53:13D-22

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF:

199# |

CHAPTER:

241

NJSA:

53:13D-22

(Joint Legislative Committee on Ethical Standards - increase penalties and add

public members)

BILL NO:

A4230

SPONSOR:

Doria and Deverin

DATE INTRODUCED: November 29, 1990

COMMITTEE:

ASSEMBLY:

State Government

SENATE:

State Government and Federal and Interstate Relations

AMENDED DURING PASSAGE:

No

DATE OF PASSAGE:

ASSEMBLY:

March 21, 1991

SENATE:

June 27, 1991

DATE OF ENACTEMENT:

August 5, 1991

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Assembly Committee Substitute enacted)

SPONSOR'S STATEMENT: (Begins on page 3 of original bill)

SENATE:

Yes

Yes

COMMITTEE STATEMENT:

ASSEMBLY:

Yes

FLOOR AMENDMENT STATEMENT:

No

LEGISLATIVE FISCAL ESTIMATE:

No

VETO MESSAGE:

No

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

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:

Yes

"Bill Will Change N.J. Fiscal Year," The Times, 3-22-91, p. 4.

"Generosity Uncovered," The Times, 8-7-91, p. A10.

P.L.1991, CHAPTER 241, approved August 5, 1991 Assembly Committee Substitute for 1990 Assembly Nos. 4230, 4280 and 317

AN ACT concerning the membership of the Joint Legislative Committee on Ethical Standards, increasing certain penalties for ethics violations and amending and supplementing P.L.1971, c.182.

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

- 1. Section 11 of P.L.1971, c.182 (C.52:13D-22) is amended to read as follows:
- 11. (a) The Joint Legislative Committee on Ethical Standards created pursuant to the provisions of P.L.1967, chapter 229, as continued and established pursuant to P.L.1971, c.182, is continued and established in the Legislative Branch of State Government [and shall constitute the first joint committee under this act] with the addition of the public members as set forth in this section.
- (b) The joint committee shall-be composed of 12 members as follows: four members of the Senate appointed by the President thereof, no more than two of whom shall be of the same political party[, and]; four members of the General Assembly, appointed by the Speaker thereof, no more than two of whom shall be of the same political party[. The members of the said joint committee shall be appointed annually, as soon as may be after the commencement of the legislative year, to serve during the legislative year]; 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. No public member shall be a lobbyist or legislative agent as defined by the "Legislative Activities Disclosure Act of 1971," P.L.1971, c.183 (C.52:13C-18 et seq.), a full-time State employee or an officer or director of any entity which is required to file a statement with the Election Law Enforcement Commission, and no former lobbyist or legislative agent shall be eligible to serve as a public member for one year following the cessation of all activity by that person as a legislative agent or lobbyist. The legislative members shall serve until the end of the two-year legislative term during which the members are

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.

appointed. The public members shall serve for terms of two years and until the appointment and qualification of their successors. The terms of the public members shall run from the second Tuesday in January of an even-numbered year to the second Tuesday in January of the next even-numbered year, regardless of the original date of appointment. Notwithstanding the terms of the public members as established in this section, the public members first appointed shall serve from their initial appointments, all of which shall be made not later than the 60th day following the effective date of this act, until the second Tuesday in January of the next even-numbered year. Vacancies in the membership of the joint committee shall be filled in the same manner as the original appointments, but for the unexpired term only. Public members of the joint committee shall serve without compensation, but shall be entitled to be reimbursed for all actual and necessary expenses incurred in the performance of their duties.

