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SYNOPSIS
Establishes deadlines for filing financial disclosure statements with State Ethics Commission.

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning the filing of financial disclosure statements
with the State Ethics Commission and amending P.L.1971 c.182.

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

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

10. (a) The Executive Commission on Ethical Standards created
pursuant to P.L.1967, c.229, is continued and established in the
Department of Law and Public Safety and shall constitute the first
commission under P.L.1971, c.182 (C.52:13D-12 et al.).

Upon the effective date of P.L.2005, c.382, the Executive
Commission on Ethical Standards shall be renamed, and thereafter
referred to, as the State Ethics Commission. For the purposes of
complying with the provisions of Article V, Section IV, paragraph 1
of the New Jersey Constitution, the State Ethics Commission is
allocated in, but not of, the Department of Law and Public Safety,
but notwithstanding that allocation, the commission shall be
independent of any supervision and control by the department or by
any board or officer thereof.

(b) The commission shall be composed of seven members as
follows: three members appointed by the Governor from among
State officers and employees serving in the Executive Branch; and
four public members appointed by the Governor, not more than two
of whom shall be of the same political party.

Each member appointed from the Executive Branch shall serve at
the pleasure of the Governor during the term of office of the
Governor appointing the member and until the member's successor
is appointed and qualified. The public members shall serve for
terms of four years and until the appointment and qualification of
their successors, but of the public members first appointed pursuant
to P.L.2003, c.160, one shall serve for a term of two years and one
shall serve for a term of four years, and of the two public members
first appointed pursuant to P.L.2005, c.382, one shall serve for a
term of one year and one shall serve for a term of three years. The
Governor shall designate one public member to serve as chairman
and one member to serve as vice-chairman of the commission.

The members of the State Ethics Commission who were
appointed by the Governor from among the State officers and
employees serving in the Executive Branch serving on January 17,
2006 are terminated as of that day. A member terminated pursuant
to this paragraph shall be eligible for reappointment.

Vacancies in the membership of the commission shall be filled in
the same manner as the original appointments but, in the case of

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.
public members, for the unexpired term only. None of the public
members shall be State officers or employees or special State
officers or employees, except by reason of their service on the
commission. A public member may be reappointed for subsequent
terms on the commission.

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

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

(e) (1) The commission may, within the limits of funds
appropriated or otherwise made available to it for the purpose,
employ such other professional, technical, clerical or other
assistants, excepting legal counsel, and incur such expenses as may
be necessary for the performance of its duties.

(2) The commission shall employ a training officer who shall be
in the unclassified service of the civil service of this State. The
training officer shall devote full-time to the creation, maintenance
and coordination of a training program on ethical standards. The
program shall be established for the purpose specified in section 2
of P.L.2005, c.382 (C.52:13D-21.1). The program shall be
provided by the training officer or assistants or deputies of such
officer, or by such other persons as may be designated by the
commission. The commission shall approve the form and content
of the training program created by the training officer and shall
determine when and at what intervals State officers and employees
and special State officers and employees in a State agency in the
Executive Branch shall be required to complete such a program.
The training program may include content which in particular
addresses the situations of certain identified groups of officers or
employees such as those who are involved in contracting processes.

(3) The commission shall employ a compliance officer who
shall be in the unclassified service of the civil service of this State.
The compliance officer shall devote full-time to the creation,
maintenance, monitoring and coordination of procedures to ensure
that all State officers and employees and special State officers and
employees in State agencies in the Executive Branch comply fully
with all reporting and training requirements and that all materials,
forms, codes, orders and notices are distributed to and
acknowledged by appropriate individuals, as may be required. In
addition, the compliance officer shall conduct, on such regular basis
as determined by the commission, systematic audits of State agencies in the Executive Branch for compliance with the laws, regulations, codes, orders, procedures, advisory opinions and rulings concerning the ethical standards for State employees and officers and special State officers and employees.

(f) The commission, in order to perform its duties pursuant to the provisions of P.L.1971, c.182 (C.52:13D-12 et al.), shall have the power to conduct investigations, hold hearings, compel the attendance of witnesses and the production before it of such books and papers as it may deem necessary, proper and relevant to the matter under investigation. The members of the commission and the persons appointed by the commission for that purpose are hereby empowered to administer oaths and examine witnesses under oath.

(g) The commission is authorized to render advisory opinions as to whether a given set of facts and circumstances would, in its opinion, constitute a violation of the provisions of P.L.1971, c.182 (C.52:13D-12 et al.) or of a code of ethics promulgated pursuant to the provisions of P.L.1971, c.182 (C.52:13D-12 et al.).

(h) The commission shall have jurisdiction to initiate, receive, hear and review complaints regarding violations, by any current or former State officer or employee or current or former special State officer or employee, in the Executive Branch, of the provisions of P.L.1971, c.182 (C.52:13D-12 et al.) or of a code of ethics promulgated pursuant to the provisions of P.L.1971, c.182 (C.52:13D-12 et al.). Any complaint regarding a violation of a code of ethics may be referred by the commission for disposition in accordance with subsection (d) of section 12 of P.L.1971, c.182 (C.52:13D-23).

An investigation regarding a violation committed during service by a former State officer or employee or special State officer or employee shall be initiated by the commission not later than two years following the termination of service.

The commission shall have the authority to dismiss a complaint that it determines to be frivolous.

