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"Corzine signs law to overhaul ethics panel," The Philadelphia Inquirer, 4-22-08, p. 01

"Corzine signs law overhauling ethics," The Record, 4-22-08, p.A04

LAW

P.L. 2008, CHAPTER 16, *approved April 21, 2008*
Assembly, No. 2452

1 AN ACT concerning the Joint Legislative Committee on Ethical
2 Standards and ethics training for members of the Legislature,
3 amending P.L.1971, c.182 and P.L.2003, c.255.
4

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

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

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

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

30 (2) Commencing on the 30th day after the effective date of
31 P.L. , c. (pending before the Legislature as this bill), the joint
32 committee shall be composed of eight members of the public as
33 follows: two appointed by the President of the Senate, two
34 appointed by the Speaker of the General Assembly, two appointed
35 by the Minority Leader of the Senate, and two appointed by the
36 Minority Leader of the General Assembly. No member of the
37 Senate or of the General Assembly shall be eligible to serve as a
38 member of the joint committee. No more than two members of the
39 joint committee may be former members of the Senate or of the
40 General Assembly. The members shall be full-time residents of the
41 State and available throughout the year to attend, in person, the

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 meetings of the joint committee.

2 No **【public】** member shall be a lobbyist or governmental affairs
3 agent as defined by the "Legislative and Governmental Process
4 Activities Disclosure Act," P.L.1971, c.183 (C.52:13C-18 et seq.), a
5 full-time State employee or an officer or director of any entity
6 which is required to file a statement with the Election Law
7 Enforcement Commission, and no former lobbyist or governmental
8 affairs agent shall be eligible to serve as a **【public】** member for one
9 year following the cessation of all activity by that person as a
10 governmental affairs agent or lobbyist. **【The legislative members**
11 **shall serve until the end of the two-year legislative term during**
12 **which the members are appointed.】** No person who served as a
13 member of the joint committee at any time prior to the 30th day
14 after the effective date of P.L. , c. (pending before the
15 Legislature as this bill) shall be eligible to serve as a member of the
16 joint committee as constituted under paragraph (2) of this
17 subsection. The **【public】** members shall serve for terms of two
18 years **【and until the appointment and qualification of their**
19 **successors】**.

20 The terms of the **【public】** members shall run from the second
21 Tuesday in January of an even-numbered year to the second
22 Tuesday in January of the next even-numbered year, regardless of
23 the original date of appointment.

24 Vacancies in the membership of the joint committee shall be
25 filled in the same manner as the original appointments, but for the
26 unexpired term only. **【Public】** The members of the joint committee
27 shall serve without compensation, but shall be entitled to be
28 reimbursed for all actual and necessary expenses incurred in the
29 performance of their duties.

30 (c) The joint committee shall organize as soon as may be
31 practicable after the appointment of its members, by the selection of
32 a chairman and vice chairman from among its membership and the
33 appointment of a secretary, who need not be a member of the joint
34 committee. Commencing on the 30th day after the effective date of
35 P.L. , c. (pending before the Legislature as this bill), the
36 chairman of the joint committee shall be selected jointly by the
37 President of the Senate and the Speaker of the General Assembly,
38 when the President and Speaker are members of the same political
39 party, from among the members of the joint committee, and the vice
40 chairman shall be selected jointly by the Minority Leader of the
41 Senate and the Minority Leader of the General Assembly, when the
42 Minority Leaders are members of the same political party, from
43 among the members of the joint committee. When the President of
44 the Senate and the Speaker of the General Assembly are not
45 members of the same political party, the President and Speaker shall
46 alternate in selecting the chairman of the joint committee with the
47 President of the Senate selecting the chairman first, and then, at the

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

14 The chairman and the vice chairman shall not be members of the
15 same political party.

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

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

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

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

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

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

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

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

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

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

1 may be suspended from office or employment by order of the joint
2 committee for a period not in excess of one year. If the joint
3 committee finds that the conduct of the officer or employee
4 constitutes a willful and continuous disregard of the provisions of
5 this act, of a code of ethics promulgated pursuant to the provisions
6 of this act or of any rule of either or both Houses which gives the
7 joint committee jurisdiction and the authority to investigate a
8 matter, it may order that person removed from office or
9 employment and may further bar the person from holding any
10 public office or employment in this State in any capacity
11 whatsoever for a period of not exceeding five years from the date
12 on which the person was found guilty by the joint committee.

