

# 52:13D-22

## LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

**LAWS OF:** 2008      **CHAPTER:** 99

**NJSA:** 5213D-22      (Allows membership of Joint Legislative Committee on Ethical Standards to include certain full-time State college and university faculty members)

**BILL NO:** A3204      (Substituted for S2128)

**SPONSOR(S):** Roberts and DeCroce

**DATE INTRODUCED:** September 22, 2008

**COMMITTEE:**      **ASSEMBLY:** State Government  
   **SENATE:** State Government

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:**      **ASSEMBLY:** September 25, 2008  
   **SENATE:** October 23, 2008

**DATE OF APPROVAL:** October 31, 2008

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

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

### A3204

**[SPONSOR'S STATEMENT:](#)** (Begins on page 6 of original bill)      [Yes](#)

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

**[SENATE:](#)**      [Yes](#)

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:**      No

**LEGISLATIVE FISCAL ESTIMATE:**      No

### S2128

**[SPONSOR'S STATEMENT:](#)** (Begins on page 6 of original bill)      [Yes](#)

**COMMITTEE STATEMENT:**      **ASSEMBLY:**      No

**[SENATE:](#)**      [Yes](#)

**FLOOR AMENDMENT STATEMENT:**      No

**LEGISLATIVE FISCAL ESTIMATE:**      No

**VETO MESSAGE:**      No

**GOVERNOR'S PRESS RELEASE ON SIGNING:**      No

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

LAW/IS 1/28/09

P.L. 2008, CHAPTER 99, *approved October 31, 2008*  
Assembly, No. 3204

1 AN ACT concerning the membership of the Joint Legislative  
2 Committee on 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 11 of P.L.1971, c.182 (C.52:13D-22) is amended to  
8 read as follows:

9 11. (a) There is established a Joint Legislative Committee on  
10 Ethical Standards in the Legislative Branch of State Government.

11 (b) **[(1)** Commencing with the second Tuesday in January of the  
12 next even numbered year following the effective date of P.L.2004,  
13 c.24, the joint committee shall be composed of sixteen members as  
14 follows: four members of the Senate, appointed by the President  
15 thereof, no more than two of whom shall be of the same political  
16 party; four members of the General Assembly, appointed by the  
17 Speaker thereof, no more than two of whom shall be of the same  
18 political party; and eight public members, two appointed by the  
19 President of the Senate, two appointed by the Speaker of the  
20 General Assembly, two appointed by the Minority Leader of the  
21 Senate and two appointed by the Minority Leader of the General  
22 Assembly. The terms of the members serving pursuant to this  
23 paragraph shall be terminated on the 30th day after the effective  
24 date of P.L.2008, c.16.

25 **(2)]** Commencing on the 30th day after the effective date of  
26 P.L.2008, c.16, the joint committee shall be composed of eight  
27 members of the public as follows: two appointed by the President of  
28 the Senate, two appointed by the Speaker of the General Assembly,  
29 two appointed by the Minority Leader of the Senate, and two  
30 appointed by the Minority Leader of the General Assembly. No  
31 member of the Senate or of the General Assembly shall be eligible  
32 to serve as a member of the joint committee. No more than two  
33 members of the joint committee may be former members of the  
34 Senate or of the General Assembly. The members shall be full-time  
35 residents of the State and available throughout the year to attend, in  
36 person, the meetings of the joint committee.

37 No member shall be a lobbyist or governmental affairs agent as  
38 defined by the "Legislative and Governmental Process Activities  
39 Disclosure Act," P.L.1971, c.183 (C.52:13C-18 et seq.), a full-time  
40 State employee or an officer or director of any entity which is  
41 required to file a statement with the Election Law Enforcement  
42 Commission, and no former lobbyist or governmental affairs agent

**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 shall be eligible to serve as a member for one year following the  
2 cessation of all activity by that person as a governmental affairs  
3 agent or lobbyist. Notwithstanding the above restrictions, among  
4 the members appointed pursuant to this section, one may be a full-  
5 time faculty member of a State public institution of higher  
6 education having a doctoral degree and expertise in the areas of  
7 ethics, philosophy and government with extensive experience in  
8 State legislative organization and procedures. No person who  
9 served as a member of the joint committee at any time prior to the  
10 30th day after the effective date of P.L.2008, c.16 shall be eligible  
11 to serve as a member of the joint committee as constituted under  
12 **【paragraph (2) of】** this subsection. The members shall serve for  
13 terms of two years.

14 The terms of the members shall run from the second Tuesday in  
15 January of an even-numbered year to the second Tuesday in January  
16 of the next even-numbered year, regardless of the original date of  
17 appointment.

18 Vacancies in the membership of the joint committee shall be  
19 filled in the same manner as the original appointments, but for the  
20 unexpired term only. The members of the joint committee shall  
21 serve without compensation, but shall be entitled to be reimbursed  
22 for all actual and necessary expenses incurred in the performance of  
23 their duties.

