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P.L. 2004, CHAPTER 24, *approved June 16, 2004*

Senate, No. 17

1 **AN ACT** concerning the memberships of the Executive Commission on
2 Ethical Standards and the Joint Legislative Committee on Ethical
3 Standards and amending P.L.1971, c.182.

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

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

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

14 (b) (1) The commission shall be composed of nine members as
15 follows: seven members appointed by the Governor from among State
16 officers and employees serving in the Executive Branch; and two
17 public members appointed by the Governor, not more than one of
18 whom shall be of the same political party.

19 Each member appointed from the Executive Branch shall serve at
20 the pleasure of the Governor during the term of office of the Governor
21 appointing the member and until the member's successor is appointed
22 and qualified. The public members shall serve for terms of four years
23 and until the appointment and qualification of their successors, but of
24 the public members first appointed pursuant to P.L.2003, c.160, one
25 shall serve for a term of two years and one shall serve for a term of
26 four years. The Governor shall designate one member to serve as
27 chairman and one member to serve as vice-chairman of the
28 commission.

29 (2) Commencing with the third Tuesday in January of the year in
30 which the Governor takes office, next following enactment of P.L. ,
31 c. (now pending before the Legislature as this bill), the commission
32 shall be composed of eight members as follows: four members
33 appointed by the Governor from among State officers and employees
34 serving in the Executive Branch; and four public members appointed
35 by the Governor, not more than two of whom shall be of the same
36 political party.

37 Each member appointed from the Executive Branch shall serve at
38 the pleasure of the Governor during the term of office of the Governor
39 appointing the member and until the member's successor is appointed
40 and qualified. The public members shall serve for terms of four years.
41 The Governor shall designate one member to serve as chairman and

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 one member to serve as vice-chairman of the commission.

2 The members of the Executive Commission on Ethical Standards
3 who were appointed by the Governor from among the State officers
4 and employees serving in the Executive Branch serving on the third
5 Tuesday in January of the year in which the Governor takes office,
6 next following enactment of P.L. , c. (now pending before the
7 Legislature as this bill), are terminated as of that day. A member
8 terminated pursuant to this paragraph shall be eligible for
9 reappointment.

10 (3) Vacancies in the membership of the commission shall be filled
11 in the same manner as the original appointments but, in the case of
12 public members, for the unexpired term only. None of the public
13 members shall be State officers or employees or special State officers
14 or employees, except by reason of their service on the commission. A
15 public member may be reappointed for subsequent terms on the
16 commission.

17 (c) Each member of the said commission shall serve without
18 compensation but shall be entitled to be reimbursed for all actual and
19 necessary expenses incurred in the performance of the member's
20 duties.

21 (d) The Attorney General shall act as legal adviser and counsel to
22 the said commission. The Attorney General shall upon request advise
23 the commission in the rendering of advisory opinions by the
24 commission, in the approval and review of codes of ethics adopted by
25 State agencies in the Executive Branch and in the recommendation of
26 revisions in codes of ethics or legislation relating to the conduct of
27 State officers and employees in the Executive Branch.

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

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

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

46 (h) The said commission shall have jurisdiction to initiate, receive,

1 hear and review complaints regarding violations, by any State officer
2 or employee or special State officer or employee in the Executive
3 Branch, of the provisions of P.L.1971, c.182 (C.52:13D-12 et al.) or
4 of any code of ethics promulgated pursuant to the provisions of
5 P.L.1971, c.182 (C.52:13D-12 et al.). Any complaint regarding a
6 violation of a code of ethics may be referred by the commission for
7 disposition in accordance with subsection (d) of section 12 of
8 P.L.1971, c.182 (C.52:13D-23).

9 (i) Any State officer or employee or special State officer or
10 employee found guilty by the commission of violating any provision of
11 P.L.1971, c.182 (C.52:13D-12 et al.) or of a code of ethics
12 promulgated pursuant to the provisions of P.L.1971, c.182
13 (C.52:13D-12 et al.) shall be fined not less than \$100.00 nor more than
14 \$500.00, which penalty may be collected in a summary proceeding
15 pursuant to ["The] the "Penalty Enforcement Law of 1999,"
16 P.L.1999, c.274 (C.2A:58-10 et seq.), and may be suspended from
17 [his] office or employment by order of the commission for a period of
18 not in excess of one year. If the commission finds that the conduct of
19 such officer or employee constitutes a willful and continuous disregard
20 of the provisions of P.L.1971, c.182 (C.52:13D-12 et al.) or of a code
21 of ethics promulgated pursuant to the provisions of P.L.1971, c.182
22 (C.52:13D-12 et al.), it may order such person removed from [his]
23 office or employment and may further bar such person from holding
24 any public office or employment in this State in any capacity
25 whatsoever for a period of not exceeding five years from the date on
26 which the person was found guilty by the commission.

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

29 (cf: P.L.2003, c.160, s.1)

30

31 2. Section 11 of P.L.1971, c.182 (C.52:13D-22) is amended to
32 read as follows:

33 11. (a) The Joint Legislative Committee on Ethical Standards
34 created pursuant to the provisions of P.L.1967, chapter 229, as
35 continued and established pursuant to P.L.1971, c.182, is continued
36 and established in the Legislative Branch of State Government with the
37 addition of the public members as set forth in this section.

38 (b) (1) The Joint committee shall be composed of 12 members as
39 follows: four members of the Senate appointed by the President
40 thereof, no more than two of whom shall be of the same political
41 party; four members of the General Assembly, appointed by the
42 Speaker thereof, no more than two of whom shall be of the same
43 political party; and four public members, one appointed by the
44 President of the Senate, one appointed by the Speaker of the General
45 Assembly, one appointed by the Minority Leader of the Senate and one
46 appointed by the Minority Leader of the General Assembly.

1 (2) Commencing with the second Tuesday in January of the next
2 even numbered year following the effective date of P.L. , c. (now
3 pending before the Legislature as this bill), the Joint committee shall
4 be composed of sixteen members as follows: four members of the
5 Senate, appointed by the President thereof, no more than two of whom
6 shall be of the same political party; four members of the General
7 Assembly, appointed by the Speaker thereof, no more than two of
8 whom shall be of the same political party; and eight public members,
9 two appointed by the President of the Senate, two appointed by the
10 Speaker of the General Assembly, two appointed by the Minority
11 Leader of the Senate and two appointed by the Minority Leader of the
12 General Assembly.

