

ASSEMBLY, No. 2512

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 14, 1996

By Assemblymen IMPREVEDUTO and COHEN

1 AN ACT concerning penalties which may be imposed by the Executive
2 Commission on Ethical Standards and by the Joint Legislative
3 Committee on Ethical Standards and amending P.L.1971, c.182.

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

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

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

14 (b) The commission shall be composed of seven members
15 appointed by the Governor from among State officers and employees
16 serving in the Executive Branch. Each member shall serve at the
17 pleasure of the Governor during the term of office of the Governor
18 appointing him and until his successor is appointed and qualified. The
19 Governor shall designate one member to serve as chairman and one
20 member to serve as vice-chairman of the commission.

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

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

31 (e) The said commission may, within the limits of funds
32 appropriated or otherwise made available to it for the purpose, employ
33 such other professional, technical, clerical or other assistants,
34 excepting legal counsel, and incur such expenses as may be necessary

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 for the performance of its duties.

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

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

14 (h) The said commission shall have jurisdiction to initiate, receive,
15 hear and review complaints regarding violations, by any State officer
16 or employee or special State officer or employee in the Executive
17 Branch, of the provisions of this act or of any code of ethics
18 promulgated pursuant to the provisions of this act. Any complaint
19 regarding a violation of a code of ethics may be referred by the
20 commission 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 found guilty by the commission of violating any provision
24 of this act or of a code of ethics promulgated pursuant to the
25 provisions of this act shall be fined not less than ~~[\$100.00]~~ \$500 nor
26 more than ~~[\$500.00]~~ \$1,500, which penalty may be collected in a
27 summary proceeding pursuant to ~~[the Penalty Enforcement Law~~
28 ~~(N.J.S.2A:58-1)]~~ "the penalty enforcement law" (N.J.S.2A:58-1 et
29 seq.), and may be: ~~reprimanded and ordered to pay restitution where~~
30 ~~appropriate;~~ suspended from his office or employment by order of the
31 commission for a period of not in excess of 1 year; or barred from
32 holding any public office or employment in this State in any capacity
33 whatsoever for a period not in excess of one year. If the commission
34 finds that the conduct of such officer or employee constitutes a willful
35 and continuous disregard of the provisions of this act or of a code of
36 ethics promulgated pursuant to the provisions of this act, it may order
37 such person removed from his office or employment and may further
38 bar such person from holding any public office or employment in this
39 State in any capacity whatsoever for a period of not exceeding 5 years
40 from the date on which he was found guilty by the commission.

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

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

45 11. (a) The Joint Legislative Committee on Ethical Standards
46 created pursuant to the provisions of P.L.1967, chapter 229, as

1 continued and established pursuant to P.L.1971, c.182, is continued
2 and established in the Legislative Branch of State Government with the
3 addition of the public members as set forth in this section.

4 (b) The joint committee shall be composed of 12 members as
5 follows: four members of the Senate appointed by the President
6 thereof, no more than two of whom shall be of the same political
7 party; four members of the General Assembly, appointed by the
8 Speaker thereof, no more than two of whom shall be of the same
9 political party; and four public members, one appointed by the
10 President of the Senate, one appointed by the Speaker of the General
11 Assembly, one appointed by the Minority Leader of the Senate and one
12 appointed by the Minority Leader of the General Assembly. No public
13 member shall be a lobbyist or legislative agent as defined by the
14 "Legislative Activities Disclosure Act of 1971," P.L.1971, c.183
15 (C.52:13C-18 et seq.), a full-time State employee or an officer or
16 director of any entity which is required to file a statement with the
17 Election Law Enforcement Commission, and no former lobbyist or
18 legislative agent shall be eligible to serve as a public member for one
19 year following the cessation of all activity by that person as a
20 legislative agent or lobbyist. The legislative members shall serve until
21 the end of the two-year legislative term during which the members are
22 appointed. The public members shall serve for terms of two years and
23 until the appointment and qualification of their successors. The terms
24 of the public members shall run from the second Tuesday in January
25 of an even-numbered year to the second Tuesday in January of the
26 next even-numbered year, regardless of the original date of
27 appointment. Notwithstanding the terms of the public members as
28 established in this section, the public members first appointed shall
29 serve from their initial appointments, all of which shall be made not
30 later than the 60th day following the effective date of this act, until the
31 second Tuesday in January of the next even-numbered year.
32 Vacancies in the membership of the joint committee shall be filled in
33 the same manner as the original appointments, but for the unexpired
34 term only. Public members of the joint committee shall serve without
35 compensation, but shall be entitled to be reimbursed for all actual and
36 necessary expenses incurred in the performance of their duties.