24 (c) **【The joint committee shall organize as soon as may be**  
25 **practicable after the appointment of its members, by the selection of**  
26 **a chairman and vice chairman from among its membership and the**  
27 **appointment of a secretary, who need not be a member of the joint**  
28 **committee.】** Commencing on the 30th day after the effective date  
29 of P.L.2008, c.16, the chairman of the joint committee shall be  
30 selected jointly by the President of the Senate and the Speaker of  
31 the General Assembly, when the President and Speaker are  
32 members of the same political party, from among the members of  
33 the joint committee**【, and the】** . The first chairman to be selected  
34 jointly shall be a full-time faculty member of a State public  
35 institution of higher education having a doctoral degree and  
36 expertise in the areas of ethics, philosophy and government with  
37 extensive experience in State legislative organization and  
38 procedures. The vice chairman shall be selected jointly by the  
39 Minority Leader of the Senate and the Minority Leader of the  
40 General Assembly, when the Minority Leaders are members of the  
41 same political party, from among the members of the joint  
42 committee. When the President of the Senate and the Speaker of  
43 the General Assembly are not members of the same political party,  
44 the President and Speaker shall alternate in selecting the chairman  
45 of the joint committee with the President of the Senate selecting the  
46 chairman first, and then, at the next organization of the joint  
47 committee if the President and the Speaker are not members of the  
48 same political party, the Speaker of the General Assembly selecting

1 the chairman. When the Minority Leader of the Senate and the  
2 Minority Leader of the General Assembly are not members of the  
3 same political party, the Minority Leaders shall alternate in  
4 selecting the vice chairman of the joint committee with the Minority  
5 Leader of the Senate selecting the vice chairman first, and then, at  
6 the next organization of the joint committee if the Minority Leaders  
7 are not members of the same political party, the Minority Leader of  
8 the General Assembly selecting the vice chairman. The alternating  
9 method of selection shall continue regardless of intervening periods  
10 when joint selections are made.

11 The chairman and the vice chairman shall not be members of the  
12 same political party.

13 (d) The Legislative Counsel in the Office of Legislative  
14 Services shall act as legal adviser to the joint committee. The  
15 Executive Director of the Office of Legislative Services shall  
16 appoint another attorney in the Office of Legislative Services to  
17 serve as Ethics Counsel to the individual members of the  
18 Legislature and officers and employees in the Legislative Branch.  
19 The Ethics Counsel shall provide informal ethics advice to  
20 individual members of the Legislature and officers and employees  
21 in the Legislative Branch upon request, when the request is one  
22 fully answered by the New Jersey Conflicts of Interest Law or the  
23 Legislative Code of Ethics or is on a subject previously determined  
24 by the Joint Committee. Informal ethics advice from the Ethics  
25 Counsel to a member of the Legislature or an officer or employee in  
26 the Legislative Branch shall be confidential and subject to the  
27 attorney-client privilege. The Ethics Counsel may also assist  
28 members of the Legislature and officers or employees in the  
29 Legislative Branch in requesting formal advisory opinions from the  
30 joint committee on novel subject matters. The Legislative Counsel  
31 shall, upon request, assist and advise the joint committee in the  
32 rendering of formal advisory opinions by the joint committee, in the  
33 approval and review of codes of ethics adopted by State agencies in  
34 the Legislative Branch, and in the recommendation of revisions in  
35 codes of ethics or legislation relating to the conduct of members of  
36 the Legislature or State officers and employees in the Legislative  
37 Branch.

38 (e) The joint committee may, within the limits of funds  
39 appropriated or otherwise available to it for the purpose, employ  
40 other professional, technical, clerical or other assistants, excepting  
41 legal counsel, and incur expenses as may be necessary to the  
42 performance of its duties.

43 (f) The joint committee shall have all the powers granted  
44 pursuant to chapter 13 of Title 52 of the Revised Statutes.

45 (g) The joint committee is authorized to render formal advisory  
46 opinions as to whether a given set of facts and circumstances  
47 would, in its opinion, constitute a violation of the provisions of this  
48 act, of a code of ethics promulgated pursuant to the provisions of

1 this act or of any rule of either or both Houses which gives the joint  
2 committee jurisdiction and the authority to investigate a matter.

3 (h) (1) The joint committee shall have jurisdiction to initiate,  
4 receive, hear and review complaints regarding violations of the  
5 provisions of this act or of a code of ethics promulgated pursuant to  
6 the provisions of this act. It shall further have such jurisdiction as  
7 to enforcement of the rules of either or both Houses of the  
8 Legislature governing the conduct of the members or employees  
9 thereof as those rules may confer upon the joint committee. A  
10 complaint regarding a violation of a code of ethics promulgated  
11 pursuant to the provisions of this act may be referred by the joint  
12 committee for disposition in accordance with subsection 12(d) of  
13 this act.

14 (2) The joint committee shall not accept a complaint against a  
15 member of the Legislature submitted within 90 days of a primary or  
16 general election in which the member is a candidate. An attempt to  
17 file a complaint during this period shall toll any statute of  
18 limitations. This paragraph shall not bar the joint committee from  
19 initiating a complaint during this period.

20 A complaint that is filed within seven days following a primary  
21 or general election shall be considered by the joint committee in an  
22 expedited manner that results in a final determination by the end of  
23 the annual session of the Legislature.

24 (3) The joint committee, when reviewing a complaint, shall have  
25 the authority to require a member of the Legislature who is the  
26 subject of a complaint to submit detailed financial disclosures  
27 containing information that is in addition to the information  
28 required to be disclosed by a law, rule or code of ethics. Such  
29 additional information shall remain confidential, unless the joint  
30 committee, by a vote of at least three-fourths of the total  
31 membership, directs that the information be made public.

32 (4) The joint committee shall inform a complainant of the time,  
33 date, and location of any meeting at which the joint committee will  
34 discuss or make a determination on any aspect of the complaint.