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

28 (cf: P.L.2007, c.203, s.1)

29

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

32 4. The Legislature shall provide an online tutorial on legislative
33 ethics for its members and State officers or employees and special
34 State officers or employees in the Legislative Branch of
35 government. Each member of the Legislature and officer or
36 employee in the Legislative Branch shall take the tutorial no later
37 than April 1 of every even-numbered year. Each Executive
38 Director shall submit a certification to the Ethics Counsel for
39 himself or herself and for his or her respective staff members that
40 they have completed the online tutorial. Each member of the
41 Legislature shall submit to the Ethics Counsel a certification that he
42 or she and his or her district office staff members have completed
43 the online tutorial. The certification shall be public information.
44 Failure to take the tutorial and file the certification shall be reported
45 by the Ethics Counsel to the joint committee.

46 In addition to the tutorial, all officers and employees in the
47 Legislative Branch shall participate in annual ethics training as
48 directed by their Executive Directors and all members of the

1 Legislature shall participate in annual ethics training as directed by
2 the President of the Senate for members of the Senate and by the
3 Speaker of the General Assembly for members of the General
4 Assembly. The Executive Directors, the President of the Senate,
5 and the Speaker of the General Assembly shall also direct the
6 process by which completion of the training is verified. Such
7 verification shall be filed with the Ethics Counsel. The verification
8 shall be public information. Failure to participate in the training
9 and file the verification shall be reported by the Ethics Counsel to
10 the joint committee.

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

26 (cf: P.L.2007, c.203, s.2)

27

28 3. This act shall take effect immediately.

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30

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STATEMENT

32

33 This bill reduces from 16 to eight the membership of the Joint
34 Legislative Committee on Ethical Standards commencing on the
35 30th day after the enactment of this bill. The President of the
36 Senate, Speaker of the General Assembly, Senate Minority Leader,
37 and Assembly Minority Leader are each to appoint two members of
38 the public, with the public members to be permanent State residents
39 who are available throughout the year to attend, in person, the
40 meetings of the joint committee. No member of the Legislature will
41 be eligible to be a member of the joint committee and no more than
42 two members may be former members of the Legislature. No
43 member of the joint committee will be permitted to hold over, after
44 the expiration of his or her term, until the appointment and
45 qualification of a successor.

46 The chairman of the joint committee will be selected jointly by
47 the President of the Senate and the Speaker of the General
48 Assembly, when the President and Speaker are members of the

1 same political party, from among the members and the vice
2 chairman will be selected jointly by the Minority Leader of the
3 Senate and the Minority Leader of the General Assembly, when the
4 Minority Leaders are members of the same political party, from
5 among the members. When the Speaker and President and the
6 Minority Leaders are not members of the same political party, an
7 alternating method for selecting the chairman and vice chairman is
8 provided. The chairman and the vice chairman will not be members
9 of the same political party.

10 The bill:

11 bars the joint committee from accepting a complaint against a
12 member of the Legislature submitted within 90 days of a primary or
13 general election in which the member is a candidate, although a
14 complaint initiated by the joint committee will not be barred and an
15 attempt to file a complaint during this period will toll any statute of
16 limitations, and a complaint that is filed within seven days
17 following a primary or general election is to be considered by the
18 joint committee in an expedited manner that results in a final
19 determination by the end of the annual session of the Legislature;

20 authorizes the joint committee, when reviewing a complaint, to
21 require a member of the Legislature who is the subject of a
22 complaint to submit detailed financial disclosures containing
23 information that is in addition to the information required to be
24 disclosed by a law, rule or code of ethics, with the additional
25 information to remain confidential, unless the joint committee, by a
26 vote of at least three-fourths of the total membership, directs that
27 the information be made public;

28 requires the joint committee to inform a complainant of the time,
29 date, and location of a meeting at which the joint committee will
30 discuss or make a determination on any aspect of the complaint; and

31 requires each member of the Legislature to participate in annual
32 ethics training, in addition to the completion of the online ethics
33 tutorial already required by law, and provides procedures for the
34 verification of the completion of the training and for the
35 certification of the completion of the online tutorial by members
36 and legislative staff.

37

38

39

40

41 Changes Joint Legislative Committee on Ethical Standards from
42 16 to eight members; makes various procedural changes; requires
43 annual ethics training for legislators.

ASSEMBLY, No. 2452

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED MARCH 10, 2008

Sponsored by:

Assemblyman JOSEPH J. ROBERTS, JR.