13 (3) No public member shall be a lobbyist or legislative agent as
14 defined by the "Legislative Activities Disclosure Act of 1971,"
15 P.L.1971, c.183 (C.52:13C-18 et seq.), a full-time State employee or
16 an officer or director of any entity which is required to file a statement
17 with the Election Law Enforcement Commission, and no former
18 lobbyist or legislative agent shall be eligible to serve as a public
19 member for one year following the cessation of all activity by that
20 person as a legislative agent or lobbyist.

21 The legislative members shall serve until the end of the two-year
22 legislative term during which the members are appointed. The public
23 members shall serve for terms of two years and until the appointment
24 and qualification of their successors.

25 The terms of the public members shall run from the second Tuesday
26 in January of an even-numbered year to the second Tuesday in January
27 of the next even-numbered year, regardless of the original date of
28 appointment. [Notwithstanding the terms of the public members as
29 established in this section, the public members first appointed shall
30 serve from their initial appointments, all of which shall be made not
31 later than the 60th day following the effective date of this act, until the
32 second Tuesday in January of the next even-numbered year.]

33 Vacancies in the membership of the Joint committee shall be filled
34 in the same manner as the original appointments, but for the unexpired
35 term only. Public members of the Joint committee shall serve without
36 compensation, but shall be entitled to be reimbursed for all actual and
37 necessary expenses incurred in the performance of their duties.

38 (c) The Joint committee shall organize as soon as may be
39 practicable after the appointment of its members, by the selection of
40 a chairman and vice chairman from among its membership and the
41 appointment of a secretary, who need not be a member of the Joint
42 committee.

43 (d) The Legislative Counsel in the Office of Legislative Services
44 shall act as legal adviser to the Joint committee. [He] The Legislative
45 Counsel shall, upon request, assist and advise the Joint committee in
46 the rendering of advisory opinions by the Joint committee, in the

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

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

10 (f) The Joint committee shall have all the powers granted pursuant
11 to chapter 13 of Title 52 of the Revised Statutes.

12 (g) The Joint committee is authorized to render advisory opinions
13 as to whether a given set of facts and circumstances would, in its
14 opinion, constitute a violation of the provisions of this act, of a code
15 of ethics promulgated pursuant to the provisions of this act or of any
16 rule of either or both Houses which gives the Joint committee
17 jurisdiction and the authority to investigate a matter.

18 (h) The Joint committee shall have jurisdiction to initiate, receive,
19 hear and review complaints regarding violations of the provisions of
20 this act or of a code of ethics promulgated pursuant to the provisions
21 of this act. It shall further have such jurisdiction as to enforcement of
22 the rules of either or both Houses of the Legislature governing the
23 conduct of the members or employees thereof as those rules may
24 confer upon the Joint committee. A complaint regarding a violation
25 of a code of ethics promulgated pursuant to the provisions of this act
26 may be referred by the Joint committee for disposition in accordance
27 with subsection 12(d) of this act.

28 (i) Any State officer or employee or special State officer or
29 employee in the Legislative Branch found guilty by the Joint
30 committee of violating any provisions of this act, of a code of ethics
31 promulgated pursuant to the provisions of this act or of any rule of
32 either or both Houses which gives the Joint committee jurisdiction and
33 the authority to investigate a matter shall be fined not less than
34 \$500.00 nor more than \$1,500.00, which penalty may be collected in
35 a summary proceeding pursuant to ["the penalty enforcement law"
36 (N.J.S.2A:58-1 et seq.)] the "Penalty Enforcement Law of 1999,"
37 P.L.1999, c.274 (C.2A:58-10 et seq.), and may be reprimanded and
38 ordered to pay restitution where appropriate and may be suspended
39 from [his] office or employment by order of the Joint committee for
40 a period not in excess of 1 year. If the Joint committee finds that the
41 conduct of such officer or employee constitutes a willful and
42 continuous disregard of the provisions of this act, of a code of ethics
43 promulgated pursuant to the provisions of this act or of any rule of
44 either or both Houses which gives the Joint committee jurisdiction and
45 the authority to investigate a matter, it may order such person
46 removed from [his] office or employment and may further bar such

1 person from holding any public office or employment in this State in
2 any capacity whatsoever for a period of not exceeding 5 years from the
3 date on which [he] such person was found guilty by the Joint
4 committee.

5 (j) A member of the Legislature who shall be found guilty by the
6 Joint committee of violating the provisions of this act, of a code of
7 ethics promulgated pursuant to the provisions of this act or of any rule
8 of either or both Houses which gives the Joint committee jurisdiction
9 and the authority to investigate a matter shall be fined not less than
10 \$500.00 nor more than \$1,500.00, which penalty may be collected in
11 a summary proceeding pursuant to ["the penalty enforcement law"
12 (N.J.S.2A:58-1 et seq.)] the "Penalty Enforcement Law of 1999,"
13 P.L.1999, c.274 (C.2A:58-10 et seq.), and shall be subject to such
14 further action as may be determined by the House of which [he] such
15 person is a member. In such cases the Joint committee shall report its
16 findings to the appropriate House and shall recommend to the House
17 such further action as the Joint committee deems appropriate, but it
18 shall be the sole responsibility of the House to determine what further
19 action, if any, shall be taken against such member.

20 (cf: P.L.1991, c.505, s.1)

21
22 3. This act shall take effect immediately.

23 24 25 STATEMENT

26
27 This bill changes the memberships of the Executive Commission on
28 Ethical Standards and the Joint Legislative Committee on Ethical
29 Standards to provide a more balanced membership between
30 government officials and public members. By modifying the balance
31 in the memberships, this bill will help ensure that the Executive
32 Commission on Ethical Standards and the Joint Legislative Committee
33 on Ethical Standards function independently and objectively.

34 Currently, the Executive Commission on Ethical Standards is
35 composed of nine members appointed by the Governor, seven
36 appointed from among State officers and employees serving in the
37 Executive Branch and two appointed from the general public as public
38 members. This bill will decrease the number of Executive Branch
39 members to four and increase the number of public members to four
40 to provide a more equitable representation of government and public
41 members.

42 Also, the Joint Legislative Committee on Ethical Standards is
43 currently composed of twelve members as follows: four members of
44 the Senate, appointed by the Senate President, four members of the
45 General Assembly, appointed by the Speaker of the General Assembly,
46 and four public members (one appointed by the President of the

1 Senate, one appointed by the Speaker of the General Assembly, one
2 appointed by the Minority Leader of the Senate and one appointed by
3 the Minority Leader of the General Assembly). This bill will maintain
4 the number of legislative members at eight and increase the number of
5 public members to eight (two appointed by the President of the Senate,
6 two appointed by the Speaker of the General Assembly, two appointed
7 by the Minority Leader of the Senate and two appointed by the
8 Minority Leader of the General Assembly), to provide a more
9 equitable representation of legislative and public members.