35 (i) Any State officer or employee or special State officer or  
36 employee in the Legislative Branch found guilty by the joint  
37 committee of violating any provisions of this act, of a code of ethics  
38 promulgated pursuant to the provisions of this act or of any rule of  
39 either or both Houses which gives the joint committee jurisdiction  
40 and the authority to investigate a matter shall be fined not less than  
41 \$500.00 nor more than \$10,000, which penalty may be collected in  
42 a summary proceeding pursuant to the "Penalty Enforcement Law  
43 of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), and may be  
44 reprimanded and ordered to pay restitution where appropriate and  
45 may be suspended from office or employment by order of the joint  
46 committee for a period not in excess of one year. If the joint  
47 committee finds that the conduct of the officer or employee  
48 constitutes a willful and continuous disregard of the provisions of

1 this act, of a code of ethics promulgated pursuant to the provisions  
2 of this act or of any rule of either or both Houses which gives the  
3 joint committee jurisdiction and the authority to investigate a  
4 matter, it may order that person removed from office or  
5 employment and may further bar the person from holding any  
6 public office or employment in this State in any capacity  
7 whatsoever for a period not exceeding five years from the date on  
8 which the person was found guilty by the joint committee.

9 (j) A member of the Legislature who shall be found guilty by  
10 the joint committee of violating the provisions of this act, of a code  
11 of ethics promulgated pursuant to the provisions of this act or of  
12 any rule of either or both Houses which gives the joint committee  
13 jurisdiction and the authority to investigate a matter shall be fined  
14 not less than \$500.00 nor more than \$10,000, which penalty may be  
15 collected in a summary proceeding pursuant to the "Penalty  
16 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.),  
17 and shall be subject to such further action as may be determined by  
18 the House of which the person is a member. In such cases the joint  
19 committee shall report its findings to the appropriate House and  
20 shall recommend to the House such further action as the joint  
21 committee deems appropriate, but it shall be the sole responsibility  
22 of the House to determine what further action, if any, shall be taken  
23 against such member.

24 (cf: P.L.2008, c.16, s.1)

25  
26 2. This act shall take effect immediately.  
27  
28

## 29 STATEMENT

30  
31 Under current law, members of the Joint Legislative Committee  
32 on Ethical Standards cannot be lobbyists or governmental affairs  
33 agents, full-time State employees, or officers or directors of any  
34 entity which is required to file a statement with the Election Law  
35 Enforcement Commission. This bill allows full-time faculty  
36 members at State public institutions of higher education having a  
37 doctoral degree and expertise in the areas of ethics, philosophy and  
38 government with extensive experience in State legislative  
39 organization and procedures to serve on the Joint Legislative  
40 Committee on Ethical Standards even though they are full-time  
41 State employees.

42 P.L.2008, c.16 changed the manner in which the chairman of the  
43 joint committee is to be appointed to make it a joint selection by the  
44 President of the Senate and the Speaker of the General Assembly if  
45 they are members of the same political party. This bill requires the  
46 first chairman so appointed to be a faculty member described above.

47 The bill eliminates obsolete language concerning the previously  
48 configured Joint Legislative Committee on Ethical Standards. The

**A3204**

6

1 bill also eliminates language concerning the organization of the  
2 joint committee and the selection of the chairman and the vice  
3 chairman.

4

5

6

7

8       \_\_\_\_\_

8       Allows membership of Joint Legislative Committee on Ethical  
9 Standards to include certain full-time State college and university  
10 faculty members.



# ASSEMBLY, No. 3204

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED SEPTEMBER 22, 2008

**Sponsored by:**

**Assemblyman JOSEPH J. ROBERTS, JR.**

**District 5 (Camden and Gloucester)**

**Assemblyman ALEX DECROCE**

**District 26 (Morris and Passaic)**

**Co-Sponsored by:**

**Assemblywomen Greenstein, Lampitt, Senators Codey and Lance**

**SYNOPSIS**

Allows membership of Joint Legislative Committee on Ethical Standards to include certain full-time State college and university faculty members.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 10/24/2008)**

A3204 ROBERTS, DECROCE

2

1 AN ACT concerning the membership of the Joint Legislative  
2 Committee on 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 11 of P.L.1971, c.182 (C.52:13D-22) is amended to  
8 read as follows:

9 11. (a) There is established a Joint Legislative Committee on  
10 Ethical Standards in the Legislative Branch of State Government.

11 (b) **[(1)** Commencing with the second Tuesday in January of the  
12 next even numbered year following the effective date of P.L.2004,  
13 c.24, the joint committee shall be composed of sixteen members as  
14 follows: four members of the Senate, appointed by the President  
15 thereof, no more than two of whom shall be of the same political  
16 party; four members of the General Assembly, appointed by the  
17 Speaker thereof, no more than two of whom shall be of the same  
18 political party; and eight public members, two appointed by the  
19 President of the Senate, two appointed by the Speaker of the  
20 General Assembly, two appointed by the Minority Leader of the  
21 Senate and two appointed by the Minority Leader of the General  
22 Assembly. The terms of the members serving pursuant to this  
23 paragraph shall be terminated on the 30th day after the effective  
24 date of P.L.2008, c.16.

25 **(2)]** Commencing on the 30th day after the effective date of  
26 P.L.2008, c.16, the joint committee shall be composed of eight  
27 members of the public as follows: two appointed by the President of  
28 the Senate, two appointed by the Speaker of the General Assembly,  
29 two appointed by the Minority Leader of the Senate, and two  
30 appointed by the Minority Leader of the General Assembly. No  
31 member of the Senate or of the General Assembly shall be eligible  
32 to serve as a member of the joint committee. No more than two  
33 members of the joint committee may be former members of the  
34 Senate or of the General Assembly. The members shall be full-time  
35 residents of the State and available throughout the year to attend, in  
36 person, the meetings of the joint committee.