- (c) The [said] joint committee shall organize [annually,] as soon as may be <u>practicable</u> after the appointment of its members, by the selection of a chairman and vice chairman from among its membership and the appointment of a secretary, who need not be a member of the joint committee.
- (d) The [Chief Counsel of the Law Revision and Legislative Services Commission] Legislative Counsel in the Office of Legislative Services shall act as legal adviser to the [said] joint committee. He shall, upon request, assist and advise the joint committee in the rendering of advisory opinions by the joint committee, in the approval and review of codes of ethics adopted by State agencies in the Legislative Branch, and in the recommendation of revisions in codes of ethics or legislation relating to the conduct of members of the Legislature or State officers and employees in the Legislative Branch.
- (e) The-[said] joint committee may, within the limits of funds appropriated or otherwise available to it for the purpose, employ [such] other professional, technical, clerical or other assistants, excepting legal counsel, and incur [such] expenses as may be necessary to the performance of its duties.
- (f) The [said] joint committee shall have all the powers granted pursuant to chapter 13 of Title 52 of the Revised Statutes.
- (g) The [said] joint committee is authorized to render advisory opinions as to whether a given set of facts and circumstances would, in its opinion, constitute a violation of the provisions of this act or of a code of ethics promulgated pursuant to the provisions of this act.
- (h) The [said] joint committee shall have jurisdiction to initiate, receive, hear and review complaints regarding violations of the provisions of this act or of a code of ethics promulgated pursuant to the provisions of this act. It shall further have such jurisdiction as to enforcement of the rules of either House of the

Legislature governing the conduct of the members thereof as the rules of such House may confer upon the joint committee. A complaint regarding a violation of a code of ethics promulgated pursuant to the provisions of this act may be referred by the joint committee for disposition in accordance with subsection 12(d) of this act.

- (i) Any State officer or employee or special State officer or employee in the Legislative Branch found guilty by the joint committee of violating any provisions of this act or of a code of ethics promulgated pursuant to the provisions of this act shall be fined not less than [\$100.00] \$500.00 nor more than [\$500.00] \$1,500.00, which penalty may be collected in a summary proceeding pursuant to [the Penalty Enforcement Law (N.J.S.2A:58-1)] "the penalty enforcement law" (N.J.S.2A:58-1 et seq.), and may be suspended from his office or employment by order of the joint committee for a period not in excess of 1 year. If the joint committee finds that the conduct of such officer or employee constitutes a willful and continuous disregard of the provisions of this act or of a code of ethics promulgated pursuant to the provisions of this act, it may order such person removed from his office or employment and may further bar such person from holding any public office or employment in this State in any capacity whatsoever for a period of not exceeding 5 years from the date on which he was found guilty by the joint committee.
- (j) A member of the Legislature who shall be found guilty by the joint committee of violating the provisions of this act or of a code of ethics promulgated pursuant to the provisions of this act shall be fined not less than [\$100.00] \$500.00 nor more than [\$500.00] \$1,500.00, which penalty may be collected in a summary proceeding pursuant to [the Penalty Enforcement Law (N.J.S.2A:58-1)] "the penalty enforcement law" (N.J.S.2A:58-1 et seq.), and shall be subject to such further action as may be determined by the House of which he is a member. In such cases the joint committee shall report its findings to the appropriate House and shall recommend to the House such further action as the joint committee deems appropriate, but it shall be the sole responsibility of the House to determine what further action, if any, shall be taken against such member.

(cf: P.L.1971, c.182, s.11)

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 2. (New section) During the period commencing with the effective date of this amendatory and supplementary act and ending on the date on which all of the public members of the Joint Legislative Committee on Ethical Standards first appointed shall have qualified, in determining whether a quorum exists for the purposes of convening a meeting of the joint committee and of conducting official business thereat, only those public members who shall have qualified as of the date on which the meeting is held shall be considered as included in the membership of the joint committee.

3. This act shall take effect immediately, but the increased penalties shall apply only to violations occurring on or after the effective date.

STATE GOVERNMENT ETHICS

Adds four public members to the Joint Legislative Committee on Ethical Standards and increases penalties for certain ethics violations.