10

11

12

13

14 Changes memberships of Executive Commission on Ethical Standards
15 and Joint Legislative Committee on Ethical Standards.

SENATE, No. 17

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED JUNE 7, 2004

Sponsored by:

Senator BERNARD F. KENNY, JR.

District 33 (Hudson)

Assemblyman NEIL M. COHEN

District 20 (Union)

Assemblywoman NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

Assemblyman ROBERT J. SMITH

District 4 (Camden and Gloucester)

Assemblyman JOSEPH VAS

District 19 (Middlesex)

Co-Sponsored by:

Assemblymen Scalera, Mayer, Van Drew, McKeon, Stack, Chivukula,

Assemblywoman Watson Coleman, Assemblymen Connors, Panter,

Morgan, Wisniewski, Gusciora, Greenwald, Stanley, Green,

Assemblywoman Oliver and Assemblyman Johnson

SYNOPSIS

Changes memberships of Executive Commission on Ethical Standards and Joint Legislative Committee on Ethical Standards.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 6/11/2004)

1 AN ACT concerning the memberships of the Executive Commission on
2 Ethical Standards and the Joint Legislative Committee on Ethical
3 Standards and amending P.L.1971, c.182.

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

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

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

14 (b) (1) The commission shall be composed of nine members as
15 follows: seven members appointed by the Governor from among State
16 officers and employees serving in the Executive Branch; and two
17 public members appointed by the Governor, not more than one of
18 whom shall be of the same political party.

19 Each member appointed from the Executive Branch shall serve at
20 the pleasure of the Governor during the term of office of the Governor
21 appointing the member and until the member's successor is appointed
22 and qualified. The public members shall serve for terms of four years
23 and until the appointment and qualification of their successors, but of
24 the public members first appointed pursuant to P.L.2003, c.160, one
25 shall serve for a term of two years and one shall serve for a term of
26 four years. The Governor shall designate one member to serve as
27 chairman and one member to serve as vice-chairman of the
28 commission.

29 (2) Commencing with the third Tuesday in January of the year in
30 which the Governor takes office, next following enactment of P.L. ,
31 c. (now pending before the Legislature as this bill), the commission
32 shall be composed of eight members as follows: four members
33 appointed by the Governor from among State officers and employees
34 serving in the Executive Branch; and four public members appointed
35 by the Governor, not more than two of whom shall be of the same
36 political party.

37 Each member appointed from the Executive Branch shall serve at
38 the pleasure of the Governor during the term of office of the Governor
39 appointing the member and until the member's successor is appointed
40 and qualified. The public members shall serve for terms of four years.
41 The Governor shall designate one member to serve as chairman and
42 one member to serve as vice-chairman of the commission.

43 The members of the Executive Commission on Ethical Standards

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 who were appointed by the Governor from among the State officers
2 and employees serving in the Executive Branch serving on the third
3 Tuesday in January of the year in which the Governor takes office,
4 next following enactment of P.L. , c. (now pending before the
5 Legislature as this bill), are terminated as of that day. A member
6 terminated pursuant to this paragraph shall be eligible for
7 reappointment.

8 (3) Vacancies in the membership of the commission shall be filled
9 in the same manner as the original appointments but, in the case of
10 public members, for the unexpired term only. None of the public
11 members shall be State officers or employees or special State officers
12 or employees, except by reason of their service on the commission. A
13 public member may be reappointed for subsequent terms on the
14 commission.

15 (c) Each member of the said commission shall serve without
16 compensation but shall be entitled to be reimbursed for all actual and
17 necessary expenses incurred in the performance of the member's
18 duties.

19 (d) The Attorney General shall act as legal adviser and counsel to
20 the said commission. The Attorney General shall upon request advise
21 the commission in the rendering of advisory opinions by the
22 commission, in the approval and review of codes of ethics adopted by
23 State agencies in the Executive Branch and in the recommendation of
24 revisions in codes of ethics or legislation relating to the conduct of
25 State officers and employees in the Executive Branch.

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

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

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

44 (h) The said commission shall have jurisdiction to initiate, receive,
45 hear and review complaints regarding violations, by any State officer
46 or employee or special State officer or employee in the Executive

1 Branch, of the provisions of P.L.1971, c.182 (C.52:13D-12 et al.) or
2 of any code of ethics promulgated pursuant to the provisions of
3 P.L.1971, c.182 (C.52:13D-12 et al.). Any complaint regarding a
4 violation of a code of ethics may be referred by the commission for
5 disposition in accordance with subsection (d) of section 12 of
6 P.L.1971, c.182 (C.52:13D-23).

7 (i) Any State officer or employee or special State officer or
8 employee found guilty by the commission of violating any provision of
9 P.L.1971, c.182 (C.52:13D-12 et al.) or of a code of ethics
10 promulgated pursuant to the provisions of P.L.1971, c.182
11 (C.52:13D-12 et al.) shall be fined not less than \$100.00 nor more than
12 \$500.00, which penalty may be collected in a summary proceeding
13 pursuant to ["The] the "Penalty Enforcement Law of 1999,"
14 P.L.1999, c.274 (C.2A:58-10 et seq.), and may be suspended from
15 [his] office or employment by order of the commission for a period of
16 not in excess of one year. If the commission finds that the conduct of
17 such officer or employee constitutes a willful and continuous disregard
18 of the provisions of P.L.1971, c.182 (C.52:13D-12 et al.) or of a code
19 of ethics promulgated pursuant to the provisions of P.L.1971, c.182
20 (C.52:13D-12 et al.), it may order such person removed from [his]
21 office or employment and may further bar such person from holding
22 any public office or employment in this State in any capacity
23 whatsoever for a period of not exceeding five years from the date on
24 which the person was found guilty by the commission.

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

27 (cf: P.L.2003, c.160, s.1)

28

29 2. Section 11 of P.L.1971, c.182 (C.52:13D-22) is amended to
30 read as follows:

31 11. (a) The Joint Legislative Committee on Ethical Standards
32 created pursuant to the provisions of P.L.1967, chapter 229, as
33 continued and established pursuant to P.L.1971, c.182, is continued
34 and established in the Legislative Branch of State Government with the
35 addition of the public members as set forth in this section.

