

52:13D-22

LEGISLATIVE HISTORY CHECKLIST  
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(Joint Legislative Commission  
on Ethical Standards--  
advisory opinions)

NJSA: 52:13D-22

LAWS OF: 1991

CHAPTER: 505

BILL NO: A5261

SPONSOR(S): Doria & Bryant

DATE INTRODUCED: December 2, 1991

COMMITTEE: ASSEMBLY:

SENATE:

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: January 8, 1992

SENATE: January 13, 1992

DATE OF APPROVAL: January 18, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: No

SENATE: No

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG/pp

*Handwritten notes:*  
Doria & Bryant  
Committee  
NY

1 AN ACT concerning the authority 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  
5 State of New Jersey:

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

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

14 (b) The joint committee shall be composed of 12 members as  
15 follows: four members of the Senate appointed by the President  
16 thereof, no more than two of whom shall be of the same political  
17 party; four members of the General Assembly, appointed by the  
18 Speaker thereof, no more than two of whom shall be of the same  
19 political party; and four public members, one appointed by the  
20 President of the Senate, one appointed by the Speaker of the  
21 General Assembly, one appointed by the Minority Leader of the  
22 Senate and one appointed by the Minority Leader of the General  
23 Assembly. No public member shall be a lobbyist or legislative  
24 agent as defined by the "Legislative Activities Disclosure Act of  
25 1971," P.L.1971, c.183 (C.52:13C-18 et seq.), a full-time State  
26 employee or an officer or director of any entity which is required  
27 to file a statement with the Election Law Enforcement  
28 Commission, and no former lobbyist or legislative agent shall be  
29 eligible to serve as a public member for one year following the  
30 cessation of all activity by that person as a legislative agent or  
31 lobbyist. The legislative members shall serve until the end of the  
32 two-year legislative term during which the members are  
33 appointed. The public members shall serve for terms of two  
34 years and until the appointment and qualification of their  
35 successors. The terms of the public members shall run from the  
36 second Tuesday in January of an even-numbered year to the  
37 second Tuesday in January of the next even-numbered year,  
38 regardless of the original date of appointment. Notwithstanding  
39 the terms of the public members as established in this section,  
40 the public members first appointed shall serve from their initial

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 appointments, all of which shall be made not later than the 60th  
2 day following the effective date of this act, until the second  
3 Tuesday in January of the next even-numbered year. Vacancies  
4 in the membership of the joint committee shall be filled in the  
5 same manner as the original appointments, but for the unexpired  
6 term only. Public members of the joint committee shall serve  
7 without compensation, but shall be entitled to be reimbursed for  
8 all actual and necessary expenses incurred in the performance of  
9 their duties.

10 (c) The joint committee shall organize as soon as may be  
11 practicable after the appointment of its members, by the  
12 selection of a chairman and vice chairman from among its  
13 membership and the appointment of a secretary, who need not be  
14 a member of the joint committee.

15 (d) The Legislative Counsel in the Office of Legislative  
16 Services shall act as legal adviser to the joint committee. He  
17 shall, upon request, assist and advise the joint committee in the  
18 rendering of advisory opinions by the joint committee, in the  
19 approval and review of codes of ethics adopted by State agencies  
20 in the Legislative Branch, and in the recommendation of revisions  
21 in codes of ethics or legislation relating to the conduct of  
22 members of the Legislature or State officers and employees in  
23 the Legislative Branch.

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

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

31 (g) The joint committee is authorized to render advisory  
32 opinions as to whether a given set of facts and circumstances  
33 would, in its opinion, constitute a violation of the provisions of  
34 this act [or], of a code of ethics promulgated pursuant to the  
35 provisions of this act or of any rule of either or both Houses  
36 which gives the joint committee jurisdiction and the authority to  
37 investigate a matter.

38 (h) The joint committee shall have jurisdiction to initiate,  
39 receive, hear and review complaints regarding violations of the  
40 provisions of this act or of a code of ethics promulgated pursuant  
41 to the provisions of this act. It shall further have such  
42 jurisdiction as to enforcement of the rules of either [House] or  
43 both Houses of the Legislature governing the conduct of the  
44 members or employees thereof as [the]those rules [of such House]  
45 may confer upon the joint committee. A complaint regarding a  
46 violation of a code of ethics promulgated pursuant to the  
47 provisions of this act may be referred by the joint committee for  
48 disposition in accordance with subsection 12(d) of this act.

49 (i) Any State officer or employee or special State officer or

1 employee in the Legislative Branch found guilty by the joint  
2 committee of violating any provisions of this act [or], of a code  
3 of ethics promulgated pursuant to the provisions of this act or of  
4 any rule of either or both Houses which gives the joint committee  
5 jurisdiction and the authority to investigate a matter shall be  
6 fined not less than \$500.00 nor more than \$1,500.00, which  
7 penalty may be collected in a summary proceeding pursuant to  
8 "the penalty enforcement law" (N.J.S.2A:58-1 et seq.), and may  
9 be reprimanded and ordered to pay restitution where appropriate  
10 and may be suspended from his office or employment by order of  
11 the joint committee for a period not in excess of 1 year. If the  
12 joint committee finds that the conduct of such officer or  
13 employee constitutes a willful and continuous disregard of the  
14 provisions of this act [or], of a code of ethics promulgated  
15 pursuant to the provisions of this act or of any rule of either or  
16 both Houses which gives the joint committee jurisdiction and the  
17 authority to investigate a matter, it may order such person  
18 removed from his office or employment and may further bar such  
19 person from holding any public office or employment in this State  
20 in any capacity whatsoever for a period of not exceeding 5 years  
21 from the date on which he was found guilty by the joint  
22 committee.

23 (j) A member of the Legislature who shall be found guilty by  
24 the joint committee of violating the provisions of this act [or], of  
25 a code of ethics promulgated pursuant to the provisions of this  
26 act or of any rule of either or both Houses which gives the joint  
27 committee jurisdiction and the authority to investigate a matter  
28 shall be fined not less than \$500.00 nor more than \$1,500.00,  
29 which penalty may be collected in a summary proceeding  
30 pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et  
31 seq.), and shall be subject to such further action as may be  
32 determined by the House of which he is a member. In such cases  
33 the joint committee shall report its findings to the appropriate  
34 House and shall recommend to the House such further action as  
35 the joint committee deems appropriate, but it shall be the sole  
36 responsibility of the House to determine what further action, if  
37 any, shall be taken against such member.

38 (cf: P.L.1991, c.241)

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

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#### STATEMENT

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46 This bill expands the authority of the Joint Legislative  
47 Committee on Ethical Standards by allowing it to render advisory  
48 opinions, review complaints and impose penalties with regard to  
49 the violation by a legislator or legislative officer or employee of

1 any rule of either or both Houses which gives the Joint  
2 Committee jurisdiction and the authority to investigate a matter.

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**STATE GOVERNMENT ETHICS**

6

7 Expands the authority of the Joint Legislative Committee on  
8 Ethical Standards.