District 5 (Camden and Gloucester)

Assemblyman ALEX DECROCE

District 26 (Morris and Passaic)

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

Co-Sponsored by:

Senators Codey and T.Kean

SYNOPSIS

Changes Joint Legislative Committee on Ethical Standards from 16 to eight members; makes various procedural changes; requires annual ethics training for legislators.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/18/2008)

1 AN ACT concerning the Joint Legislative Committee on Ethical
2 Standards and ethics training for members of the Legislature,
3 amending P.L.1971, c.182 and P.L.2003, c.255.

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

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

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

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

30 (2) Commencing on the 30th day after the effective date of
31 P.L. , c. (pending before the Legislature as this bill), the joint
32 committee shall be composed of eight members of the public as
33 follows: two appointed by the President of the Senate, two
34 appointed by the Speaker of the General Assembly, two appointed
35 by the Minority Leader of the Senate, and two appointed by the
36 Minority Leader of the General Assembly. No member of the
37 Senate or of the General Assembly shall be eligible to serve as a
38 member of the joint committee. No more than two members of the
39 joint committee may be former members of the Senate or of the
40 General Assembly. The members shall be full-time residents of the
41 State and available throughout the year to attend, in person, the
42 meetings of the joint committee.

43 No **[public]** member shall be a lobbyist or governmental affairs
44 agent as defined by the "Legislative and Governmental Process
45 Activities Disclosure Act," P.L.1971, c.183 (C.52:13C-18 et seq.), 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 full-time State employee or an officer or director of any entity
2 which is required to file a statement with the Election Law
3 Enforcement Commission, and no former lobbyist or governmental
4 affairs agent shall be eligible to serve as a **public** member for one
5 year following the cessation of all activity by that person as a
6 governmental affairs agent or lobbyist. **The legislative members**
7 **shall serve until the end of the two-year legislative term during**
8 **which the members are appointed.]** No person who served as a
9 member of the joint committee at any time prior to the 30th day
10 after the effective date of P.L. , c. (pending before the
11 Legislature as this bill) shall be eligible to serve as a member of the
12 joint committee as constituted under paragraph (2) of this
13 subsection. The **public** members shall serve for terms of two
14 years **and until the appointment and qualification of their**
15 **successors].**

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

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

26 (c) The joint committee shall organize as soon as may be
27 practicable after the appointment of its members, by the selection of
28 a chairman and vice chairman from among its membership and the
29 appointment of a secretary, who need not be a member of the joint
30 committee. Commencing on the 30th day after the effective date of
31 P.L. , c. (pending before the Legislature as this bill), the
32 chairman of the joint committee shall be selected jointly by the
33 President of the Senate and the Speaker of the General Assembly,
34 when the President and Speaker are members of the same political
35 party, from among the members of the joint committee, and the vice
36 chairman shall be selected jointly by the Minority Leader of the
37 Senate and the Minority Leader of the General Assembly, when the
38 Minority Leaders are members of the same political party, from
39 among the members of the joint committee. When the President of
40 the Senate and the Speaker of the General Assembly are not
41 members of the same political party, the President and Speaker shall
42 alternate in selecting the chairman of the joint committee with the
43 President of the Senate selecting the chairman first, and then, at the
44 next organization of the joint committee if the President and the
45 Speaker are not members of the same political party, the Speaker of
46 the General Assembly selecting the chairman. When the Minority
47 Leader of the Senate and the Minority Leader of the General

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

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

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

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

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

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

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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.

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25 the authority to require a member of the Legislature who is the
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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 of not exceeding five years from the date
8 on which the person was found guilty by the joint committee.

9 (j) A member of the Legislature who shall be found guilty by the
10 joint committee of violating the provisions of this act, of a code of
11 ethics promulgated pursuant to the provisions of this act or of any
12 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.2007, c.203, s.1)

25

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

28 4. The Legislature shall provide an online tutorial on legislative
29 ethics for its members and State officers or employees and special
30 State officers or employees in the Legislative Branch of
31 government. Each member of the Legislature and officer or
32 employee in the Legislative Branch shall take the tutorial no later
33 than April 1 of every even-numbered year. Each Executive
34 Director shall submit a certification to the Ethics Counsel for
35 himself or herself and for his or her respective staff members that
36 they have completed the online tutorial. Each member of the
37 Legislature shall submit to the Ethics Counsel a certification that he
38 or she and his or her district office staff members have completed
39 the online tutorial. The certification shall be public information.
40 Failure to take the tutorial and file the certification shall be reported
41 by the Ethics Counsel to the joint committee.