36 (b) (1) The Joint committee shall be composed of 12 members as
37 follows: four members of the Senate appointed by the President
38 thereof, no more than two of whom shall be of the same political
39 party; four members of the General Assembly, appointed by the
40 Speaker thereof, no more than two of whom shall be of the same
41 political party; and four public members, one appointed by the
42 President of the Senate, one appointed by the Speaker of the General
43 Assembly, one appointed by the Minority Leader of the Senate and one
44 appointed by the Minority Leader of the General Assembly.

45 (2) Commencing with the second Tuesday in January of the next
46 even numbered year following the effective date of P.L. , c. (now

1 pending before the Legislature as this bill), the Joint committee shall
2 be composed of sixteen members as follows: four members of the
3 Senate, appointed by the President thereof, no more than two of whom
4 shall be of the same political party; four members of the General
5 Assembly, appointed by the Speaker thereof, no more than two of
6 whom shall be of the same political party; and eight public members,
7 two appointed by the President of the Senate, two appointed by the
8 Speaker of the General Assembly, two appointed by the Minority
9 Leader of the Senate and two appointed by the Minority Leader of the
10 General Assembly.

11 (3) No public member shall be a lobbyist or legislative agent as
12 defined by the "Legislative Activities Disclosure Act of 1971,"
13 P.L.1971, c.183 (C.52:13C-18 et seq.), a full-time State employee or
14 an officer or director of any entity which is required to file a statement
15 with the Election Law Enforcement Commission, and no former
16 lobbyist or legislative agent shall be eligible to serve as a public
17 member for one year following the cessation of all activity by that
18 person as a legislative agent or lobbyist.

19 The legislative members shall serve until the end of the two-year
20 legislative term during which the members are appointed. The public
21 members shall serve for terms of two years and until the appointment
22 and qualification of their successors.

23 The terms of the public members shall run from the second Tuesday
24 in January of an even-numbered year to the second Tuesday in January
25 of the next even-numbered year, regardless of the original date of
26 appointment. [Notwithstanding the terms of the public members as
27 established in this section, the public members first appointed shall
28 serve from their initial appointments, all of which shall be made not
29 later than the 60th day following the effective date of this act, until the
30 second Tuesday in January of the next even-numbered year.]

31 Vacancies in the membership of the Joint committee shall be filled
32 in the same manner as the original appointments, but for the unexpired
33 term only. Public members of the Joint committee shall serve without
34 compensation, but shall be entitled to be reimbursed for all actual and
35 necessary expenses incurred in the performance of their duties.

36 (c) The Joint committee shall organize as soon as may be
37 practicable after the appointment of its members, by the selection of
38 a chairman and vice chairman from among its membership and the
39 appointment of a secretary, who need not be a member of the Joint
40 committee.

41 (d) The Legislative Counsel in the Office of Legislative Services
42 shall act as legal adviser to the Joint committee. [He] The Legislative
43 Counsel shall, upon request, assist and advise the Joint committee in
44 the rendering of advisory opinions by the Joint committee, in the
45 approval and review of codes of ethics adopted by State agencies in
46 the Legislative Branch, and in the recommendation of revisions in

1 codes of ethics or legislation relating to the conduct of members of the
2 Legislature or State officers and employees in the Legislative Branch.

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

8 (f) The Joint committee shall have all the powers granted pursuant
9 to chapter 13 of Title 52 of the Revised Statutes.

10 (g) The Joint committee is authorized to render advisory opinions
11 as to whether a given set of facts and circumstances would, in its
12 opinion, constitute a violation of the provisions of this act, of a code
13 of ethics promulgated pursuant to the provisions of this act or of any
14 rule of either or both Houses which gives the Joint committee
15 jurisdiction and the authority to investigate a matter.

16 (h) The Joint committee shall have jurisdiction to initiate, receive,
17 hear and review complaints regarding violations of the provisions of
18 this act or of a code of ethics promulgated pursuant to the provisions
19 of this act. It shall further have such jurisdiction as to enforcement of
20 the rules of either or both Houses of the Legislature governing the
21 conduct of the members or employees thereof as those rules may
22 confer upon the Joint committee. A complaint regarding a violation
23 of a code of ethics promulgated pursuant to the provisions of this act
24 may be referred by the Joint committee for disposition in accordance
25 with subsection 12(d) of this act.

26 (i) Any State officer or employee or special State officer or
27 employee in the Legislative Branch found guilty by the Joint
28 committee of violating any provisions of this act, of a code of ethics
29 promulgated pursuant to the provisions of this act or of any rule of
30 either or both Houses which gives the Joint committee jurisdiction and
31 the authority to investigate a matter shall be fined not less than
32 \$500.00 nor more than \$1,500.00, which penalty may be collected in
33 a summary proceeding pursuant to ["the penalty enforcement law"
34 (N.J.S.2A:58-1 et seq.)] the "Penalty Enforcement Law of 1999,"
35 P.L.1999, c.274 (C.2A:58-10 et seq.), and may be reprimanded and
36 ordered to pay restitution where appropriate and may be suspended
37 from [his] office or employment by order of the Joint committee for
38 a period not in excess of 1 year. If the Joint committee finds that the
39 conduct of such officer or employee constitutes a willful and
40 continuous disregard of the provisions of this act, of a code of ethics
41 promulgated pursuant to the provisions of this act or of any rule of
42 either or both Houses which gives the Joint committee jurisdiction and
43 the authority to investigate a matter, it may order such person
44 removed from [his] office or employment and may further bar such
45 person from holding any public office or employment in this State in
46 any capacity whatsoever for a period of not exceeding 5 years from the

1 date on which [he] such person was found guilty by the Joint
2 committee.

3 (j) A member of the Legislature who shall be found guilty by the
4 Joint committee of violating the provisions of this act, of a code of
5 ethics promulgated pursuant to the provisions of this act or of any rule
6 of either or both Houses which gives the Joint committee jurisdiction
7 and the authority to investigate a matter shall be fined not less than
8 \$500.00 nor more than \$1,500.00, which penalty may be collected in
9 a summary proceeding pursuant to ["the penalty enforcement law"
10 (N.J.S.2A:58-1 et seq.)] the "Penalty Enforcement Law of 1999,"
11 P.L.1999, c.274 (C.2A:58-10 et seq.), and shall be subject to such
12 further action as may be determined by the House of which [he] such
13 person is a member. In such cases the Joint committee shall report its
14 findings to the appropriate House and shall recommend to the House
15 such further action as the Joint committee deems appropriate, but it
16 shall be the sole responsibility of the House to determine what further
17 action, if any, shall be taken against such member.