ASSEMBLY, Nos. 4230, 4280 and 317

STATE OF NEW JERSEY

ADOPTED JANUARY 17, 1991

Sponsored by Assemblymen DORIA, DEVERIN, HAYTAIAN, COHEN, CIMINO, BAER and MECCA

AN ACT concerning the membership of the Joint Legislative Committee on Ethical Standards, increasing certain penalties for ethics violations and amending and supplementing P.L.1971, c.182.

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- 1. Section 11 of P.L.1971, c.182 (C.52:13D-22) is amended to read as follows:
- 11. (a) The Joint Legislative Committee on Ethical Standards created pursuant to the provisions of P.L.1967, chapter 229, as continued and established pursuant to P.L.1971, c.182, is continued and established in the Legislative Branch of State Government [and shall constitute the first joint committee under this act] with the addition of the public members as set forth in this section.
- (b) The joint committee shall be composed of 12 members as follows: four members of the Senate appointed by the President thereof, no more than two of whom shall be of the same political party[, and]; four members of the General Assembly, appointed by the Speaker thereof, no more than two of whom shall be of the same political partyl. The members of the said joint committee shall be appointed annually, as soon as may be after the commencement of the legislative year, to serve during the legislative yearl; 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. No public member shall be a lobbyist or legislative agent as defined by the "Legislative Activities Disclosure Act of 1971," P.L.1971, c.183 (C.52:13C-18 et seq.), a full-time State employee or an officer or director of any entity which is required to file a statement with the Election Law Enforcement Commission, and no former lobbyist or legislative agent shall be eligible to serve as a public member for one year following the cessation of all activity by that person as a legislative agent or lobbyist. The legislative members shall serve until the end of the two-year legislative term during which the members are-

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The public members shall serve for terms of two appointed. until the appointment and qualification of their The terms of the public members shall run from the successors. second Tuesday in January of an even-numbered year to the second Tuesday in January of the next even-numbered year, regardless of the original date of appointment. Notwithstanding the terms of the public members as established in this section, the public members first appointed shall serve from their initial appointments, all of which shall be made not later than the 60th day following the effective date of this act, until the second Tuesday in January of the next even-numbered year. Vacancies in the membership of the joint committee shall be filled in the same manner as the original appointments, but for the unexpired term only. Public members of the joint committee shall serve without compensation, but shall be entitled to be reimbursed for all actual and necessary expenses incurred in the performance of their duties.

- (c) The [said] joint committee shall organize [annually,] as soon as may be <u>practicable</u> after the appointment of its members, by the selection of a chairman and vice chairman from among its membership and the appointment of a secretary, who need not be a member of the joint committee.
- (d) The [Chief Counsel of the Law Revision and Legislative Services Commission] Legislative Counsel in the Office of Legislative Services shall act as legal adviser to the [said] joint committee. He shall, upon request, assist and advise the joint committee in the rendering of advisory opinions by the joint committee, in the approval and review of codes of ethics adopted by State agencies in the Legislative Branch, and in the recommendation of revisions in codes of ethics or legislation relating to the conduct of members of the Legislature or State officers and employees in the Legislative Branch.
- (e) The [said] joint committee may, within the limits of funds appropriated or otherwise available to it for the purpose, employ [such] other professional, technical, clerical or other assistants, excepting legal counsel, and incur [such] expenses as may be necessary to the performance of its duties.
- (f) The [said] joint committee shall have all the powers granted pursuant to chapter 13 of Title 52 of the Revised Statutes.
- (g) The [said] joint committee is authorized to render advisory opinions as to whether a given set of facts and circumstances would, in its opinion, constitute a violation of the provisions of this act or of a code of ethics promulgated pursuant to the provisions of this act.
- (h) The [said] joint committee shall have jurisdiction to initiate, receive, hear and review complaints regarding violations of the provisions of this act or of a code of ethics promulgated pursuant to the provisions of this act. It shall further have such jurisdiction-as-to-enforcement-of-the-rules-of-either-House-of-the

