The said commission shall have jurisdiction to initiate, receive,
24 hear and review complaints regarding violations, by any State officer
25 or employee or special State officer or employee in the Executive
26 Branch, of the provisions of P.L.1971, c.182 (C.52:13D-12 et al.) or
27 of any code of ethics promulgated pursuant to the provisions of
28 P.L.1971, c.182 (C.52:13D-12 et al.). Any complaint regarding a
29 violation of a code of ethics may be referred by the commission for
30 disposition in accordance with subsection (d) of section 12 of
31 P.L.1971, c.182 (C.52:13D-23).

32 (i) Any State officer or employee or special State officer or
33 employee found guilty by the commission of violating any provision of
34 P.L.1971, c.182 (C.52:13D-12 et al.) or of a code of ethics
35 promulgated pursuant to the provisions of P.L.1971, c.182
36 (C.52:13D-12 et al.) shall be fined not less than \$100.00 nor more than
37 \$500.00, which penalty may be collected in a summary proceeding
38 pursuant to "The Penalty Enforcement Law of 1999," P.L.1999, c.274
39 (C.2A:58-10 et seq.), and may be suspended from his office or
40 employment by order of the commission for a period of not in excess
41 of one year. If the commission finds that the conduct of such officer
42 or employee constitutes a willful and continuous disregard of the
43 provisions of P.L.1971, c.182 (C.52:13D-12 et al.) or of a code of
44 ethics promulgated pursuant to the provisions of P.L.1971, c.182
45 (C.52:13D-12 et al.), it may order such person removed from his
46 office or employment and may further bar such person from holding

1 any public office or employment in this State in any capacity
2 whatsoever for a period of not exceeding five years from the date on
3 which the person was found guilty by the commission.

4 (j) The remedies provided herein are in addition to all other
5 criminal and civil remedies provided under the law.

6 (cf: P.L.1999, c.440, s.102)

7

8 2. During the period commencing with the effective date of
9 P.L. , c. (C.) (now pending before the Legislature as this bill)
10 and ending on the date on which all of the public members of the
11 Executive Commission on Ethical Standards first appointed shall have
12 qualified, in determining whether a quorum exists for the purposes of
13 convening a meeting of the commission and of conducting official
14 business thereat, only those public members who shall have qualified
15 as of the date on which the meeting is held shall be considered as
16 included in the membership of the commission.

17

18 3. This act shall take effect immediately.

19

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21

STATEMENT

22

23 At present, the Executive Commission on Ethical Standards is
24 composed of seven members appointed by the Governor from among
25 State officers and employees serving in the Executive Branch. This
26 bill would increase the membership of the commission to nine by
27 providing for the appointment of two public members.

28 The public members would be appointed by the Governor for four-
29 year terms, except that the terms of initial appointees would be
30 staggered in order to ensure continuity of membership. No more than
31 one of the public members would be of the same political party. A
32 public member would not be permitted to serve as a State officer or
33 employee or special State officer or employee, except by reason of the
34 member's service on the commission. A public member could be
35 reappointed to subsequent terms on the commission. Until all of the
36 public members have been appointed and qualified, only public
37 members who have already qualified will be counted for the purpose
38 of establishing a quorum for the conduct of the commission's business.

39

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43 _____
44 Increases membership of Executive Commission on Ethical Standards
to nine through addition of two public members.

SENATE, No. 1443

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED MAY 9, 2002

Sponsored by:

Senator JOSEPH CONIGLIO

District 38 (Bergen)

Assemblyman ALBIO SIRES

District 33 (Hudson)

Assemblywoman NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

SYNOPSIS

Increases membership of Executive Commission on Ethical Standards to nine through addition of two public members.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/24/2003)

S1443 CONIGLIO

2

1 AN ACT concerning the membership of the Executive Commission on
2 Ethical Standards and amending P.L.1971, c.182.

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

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7 1. Section 10 of P.L.1971, c.182 (C.52:13D-21) is amended to
8 read as follows:

9 10. (a) The Executive Commission on Ethical Standards created
10 pursuant to P.L.1967, chapter 229 is continued and established in the
11 Department of Law and Public Safety and shall constitute the first
12 commission under P.L.1971, c.182 (C.52:13D-12 et al.).

13 (b) The commission shall be composed of ~~[seven]~~ nine members
14 as follows: seven members appointed by the Governor from among
15 State officers and employees serving in the Executive Branch; and two
16 public members appointed by the Governor, not more than one of
17 whom shall be of the same political party

18 Each member appointed from the Executive Branch shall serve at the
19 pleasure of the Governor during the term of office of the Governor
20 appointing the member and until the member's successor is appointed
21 and qualified. The public members shall serve for terms of four years
22 and until the appointment and qualification of their successors, but of
23 the public members first appointed, one shall serve for a term of two
24 years and one shall serve for a term of four years. The Governor shall
25 designate one member to serve as chairman and one member to serve
26 as vice-chairman of the commission.

27 Vacancies in the membership of the commission shall be filled in the
28 same manner as the original appointments but, in the case of public
29 members, for the unexpired term only. None of the public members
30 shall be State officers or employees or special State officers or
31 employees, except by reason of their service on the commission. A
32 public member may be reappointed for subsequent terms on the
33 commission.

34 (c) Each member of the said commission shall serve without
35 compensation but shall be entitled to be reimbursed for all actual and
36 necessary expenses incurred in the performance of the member's
37 duties.

38 (d) The Attorney General shall act as legal adviser and counsel to
39 the said commission. The Attorney General shall upon request advise
40 the commission in the rendering of advisory opinions by the
41 commission, in the approval and review of codes of ethics adopted by
42 State agencies in the Executive Branch and in the recommendation of
43 revisions in codes of ethics or legislation relating to the conduct of

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

Matter underlined thus is new matter.