37 No member shall be a lobbyist or governmental affairs agent as  
38 defined by the "Legislative and Governmental Process Activities  
39 Disclosure Act," P.L.1971, c.183 (C.52:13C-18 et seq.), a full-time  
40 State employee or an officer or director of any entity which is  
41 required to file a statement with the Election Law Enforcement  
42 Commission, and no former lobbyist or governmental affairs agent  
43 shall be eligible to serve as a member for one year following the  
44 cessation of all activity by that person as a governmental affairs  
45 agent or lobbyist. Notwithstanding the above restrictions, among

**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 the members appointed pursuant to this section, one may be a full-  
2 time faculty member of a State public institution of higher  
3 education having a doctoral degree and expertise in the areas of  
4 ethics, philosophy and government with extensive experience in  
5 State legislative organization and procedures. No person who  
6 served as a member of the joint committee at any time prior to the  
7 30th day after the effective date of P.L.2008, c.16 shall be eligible  
8 to serve as a member of the joint committee as constituted under  
9 **【paragraph (2) of】** this subsection. The members shall serve for  
10 terms of two years.

11 The terms of the members shall run from the second Tuesday in  
12 January of an even-numbered year to the second Tuesday in January  
13 of the next even-numbered year, regardless of the original date of  
14 appointment.

15 Vacancies in the membership of the joint committee shall be  
16 filled in the same manner as the original appointments, but for the  
17 unexpired term only. The members of the joint committee shall  
18 serve without compensation, but shall be entitled to be reimbursed  
19 for all actual and necessary expenses incurred in the performance of  
20 their duties.

21 (c) **【The joint committee shall organize as soon as may be**  
22 **practicable after the appointment of its members, by the selection of**  
23 **a chairman and vice chairman from among its membership and the**  
24 **appointment of a secretary, who need not be a member of the joint**  
25 **committee.】** Commencing on the 30th day after the effective date  
26 of P.L.2008, c.16, the chairman of the joint committee shall be  
27 selected jointly by the President of the Senate and the Speaker of  
28 the General Assembly, when the President and Speaker are  
29 members of the same political party, from among the members of  
30 the joint committee**【, and the】** . The first chairman to be selected  
31 jointly shall be a full-time faculty member of a State public  
32 institution of higher education having a doctoral degree and  
33 expertise in the areas of ethics, philosophy and government with  
34 extensive experience in State legislative organization and  
35 procedures. The vice chairman shall be selected jointly by the  
36 Minority Leader of the Senate and the Minority Leader of the  
37 General Assembly, when the Minority Leaders are members of the  
38 same political party, from among the members of the joint  
39 committee. When the President of the Senate and the Speaker of  
40 the General Assembly are not members of the same political party,  
41 the President and Speaker shall alternate in selecting the chairman  
42 of the joint committee with the President of the Senate selecting the  
43 chairman first, and then, at the next organization of the joint  
44 committee if the President and the Speaker are not members of the  
45 same political party, the Speaker of the General Assembly selecting  
46 the chairman. When the Minority Leader of the Senate and the  
47 Minority Leader of the General Assembly are not members of the  
48 same political party, the Minority Leaders shall alternate in

1 selecting the vice chairman of the joint committee with the Minority  
2 Leader of the Senate selecting the vice chairman first, and then, at  
3 the next organization of the joint committee if the Minority Leaders  
4 are not members of the same political party, the Minority Leader of  
5 the General Assembly selecting the vice chairman. The alternating  
6 method of selection shall continue regardless of intervening periods  
7 when joint selections are made.

8 The chairman and the vice chairman shall not be members of the  
9 same political party.

10 (d) The Legislative Counsel in the Office of Legislative  
11 Services shall act as legal adviser to the joint committee. The  
12 Executive Director of the Office of Legislative Services shall  
13 appoint another attorney in the Office of Legislative Services to  
14 serve as Ethics Counsel to the individual members of the  
15 Legislature and officers and employees in the Legislative Branch.  
16 The Ethics Counsel shall provide informal ethics advice to  
17 individual members of the Legislature and officers and employees  
18 in the Legislative Branch upon request, when the request is one  
19 fully answered by the New Jersey Conflicts of Interest Law or the  
20 Legislative Code of Ethics or is on a subject previously determined  
21 by the Joint Committee. Informal ethics advice from the Ethics  
22 Counsel to a member of the Legislature or an officer or employee in  
23 the Legislative Branch shall be confidential and subject to the  
24 attorney-client privilege. The Ethics Counsel may also assist  
25 members of the Legislature and officers or employees in the  
26 Legislative Branch in requesting formal advisory opinions from the  
27 joint committee on novel subject matters. The Legislative Counsel  
28 shall, upon request, assist and advise the joint committee in the  
29 rendering of formal advisory opinions by the joint committee, in the  
30 approval and review of codes of ethics adopted by State agencies in  
31 the Legislative Branch, and in the recommendation of revisions in  
32 codes of ethics or legislation relating to the conduct of members of  
33 the Legislature or State officers and employees in the Legislative  
34 Branch.

35 (e) The joint committee may, within the limits of funds  
36 appropriated or otherwise available to it for the purpose, employ  
37 other professional, technical, clerical or other assistants, excepting  
38 legal counsel, and incur expenses as may be necessary to the  
39 performance of its duties.