42 In addition to the tutorial, all officers and employees in the
43 Legislative Branch shall participate in annual ethics training as
44 directed by their Executive Directors and all members of the
45 Legislature shall participate in annual ethics training as directed by
46 the President of the Senate for members of the Senate and by the
47 Speaker of the General Assembly for members of the General
48 Assembly. The Executive Directors, the President of the Senate,

1 and the Speaker of the General Assembly shall also direct the
2 process by which completion of the training is verified. Such
3 verification shall be filed with the Ethics Counsel. The verification
4 shall be public information. Failure to participate in the training
5 and file the verification shall be reported by the Ethics Counsel to
6 the joint committee.

7 Each member of the Legislature shall consult with the Ethics
8 Counsel each year regarding the requirements of the New Jersey
9 Conflicts of Interest Law and the Legislative Code of Ethics and
10 any other applicable law, rule or standard of conduct relating to the
11 area of ethics. The assistance of the Ethics Counsel to members of
12 the Legislature is subject to the attorney-client privilege. This
13 assistance is intended as a service to the members of the Legislature
14 and may not be deemed to diminish a member's personal
15 responsibility for adherence to applicable laws, code provisions,
16 rules and other standards of conduct. No privileged information
17 provided to the Ethics Counsel by members of the Legislature or
18 officers or employees in the Legislative Branch shall be used or
19 admitted into evidence in any proceeding against them; but this
20 shall not prohibit proceedings against them from evidence
21 independently derived.

22 (cf: P.L.2007, c.203, s.2)

23

24 3. This act shall take effect immediately.

25

26

27

STATEMENT

28

29 This bill reduces from 16 to eight the membership of the Joint
30 Legislative Committee on Ethical Standards commencing on the
31 30th day after the enactment of this bill. The President of the
32 Senate, Speaker of the General Assembly, Senate Minority Leader,
33 and Assembly Minority Leader are each to appoint two members of
34 the public, with the public members to be permanent State residents
35 who are available throughout the year to attend, in person, the
36 meetings of the joint committee. No member of the Legislature will
37 be eligible to be a member of the joint committee and no more than
38 two members may be former members of the Legislature. No
39 member of the joint committee will be permitted to hold over, after
40 the expiration of his or her term, until the appointment and
41 qualification of a successor.

42 The chairman of the joint committee will be selected jointly by
43 the President of the Senate and the Speaker of the General
44 Assembly, when the President and Speaker are members of the
45 same political party, from among the members and the vice
46 chairman will be selected jointly by the Minority Leader of the
47 Senate and the Minority Leader of the General Assembly, when the
48 Minority Leaders are members of the same political party, from

1 among the members. When the Speaker and President and the
2 Minority Leaders are not members of the same political party, an
3 alternating method for selecting the chairman and vice chairman is
4 provided. The chairman and the vice chairman will not be members
5 of the same political party.

6 The bill:

7 bars the joint committee from accepting a complaint against a
8 member of the Legislature submitted within 90 days of a primary or
9 general election in which the member is a candidate, although a
10 complaint initiated by the joint committee will not be barred and an
11 attempt to file a complaint during this period will toll any statute of
12 limitations, and a complaint that is filed within seven days
13 following a primary or general election is to be considered by the
14 joint committee in an expedited manner that results in a final
15 determination by the end of the annual session of the Legislature;

16 authorizes the joint committee, when reviewing a complaint, to
17 require a member of the Legislature who is the subject of a
18 complaint to submit detailed financial disclosures containing
19 information that is in addition to the information required to be
20 disclosed by a law, rule or code of ethics, with the additional
21 information to remain confidential, unless the joint committee, by a
22 vote of at least three-fourths of the total membership, directs that
23 the information be made public;

24 requires the joint committee to inform a complainant of the time,
25 date, and location of a meeting at which the joint committee will
26 discuss or make a determination on any aspect of the complaint; and

27 requires each member of the Legislature to participate in annual
28 ethics training, in addition to the completion of the online ethics
29 tutorial already required by law, and provides procedures for the
30 verification of the completion of the training and for the
31 certification of the completion of the online tutorial by members
32 and legislative staff.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2452

STATE OF NEW JERSEY

DATED: MARCH 10, 2008

The Assembly State Government Committee reports favorably Assembly Bill No. 2452.

This bill reduces from 16 to eight the membership of the Joint Legislative Committee on Ethical Standards commencing on the 30th day after the enactment of this bill. The President of the Senate, Speaker of the General Assembly, Senate Minority Leader, and Assembly Minority Leader are each to appoint two members of the public, with the public members to be permanent State residents who are available throughout the year to attend, in person, the meetings of the joint committee. No member of the Legislature will be eligible to be a member of the joint committee and no more than two members may be former members of the Legislature. No member of the joint committee will be permitted to hold over, after the expiration of his or her term, until the appointment and qualification of a successor.

