

ASSEMBLY, No. 1814

STATE OF NEW JERSEY

INTRODUCED MARCH 28, 1996

By Assemblymen **LeFEVRE** and **BLEE**

1 AN ACT concerning the membership of the Executive Commission on
2 Ethical Standards and amending P.L.1971, c.182.

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

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7 1. Section 10 of P.L.1971, c.182 (C.52:13D-21) is amended to
8 read as follows:

9 10. a. The Executive Commission on Ethical Standards created
10 pursuant to P.L.1967, chapter 229 is continued and established in the
11 Department of Law and Public Safety and shall constitute the first
12 commission under this act.

13 b. The commission shall be composed of seven members appointed
14 by the Governor from among State officers and employees serving in
15 the Executive Branch, no more than four of whom shall be of the same
16 political party. Each member shall serve at the pleasure of the
17 Governor during the term of office of the Governor appointing him
18 and until his successor is appointed and qualified. The Governor shall
19 designate one member to serve as chairman and one member to serve
20 as vice-chairman of the commission, but no more than one of whom
21 shall be of the same political party.

22 c. Each member of the said commission shall serve without
23 compensation but shall be entitled to be reimbursed for all actual and
24 necessary expenses incurred in the performance of his duties.

25 d. The Attorney General shall act as legal adviser and counsel to
26 the said commission. He shall upon request advise the commission in
27 the rendering of advisory opinions by the commission, in the approval
28 and review of codes of ethics adopted by State agencies in the
29 Executive Branch and in the recommendation of revisions in codes of
30 ethics or legislation relating to the conduct of State officers and
31 employees in the Executive Branch.

32 e. The said commission may, within the limits of funds
33 appropriated or otherwise made available to it for the purpose, employ
34 such other professional, technical, clerical or other assistants,

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

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

3 f. The said commission, in order to perform its duties pursuant to
4 the provisions of this act, shall have the power to conduct
5 investigations, hold hearings, compel the attendance of witnesses and
6 the production before it of such books and papers as it may deem
7 necessary, proper and relevant to the matter under investigation. The
8 members of the said commission and the persons appointed by the
9 commission for such purpose are hereby empowered to administer
10 oaths and examine witnesses under oath.

11 g. The said commission is authorized to render advisory opinions
12 as to whether a given set of facts and circumstances would, in its
13 opinion, constitute a violation of the provisions of this act or of a code
14 of ethics promulgated pursuant to the provisions of this act.

15 (h) The said commission shall have jurisdiction to initiate, receive,
16 hear and review complaints regarding violations, by any State officer
17 or employee or special State officer or employee in the Executive
18 Branch, of the provisions of this act or of any code of ethics
19 promulgated pursuant to the provisions of this act. Any complaint
20 regarding a violation of a code of ethics may be referred by the
21 commission for disposition in accordance with subsection 12(d) of
22 this act.

23 (i) Any State officer or employee or special State officer or
24 employee found guilty by the commission of violating any provision
25 of this act or of a code of ethics promulgated pursuant to the
26 provisions of this act shall be fined not less than \$100.00 nor more
27 than \$500.00, which penalty may be collected in a summary
28 proceeding pursuant to the Penalty Enforcement Law (N.J.S.
29 2A:58-1), and may be suspended from his office or employment by
30 order of the commission for a period of not in excess of 1 year. If the
31 commission finds that the conduct of such officer or employee
32 constitutes a willful and continuous disregard of the provisions of this
33 act or of a code of ethics promulgated pursuant to the provisions of
34 this act, it may order such person removed from his office or
35 employment and may further bar such person from holding any public
36 office or employment in this State in any capacity whatsoever for a
37 period of not exceeding 5 years from the date on which he was found
38 guilty by the commission.

39 (cf: P.L.1971, c.182, s.10)

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41 2. This act shall take effect at noon on the third Tuesday in January
42 following the first gubernatorial election held after its enactment.

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STATEMENT

This bill amends section 10 of P.L.1971, c.182 (C.52:13D-21) to require that no more than four of the seven members of the Executive Commission on Ethical Standards be from the same political party and to require that the chairman and vice-chairman of the commission be from different political parties. The bill would take effect on the third Tuesday in January following the first gubernatorial election held after its enactment.

Specifies the partisan composition of the membership of the Executive Commission on Ethical Standards.

WITHDRAWN