18 (cf: P.L.1991, c.505, s.1)

19

20 3. This act shall take effect immediately.

21

22

23

STATEMENT

24

25 This bill changes the memberships of the Executive Commission on
26 Ethical Standards and the Joint Legislative Committee on Ethical
27 Standards to provide a more balanced membership between
28 government officials and public members. By modifying the balance
29 in the memberships, this bill will help ensure that the Executive
30 Commission on Ethical Standards and the Joint Legislative Committee
31 on Ethical Standards function independently and objectively.

32 Currently, the Executive Commission on Ethical Standards is
33 composed of nine members appointed by the Governor, seven
34 appointed from among State officers and employees serving in the
35 Executive Branch and two appointed from the general public as public
36 members. This bill will decrease the number of Executive Branch
37 members to four and increase the number of public members to four
38 to provide a more equitable representation of government and public
39 members.

40 Also, the Joint Legislative Committee on Ethical Standards is
41 currently composed of twelve members as follows: four members of
42 the Senate, appointed by the Senate President, four members of the
43 General Assembly, appointed by the Speaker of the General Assembly,
44 and four public members (one appointed by the President of the
45 Senate, one appointed by the Speaker of the General Assembly, one
46 appointed by the Minority Leader of the Senate and one appointed by

S17 KENNY

8

1 the Minority Leader of the General Assembly). This bill will maintain
2 the number of legislative members at eight and increase the number of
3 public members to eight (two appointed by the President of the Senate,
4 two appointed by the Speaker of the General Assembly, two appointed
5 by the Minority Leader of the Senate and two appointed by the
6 Minority Leader of the General Assembly), to provide a more
7 equitable representation of legislative and public members.p

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 17

STATE OF NEW JERSEY

DATED: JUNE 3, 2004

The Senate State Government Committee reports favorably Senate Bill No. 17.

This bill changes the memberships of the Executive Commission on Ethical Standards and the Joint Legislative Committee on Ethical Standards.

Currently, the Executive Commission on Ethical Standards is composed of nine members appointed by the Governor, seven appointed from among State officers and employees serving in the Executive Branch and two appointed from the general public as public members. This bill will decrease the number of Executive Branch members to four and increase the number of public members to four to provide a more equitable representation of government and public members.

Also, the Joint Legislative Committee on Ethical Standards is currently composed of twelve members as follows: four members of the Senate, appointed by the Senate President, four members of the General Assembly, appointed by the Speaker of the General Assembly, and four public members (one appointed by the President of the Senate, one appointed by the Speaker of the General Assembly, one appointed by the Minority Leader of the Senate and one appointed by the Minority Leader of the General Assembly). This bill will maintain the number of legislative members at eight and increase the number of public members to eight (two appointed by the President of the Senate, two appointed by the Speaker of the General Assembly, two appointed by the Minority Leader of the Senate and two appointed by the Minority Leader of the General Assembly), to provide a more equitable representation of legislative and public members.

This bill is identical to Assembly, No. 17 of 2004.

ASSEMBLY, No. 17

STATE OF NEW JERSEY

211th LEGISLATURE

INTRODUCED MAY 17, 2004

Sponsored by:

Assemblyman NEIL M. COHEN

District 20 (Union)

Assemblywoman NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

Assemblyman ROBERT J. SMITH

District 4 (Camden and Gloucester)

Assemblyman JOSEPH VAS

District 19 (Middlesex)

Co-Sponsored by:

Assemblymen Scalera, Mayer, Van Drew, McKeon, Stack, Chivukula,

Assemblywoman Watson Coleman, Assemblymen Connors, Panter,

Morgan, Wisniewski, Gusciora, Greenwald, Stanley, Green,

Assemblywoman Oliver and Assemblyman Johnson

SYNOPSIS

Changes memberships of Executive Commission on Ethical Standards and Joint Legislative Committee on Ethical Standards.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/11/2004)

1 AN ACT concerning the memberships of the Executive Commission on
2 Ethical Standards and the Joint Legislative Committee on Ethical
3 Standards and amending P.L.1971, c.182.

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

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

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

14 (b) (1) The commission shall be composed of nine members as
15 follows: seven members appointed by the Governor from among State
16 officers and employees serving in the Executive Branch; and two
17 public members appointed by the Governor, not more than one of
18 whom shall be of the same political party.

19 Each member appointed from the Executive Branch shall serve at
20 the pleasure of the Governor during the term of office of the Governor
21 appointing the member and until the member's successor is appointed
22 and qualified. The public members shall serve for terms of four years
23 and until the appointment and qualification of their successors, but of
24 the public members first appointed pursuant to P.L.2003, c.160, one
25 shall serve for a term of two years and one shall serve for a term of
26 four years. The Governor shall designate one member to serve as
27 chairman and one member to serve as vice-chairman of the
28 commission.

29 (2) Commencing with the third Tuesday in January of the year in
30 which the Governor takes office, next following enactment of P.L. ,
31 c. (now pending before the Legislature as this bill), the commission
32 shall be composed of eight members as follows: four members
33 appointed by the Governor from among State officers and employees
34 serving in the Executive Branch; and four public members appointed
35 by the Governor, not more than two of whom shall be of the same
36 political party.

37 Each member appointed from the Executive Branch shall serve at
38 the pleasure of the Governor during the term of office of the Governor
39 appointing the member and until the member's successor is appointed
40 and qualified. The public members shall serve for terms of four years.
41 The Governor shall designate one member to serve as chairman and
42 one member to serve as vice-chairman of the commission.

43 The members of the Executive Commission on Ethical Standards

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 who were appointed by the Governor from among the State officers
2 and employees serving in the Executive Branch serving on the third
3 Tuesday in January of the year in which the Governor takes office,
4 next following enactment of P.L. , c. (now pending before the
5 Legislature as this bill), are terminated as of that day. A member
6 terminated pursuant to this paragraph shall be eligible for
7 reappointment.

8 (3) Vacancies in the membership of the commission shall be filled
9 in the same manner as the original appointments but, in the case of
10 public members, for the unexpired term only. None of the public
11 members shall be State officers or employees or special State officers
12 or employees, except by reason of their service on the commission. A
13 public member may be reappointed for subsequent terms on the
14 commission.