40 (f) The joint committee shall have all the powers granted  
41 pursuant to chapter 13 of Title 52 of the Revised Statutes.

42 (g) The joint committee is authorized to render formal advisory  
43 opinions as to whether a given set of facts and circumstances  
44 would, in its opinion, constitute a violation of the provisions of this  
45 act, of a code of ethics promulgated pursuant to the provisions of  
46 this act or of any rule of either or both Houses which gives the joint  
47 committee jurisdiction and the authority to investigate a matter.

1 (h) (1) The joint committee shall have jurisdiction to initiate,  
2 receive, hear and review complaints regarding violations of the  
3 provisions of this act or of a code of ethics promulgated pursuant to  
4 the provisions of this act. It shall further have such jurisdiction as  
5 to enforcement of the rules of either or both Houses of the  
6 Legislature governing the conduct of the members or employees  
7 thereof as those rules may confer upon the joint committee. A  
8 complaint regarding a violation of a code of ethics promulgated  
9 pursuant to the provisions of this act may be referred by the joint  
10 committee for disposition in accordance with subsection 12(d) of  
11 this act.

12 (2) The joint committee shall not accept a complaint against a  
13 member of the Legislature submitted within 90 days of a primary or  
14 general election in which the member is a candidate. An attempt to  
15 file a complaint during this period shall toll any statute of  
16 limitations. This paragraph shall not bar the joint committee from  
17 initiating a complaint during this period.

18 A complaint that is filed within seven days following a primary  
19 or general election shall be considered by the joint committee in an  
20 expedited manner that results in a final determination by the end of  
21 the annual session of the Legislature.

22 (3) The joint committee, when reviewing a complaint, shall have  
23 the authority to require a member of the Legislature who is the  
24 subject of a complaint to submit detailed financial disclosures  
25 containing information that is in addition to the information  
26 required to be disclosed by a law, rule or code of ethics. Such  
27 additional information shall remain confidential, unless the joint  
28 committee, by a vote of at least three-fourths of the total  
29 membership, directs that the information be made public.

30 (4) The joint committee shall inform a complainant of the time,  
31 date, and location of any meeting at which the joint committee will  
32 discuss or make a determination on any aspect of the complaint.

33 (i) Any State officer or employee or special State officer or  
34 employee in the Legislative Branch found guilty by the joint  
35 committee of violating any provisions of this act, of a code of ethics  
36 promulgated pursuant to the provisions of this act or of any rule of  
37 either or both Houses which gives the joint committee jurisdiction  
38 and the authority to investigate a matter shall be fined not less than  
39 \$500.00 nor more than \$10,000, which penalty may be collected in  
40 a summary proceeding pursuant to the "Penalty Enforcement Law  
41 of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), and may be  
42 reprimanded and ordered to pay restitution where appropriate and  
43 may be suspended from office or employment by order of the joint  
44 committee for a period not in excess of one year. If the joint  
45 committee finds that the conduct of the officer or employee  
46 constitutes a willful and continuous disregard of the provisions of  
47 this act, of a code of ethics promulgated pursuant to the provisions  
48 of this act or of any rule of either or both Houses which gives the

1 joint committee jurisdiction and the authority to investigate a  
2 matter, it may order that person removed from office or  
3 employment and may further bar the person from holding any  
4 public office or employment in this State in any capacity  
5 whatsoever for a period not exceeding five years from the date on  
6 which the person was found guilty by the joint committee.

7 (j) A member of the Legislature who shall be found guilty by  
8 the joint committee of violating the provisions of this act, of a code  
9 of ethics promulgated pursuant to the provisions of this act or of  
10 any rule of either or both Houses which gives the joint committee  
11 jurisdiction and the authority to investigate a matter shall be fined  
12 not less than \$500.00 nor more than \$10,000, which penalty may be  
13 collected in a summary proceeding pursuant to the "Penalty  
14 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.),  
15 and shall be subject to such further action as may be determined by  
16 the House of which the person is a member. In such cases the joint  
17 committee shall report its findings to the appropriate House and  
18 shall recommend to the House such further action as the joint  
19 committee deems appropriate, but it shall be the sole responsibility  
20 of the House to determine what further action, if any, shall be taken  
21 against such member.

22 (cf: P.L.2008, c.16, s.1)

23

24 2. This act shall take effect immediately.

25

26

27

#### STATEMENT

28

29 Under current law, members of the Joint Legislative Committee  
30 on Ethical Standards cannot be lobbyists or governmental affairs  
31 agents, full-time State employees, or officers or directors of any  
32 entity which is required to file a statement with the Election Law  
33 Enforcement Commission. This bill allows full-time faculty  
34 members at State public institutions of higher education having a  
35 doctoral degree and expertise in the areas of ethics, philosophy and  
36 government with extensive experience in State legislative  
37 organization and procedures to serve on the Joint Legislative  
38 Committee on Ethical Standards even though they are full-time  
39 State employees.

40 P.L.2008, c.16 changed the manner in which the chairman of the  
41 joint committee is to be appointed to make it a joint selection by the  
42 President of the Senate and the Speaker of the General Assembly if  
43 they are members of the same political party. This bill requires the  
44 first chairman so appointed to be a faculty member described above.

45 The bill eliminates obsolete language concerning the previously  
46 configured Joint Legislative Committee on Ethical Standards. The  
47 bill also eliminates language concerning the organization of the

**A3204 ROBERTS, DECROCE**

7

- 1 joint committee and the selection of the chairman and the vice
- 2 chairman.

