

52:13D-22

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2007 **CHAPTER:** 203
NJSA: 52:13D-22 (Establishes the position of Ethics Counsel and mandates certain ethics consultation and training in the Legislative Branch of State government)
BILL NO: A4011/4020 (Substituted for S2503)

SPONSOR(S) Greenstein and Others

DATE INTRODUCED: February 22, 2007

COMMITTEE: **ASSEMBLY:** Judiciary

SENATE:

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** June 11, 2007

SENATE: June 18, 2007

DATE OF APPROVAL: November 2, 2007

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Assembly Committee Substitute enacted)

A4011/4020

[SPONSOR'S STATEMENT FOR A4011](#): (Begins on page 5 of original bill) [Yes](#)

[SPONSOR'S STATEMENT FOR A4020](#): (Begins on page 5 of original bill) [Yes](#)

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

SENATE: No

(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)

FLOOR AMENDMENT STATEMENT: No

[LEGISLATIVE FISCAL NOTE:](#) [Yes](#)

S2503

[SPONSOR'S STATEMENT](#): (Begins on page 5 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:

Yes

"Corzine signs ethics reforms bills," Asbury Park Press, 11-3-07, p. __

RWH 5/7/08

P.L. 2007, CHAPTER 203, *approved November 2, 2007*
Assembly Committee Substitute for
Assembly, Nos. 4011 and 4020

1 AN ACT concerning legislative ethics and amending parts of the
2 statutory law.

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

14 (b)**[(1)** 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.

24 **(2)** Commencing with the second Tuesday in January of the
25 next even numbered year following the effective date of P.L.2004,
26 c.24, the joint committee shall be composed of sixteen members as
27 follows: four members of the Senate, appointed by the President
28 thereof, no more than two of whom shall be of the same political
29 party; four members of the General Assembly, appointed by the
30 Speaker thereof, no more than two of whom shall be of the same
31 political party; and eight public members, two appointed by the
32 President of the Senate, two appointed by the Speaker of the
33 General Assembly, two appointed by the Minority Leader of the
34 Senate and two appointed by the Minority Leader of the General
35 Assembly.

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

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 governmental affairs agent or lobbyist. The legislative members
2 shall serve until the end of the two-year legislative term during
3 which the members are appointed. The public members shall serve
4 for terms of two years and until the appointment and qualification
5 of their successors.

6 The terms of the public members shall run from the second
7 Tuesday in January of an even-numbered year to the second
8 Tuesday in January of the next even-numbered year, regardless of
9 the original date of appointment.

10 Vacancies in the membership of the joint committee shall be
11 filled in the same manner as the original appointments, but for the
12 unexpired term only. Public members of the joint committee shall
13 serve without compensation, but shall be entitled to be reimbursed
14 for all actual and necessary expenses incurred in the performance of
15 their duties.

16 (c) The joint committee shall organize as soon as may be
17 practicable after the appointment of its members, by the selection of
18 a chairman and vice chairman from among its membership and the
19 appointment of a secretary, who need not be a member of the joint
20 committee.

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

46 (e) The joint committee may, within the limits of funds
47 appropriated or otherwise available to it for the purpose, employ
48 other professional, technical, clerical or other assistants, excepting

1 legal counsel, and incur expenses as may be necessary to the
2 performance of its duties.

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

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

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

22 (i) Any State officer or employee or special State officer or
23 employee in the Legislative Branch found guilty by the joint
24 committee of violating any provisions of this act, of a code of ethics
25 promulgated pursuant to the provisions of this act or of any rule of
26 either or both Houses which gives the joint committee jurisdiction
27 and the authority to investigate a matter shall be fined not less than
28 \$500.00 nor more than \$10,000, which penalty may be collected in
29 a summary proceeding pursuant to the "Penalty Enforcement Law
30 of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), and may be
31 reprimanded and ordered to pay restitution where appropriate and
32 may be suspended from office or employment by order of the joint
33 committee for a period not in excess of one year. If the joint
34 committee finds that the conduct of the officer or employee
35 constitutes a willful and continuous disregard of the provisions of
36 this act, of a code of ethics promulgated pursuant to the provisions
37 of this act or of any rule of either or both Houses which gives the
38 joint committee jurisdiction and the authority to investigate a
39 matter, it may order that person removed from office or
40 employment and may further bar the person from holding any
41 public office or employment in this State in any capacity
42 whatsoever for a period of not exceeding five years from the date
43 on which the person was found guilty by the joint committee.