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- (i) Any State officer or employee or special State officer or employee in the Legislative Branch found guilty by the joint committee of violating any provisions of this act or of a code of ethics promulgated pursuant to the provisions of this act shall be fined not less than [\$100.00] \$500.00 nor more than [\$500.00] \$1,500.00, which penalty may be collected in a summary proceeding pursuant to [the Penalty Enforcement (N.J.S.2A:58-1)] "the penalty enforcement law" (N.J.S.2A:58-1 et seq.), and may be suspended from his office or employment by order of the joint committee for a period not in excess of 1 year. If the joint committee finds that the conduct of such officer or employee constitutes a willful and continuous disregard of the provisions of this act or of a code of ethics promulgated pursuant to the provisions of this act, it may order such person removed from his office or employment and may further bar such person from holding any public office or employment in this State in any capacity whatsoever for a period of not exceeding 5 years from the date on which he was found guilty by the joint committee.
- (j) A member of the Legislature who shall be found guilty by the joint committee of violating the provisions of this act or of a code of ethics promulgated pursuant to the provisions of this act shall be fined not less than [\$100.00] \$500.00 nor more than [\$500.00] \$1,500.00, which penalty may be collected in a summary pursuant to [the Penalty Enforcement proceeding (N.J.S.2A:58-1)] "the penalty enforcement law" (N.J.S.2A:58-1 et seq.), and shall be subject to such further action as may be determined by the House of which he is a member. In such cases the joint committee shall report its findings to the appropriate House and shall recommend to the House such further action as the joint committee deems appropriate, but it shall be the sole responsibility of the House to determine what further action, if any, shall be taken against such member. (cf: P.L.1971, c.182, s.11)

2. (New section) During the period commencing with the effective date of this amendatory and supplementary act and ending on the date on which all of the public members of the Joint Legislative Committee on Ethical Standards first appointed shall have qualified, in determining whether a quorum exists for the purposes of convening a meeting of the joint committee and of conducting official business thereat, only those public members who shall have qualified as of the date on which the meeting is held shall be considered as included in the membership of the joint committee.

ACS for A4230

3. This act shall take effect immediately, but the increased penalties shall apply only to violations occurring on or after the effective date.

STATE GOVERNMENT ETHICS

Adds four public members to the Joint Legislative Committee on Ethical Standards and increases penalties for certain ethics violations.

ASSEMBLY, No. 4230

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 29, 1990

By Assemblymen DORIA and DEVERIN

AN ACT concerning the membership of the Joint Legislative Committee on Ethical Standards, increasing certain penalties for ethics violations and amending P.L.1971, c.182.

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- (d) The [Chief Counsel of the Law Revision and Legislative Services Commission] Legislative Counsel in the Office of Legislative Services shall act as legal adviser to the [said] joint committee. He shall, upon request, assist and advise the joint committee in the rendering of advisory opinions by the joint committee, in the approval and review of codes of ethics adopted by State agencies in the Legislative Branch, and in the recommendation of revisions in codes of ethics or legislation relating to the conduct of members of the Legislature or State officers and employees in the Legislative Branch.
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- (h) The [said] joint committee shall have jurisdiction to initiate, receive, hear and review complaints regarding violations of the provisions of this act or of a code of ethics promulgated pursuant to the provisions of this act. It shall further have such jurisdiction as to enforcement of the rules of either House of the Legislature governing the conduct of the members thereof as the rules of such-House-may-confer upon the joint committee. A complaint regarding a violation of a code of ethics promulgated pursuant to the provisions of this act may be referred by the joint committee for disposition in accordance with subsection 12(d) of

this act.