The chairman of the joint committee will be selected jointly by the President of the Senate and the Speaker of the General Assembly, when the President and Speaker are members of the same political party, from among the members and the vice chairman will be selected jointly by the Minority Leader of the Senate and the Minority Leader of the General Assembly, when the Minority Leaders are members of the same political party, from among the members. When the Speaker and President and the Minority Leaders are not members of the same political party, an alternating method for selecting the chairman and vice chairman is provided. The chairman and the vice chairman will not be members of the same political party.

The bill:

bars the joint committee from accepting a complaint against a member of the Legislature submitted within 90 days of a primary or general election in which the member is a candidate, although a complaint initiated by the joint committee will not be barred and an attempt to file a complaint during this period will toll any statute of limitations, and a complaint that is filed within seven days following a primary or general election is to be considered by the joint committee in an expedited manner that results in a final determination by the end of the annual session of the Legislature;

authorizes the joint committee, when reviewing a complaint, to require a member of the Legislature who is the subject of a complaint

to submit detailed financial disclosures containing information that is in addition to the information required to be disclosed by a law, rule or code of ethics, with the additional information to remain confidential, unless the joint committee, by a vote of at least three-fourths of the total membership, directs that the information be made public;

requires the joint committee to inform a complainant of the time, date, and location of a meeting at which the joint committee will discuss or make a determination on any aspect of the complaint; and

requires each member of the Legislature to participate in annual ethics training, in addition to the completion of the online ethics tutorial already required by law, and provides procedures for the verification of the completion of the training and for the certification of the completion of the online tutorial by members and legislative staff.

SENATE, No. 1442

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED MARCH 3, 2008

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex)

Senator THOMAS H. KEAN, JR.

District 21 (Essex, Morris, Somerset and Union)

SYNOPSIS

Changes Joint Legislative Committee on Ethical Standards from 16 to eight members; makes various procedural changes; requires annual ethics training for legislators; bars certain convicted public officers and employees from serving as governmental affairs agent.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the Joint Legislative Committee on Ethical
2 Standards, ethics training for members of the Legislature, and
3 governmental affairs agents, amending P.L.1971, c.182 and
4 P.L.2003, c.255 and supplementing P.L.1971, c.183 (C.52:13C-
5 18 et seq.).
6

7 **BE IT ENACTED** by the Senate and General Assembly of the State
8 of New Jersey:
9

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

12 11. (a) **[The]** There is established a Joint Legislative Committee
13 on Ethical Standards **[created pursuant to the provisions of**
14 **P.L.1967, c.229, as continued and established pursuant to P.L.1971,**
15 **c.182, is continued and established]** in the Legislative Branch of
16 State Government **[with the addition of the public members as set**
17 **forth in this section].**

18 (b) (1) Commencing with the second Tuesday in January of the
19 next even numbered year following the effective date of P.L.2004,
20 c.24, the joint committee shall be composed of sixteen members as
21 follows: four members of the Senate, appointed by the President
22 thereof, no more than two of whom shall be of the same political
23 party; four members of the General Assembly, appointed by the
24 Speaker thereof, no more than two of whom shall be of the same
25 political party; and eight public members, two appointed by the
26 President of the Senate, two appointed by the Speaker of the
27 General Assembly, two appointed by the Minority Leader of the
28 Senate and two appointed by the Minority Leader of the General
29 Assembly. The terms of the members serving pursuant to this
30 paragraph shall be terminated on the 30th day after the effective
31 date of P.L. , c. (pending before the Legislature as this bill). A
32 public member whose term has been terminated shall be eligible for
33 reappointment pursuant to paragraph (2) of this subsection, if
34 qualified.

35 (2) Commencing on the 30th day after the effective date of
36 P.L. , c. (pending before the Legislature as this bill), the joint
37 committee shall be composed of eight members of the public as
38 follows: two appointed by the President of the Senate, two
39 appointed by the Speaker of the General Assembly, two appointed
40 by the Minority Leader of the Senate, and two appointed by the
41 Minority Leader of the General Assembly. The members shall be
42 full-time residents of the State and available throughout the year to
43 attend, in person, the meetings of the joint committee.