# ASSEMBLY STATE GOVERNMENT COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 3204

# STATE OF NEW JERSEY

DATED: SEPTEMBER 22, 2008

The Assembly State Government Committee reports favorably Assembly Bill No. 3204.

Under current law, members of the Joint Legislative Committee on Ethical Standards cannot be lobbyists or governmental affairs agents, full-time State employees, or officers or directors of any entity which is required to file a statement with the Election Law Enforcement Commission. This bill allows full-time faculty members at State public institutions of higher education having a doctoral degree and expertise in the areas of ethics, philosophy and government with extensive experience in State legislative organization and procedures to serve on the Joint Legislative Committee on Ethical Standards even though they are full-time State employees.

P.L.2008, c.16 changed the manner in which the chairman of the joint committee is to be appointed to make it a joint selection by the President of the Senate and the Speaker of the General Assembly, if they are members of the same political party. The bill requires the first chairman so appointed to be a faculty member meeting the criteria described above.



SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 3204**

**STATE OF NEW JERSEY**

DATED: OCTOBER 6, 2008

The Senate State Government Committee reports favorably Assembly, No. 3204.

Under current law, members of the Joint Legislative Committee on Ethical Standards cannot be lobbyists or governmental affairs agents, full-time State employees, or officers or directors of any entity which is required to file a statement with the Election Law Enforcement Commission. This bill allows full-time faculty members at State public institutions of higher education having a doctoral degree and expertise in the areas of ethics, philosophy and government with extensive experience in State legislative organization and procedures to serve on the Joint Legislative Committee on Ethical Standards even though they are full-time State employees.

P.L.2008, c.16 changed the manner in which the chairman of the joint committee is to be appointed to make it a joint selection by the President of the Senate and the Speaker of the General Assembly if they are members of the same political party. This bill requires the first chairman so appointed to be a faculty member meeting the criteria described above.

The bill also eliminates: 1) obsolete language concerning the previously configured Joint Legislative Committee on Ethical Standards; and 2) language concerning the organization of the joint committee and the selection of the chairman and the vice chairman.

This bill is identical to Senate, No. 2128 of 2008.

**SENATE, No. 2128**

**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

INTRODUCED OCTOBER 2, 2008

**Sponsored by:**

**Senator RICHARD J. CODEY**

**District 27 (Essex)**

**Senator LEONARD LANCE**

**District 23 (Warren and Hunterdon)**

**SYNOPSIS**

Allows membership of Joint Legislative Committee on Ethical Standards to include certain full-time State college and university faculty members.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the membership of the Joint Legislative  
2 Committee on 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 11 of P.L.1971, c.182 (C.52:13D-22) is amended to  
8 read as follows:

9 11. (a) There is established a Joint Legislative Committee on  
10 Ethical Standards in the Legislative Branch of State Government.

11 (b) **[(1)** Commencing with the second Tuesday in January of the  
12 next even numbered year following the effective date of P.L.2004,  
13 c.24, the joint committee shall be composed of sixteen members as  
14 follows: four members of the Senate, appointed by the President  
15 thereof, no more than two of whom shall be of the same political  
16 party; four members of the General Assembly, appointed by the  
17 Speaker thereof, no more than two of whom shall be of the same  
18 political party; and eight public members, two appointed by the  
19 President of the Senate, two appointed by the Speaker of the  
20 General Assembly, two appointed by the Minority Leader of the  
21 Senate and two appointed by the Minority Leader of the General  
22 Assembly. The terms of the members serving pursuant to this  
23 paragraph shall be terminated on the 30th day after the effective  
24 date of P.L.2008, c.16.

25 **(2)]**Commencing on the 30th day after the effective date of  
26 P.L.2008, c.16, the joint committee shall be composed of eight  
27 members of the public as follows: two appointed by the President of  
28 the Senate, two appointed by the Speaker of the General Assembly,  
29 two appointed by the Minority Leader of the Senate, and two  
30 appointed by the Minority Leader of the General Assembly. No  
31 member of the Senate or of the General Assembly shall be eligible  
32 to serve as a member of the joint committee. No more than two  
33 members of the joint committee may be former members of the  
34 Senate or of the General Assembly. The members shall be full-time  
35 residents of the State and available throughout the year to attend, in  
36 person, the meetings of the joint committee.

37 No member shall be a lobbyist or governmental affairs agent as  
38 defined by the "Legislative and Governmental Process Activities  
39 Disclosure Act," P.L.1971, c.183 (C.52:13C-18 et seq.), a full-time  
40 State employee or an officer or director of any entity which is  
41 required to file a statement with the Election Law Enforcement  
42 Commission, and no former lobbyist or governmental affairs agent  
43 shall be eligible to serve as a member for one year following the  
44 cessation of all activity by that person as a governmental affairs  
45 agent or lobbyist. Notwithstanding the above restrictions, among

**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 the members appointed pursuant to this section, one may be a full-  
2 time faculty member of a State public institution of higher  
3 education having a doctoral degree and expertise in the areas of  
4 ethics, philosophy and government with extensive experience in  
5 State legislative organization and procedures. No person who  
6 served as a member of the joint committee at any time prior to the  
7 30th day after the effective date of P.L.2008, c.16 shall be eligible  
8 to serve as a member of the joint committee as constituted under  
9 **[paragraph (2) of]** this subsection. The members shall serve for  
10 terms of two years.