44 (j) A member of the Legislature who shall be found guilty by
45 the joint committee of violating the provisions of this act, of a code
46 of ethics promulgated pursuant to the provisions of this act or of
47 any rule of either or both Houses which gives the joint committee
48 jurisdiction and the authority to investigate a matter shall be fined

1 not less than \$500.00 nor more than \$10,000, which penalty may be
2 collected in a summary proceeding pursuant to the "Penalty
3 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.),
4 and shall be subject to such further action as may be determined by
5 the House of which the person is a member. In such cases the joint
6 committee shall report its findings to the appropriate House and
7 shall recommend to the House such further action as the joint
8 committee deems appropriate, but it shall be the sole responsibility
9 of the House to determine what further action, if any, shall be taken
10 against such member.

11 (cf: P.L.2004, c.27, s.25)

12

13 2. Section 4 of P.L.2003, c.255 (C.52:13D-28) is amended to
14 read as follows:

15 4. The Legislature shall provide **[a program]** an online tutorial
16 on legislative ethics for its members and State officers or employees
17 and special State officers or employees in the Legislative Branch of
18 government. Each member of the Legislature and officer or
19 employee in the Legislative Branch shall take the tutorial no later
20 than April 1 of every even-numbered year. In addition to the
21 tutorial, all officers and employees in the Legislative Branch shall
22 participate in annual ethics training as directed by their Executive
23 Directors.

24 Each member of the Legislature shall consult with the Ethics
25 Counsel each year regarding the requirements of the New Jersey
26 Conflicts of Interest Law and the Legislative Code of Ethics and
27 any other applicable law, rule or standard of conduct relating to the
28 area of ethics. The assistance of the Ethics Counsel to members of
29 the Legislature is subject to the attorney-client privilege. This
30 assistance is intended as a service to the members of the Legislature
31 and may not be deemed to diminish a member's personal
32 responsibility for adherence to applicable laws, code provisions,
33 rules and other standards of conduct. No privileged information
34 provided to the Ethics Counsel by members of the Legislature or
35 officers or employees in the Legislative Branch shall be used or
36 admitted into evidence in any proceeding against them; but this
37 shall not prohibit proceedings against them from evidence
38 independently derived.

39 (cf: P.L.2003, c.255, s.4)

40

41 3. This act shall take effect on the second Tuesday in January
42 next following enactment.

43

44

45

46 Establishes the position of Ethics Counsel and mandates certain
47 ethics consultation and training in the Legislative Branch of State
48 government.

ASSEMBLY, No. 4011

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED FEBRUARY 22, 2007

Sponsored by:

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Assemblyman MICHAEL J. PANTER

District 12 (Mercer and Monmouth)

SYNOPSIS

Establishes the position of Ethics Counsel and mandates certain ethics consultation and training in the Legislative Branch of State government.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning legislative ethics and amending parts of the
2 statutory law.

3

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

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7 1. Section 11 of P.L.1971, c.182 (C.52:13D-22) is amended to
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22 Senate and one appointed by the Minority Leader of the General
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25 next even numbered year following the effective date of P.L.2004,
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38 Process Activities Disclosure Act," P.L.1971, c.183 (C.52:13C-18
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40 entity which is required to file a statement with the Election Law
41 Enforcement Commission, and no former lobbyist or governmental
42 affairs agent shall be eligible to serve as a public member for one
43 year following the cessation of all activity by that person as a
44 governmental affairs agent or lobbyist. The legislative members
45 shall serve until the end of the two-year legislative term during

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33 constitutes a willful and continuous disregard of the provisions of
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35 of this act or of any rule of either or both Houses which gives the
36 joint committee jurisdiction and the authority to investigate a
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38 employment and may further bar the person from holding any
39 public office or employment in this State in any capacity
40 whatsoever for a period of not exceeding five years from the date
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4 committee shall report its findings to the appropriate House and
5 shall recommend to the House such further action as the joint
6 committee deems appropriate, but it shall be the sole responsibility
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9 (cf: P.L.2004, c.27, s.25.)