15 (c) Each member of the said commission shall serve without
16 compensation but shall be entitled to be reimbursed for all actual and
17 necessary expenses incurred in the performance of the member's
18 duties.

19 (d) The Attorney General shall act as legal adviser and counsel to
20 the said commission. The Attorney General shall upon request advise
21 the commission in the rendering of advisory opinions by the
22 commission, in the approval and review of codes of ethics adopted by
23 State agencies in the Executive Branch and in the recommendation of
24 revisions in codes of ethics or legislation relating to the conduct of
25 State officers and employees in the Executive Branch.

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

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

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

44 (h) The said commission shall have jurisdiction to initiate, receive,
45 hear and review complaints regarding violations, by any State officer
46 or employee or special State officer or employee in the Executive

1 Branch, of the provisions of P.L.1971, c.182 (C.52:13D-12 et al.) or
2 of any code of ethics promulgated pursuant to the provisions of
3 P.L.1971, c.182 (C.52:13D-12 et al.). Any complaint regarding a
4 violation of a code of ethics may be referred by the commission for
5 disposition in accordance with subsection (d) of section 12 of
6 P.L.1971, c.182 (C.52:13D-23).

7 (i) Any State officer or employee or special State officer or
8 employee found guilty by the commission of violating any provision of
9 P.L.1971, c.182 (C.52:13D-12 et al.) or of a code of ethics
10 promulgated pursuant to the provisions of P.L.1971, c.182
11 (C.52:13D-12 et al.) shall be fined not less than \$100.00 nor more than
12 \$500.00, which penalty may be collected in a summary proceeding
13 pursuant to ["The] the "Penalty Enforcement Law of 1999,"
14 P.L.1999, c.274 (C.2A:58-10 et seq.), and may be suspended from
15 [his] office or employment by order of the commission for a period of
16 not in excess of one year. If the commission finds that the conduct of
17 such officer or employee constitutes a willful and continuous disregard
18 of the provisions of P.L.1971, c.182 (C.52:13D-12 et al.) or of a code
19 of ethics promulgated pursuant to the provisions of P.L.1971, c.182
20 (C.52:13D-12 et al.), it may order such person removed from [his]
21 office or employment and may further bar such person from holding
22 any public office or employment in this State in any capacity
23 whatsoever for a period of not exceeding five years from the date on
24 which the person was found guilty by the commission.

25 (j) The remedies provided herein are in addition to all other
26 criminal and civil remedies provided under the law.
27 (cf: P.L.2003, c.160, s.1)

28

29 2. Section 11 of P.L.1971, c.182 (C.52:13D-22) is amended to
30 read as follows:

31 11. (a) The Joint Legislative Committee on Ethical Standards
32 created pursuant to the provisions of P.L.1967, chapter 229, as
33 continued and established pursuant to P.L.1971, c.182, is continued
34 and established in the Legislative Branch of State Government with the
35 addition of the public members as set forth in this section.

36 (b) (1) The Joint committee shall be composed of 12 members as
37 follows: four members of the Senate appointed by the President
38 thereof, no more than two of whom shall be of the same political
39 party; four members of the General Assembly, appointed by the
40 Speaker thereof, no more than two of whom shall be of the same
41 political party; and four public members, one appointed by the
42 President of the Senate, one appointed by the Speaker of the General
43 Assembly, one appointed by the Minority Leader of the Senate and one
44 appointed by the Minority Leader of the General Assembly.

45 (2) Commencing with the second Tuesday in January of the next
46 even numbered year following the effective date of P.L. , c. (now

1 pending before the Legislature as this bill), the Joint committee shall
2 be composed of sixteen members as follows: four members of the
3 Senate, appointed by the President thereof, no more than two of whom
4 shall be of the same political party; four members of the General
5 Assembly, appointed by the Speaker thereof, no more than two of
6 whom shall be of the same political party; and eight public members,
7 two appointed by the President of the Senate, two appointed by the
8 Speaker of the General Assembly, two appointed by the Minority
9 Leader of the Senate and two appointed by the Minority Leader of the
10 General Assembly.

11 (3) No public member shall be a lobbyist or legislative agent as
12 defined by the "Legislative Activities Disclosure Act of 1971,"
13 P.L.1971, c.183 (C.52:13C-18 et seq.), a full-time State employee or
14 an officer or director of any entity which is required to file a statement
15 with the Election Law Enforcement Commission, and no former
16 lobbyist or legislative agent shall be eligible to serve as a public
17 member for one year following the cessation of all activity by that
18 person as a legislative agent or lobbyist.

19 The legislative members shall serve until the end of the two-year
20 legislative term during which the members are appointed. The public
21 members shall serve for terms of two years and until the appointment
22 and qualification of their successors.

23 The terms of the public members shall run from the second Tuesday
24 in January of an even-numbered year to the second Tuesday in January
25 of the next even-numbered year, regardless of the original date of
26 appointment. [Notwithstanding the terms of the public members as
27 established in this section, the public members first appointed shall
28 serve from their initial appointments, all of which shall be made not
29 later than the 60th day following the effective date of this act, until the
30 second Tuesday in January of the next even-numbered year.]

31 Vacancies in the membership of the Joint committee shall be filled
32 in the same manner as the original appointments, but for the unexpired
33 term only. Public members of the Joint committee shall serve without
34 compensation, but shall be entitled to be reimbursed for all actual and
35 necessary expenses incurred in the performance of their duties.

36 (c) The Joint committee shall organize as soon as may be
37 practicable after the appointment of its members, by the selection of
38 a chairman and vice chairman from among its membership and the
39 appointment of a secretary, who need not be a member of the Joint
40 committee.

41 (d) The Legislative Counsel in the Office of Legislative Services
42 shall act as legal adviser to the Joint committee. [He] The Legislative
43 Counsel shall, upon request, assist and advise the Joint committee in
44 the rendering of advisory opinions by the Joint committee, in the
45 approval and review of codes of ethics adopted by State agencies in
46 the Legislative Branch, and in the recommendation of revisions in

1 codes of ethics or legislation relating to the conduct of members of the
2 Legislature or State officers and employees in the Legislative Branch.

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

8 (f) The Joint committee shall have all the powers granted pursuant
9 to chapter 13 of Title 52 of the Revised Statutes.

10 (g) The Joint committee is authorized to render advisory opinions
11 as to whether a given set of facts and circumstances would, in its
12 opinion, constitute a violation of the provisions of this act, of a code
13 of ethics promulgated pursuant to the provisions of this act or of any
14 rule of either or both Houses which gives the Joint committee
15 jurisdiction and the authority to investigate a matter.