44 No **[public]** member shall be a lobbyist or governmental affairs

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 agent as defined by the "Legislative and Governmental Process
2 Activities Disclosure Act," P.L.1971, c.183 (C.52:13C-18 et seq.), a
3 full-time State employee or an officer or director of any entity
4 which is required to file a statement with the Election Law
5 Enforcement Commission, and no former lobbyist or governmental
6 affairs agent shall be eligible to serve as a **[public]** member for one
7 year following the cessation of all activity by that person as a
8 governmental affairs agent or lobbyist. **[The legislative members**
9 **shall serve until the end of the two-year legislative term during**
10 **which the members are appointed.]** No more than two members
11 shall have served as a member of the Senate or as a member of the
12 General Assembly. The **[public]** members shall serve for terms of
13 two years and until the appointment and qualification of their
14 successors.

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

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

25 (c) The joint committee shall organize as soon as may be
26 practicable after the appointment of its members, by the selection of
27 a chairman and vice chairman from among its membership and the
28 appointment of a secretary, who need not be a member of the joint
29 committee. Commencing on the 30th day after the effective date of
30 P.L. , c. (pending before the Legislature as this bill), the
31 chairman of the joint committee shall be selected jointly by the
32 President of the Senate and the Speaker of the General Assembly
33 from among the members of the joint committee and the vice
34 chairman shall be selected jointly by the Minority Leader of the
35 Senate and the Minority Leader of the General Assembly from
36 among the members of the joint committee. The chairman and the
37 vice chairman shall not be members of the same political party.

38 (d) The Legislative Counsel in the Office of Legislative
39 Services shall act as legal adviser to the joint committee. The
40 Executive Director of the Office of Legislative Services shall
41 appoint another attorney in the Office of Legislative Services to
42 serve as Ethics Counsel to the individual members of the
43 Legislature and officers and employees in the Legislative Branch.
44 The Ethics Counsel shall provide informal ethics advice to
45 individual members of the Legislature and officers and employees
46 in the Legislative Branch upon request, when the request is one
47 fully answered by the New Jersey Conflicts of Interest Law or the

1 Legislative Code of Ethics or is on a subject previously determined
2 by the Joint Committee. Informal ethics advice from the Ethics
3 Counsel to a member of the Legislature or an officer or employee in
4 the Legislative Branch shall be confidential and subject to the
5 attorney-client privilege. The Ethics Counsel may also assist
6 members of the Legislature and officers or employees in the
7 Legislative Branch in requesting formal advisory opinions from the
8 joint committee on novel subject matters. The Legislative Counsel
9 shall, upon request, assist and advise the joint committee in the
10 rendering of formal advisory opinions by the joint committee, in the
11 approval and review of codes of ethics adopted by State agencies in
12 the Legislative Branch, and in the recommendation of revisions in
13 codes of ethics or legislation relating to the conduct of members of
14 the Legislature or State officers and employees in the Legislative
15 Branch.

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

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

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

29 (h) (1) The joint committee shall have jurisdiction to initiate,
30 receive, hear and review complaints regarding violations of the
31 provisions of this act or of a code of ethics promulgated pursuant to
32 the provisions of this act. It shall further have such jurisdiction as
33 to enforcement of the rules of either or both Houses of the
34 Legislature governing the conduct of the members or employees
35 thereof as those rules may confer upon the joint committee. A
36 complaint regarding a violation of a code of ethics promulgated
37 pursuant to the provisions of this act may be referred by the joint
38 committee for disposition in accordance with subsection 12(d) of
39 this act.

40 (2) The joint committee shall not accept a complaint against a
41 member of the Legislature submitted within 90 days of a primary or
42 general election in which the member is a candidate. An attempt to
43 file a complaint during this period shall toll any statute of
44 limitations. This paragraph shall not bar the joint committee from
45 initiating a complaint during this period.

46 A complaint that is filed within seven days following a primary
47 or general election shall be considered by the joint committee in an

1 expedited manner that results in a final determination by the end of
2 the annual session of the Legislature.

3 (3) The joint committee, when reviewing a complaint, shall have
4 the authority to require a member of the Legislature who is the
5 subject of a complaint to submit detailed financial disclosures
6 containing information that is in addition to the information
7 required to be disclosed by a law, rule or code of ethics. Such
8 additional information shall remain confidential, unless the joint
9 committee, by a vote of at least three-fourths of the total
10 membership, directs that the information be made public.