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13 4. The Legislature shall provide **[a program]** an online tutorial
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15 and special State officers or employees in the Legislative Branch of
16 government. Each member of the Legislature and officer or
17 employee in the Legislative Branch shall take the tutorial no later
18 than April 1 of every even-numbered year. In addition to the
19 tutorial, all officers and employees in the Legislative Branch shall
20 participate in annual ethics training as directed by their Executive
21 Directors.

22 Each member of the Legislature shall consult with the Ethics
23 Counsel each year regarding the requirements of the New Jersey
24 Conflicts of Interest Law and the Legislative Code of Ethics and
25 any other applicable law, rule or standard of conduct relating to the
26 area of ethics. The assistance of the Ethics Counsel to members of
27 the Legislature is subject to the attorney-client privilege. This
28 assistance is intended as a service to the members of the Legislature
29 and may not be deemed to diminish a member's personal
30 responsibility for adherence to applicable laws, code provisions,
31 rules and other standards of conduct. No privileged information
32 provided to the Ethics Counsel by members of the Legislature or
33 officers or employees in the Legislative Branch shall be used or
34 admitted into evidence in any proceeding against them; but this
35 shall not prohibit proceedings against them from evidence
36 independently derived.

37 (cf: P.L.2003, c.255, s.4.)

38

39 3. This act shall take effect on the second Tuesday in January
40 next following enactment.

41

42

43

STATEMENT

44

45 This bill creates the position of Ethics Counsel to individual
46 members of the Legislature and officers and employees in the
47 Legislative Branch. The Ethics Counsel shall provide informal
48 ethics advice to legislators and staff upon request and the advice is

1 confidential and subject to the attorney-client privilege. The Ethics
2 Counsel may also assist legislators and staff in requesting formal
3 advisory opinions from the Joint Committee on novel subject
4 matters.

5 The bill also requires legislators and officers and employees in
6 the Legislative Branch to take an online tutorial in legislative ethics
7 no later than April 1 of every even-numbered year. Officers and
8 employees are further required to participate in annual ethics
9 training as directed by their Executive Directors. Legislators are
10 required to consult annually with the Ethics Counsel on the
11 requirements of the ethics law and rules. This assistance is subject
12 to the attorney-client privilege. Privileged information provided to
13 the Ethics Counsel by legislators or officers or employees shall not
14 be used or admitted into evidence in any proceeding against them;
15 but this shall not prohibit proceedings against them from evidence
16 independently derived.

ASSEMBLY, No. 4020

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED FEBRUARY 26, 2007

Sponsored by:

Assemblyman KEVIN J. O'TOOLE

District 40 (Bergen, Essex and Passaic)

Assemblyman JOSEPH R. MALONE, III

District 30 (Burlington, Mercer, Monmouth and Ocean)

SYNOPSIS

Mandates certain ethics consultation and training and establishes the position of Ethics Counsel in the Legislative Branch of State government.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT mandating certain ethics consultation and training and
2 establishing the position of Ethics Counsel in the Legislative
3 Branch of State government and amending parts of the statutory
4 law.

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

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23 General Assembly, one appointed by the Minority Leader of the
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25 Assembly.

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27 next even numbered year following the effective date of P.L.2004,
28 c.24, the joint committee shall be composed of sixteen members as
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16 (c) The joint committee shall organize as soon as may be
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22 Services shall act as legal adviser to the joint committee. The
23 Executive Director of the Office of Legislative Services shall
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14 the provisions of this act. It shall further have such jurisdiction as
15 to enforcement of the rules of either or both Houses of the
16 Legislature governing the conduct of the members or employees
17 thereof as those rules may confer upon the joint committee. A
18 complaint regarding a violation of a code of ethics promulgated
19 pursuant to the provisions of this act may be referred by the joint
20 committee for disposition in accordance with subsection 12(d) of
21 this act.