11 The terms of the members shall run from the second Tuesday in  
12 January of an even-numbered year to the second Tuesday in January  
13 of the next even-numbered year, regardless of the original date of  
14 appointment.

15 Vacancies in the membership of the joint committee shall be  
16 filled in the same manner as the original appointments, but for the  
17 unexpired term only. The members of the joint committee shall  
18 serve without compensation, but shall be entitled to be reimbursed  
19 for all actual and necessary expenses incurred in the performance of  
20 their duties.

21 (c) **[The joint committee shall organize as soon as may be**  
22 **practicable after the appointment of its members, by the selection of**  
23 **a chairman and vice chairman from among its membership and the**  
24 **appointment of a secretary, who need not be a member of the joint**  
25 **committee.]** Commencing on the 30th day after the effective date  
26 of P.L.2008, c.16, the chairman of the joint committee shall be  
27 selected jointly by the President of the Senate and the Speaker of  
28 the General Assembly, when the President and Speaker are  
29 members of the same political party, from among the members of  
30 the joint committee**[, and the]** . The first chairman to be selected  
31 jointly shall be a full-time faculty member of a State public  
32 institution of higher education having a doctoral degree and  
33 expertise in the areas of ethics, philosophy and government with  
34 extensive experience in State legislative organization and  
35 procedures. The vice chairman shall be selected jointly by the  
36 Minority Leader of the Senate and the Minority Leader of the  
37 General Assembly, when the Minority Leaders are members of the  
38 same political party, from among the members of the joint  
39 committee. When the President of the Senate and the Speaker of  
40 the General Assembly are not members of the same political party,  
41 the President and Speaker shall alternate in selecting the chairman  
42 of the joint committee with the President of the Senate selecting the  
43 chairman first, and then, at the next organization of the joint  
44 committee if the President and the Speaker are not members of the  
45 same political party, the Speaker of the General Assembly selecting  
46 the chairman. When the Minority Leader of the Senate and the  
47 Minority Leader of the General Assembly are not members of the  
48 same political party, the Minority Leaders shall alternate in

1 selecting the vice chairman of the joint committee with the Minority  
2 Leader of the Senate selecting the vice chairman first, and then, at  
3 the next organization of the joint committee if the Minority Leaders  
4 are not members of the same political party, the Minority Leader of  
5 the General Assembly selecting the vice chairman. The alternating  
6 method of selection shall continue regardless of intervening periods  
7 when joint selections are made.

8 The chairman and the vice chairman shall not be members of the  
9 same political party.

10 (d) The Legislative Counsel in the Office of Legislative  
11 Services shall act as legal adviser to the joint committee. The  
12 Executive Director of the Office of Legislative Services shall  
13 appoint another attorney in the Office of Legislative Services to  
14 serve as Ethics Counsel to the individual members of the  
15 Legislature and officers and employees in the Legislative Branch.  
16 The Ethics Counsel shall provide informal ethics advice to  
17 individual members of the Legislature and officers and employees  
18 in the Legislative Branch upon request, when the request is one  
19 fully answered by the New Jersey Conflicts of Interest Law or the  
20 Legislative Code of Ethics or is on a subject previously determined  
21 by the Joint Committee. Informal ethics advice from the Ethics  
22 Counsel to a member of the Legislature or an officer or employee in  
23 the Legislative Branch shall be confidential and subject to the  
24 attorney-client privilege. The Ethics Counsel may also assist  
25 members of the Legislature and officers or employees in the  
26 Legislative Branch in requesting formal advisory opinions from the  
27 joint committee on novel subject matters. The Legislative Counsel  
28 shall, upon request, assist and advise the joint committee in the  
29 rendering of formal advisory opinions by the joint committee, in the  
30 approval and review of codes of ethics adopted by State agencies in  
31 the Legislative Branch, and in the recommendation of revisions in  
32 codes of ethics or legislation relating to the conduct of members of  
33 the Legislature or State officers and employees in the Legislative  
34 Branch.

35 (e) The joint committee may, within the limits of funds  
36 appropriated or otherwise available to it for the purpose, employ  
37 other professional, technical, clerical or other assistants, excepting  
38 legal counsel, and incur expenses as may be necessary to the  
39 performance of its duties.

40 (f) The joint committee shall have all the powers granted  
41 pursuant to chapter 13 of Title 52 of the Revised Statutes.

42 (g) The joint committee is authorized to render formal advisory  
43 opinions as to whether a given set of facts and circumstances  
44 would, in its opinion, constitute a violation of the provisions of this  
45 act, of a code of ethics promulgated pursuant to the provisions of  
46 this act or of any rule of either or both Houses which gives the joint  
47 committee jurisdiction and the authority to investigate a matter.

1 (h) (1) The joint committee shall have jurisdiction to initiate,  
2 receive, hear and review complaints regarding violations of the  
3 provisions of this act or of a code of ethics promulgated pursuant to  
4 the provisions of this act. It shall further have such jurisdiction as  
5 to enforcement of the rules of either or both Houses of the  
6 Legislature governing the conduct of the members or employees  
7 thereof as those rules may confer upon the joint committee. A  
8 complaint regarding a violation of a code of ethics promulgated  
9 pursuant to the provisions of this act may be referred by the joint  
10 committee for disposition in accordance with subsection 12(d) of  
11 this act.

12 (2) The joint committee shall not accept a complaint against a  
13 member of the Legislature submitted within 90 days of a primary or  
14 general election in which the member is a candidate. An attempt to  
15 file a complaint during this period shall toll any statute of  
16 limitations. This paragraph shall not bar the joint committee from  
17 initiating a complaint during this period.