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

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

36 (j) A member of the Legislature who shall be found guilty by the
37 joint committee of violating the provisions of this act, of a code of
38 ethics promulgated pursuant to the provisions of this act or of any
39 rule of either or both Houses which gives the joint committee
40 jurisdiction and the authority to investigate a matter shall be fined
41 not less than \$500.00 nor more than \$10,000, which penalty may be
42 collected in a summary proceeding pursuant to the "Penalty
43 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.),
44 and shall be subject to such further action as may be determined by
45 the House of which the person is a member. In such cases the joint
46 committee shall report its findings to the appropriate House and
47 shall recommend to the House such further action as the joint
48 committee deems appropriate, but it shall be the sole responsibility

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

3 (cf: P.L.2007, c.203, s.1)

4

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

7 4. The Legislature shall provide an online tutorial on legislative
8 ethics for its members and State officers or employees and special
9 State officers or employees in the Legislative Branch of
10 government. Each member of the Legislature and officer or
11 employee in the Legislative Branch shall take the tutorial no later
12 than April 1 of every even-numbered year. Each Executive
13 Director shall submit a certification to the Ethics Counsel for
14 himself or herself and for his or her respective staff members that
15 they have completed the online tutorial. Each member of the
16 Legislature shall submit to the Ethics Counsel a certification that he
17 or she and his or her district office staff members have completed
18 the online tutorial. The certification shall be public information.
19 Failure to take the tutorial and file the certification shall be reported
20 by the Ethics Counsel to the joint committee.

21 In addition to the tutorial, all officers and employees in the
22 Legislative Branch shall participate in annual ethics training as
23 directed by their Executive Directors and all members of the
24 Legislature shall participate in annual ethics training as directed by
25 the President of the Senate for members of the Senate and by the
26 Speaker of the General Assembly for members of the General
27 Assembly. The Executive Directors, the President of the Senate,
28 and the Speaker of the General Assembly shall also direct the
29 process by which completion of the training is verified. Such
30 verification shall be filed with the Ethics Counsel. The verification
31 shall be public information. Failure to participate in the training
32 and file the verification shall be reported by the Ethics Counsel to
33 the joint committee.

34 Each member of the Legislature shall consult with the Ethics
35 Counsel each year regarding the requirements of the New Jersey
36 Conflicts of Interest Law and the Legislative Code of Ethics and
37 any other applicable law, rule or standard of conduct relating to the
38 area of ethics. The assistance of the Ethics Counsel to members of
39 the Legislature is subject to the attorney-client privilege. This
40 assistance is intended as a service to the members of the Legislature
41 and may not be deemed to diminish a member's personal
42 responsibility for adherence to applicable laws, code provisions,
43 rules and other standards of conduct. No privileged information
44 provided to the Ethics Counsel by members of the Legislature or
45 officers or employees in the Legislative Branch shall be used or
46 admitted into evidence in any proceeding against them; but this

1 shall not prohibit proceedings against them from evidence
2 independently derived.

3 (cf: P.L.2007, c.203, s.2)

4

5 3. (New section) a. A person who holds or has held any public
6 office, position, or employment, elective or appointive, under the
7 government of this State or any agency or political subdivision
8 thereof, and who is or was convicted of any crime under the laws of
9 this State, or of a substantially similar offense under the laws of
10 another state or the United States which would have been such a
11 crime under the laws of this State, which crime or offense involves
12 or touches such office, position or employment, shall not be eligible
13 to serve as a governmental affairs agent. As used in this subsection,
14 a crime or offense that "involves or touches such office, position or
15 employment" means that the crime or offense was related directly to
16 the person's performance in, or circumstances flowing from, the
17 specific public office or employment held by the person.

18 b. Any person who knowingly and willfully violates the
19 provisions of subsection a. of this section shall be subject to a
20 penalty of not more than \$10,000.

21 Upon receiving evidence of any violation of subsection a. of this
22 section, the Election Law Enforcement Commission shall have the
23 power to hold, or to cause to be held, hearings about the violation
24 and, upon finding any person to have committed a violation, to
25 assess such penalty, within the limits prescribed herein, as it deems
26 proper under the circumstances, 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.).

29

30 4. This act shall take effect immediately.

31

32

33

STATEMENT

34

35 This bill reduces from 16 to eight the membership of the Joint
36 Legislative Committee on Ethical Standards commencing on the
37 30th day after the enactment of this bill. The President of the
38 Senate, Speaker of the General Assembly, Senate Minority Leader,
39 and Assembly Minority Leader are each to appoint two members of
40 the public, with the public members to be permanent State residents
41 who are available throughout the year to attend, in person, the
42 meetings of the joint committee. No more than two members may
43 have served as a member of the Senate or as a member of the
44 General Assembly. The chairman of the joint committee will be
45 selected jointly by the Senate President and the Speaker of the
46 General Assembly from among the public members and the vice
47 chairman will be selected jointly by the Minority Leader of the
48 Senate and the Minority Leader of the General Assembly from

1 among the public members. The chairman and the vice chairman
2 will not be members of the same political party.