22 (i) Any State officer or employee or special State officer or
23 employee in the Legislative Branch found guilty by the joint
24 committee of violating any provisions of this act, of a code of ethics
25 promulgated pursuant to the provisions of this act or of any rule of
26 either or both Houses which gives the joint committee jurisdiction
27 and the authority to investigate a matter shall be fined not less than
28 \$500.00 nor more than \$10,000, which penalty may be collected in
29 a summary proceeding pursuant to the "Penalty Enforcement Law
30 of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), and may be
31 reprimanded and ordered to pay restitution where appropriate and
32 may be suspended from office or employment by order of the joint
33 committee for a period not in excess of one year. If the joint
34 committee finds that the conduct of the officer or employee
35 constitutes a willful and continuous disregard of the provisions of
36 this act, of a code of ethics promulgated pursuant to the provisions
37 of this act or of any rule of either or both Houses which gives the
38 joint committee jurisdiction and the authority to investigate a
39 matter, it may order that person removed from office or
40 employment and may further bar the person from holding any
41 public office or employment in this State in any capacity
42 whatsoever for a period of not exceeding five years from the date
43 on which the person was found guilty by the joint committee.

44 (j) A member of the Legislature who shall be found guilty by
45 the joint committee of violating the provisions of this act, of a code
46 of ethics promulgated pursuant to the provisions of this act or of
47 any rule of either or both Houses which gives the joint committee
48 jurisdiction and the authority to investigate a matter shall be fined

1 not less than \$500.00 nor more than \$10,000, which penalty may be
2 collected in a summary proceeding pursuant to the "Penalty
3 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.),
4 and shall be subject to such further action as may be determined by
5 the House of which the person is a member. In such cases the joint
6 committee shall report its findings to the appropriate House and
7 shall recommend to the House such further action as the joint
8 committee deems appropriate, but it shall be the sole responsibility
9 of the House to determine what further action, if any, shall be taken
10 against such member.

11 (cf: P.L.2004, c.27, s.25)

12

13 2. Section 4 of P.L.2003, c.255 (C.52:13D-28) is amended to
14 read as follows:

15 4. The Legislature shall provide **[a program]** an online tutorial
16 on legislative ethics for its members and State officers or employees
17 and special State officers or employees in the Legislative Branch of
18 government. Each member of the Legislature and officer or
19 employee in the Legislative Branch shall take the tutorial no later
20 than April 1 of every even-numbered year. In addition to the
21 tutorial, all officers and employees in the Legislative Branch shall
22 participate in annual ethics training as directed by their Executive
23 Directors.

24 Each member of the Legislature shall consult with the Ethics
25 Counsel each year regarding the requirements of the New Jersey
26 Conflicts of Interest Law and the Legislative Code of Ethics and
27 any other applicable law, rule or standard of conduct relating to the
28 area of ethics. The assistance of the Ethics Counsel to members of
29 the Legislature is subject to the attorney-client privilege. This
30 assistance is intended as a service to the members of the Legislature
31 and may not be deemed to diminish a member's personal
32 responsibility for adherence to applicable laws, code provisions,
33 rules and other standards of conduct. No privileged information
34 provided to the Ethics Counsel by members of the Legislature or
35 officers or employees in the Legislative Branch shall be used or
36 admitted into evidence in any proceeding against them; but this
37 shall not prohibit proceedings against them from evidence
38 independently derived.

39 (cf: P.L.2003, c.255, s.4)

40

41 3. This act shall take effect on the second Tuesday in January
42 next following enactment.

43

44

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STATEMENT

46

47 This bill establishes the position of Ethics Counsel to individual
48 members of the Legislature and officers and employees in the

1 Legislative Branch. The Ethics Counsel will provide informal
2 ethics advice to legislators and staff upon request and the advice
3 will be confidential and subject to the attorney-client privilege. The
4 Ethics Counsel may also assist legislators and staff in requesting
5 formal advisory opinions from the Joint Committee on novel
6 subject matters.