16 (h) The Joint committee shall have jurisdiction to initiate, receive,
17 hear and review complaints regarding violations of the provisions of
18 this act or of a code of ethics promulgated pursuant to the provisions
19 of this act. It shall further have such jurisdiction as to enforcement of
20 the rules of either or both Houses of the Legislature governing the
21 conduct of the members or employees thereof as those rules may
22 confer upon the Joint committee. A complaint regarding a violation
23 of a code of ethics promulgated pursuant to the provisions of this act
24 may be referred by the Joint committee for disposition in accordance
25 with subsection 12(d) of this act.

26 (i) Any State officer or employee or special State officer or
27 employee in the Legislative Branch found guilty by the Joint
28 committee of violating any provisions of this act, of a code of ethics
29 promulgated pursuant to the provisions of this act or of any rule of
30 either or both Houses which gives the Joint committee jurisdiction and
31 the authority to investigate a matter shall be fined not less than
32 \$500.00 nor more than \$1,500.00, which penalty may be collected in
33 a summary proceeding pursuant to ["the penalty enforcement law"
34 (N.J.S.2A:58-1 et seq.)] the "Penalty Enforcement Law of 1999,"
35 P.L.1999, c.274 (C.2A:58-10 et seq.), and may be reprimanded and
36 ordered to pay restitution where appropriate and may be suspended
37 from [his] office or employment by order of the Joint committee for
38 a period not in excess of 1 year. If the Joint committee finds that the
39 conduct of such officer or employee constitutes a willful and
40 continuous disregard of the provisions of this act, of a code of ethics
41 promulgated pursuant to the provisions of this act or of any rule of
42 either or both Houses which gives the Joint committee jurisdiction and
43 the authority to investigate a matter, it may order such person
44 removed from [his] office or employment and may further bar such
45 person from holding any public office or employment in this State in
46 any capacity whatsoever for a period of not exceeding 5 years from the

1 date on which [he] such person was found guilty by the Joint
2 committee.

3 (j) A member of the Legislature who shall be found guilty by the
4 Joint committee of violating the provisions of this act, of a code of
5 ethics promulgated pursuant to the provisions of this act or of any rule
6 of either or both Houses which gives the Joint committee jurisdiction
7 and the authority to investigate a matter shall be fined not less than
8 \$500.00 nor more than \$1,500.00, which penalty may be collected in
9 a summary proceeding pursuant to ["the penalty enforcement law"
10 (N.J.S.2A:58-1 et seq.)] the "Penalty Enforcement Law of 1999,"
11 P.L.1999, c.274 (C.2A:58-10 et seq.), and shall be subject to such
12 further action as may be determined by the House of which [he] such
13 person is a member. In such cases the Joint committee shall report its
14 findings to the appropriate House and shall recommend to the House
15 such further action as the Joint committee deems appropriate, but it
16 shall be the sole responsibility of the House to determine what further
17 action, if any, shall be taken against such member.

18 (cf: P.L. 1991, c.505, s.1)

19

20 3. This act shall take effect immediately.

21

22

23

STATEMENT

24

25 This bill changes the memberships of the Executive Commission on
26 Ethical Standards and the Joint Legislative Committee on Ethical
27 Standards to provide a more balanced membership between
28 government officials and public members. By modifying the balance
29 in the memberships, this bill will help ensure that the Executive
30 Commission on Ethical Standards and the Joint Legislative Committee
31 on Ethical Standards function independently and objectively.

32 Currently, the Executive Commission on Ethical Standards is
33 composed of nine members appointed by the Governor, seven
34 appointed from among State officers and employees serving in the
35 Executive Branch and two appointed from the general public as public
36 members. This bill will decrease the number of Executive Branch
37 members to four and increase the number of public members to four
38 to provide a more equitable representation of government and public
39 members.

40 Also, the Joint Legislative Committee on Ethical Standards is
41 currently composed of twelve members as follows: four members of
42 the Senate, appointed by the Senate President, four members of the
43 General Assembly, appointed by the Speaker of the General Assembly,
44 and four public members (one appointed by the President of the
45 Senate, one appointed by the Speaker of the General Assembly, one
46 appointed by the Minority Leader of the Senate and one appointed by

A17 COHEN, CRUZ-PEREZ

8

1 the Minority Leader of the General Assembly). This bill will maintain
2 the number of legislative members at eight and increase the number of
3 public members to eight (two appointed by the President of the Senate,
4 two appointed by the Speaker of the General Assembly, two appointed
5 by the Minority Leader of the Senate and two appointed by the
6 Minority Leader of the General Assembly), to provide a more
7 equitable representation of legislative and public members.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 17

STATE OF NEW JERSEY

DATED: JUNE 3, 2004

The Assembly State Government Committee reports favorably Assembly, No. 17.

This bill changes the memberships of the Executive Commission on Ethical Standards and the Joint Legislative Committee on Ethical Standards.

Currently, the Executive Commission on Ethical Standards has nine members appointed by the Governor, seven appointed from among State officers and employees serving in the Executive Branch and two appointed from the general public as public members. This bill decreases the number of Executive Branch members to four and increases the number of public members to four.

The Joint Legislative Committee on Ethical Standards currently has twelve members: four members of the Senate, appointed by the Senate President, four members of the General Assembly, appointed by the Speaker of the General Assembly, and four public members (one appointed by the President of the Senate, one appointed by the Speaker of the General Assembly, one appointed by the Minority Leader of the Senate and one appointed by the Minority Leader of the General Assembly). This bill maintains the number of legislative members at eight and increases the number of public members to eight. Of those public members, two appointments each will be made by the President of the Senate, the Speaker of the General Assembly, the Minority Leader of the Senate and the Minority Leader of the General Assembly.

This bill is the same as Senate, No. 17 of 2004.

Office of the Governor

News Releases

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PO BOX 004
TRENTON, NJ 08625

Contact: Micah Rasmussen
609-777-2600

RELEASE: June 16, 2004

McGreevey Signs Landmark Ethics Reform Legislation

Bills Provide A More Accountable and Transparent Government

(TRENTON) – Governor James E. McGreevey today signed into law the strongest ethics and campaign finance reform package in the history of New Jersey – and one of the strongest in the nation.