3 The bill:

4 bars the joint committee from accepting a complaint against a
5 member of the Legislature submitted within 90 days of a primary or
6 general election in which the member is a candidate, although a
7 complaint initiated by the joint committee will not be barred and an
8 attempt to file a complaint during this period will toll any statute of
9 limitations, and a complaint that is filed within seven days
10 following a primary or general election is to be considered by the
11 joint committee in an expedited manner that results in a final
12 determination by the end of the annual session of the Legislature;

13 authorizes the joint committee, when reviewing a complaint, to
14 require a member of the Legislature who is the subject of a
15 complaint to submit detailed financial disclosures containing
16 information that is in addition to the information required to be
17 disclosed by a law, rule or code of ethics, with the additional
18 information to remain confidential, unless the joint committee, by a
19 vote of at least three-fourths of the total membership, directs that
20 the information be made public;

21 requires the joint committee to inform a complainant of the time,
22 date, and location of a meeting at which the joint committee will
23 discuss or make a determination on any aspect of the complaint; and

24 requires each member of the Legislature to participate in annual
25 ethics training, in addition to the completion of the online ethics
26 tutorial already required by law, and provides procedures for the
27 verification of the completion of the training and for the
28 certification of the completion of the online tutorial by members
29 and legislative staff.

30 Finally, the bill prohibits a person who holds or has held any
31 public office, position, or employment, elective or appointive, under
32 the government of this State or any agency or political subdivision
33 thereof, and who is or was convicted of any State or federal crime
34 which involves or touches such office, position or employment,
35 from ever serving as a governmental affairs agent. A person who
36 violates this provision of the bill would be subject to a penalty of up
37 to \$10,000. The Election Law Enforcement Commission would be
38 responsible for enforcing this provision.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR SENATE, No. 1442

STATE OF NEW JERSEY

DATED: MARCH 10, 2008

The Senate State Government Committee reports favorably a Senate Committee Substitute for Senate Bill No. 1442.

This substitute reduces from 16 to eight the membership of the Joint Legislative Committee on Ethical Standards, commencing on the 30th day after the enactment of this bill. The President of the Senate, Speaker of the General Assembly, Senate Minority Leader, and Assembly Minority Leader are each to appoint two members of the public, with the public members to be permanent State residents who are available throughout the year to attend, in person, the meetings of the joint committee. No member of the Senate or General Assembly would be eligible to serve as a member of the committee and no more than two members may have served as a member of the Senate or as a member of the General Assembly. When the Senate President and the Speaker are both members of the same political party, they will jointly appoint the chairman from among the members of the committee and when the Senate Minority Leader and the Assembly Minority Leader are both members of the same political party, they will jointly appoint the vice chairman from among the members of the committee. When these legislative leaders are not members of the same political party, the Senate President and Speaker will alternate in selecting the chairman and the minority leaders will alternate in selecting the vice chairman. The chairman and the vice chairman will not be members of the same political party.

In addition, the substitute:

- 1) bars the joint committee from accepting a complaint against a member of the Legislature submitted within 90 days of a primary or general election in which the member is a candidate, although a complaint initiated by the joint committee will not be barred and an attempt to file a complaint during this period will toll any statute of limitations, and a complaint that is filed within seven days following a primary or general election is to be considered by the joint committee in an expedited manner that results in a final determination by the end of the annual session of the Legislature;

- 2) authorizes the joint committee, when reviewing a complaint, to require a member of the Legislature who is the subject of a complaint

to submit detailed financial disclosures containing information that is in addition to the information required to be disclosed by a law, rule or code of ethics, with the additional information to remain confidential, unless the joint committee, by a vote of at least three-fourths of the total membership, directs that the information be made public;

3) requires the joint committee to inform a complainant of the time, date, and location of a meeting at which the joint committee will discuss or make a determination on any aspect of the complaint; and

4) requires each member of the Legislature to participate in annual ethics training, in addition to the completion of the online ethics tutorial already required by law, and provides procedures for the verification of the completion of the training and for the certification of the completion of the online tutorial by members and legislative staff.

This bill is identical to Assembly, No. 2452.