S1443 CONIGLIO

1 State officers and employees in the Executive Branch.

2 (e) The said commission may, within the limits of funds
3 appropriated or otherwise made available to it for the purpose, employ
4 such other professional, technical, clerical or other assistants,
5 excepting legal counsel, and incur such expenses as may be necessary
6 for the performance of its duties.

7 (f) The said commission, in order to perform its duties pursuant to
8 the provisions of P.L.1971, c.182 (C.52:13D-12 et al.), shall have the
9 power to conduct investigations, hold hearings, compel the attendance
10 of witnesses and the production before it of such books and papers as
11 it may deem necessary, proper and relevant to the matter under
12 investigation. The members of the said commission and the persons
13 appointed by the commission for such purpose are hereby empowered
14 to administer oaths and examine witnesses under oath.

15 (g) The said commission is authorized to render advisory opinions
16 as to whether a given set of facts and circumstances would, in its
17 opinion, constitute a violation of the provisions of P.L.1971, c.182
18 (C.52:13D-12 et al.) or of a code of ethics promulgated pursuant to
19 the provisions of P.L.1971, c.182 (C.52:13D-12 et al.).

20 (h) The said commission shall have jurisdiction to initiate, receive,
21 hear and review complaints regarding violations, by any State officer
22 or employee or special State officer or employee in the Executive
23 Branch, of the provisions of P.L.1971, c.182 (C.52:13D-12 et al.) or
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25 P.L.1971, c.182 (C.52:13D-12 et al.). Any complaint regarding a
26 violation of a code of ethics may be referred by the commission for
27 disposition in accordance with subsection (d) of section 12 of
28 P.L.1971, c.182 (C.52:13D-23).

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30 employee found guilty by the commission of violating any provision of
31 P.L.1971, c.182 (C.52:13D-12 et al.) or of a code of ethics
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33 (C.52:13D-12 et al.) shall be fined not less than \$100.00 nor more than
34 \$500.00, which penalty may be collected in a summary proceeding
35 pursuant to "The Penalty Enforcement Law of 1999," P.L.1999, c.274
36 (C.2A:58-10 et seq.), and may be suspended from his office or
37 employment by order of the commission for a period of not in excess
38 of one year. If the commission finds that the conduct of such officer
39 or employee constitutes a willful and continuous disregard of the
40 provisions of P.L.1971, c.182 (C.52:13D-12 et al.) or of a code of
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43 office or employment and may further bar such person from holding
44 any public office or employment in this State in any capacity
45 whatsoever for a period of not exceeding five years from the date on
46 which the person was found guilty by the commission.

1 (j) The remedies provided herein are in addition to all other
2 criminal and civil remedies provided under the law.
3 (cf: P.L.1999, c.440, s.102)

4
5 2. During the period commencing with the effective date of
6 P.L. , c. (C.) (now pending before the Legislature as this bill)
7 and ending on the date on which all of the public members of the
8 Executive Commission on Ethical Standards first appointed shall have
9 qualified, in determining whether a quorum exists for the purposes of
10 convening a meeting of the commission and of conducting official
11 business thereat, only those public members who shall have qualified
12 as of the date on which the meeting is held shall be considered as
13 included in the membership of the commission.

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15 3. This act shall take effect immediately.
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18 STATEMENT
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20 At present, the Executive Commission on Ethical Standards is
21 composed of seven members appointed by the Governor from among
22 State officers and employees serving in the Executive Branch. This
23 bill would increase the membership of the commission to nine by
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25 The public members would be appointed by the Governor for four-
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35 of establishing a quorum for the conduct of the commission's business.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 1443

STATE OF NEW JERSEY

DATED: FEBRUARY 13, 2003

The Assembly State Government Committee reports favorably Senate Bill No. 1443.

At present, the Executive Commission on Ethical Standards is composed of seven members appointed by the Governor from among State officers and employees serving in the Executive Branch. This bill would increase the membership of the commission to nine by providing for the appointment of two public members.

The public members would be appointed by the Governor for four-year terms, except that the terms of initial appointees would be staggered in order to ensure continuity of membership. No more than one of the public members would be of the same political party. A public member would not be permitted to be a State officer or employee or special State officer or employee, except by reason of the member's service on the commission. A public member could be reappointed to subsequent terms on the commission. Until all of the public members have been appointed and qualified, only public members who have already qualified will be counted for the purpose of establishing a quorum for the conduct of the commission's business.

Senate, No. 1443 is the same as Assembly, No. 2212.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 1443

STATE OF NEW JERSEY

DATED: MAY 13, 2002

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210th LEGISLATURE

INTRODUCED MAY 6, 2002

Sponsored by:

Assemblyman ALBIO SIRES

District 33 (Hudson)

Assemblywoman NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

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ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2212

STATE OF NEW JERSEY

DATED: FEBRUARY 13, 2003

The Assembly State Government Committee reports favorably Assembly Bill No. 2212.

At present, the Executive Commission on Ethical Standards is composed of seven members appointed by the Governor from among State officers and employees serving in the Executive Branch. This bill would increase the membership of the commission to nine by providing for the appointment of two public members.

The public members would be appointed by the Governor for four-year terms, except that the terms of initial appointees would be staggered in order to ensure continuity of membership. No more than one of the public members would be of the same political party. A public member would not be permitted to be a State officer or employee or special State officer or employee, except by reason of the member's service on the commission. A public member could be reappointed to subsequent terms on the commission. Until all of the public members have been appointed and qualified, only public members who have already qualified will be counted for the purpose of establishing a quorum for the conduct of the commission's business.

Assembly Bill No. 2212 is the same as Senate Bill No. 1443.