“Today is a good day for government and a victory for our citizens,” said Governor McGreevey. “From the stronger penalties, to the increased disclosure, to the end of the influence of campaign contributions on no-bid contracts, this reform package provides a more accountable and more transparent government for all. I want to congratulate the citizens, the State Legislature, and the numerous advocacy groups who helped make these reforms a reality.”

The legislation is the most comprehensive ethics and campaign finance reform initiative the State has embarked upon in more than 30 years and makes New Jersey only the fourth state in the entire country to enact a “pay-to-play” ban.

"The numerous positive achievements in this legislation clearly demonstrate how Democrats have seized the initiative on ethics reform," said Senate Majority Leader Bernard F. Kenny Jr. (D-Hudson). "As the Majority Party, Democrats have acted to put us in the right direction after years of inaction by the Republicans. The reforms enacted today are long overdue, but they mark the beginning - not the end - of our commitment to eliminate any perception that those who give the most to political campaigns get favored treatment in the form of lucrative State contracts."

Among the reforms the package are: prohibiting anyone who receives a no-bid contract from making certain political contributions; strengthening legislative ethics; enhancing reporting of legislators' financial disclosure requirements, hidden financial interests, and

conflicts of interests; increasing penalties for ethics and campaign finance violations and for illegally soliciting campaign contributions; and expanding the definition of lobbyist and legislative agent, ensuring that all parties who seeks to influence government are properly disclosed.

One of the main components of the ethics reform package is S-2/A-2, which prohibits state, county or local government officials from awarding no-bid contracts to their campaign contributors and prohibits no-bid contract holders from contributing to officials holding office at the government level in which the contract is in effect.

“This has been a long and winding journey, but today New Jersey sets an unprecedented standard for disclosure and transparency, and takes significant steps to reduce the influence of money in politics,” said Governor McGreevey. “We should be proud of the example New Jersey has set for the rest of the nation, but we must also continue to work together to uphold the highest standards of ethical conduct.”

The ethics reform package signed into law today includes:

- **S-2** -- Prohibits campaign contributions by certain business entities performing State, county and local contracts, as well as prohibits certain contributions by county committee of political party.
- **S-4** -- Extends certain financial disclosure requirements to lobbying conducted through advertisements and direct mail to general public.
- **A-5** -- Change the minimum contribution that needs to be reported to the Election Law Enforcement Commission (ELEC) from \$400 to \$300 and requires the reporting of all cash campaign contributions.
- **A-6** -- Requires professional campaign fundraisers to register and file quarterly reports with ELEC.
- **A-7** -- Expands campaign communications require identification to include telephone calls featuring recorded messages made in regard to candidates and public questions. The message or call would clearly state the name of business or address of the committee, group or person that financed the communication.

"Just as voters have a right to know who is sending them campaign literature, New Jerseyans should see who is behind commercials or advertisements calling for action on a specific bill or regulation under consideration," said Assemblywoman Linda Greenstein (D-Mercer/Middlesex). "Issue ads are nothing more than thinly-veiled political campaign commercials, and all money spent on them should be publicly disclosed."

- **S-8** -- Prohibits the solicitation or making of political contributions on state property by state officeholders or their representatives.

- **A-9** -- Requires Election Law Enforcement Commission (ELEC) to assess its Internet site and recommend improvements for the site's format and content. ELEC) would evaluate the presentation, accessibility, convenience, and usefulness of its Web site and recommend upgrades.
- **S-10** -- Requires certain campaign and organizational treasurers to be trained by ELEC. It also requires ELEC to make the training program available over its Internet site within one year of the bill's enactment.
- **A-11** -- Increases the maximum fines for violating campaign contribution and expenditure limit, reporting requirements and payment restrictions. The bill doubles the maximum fines that may be imposed for a variety of violations.
- **A-12** -- Requires certain election committees/ joint candidates committees to file a report with ELEC within 48 hours of making certain expenditures in excess of \$800 during certain periods of an election cycle.
- **A-14** -- Blocks legislators, Governor and department heads from lobbying activities for one year after leaving office.

"The strong link between government service and private lobbying creates - at a minimum - an appearance of impropriety in the eyes of the public," said Assemblyman Michael J. Panter (D-Monmouth/Mercer). "It also creates the very real possibility that the judgment of an elected or appointed official could be affected by their own financial concerns rather than the public's best interest. The signing of this bill today represents a new era in New Jersey politics, and a step in the right direction toward good government."

- **A-15** – Prohibits employment or assignment of relatives of certain employees of the Executive Branch, independent authorities, and interstate agencies to specific positions. Expands upon last year's nepotism ban by extending the definition of immediate family and including certain Executive Branch departments and commissions.
- **S-16** – Bans any member of the Legislature from acting on legislation in which they or their family member has a personal interest. The bill eliminates the option of filing a personal interest statement and instead prohibits the member from acting on legislation that they have a personal interest.
- **S-17**-- Changes memberships of Executive Commission on Ethical Standards and Joint Legislative Committee on Ethical Standards. The changes equalize the number of public and governmental official members.
- **S-18** -- Increases monetary penalties for violations of "New Jersey Conflicts of Interest Law." The bill increases the fine for civil violations of the conflict of interest laws to between \$500 and \$10,000 for State officers and employees or

members of the Legislature.

- **S-19**-- Requires candidates seeking office of Governor or legislator to disclose prior conviction for criminal offense. Candidates would be required to file a form setting out whether they have been convicted of an indictable crime.

"As legislators, we often consider measures that would require members of the public to undergo criminal background checks or disclose criminal histories prior to consideration for employment," said Assemblyman Jeff Van Drew (D-Cape May). "However, current state law fails to require state elected officials to disclose similar backgrounds. This is more than a statutory anomaly. It is an error in need of immediate correction."

- **S-22** -- Expands the definition of lobbyist and legislative agent to include those who influence the governmental process and actions in the Executive Branch, agency, or instrumentality.
- **A-23** -- Requires ELEC to conduct random audits of records kept by legislative agents. Currently, ELEC has the authority to conduct such audits, but this bill would require them to do so.
- **A-24** -- Directs ELEC to collect \$100 annual fee from legislative agents. The fee would be deposited in the general fund to be appropriated to ELEC. The fee would offset the costs of ELEC's new responsibilities.
- **A-25** -- Prohibits legislative agents from accepting contingency fees to influence legislation or regulations. This bill amends the existing law by eliminating the ability of a legislative agent to enter into a contingency fee agreement with a client. The legislative agent's reimbursement could not be dependent upon the whether or not he or she was successful in trying to influence legislation or regulation.

State of New Jersey Governor's Office

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