7 The bill also requires legislators and officers and employees in
8 the Legislative Branch to take an online tutorial in legislative ethics
9 no later than April 1 of every even-numbered year. Officers and
10 employees are further required to participate in annual ethics
11 training as directed by their Executive Directors. Legislators are
12 required to consult annually with the Ethics Counsel on the
13 requirements of the ethics law and rules. This assistance is subject
14 to the attorney-client privilege. Privileged information provided to
15 the Ethics Counsel by legislators or officers or employees shall not
16 be used or admitted into evidence in any proceeding against them;
17 but this shall not prohibit proceedings against them from evidence
18 independently derived.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, Nos. 4011 and 4020

STATE OF NEW JERSEY

DATED: MAY 14, 2007

The Assembly Judiciary Committee reports favorably a committee substitute for Assembly Bill Nos. 4011 and 4020.

This substitute creates the position of Ethics Counsel to individual members of the Legislature and officers and employees in the Legislative Branch. The Ethics Counsel would provide informal ethics advice to legislators and staff upon request. Such advice would be confidential and subject to the attorney-client privilege. The Ethics Counsel may also assist legislators and staff in requesting formal advisory opinions from the Joint Legislative Committee on Ethical Standards on novel subject matters.

The substitute also requires legislators and officers and employees in the Legislative Branch to take an online tutorial in legislative ethics no later than April 1 of every even-numbered year. Officers and employees are further required to participate in annual ethics training as directed by their Executive Directors. Legislators are required to consult annually with the Ethics Counsel on the requirements of the ethics law and rules.

The assistance of the ethics counsel would be subject to the attorney-client privilege. Privileged information provided to the Ethics Counsel by legislators or officers or employees could not be used or admitted into evidence in any proceeding against them. This would not prohibit proceedings against them from evidence independently derived.

This bill is identical to Senate Bill No.2503.

FISCAL NOTE
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 4011 and 4020
STATE OF NEW JERSEY
212th LEGISLATURE

DATED: JUNE 25, 2007

SUMMARY

Synopsis: Establishes the position of Ethics Counsel and mandates certain ethics consultation and training in the Legislative Branch of State Government.

Type of Impact: None

Agencies Affected: Legislature; Office of Legislative Services, Office of the Legislative Counsel

Executive Estimate

Fiscal Impact	<u>FY 2008</u>	<u>FY 2009</u>	<u>FY 2010</u>
State Cost	No Cost Impact - See Comments Below		

- The Office of Legislative Services (OLS) estimates no fiscal impact upon enactment of this bill.
- The bill allows the Executive Director of the OLS to appoint to the position of Ethics Counsel an attorney currently on staff. Also, the bill requires all Legislators, Officers, and staff to utilize the currently employed online ethics tutorial facility by April 1 of every even-numbered year as well as participate annually in the ethics training programs as directed by their Executive Directors. Both provisions will not require additional expenditures in fiscal years 2008 and 2009, but could require additional resources in the future should there be a need to increase staff or services.

BILL DESCRIPTION

Assembly Committee Substitute for Assembly Bill Nos. 4011 and 4020 of 2007 would create the position of Ethics Counsel in the Office of Legislative Services, within the Office of the Legislative Counsel. The Executive Director is to appoint an attorney currently on staff to serve in this position. The Ethics counsel is to provide informal ethics advice to Legislators, officers, and employees upon request, when that request is fully answered by the New Jersey conflicts of Interest Law or the Legislative Code of Ethics. Such advice shall be confidential and subject to attorney-client privilege. The Ethics Counsel may also assist members, officers, and employees

of the Legislative Branch in requesting formal advisory opinions from the Joint Legislative Committee on Ethical Standards. Each member of the Legislature shall consult with the Ethics Counsel every year regarding the requirements of the New Jersey Conflicts of Interest Law, the Legislative Code of Ethics, as well as any rule, standard of conduct, or any other applicable law pertaining to the area of ethics.

The bill also requires each Legislator, officer, and employee to take an online ethics tutorial no later than April 1 of every even-numbered year and to participate in annual ethics training as directed by their executive directors.