(i) Any State officer or employee or special State officer or employee in the Legislative Branch found guilty by the joint committee of violating any provisions of this act or of a code of ethics promulgated pursuant to the provisions of this act shall-be fined not less than [\$100.00] \$500.00 nor more than [\$500.00] \$1,500.00, which penalty may be collected in a summary proceeding pursuant to [the Penalty Enforcement (N.J.S.2A:58-1)] "the penalty enforcement law" (N.J.S.2A:58-1 et seq.), and may be suspended from his office or employment by order of the joint committee for a period not in excess of 1 year. If the joint committee finds that the conduct of such officer or employee constitutes a willful and continuous disregard of the provisions of this act or of a code of ethics promulgated pursuant to the provisions of this act, it may order such person removed from his office or employment and may further bar such person from holding any public office or employment in this State in any capacity whatsoever for a period of not exceeding 5 years from the date on which he was found guilty by the joint committee.

responsibility of the House to determine what further action, if any, shall be taken against such member.

(cf: P.L.1971, c.182, s.11)

2. This act shall take effect immediately, but the increased penalties shall apply only to violations occurring on or after the effective date.

STATEMENT

This bill adds four public members to the Joint Legislative Committee on Ethical Standards, which is currently composed of eight members of the Legislature. The presiding officer and minority leader of each House would appoint one public member. The bill prohibits lobbyists, legislative agents, full-time State employees and-officers or directors of entities required to file with the Election-Law Enforcement Commission from serving as

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public members. All members of the joint committee would serve for a term of two years concurrent with the two-year legislative session. The bill also increases the penalties which may be imposed by the Joint Committee for violations of the New Jersey Conflicts of Interest Law or the Legislative Code of Ethics.

STATE COVERNMENT ETHICS

Adds four public members to the Joint Legislative Committee on Ethical Standards and increases penalties for certain ethics violations.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, Nos. 4230, 4280 and 317

STATE OF NEW JERSEY

DATED: JANUARY 17, 1991

The Assembly State Government Committee reports favorably an Assembly Committee Substitute for Assembly Bill Nos. 4230, 4280 and 317.

This bill adds four public members to the Joint Legislative Committee on Ethical Standards, which is currently composed of eight members of the Legislature. The presiding officer and minority leader of each House would each appoint one public member; this provision for the appointment of public members on a bipartisan basis will allow the existing bipartisanship in the membership of the joint committee to be preserved. The bill prohibits lobbyists, legislative agents, full-time State employees and officers or directors of entities required to file with the Election Law Enforcement Commission from serving as public members; any former lobbyist or legislative agent is also to be ineligible for such service until one year after the person has ceased all activity as a lobbyist or legislative agent. All members of the joint committee would serve for a term of two years concurrent with the two-year. legislative session. The bill also increases the penalties which may be imposed by the Joint Committee for violations of the New Jersey Conflicts of Interest Law or the Legislative Code of Ethics.

SENATE STATE GOVERNMENT AND FEDERAL AND INTERSTATE RELATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, Nos. 4230, 4280 and 317

STATE OF NEW JERSEY

DATED: JUNE 20, 1991

The Senate State Government and Federal and Interstate Relations Committee reports favorably the Assembly Committee Substitute for Assembly, Nos. 4230, 4280 and 317.

This bill adds four public members to the Joint Legislative Committee on Ethical Standards, which is currently composed of eight members of the Legislature. The presiding officer and minority leader of each House would each appoint one public member; this provision for the appointment of public members on a bipartisan basis will allow the existing bipartisanship in the membership of the joint committee to be preserved. The bill prohibits lobbyists, legislative agents, full-time State employees and officers or directors of entities required to file with the Election Law Enforcement Commission from serving as public members; any former lobbyist or legislative agent is also to be ineligible for such service until one year after the person has ceased all activity as a lobbyist or legislative agent. All members of the joint committee would serve for a term of two years concurrent with the two-year legislative session. The bill also increases the penalties which may be imposed by the Joint Committee for violations of the New Jersey Conflicts of Interest Law or the Legislative Code of Ethics.