18 A complaint that is filed within seven days following a primary  
19 or general election shall be considered by the joint committee in an  
20 expedited manner that results in a final determination by the end of  
21 the annual session of the Legislature.

22 (3) The joint committee, when reviewing a complaint, shall have  
23 the authority to require a member of the Legislature who is the  
24 subject of a complaint to submit detailed financial disclosures  
25 containing information that is in addition to the information  
26 required to be disclosed by a law, rule or code of ethics. Such  
27 additional information shall remain confidential, unless the joint  
28 committee, by a vote of at least three-fourths of the total  
29 membership, directs that the information be made public.

30 (4) The joint committee shall inform a complainant of the time,  
31 date, and location of any meeting at which the joint committee will  
32 discuss or make a determination on any aspect of the complaint.

33 (i) Any State officer or employee or special State officer or  
34 employee in the Legislative Branch found guilty by the joint  
35 committee of violating any provisions of this act, of a code of ethics  
36 promulgated pursuant to the provisions of this act or of any rule of  
37 either or both Houses which gives the joint committee jurisdiction  
38 and the authority to investigate a matter shall be fined not less than  
39 \$500.00 nor more than \$10,000, which penalty may be collected in  
40 a summary proceeding pursuant to the "Penalty Enforcement Law  
41 of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), and may be  
42 reprimanded and ordered to pay restitution where appropriate and  
43 may be suspended from office or employment by order of the joint  
44 committee for a period not in excess of one year. If the joint  
45 committee finds that the conduct of the officer or employee  
46 constitutes a willful and continuous disregard of the provisions of  
47 this act, of a code of ethics promulgated pursuant to the provisions  
48 of this act or of any rule of either or both Houses which gives the

1 joint committee jurisdiction and the authority to investigate a  
2 matter, it may order that person removed from office or  
3 employment and may further bar the person from holding any  
4 public office or employment in this State in any capacity  
5 whatsoever for a period not exceeding five years from the date on  
6 which the person was found guilty by the joint committee.

7 (j) A member of the Legislature who shall be found guilty by  
8 the joint committee of violating the provisions of this act, of a code  
9 of ethics promulgated pursuant to the provisions of this act or of  
10 any rule of either or both Houses which gives the joint committee  
11 jurisdiction and the authority to investigate a matter shall be fined  
12 not less than \$500.00 nor more than \$10,000, which penalty may be  
13 collected in a summary proceeding pursuant to the "Penalty  
14 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.),  
15 and shall be subject to such further action as may be determined by  
16 the House of which the person is a member. In such cases the joint  
17 committee shall report its findings to the appropriate House and  
18 shall recommend to the House such further action as the joint  
19 committee deems appropriate, but it shall be the sole responsibility  
20 of the House to determine what further action, if any, shall be taken  
21 against such member.

22 (cf: P.L.2008, c.16, s.1)

23

24 2. This act shall take effect immediately.

25

26

27

#### STATEMENT

28

29 Under current law, members of the Joint Legislative Committee  
30 on Ethical Standards cannot be lobbyists or governmental affairs  
31 agents, full-time State employees, or officers or directors of any  
32 entity which is required to file a statement with the Election Law  
33 Enforcement Commission. This bill allows full-time faculty  
34 members at State public institutions of higher education having a  
35 doctoral degree and expertise in the areas of ethics, philosophy and  
36 government with extensive experience in State legislative  
37 organization and procedures to serve on the Joint Legislative  
38 Committee on Ethical Standards even though they are full-time  
39 State employees.

40 P.L.2008, c.16 changed the manner in which the chairman of the  
41 joint committee is to be appointed to make it a joint selection by the  
42 President of the Senate and the Speaker of the General Assembly if  
43 they are members of the same political party. This bill requires the  
44 first chairman so appointed to be a faculty member described above.

45 The bill eliminates obsolete language concerning the previously  
46 configured Joint Legislative Committee on Ethical Standards. The

**S2128** CODEY, LANCE

7

- 1 bill also eliminates language concerning the organization of the
- 2 joint committee and the selection of the chairman and the vice
- 3 chairman.



# SENATE STATE GOVERNMENT COMMITTEE

## STATEMENT TO

### SENATE, No. 2128

# STATE OF NEW JERSEY

DATED: OCTOBER 6, 2008

The Senate State Government Committee reports favorably Senate, No. 2128.

Under current law, members of the Joint Legislative Committee on Ethical Standards cannot be lobbyists or governmental affairs agents, full-time State employees, or officers or directors of any entity which is required to file a statement with the Election Law Enforcement Commission. This bill allows full-time faculty members at State public institutions of higher education having a doctoral degree and expertise in the areas of ethics, philosophy and government with extensive experience in State legislative organization and procedures to serve on the Joint Legislative Committee on Ethical Standards even though they are full-time State employees.

P.L.2008, c.16 changed the manner in which the chairman of the joint committee is to be appointed to make it a joint selection by the President of the Senate and the Speaker of the General Assembly if they are members of the same political party. This bill requires the first chairman so appointed to be a faculty member meeting the criteria described above.

The bill also eliminates: 1) obsolete language concerning the previously configured Joint Legislative Committee on Ethical Standards; and 2) language concerning the organization of the joint committee and the selection of the chairman and the vice chairman.

This bill is identical to Assembly, No. 3204 of 2008.