FISCAL ANALYSIS

OFFICE OF LEGISLATIVE SERVICES

The Executive Director of the OLS has stated an attorney currently employed in the office will be appointed the position of Ethics Counsel and that enactment of the bill will have no immediate cost impact, however, should there be a need to expand the staff or services additional resources would be required.

Section: Legislative Budget and Finance Office

*Analyst: Ernest T. Hagans
Senior Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal note has been prepared pursuant to P.L. 1980, c.67.

SENATE, No. 2503

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JANUARY 25, 2007

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex)

Senator JOSEPH M. KYRILLOS, JR.

District 13 (Middlesex and Monmouth)

Co-Sponsored by:

Senators Karcher, Vitale, Weinberg, Asselta, Coniglio and Turner

SYNOPSIS

Establishes the position of Ethics Counsel and mandates certain ethics consultation and training in the Legislative Branch of State government.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/27/2007)

S2503 CODEY, KYRILLOS

2

1 AN ACT concerning legislative ethics and amending parts of the
2 statutory law.

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

14 (b)~~[(1)~~ 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.

24 ~~(2)~~ Commencing with the second Tuesday in January of the
25 next even numbered year following the effective date of P.L.2004,
26 c.24, the joint committee shall be composed of sixteen members as
27 follows: four members of the Senate, appointed by the President
28 thereof, no more than two of whom shall be of the same political
29 party; four members of the General Assembly, appointed by the
30 Speaker thereof, no more than two of whom shall be of the same
31 political party; and eight public members, two appointed by the
32 President of the Senate, two appointed by the Speaker of the
33 General Assembly, two appointed by the Minority Leader of the
34 Senate and two appointed by the Minority Leader of the General
35 Assembly.

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

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 which the members are appointed. The public members shall serve
2 for terms of two years and until the appointment and qualification
3 of their successors.

4 The terms of the public members shall run from the second
5 Tuesday in January of an even-numbered year to the second
6 Tuesday in January of the next even-numbered year, regardless of
7 the original date of appointment.

8 Vacancies in the membership of the joint committee shall be
9 filled in the same manner as the original appointments, but for the
10 unexpired term only. Public members of the joint committee shall
11 serve without compensation, but shall be entitled to be reimbursed
12 for all actual and necessary expenses incurred in the performance of
13 their duties.

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

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

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

S2503 CODEY, KYRILLOS

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

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

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

20 (i) Any State officer or employee or special State officer or
21 employee in the Legislative Branch found guilty by the joint
22 committee of violating any provisions of this act, of a code of ethics
23 promulgated pursuant to the provisions of this act or of any rule of
24 either or both Houses which gives the joint committee jurisdiction
25 and the authority to investigate a matter shall be fined not less than
26 \$500.00 nor more than \$10,000, which penalty may be collected in
27 a summary proceeding pursuant to the "Penalty Enforcement Law
28 of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), and may be
29 reprimanded and ordered to pay restitution where appropriate and
30 may be suspended from office or employment by order of the joint
31 committee for a period not in excess of one year. If the joint
32 committee finds that the conduct of the officer or employee
33 constitutes a willful and continuous disregard of the provisions of
34 this act, of a code of ethics promulgated pursuant to the provisions
35 of this act or of any rule of either or both Houses which gives the
36 joint committee jurisdiction and the authority to investigate a
37 matter, it may order that person removed from office or
38 employment and may further bar the person from holding any
39 public office or employment in this State in any capacity
40 whatsoever for a period of not exceeding five years from the date
41 on which the person was found guilty by the joint committee.

42 (j) A member of the Legislature who shall be found guilty by
43 the joint committee of violating the provisions of this act, of a code
44 of ethics promulgated pursuant to the provisions of this act or of
45 any rule of either or both Houses which gives the joint committee
46 jurisdiction and the authority to investigate a matter shall be fined
47 not less than \$500.00 nor more than \$10,000, which penalty may be
48 collected in a summary proceeding pursuant to the "Penalty

1 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.),
2 and shall be subject to such further action as may be determined by
3 the House of which the person is a member. In such cases the joint
4 committee shall report its findings to the appropriate House and
5 shall recommend to the House such further action as the joint
6 committee deems appropriate, but it shall be the sole responsibility
7 of the House to determine what further action, if any, shall be taken
8 against such member.