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OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001 Contact:

EMMA BYRNE NANCY KEARNEY 609-292-8956 **TRENTON**, N.J. 08625

Release: MONDAY

AUGUST 5, 1991

GOVERNOR FLORIO SIGNS LEGISLATIVE ETHICS LAWS
Rules Impose Tough, New Standards on Lobbying Activity and
Increase Penalties for Violations

As part of his commitment to a government that earns public trust, Governor Jim Florio today signed three law requiring disclosure and oversight of lobbying activities and increased penalties for violations by legislators and their staff. This is the first major change in legislative ethics in 20 years and the first major change in lobbying regulation in 10 years.

"We are reaffirming something that should never have been allowed to be put into question in the first place -- and that is that everyone who is in government must play by the same rules that apply to all our citizens, "Governor Florio said.

"There's nothing partisan about ethics. No one party has ever been able to claim a monopoly on public trust or honesty. That's why, these laws have support from both sides of the aisle."

"No law, can ever guarantee ethical behavior, but laws can set standards and we are going to set some honorable ones today."

The bills the Governor signed were the result of recommendations of the Ad Hoc Commission on Legislative Ethics and Campaign Finance. A-4617, sponsored by Assemblymen George Spadoro (D-Middlesex) and David Kronick (D-Hudson) and Senator Gerald Stockman (D-Mercer), extensively broadens the scope of the current lobbying law with respect to financial reporting and professional registration by legislative agents.

The law calls for lobbyists to disclose the following:

- expenditures on communications to public officials regardless of the purpose
- expenditures incurred by lobbyists which provide a benefit to a public official
- expenditures resulting from lobbying activities directed at legislative staff or Executive Branch staff who are responsible for or involved with administrative rule-making -more-

requires lobbyists hired to The law also influence administrative rule-making to register and be subject to financial disclosure rules in the same manner as those employed to influence the legislative process. Previously, lobbying the executive branch was not subject to rules as stringent as legislative lobbying. requires a legislative agent who serves as a member of an independent state authority, county improvement authority, a municipal utilities authority, or on an interstate board or commission to disclose that membership in an annual financial report. Finally, it clients include lobbyists whose that organizations corporations must include a description of that organization and a list of the persons having organizational or financial control of the group in their annual disclosure statements.

A-4618, sponsored by Assemblymen John Villapiano (D-Monmouth) and Byron Baer(D-Bergen) and Senator Dan Dalton(D-Camden) amends the Legislative Disclosure Act to allow the Election Law Enforcement Commission (ELEC) sole responsibility for enforcement and review of disclosure filings. Currently, that responsibility is shared by ELEC and the office of the Attorney General. The Ad Hoc Commission concluded that unifying enforcement of the Act would improve oversight.

A-4230, sponsored by Assembly Speaker Joseph Doria (D-Hudson) and Assemblyman Thomas Deverin (D-Union), Garabed Haytaian (R-Warren) and Neil Cohen (D-Union) and Senators Donald DiFrancesco (R-Union) and Dorsey(R-Morris) adds four public members to the Legislative Committee on Ethical Standards and increases the penalties ethics violations. Currently, the Committee consists of four members from the Senate and four from the State Assembly. Under the new law, The President of the Senate, the Senate Minority Leader, Assembly Speaker and Assembly Minority Leader would each appoint one of the public members whose terms would run for two years. The new law also increases penalties for ethics violations by legislators and employees from a \$100-\$500 range to a \$500-\$1,500 range. Financial penalties were first included in the 1971 Conflicts of Interest Law and have not been changed since.

The Governor's action today represents another step toward fulfilling a promise made during his campaign to raise public trust by setting the highest standards for integrity in both the executive and legislative branches of government. As one of the first acts of his administration, the Governor signed broad financial disclosure laws for members of the executive branch as well as expanding the numbers of individuals who must file disclosure forms. He also signed a law Prohibiting "revolving door" activities of those leaving state government as well as a law revising the state's no-bid contracts Policy.