37 (c) The joint committee shall organize as soon as may be
38 practicable after the appointment of its members, by the selection of
39 a chairman and vice chairman from among its membership and the
40 appointment of a secretary, who need not be a member of the joint
41 committee.

42 (d) The Legislative Counsel in the Office of Legislative Services
43 shall act as legal adviser to the joint committee. He shall, upon
44 request, assist and advise the joint committee in the rendering of
45 advisory opinions by the joint committee, in the approval and review
46 of codes of ethics adopted by State agencies in the Legislative Branch,

1 and in the recommendation of revisions in codes of ethics or legislation
2 relating to the conduct of members of the Legislature or State officers
3 and employees in the Legislative Branch.

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

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

11 (g) The joint committee 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, of a code
14 of ethics promulgated pursuant to the provisions of this act or of any
15 rule of either or both Houses which gives the joint committee
16 jurisdiction and the authority to investigate a matter.

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

27 (i) Any State officer or employee or special State officer or
28 employee in the Legislative Branch found guilty by the joint committee
29 of violating any provisions of this act, of a code of ethics promulgated
30 pursuant to the provisions of this act or of any rule of either or both
31 Houses which gives the joint committee jurisdiction and the authority
32 to investigate a matter shall be fined not less than \$500.00 nor more
33 than \$1,500.00, which penalty may be collected in a summary
34 proceeding pursuant to "the penalty enforcement law" (N.J.S.2A:58-1
35 et seq.), and may be; reprimanded and ordered to pay restitution where
36 appropriate [and may be] ; suspended from his office or employment
37 by order of the joint committee for a period not in excess of 1 year; or
38 barred from holding any public office or employment in this State in
39 any capacity whatsoever for a period not in excess of one year. If the
40 joint committee finds that the conduct of such officer or employee
41 constitutes a willful and continuous disregard of the provisions of this
42 act, of a code of ethics promulgated pursuant to the provisions of this
43 act or of any rule of either or both Houses which gives the joint
44 committee jurisdiction and the authority to investigate a matter, it may
45 order such person removed from his office or employment and may
46 further bar such person from holding any public office or employment

1 in this State in any capacity whatsoever for a period of not exceeding
2 5 years from the date on which he was found guilty by the joint
3 committee.

4 (j) A member of the Legislature who shall be found guilty by the
5 joint committee of violating the provisions of this act, of a code of
6 ethics promulgated pursuant to the provisions of this act or of any rule
7 of either or both Houses which gives the joint committee jurisdiction
8 and the authority to investigate a matter shall be fined not less than
9 \$500.00 nor more than \$1,500.00, which penalty may be collected in
10 a summary proceeding pursuant to "the penalty enforcement law"
11 (N.J.S.2A:58-1 et seq.), and shall be subject to such further action as
12 may be determined by the House of which he is a member. In such
13 cases the joint committee shall report its findings to the appropriate
14 House and shall recommend to the House such further action as the
15 joint committee deems appropriate, but it shall be the sole
16 responsibility of the House to determine what further action, if any,
17 shall be taken against such member.

18 (cf: P.L.1991, c.505. s. 1)

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20 3. This act shall take effect immediately.

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STATEMENT

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25 This bill implements certain recommendations made by the State
26 Commission of Investigation in its report entitled "Insurance Interests
27 and Licensure of Former Insurance Commissioner Andrew J.
28 Karpinski", issued in October, 1996. The bill makes the penalties
29 which may be imposed by the Executive Commission on Ethical
30 Standards upon officers or employees of the Executive Branch for
31 ethics violations consistent with the penalties which currently may be
32 applied to officers and employees of the Legislative Branch. Thus, it
33 increases the minimum fine from \$100 to \$500 and the maximum fine
34 from \$500 to \$1,500, and authorizes the Executive Commission to
35 reprimand violators and order restitution, where appropriate.

36 In addition, the bill allows both the Executive Commission and the
37 Joint Legislative Committee on Ethical Standards to bar an officer or
38 employee who is found guilty of violating the New Jersey Conflicts of
39 Interest Law or a code of ethics promulgated thereunder from public
40 office or employment for up to one year. Existing law allows the
41 Executive Commission or the Joint Committee to suspend an officer
42 or employee for up to one year only from that specific position and to
43 bar an officer or employee from public office or employment for up to
44 five years only in the case of a willful and continuous violation.

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3 Implements certain revisions to State ethics laws recommended by

4 State Commission of Investigation.