9 (cf: P.L.2004, c.27, s.25.)

10

11 2. Section 4 of P.L.2003, c.255 (C.52:13D-28) is amended to
12 read as follows:

13 4. The Legislature shall provide **[a program]** an online tutorial
14 on legislative ethics for its members and State officers or employees
15 and special State officers or employees in the Legislative Branch of
16 government. Each member of the Legislature and officer or
17 employee in the Legislative Branch shall take the tutorial no later
18 than April 1 of every even-numbered year. In addition to the
19 tutorial, all officers and employees in the Legislative Branch shall
20 participate in annual ethics training as directed by their Executive
21 Directors.

22 Each member of the Legislature shall consult with the Ethics
23 Counsel each year regarding the requirements of the New Jersey
24 Conflicts of Interest Law and the Legislative Code of Ethics and
25 any other applicable law, rule or standard of conduct relating to the
26 area of ethics. The assistance of the Ethics Counsel to members of
27 the Legislature is subject to the attorney-client privilege. This
28 assistance is intended as a service to the members of the Legislature
29 and may not be deemed to diminish a member's personal
30 responsibility for adherence to applicable laws, code provisions,
31 rules and other standards of conduct. No privileged information
32 provided to the Ethics Counsel by members of the Legislature or
33 officers or employees in the Legislative Branch shall be used or
34 admitted into evidence in any proceeding against them; but this
35 shall not prohibit proceedings against them from evidence
36 independently derived.

37 (cf: P.L.2003, c.255, s.4.)

38

39 3. This act shall take effect on the second Tuesday in January
40 next following enactment.

41

42

STATEMENT

43

44 This bill creates the position of Ethics Counsel to individual
45 members of the Legislature and officers and employees in the
46 Legislative Branch. The Ethics Counsel shall provide informal
47 ethics advice to legislators and staff upon request and the advice is
48 confidential and subject to the attorney-client privilege. The Ethics

S2503 CODEY, KYRILLOS

6

1 Counsel may also assist legislators and staff in requesting formal
2 advisory opinions from the Joint Committee on novel subject
3 matters.

4 The bill also requires legislators and officers and employees in
5 the Legislative Branch to take an online tutorial in legislative ethics
6 no later than April 1 of every even-numbered year. Officers and
7 employees are further required to participate in annual ethics
8 training as directed by their Executive Directors. Legislators are
9 required to consult annually with the Ethics Counsel on the
10 requirements of the ethics law and rules. This assistance is subject
11 to the attorney-client privilege. Privileged information provided to
12 the Ethics Counsel by legislators or officers or employees shall not
13 be used or admitted into evidence in any proceeding against them;
14 but this shall not prohibit proceedings against them from evidence
15 independently derived.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 2503

STATE OF NEW JERSEY

DATED: FEBRUARY 8, 2007

The Senate State Government Committee reports favorably Senate, No. 2503.

This bill creates the position of Ethics Counsel to individual members of the Legislature and officers and employees in the Legislative Branch. The Ethics Counsel would provide informal ethics advice to legislators and staff upon request. Such advice would be confidential and subject to the attorney-client privilege. The Ethics Counsel may also assist legislators and staff in requesting formal advisory opinions from the Joint Legislative Committee on Ethical Standards on novel subject matters.

The bill also requires legislators and officers and employees in the Legislative Branch to take an online tutorial in legislative ethics no later than April 1 of every even-numbered year. Officers and employees are further required to participate in annual ethics training as directed by their Executive Directors. Legislators are required to consult annually with the Ethics Counsel on the requirements of the ethics law and rules.

The assistance of the ethics counsel would be subject to the attorney-client privilege. Privileged information provided to the Ethics Counsel by legislators or officers or employees could not be used or admitted into evidence in any proceeding against them. This would not prohibit proceedings against them from evidence independently derived.