(i) Any current or former State officer or employee or current or former special State officer or employee found guilty by the commission of violating any provision of P.L.1971, c.182 (C.52:13D-12 et al.) or of a code of ethics promulgated pursuant to the provisions of P.L.1971, c.182 (C.52:13D-12 et al.) shall be fined not less than $500 nor more than $10,000, which penalty may be collected in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), and may be suspended from office or employment by order of the commission for a period of not in excess of one year. If the commission finds that the conduct of the officer or employee constitutes a willful and continuous disregard of the provisions of P.L.1971, c.182 (C.52:13D-12 et al.) or of a code of ethics
promulgated pursuant to the provisions of P.L.1971, c.182
(C.52:13D-12 et al.), it may order that person removed from office
or employment and may further bar the person from holding any
public office or employment in this State in any capacity
whosoever for a period of not exceeding five years from the date
on which the person was found guilty by the commission.

In addition, for violations occurring after the effective date of
P.L.2005, c.382, the commission may order restitution, demotion,
censure or reprimand, or for a failure to file an appropriate financial
disclosure statement or form, shall impose a civil penalty of $50 for
each day of the violation, which penalty may be collected in a
summary proceeding pursuant to the "Penalty Enforcement Law of

(j) The remedies provided herein are in addition to all other
criminal and civil remedies provided under the law.

(k) The commission shall promulgate, pursuant to the
seq.), such rules and regulations as may be necessary to effectuate
the purposes of P.L.1971, c.182 (C.52:13D-12 et al.).

(l) (1) The commission shall communicate periodically with the
State Auditor, the State Inspector General, the State Commission of
Investigation and the Office of Government Integrity, or its
successor, in the Department of Law and Public Safety.

(2) The Executive Director of the commission shall meet with
the head of each principal department of the Executive Branch of
State Government, each board member if a board is considered the
head of a principal department, and the Secretary of Agriculture, the
Commissioner of Education, and the Secretary and Chief Executive
Officer of the New Jersey Commerce and Economic Growth
Commission, within 30 days after the head, member, secretary or
commissioner takes office, and shall meet annually with these
individuals as a group, to inform them of the laws, regulations,
codes, orders, procedures, advisory opinions and rulings concerning
applicable ethical standards.

(m) The commission shall create and maintain a toll-free
telephone number to receive comments, complaints and questions
concerning matters under the jurisdiction of the commission.
Information or questions received by the commission by this means
shall be confidential and not accessible to the public pursuant to
P.L.1963, c.73 (C.47:1A-1 et seq.).

(n) Financial disclosure statements required to be submitted to
the commission by law, regulation or executive order shall be filed
with the commission not later than May 15 of each calendar year
and made available to the public, promptly after receipt, on the
Internet site of the commission [, commencing with submissions for
2005], except that a person who accepts office or employment,
after the 120th day preceding May 15 in a calendar year, which
makes that person subject to financial disclosure, shall file a
financial disclosure statement with the commission no later than 120 days after commencing service in the office or employment. Neither the Governor nor the commission, nor any other official, shall grant an extension of these deadlines. Income information reported in a financial disclosure statement filed on or before May 15 shall be for the prior calendar year. Income information reported in a financial disclosure statement filed after May 15 shall be for the prior calendar year and for the period between January 1 and the fifth day preceding the date of filing in the current calendar year.

(o) The commission shall prepare and ensure the distribution to each State officer and employee and special State officer and employee in a State agency in the Executive Branch of a plain language ethics guide which provides a clear and concise summary of the laws, regulations, codes, orders, procedures, advisory opinions and rulings concerning ethical standards applicable to such officers and employees. The guide shall be prepared to promote ethical day-to-day decision making, to give general advice regarding conduct and situations, to provide easy reference to sources, and to explain the role, activities and jurisdiction of the State Ethics Commission. Each State officer and employee and special State officer and employee shall certify that he or she has received the guide, reviewed it and understands its provisions.

(p) The commission shall have jurisdiction to enforce the provisions of an Executive Order that specifically provides for enforcement by the commission.

(cf: P.L.2005, c.382, s.1)

2. During 2010, any person who files a financial disclosure statement with the State Ethics Commission, as required by law, regulation or executive order, after May 15 shall include income information for the period commencing January 1, 2009 and ending on the fifth day preceding the filing of the statement.

3. This act shall take effect immediately.

STATEMENT

This bill provides that financial disclosure statements which are required to be submitted to the State Ethics Commission by law, regulation or executive order must be filed with the commission not later than May 15 of each calendar year. However, a person who accepts an office or employment after the 120th day preceding May 15 in a calendar year, which makes that person subject to financial disclosure, will file a financial disclosure statement with the commission no later than 120 days after commencing service in the office or employment. The bill expressly prohibits the Governor, the commission, or any other official, from granting an extension of
these deadlines. It also provides that income information reported
in a financial disclosure statement filed on or before May 15 in any
calendar year will be for the prior calendar year. Income
information reported in a financial disclosure statement filed after
May 15 will be for the prior calendar year and for the period
between January 1 and the fifth day preceding the date of filing of
the current calendar year.

The bill specifically provides that during 2010, any person who
files a financial disclosure statement with the State Ethics
Commission, as required by law, regulation or executive order, after
May 15 must include income information for the period
commencing January 1, 2009 and ending on the fifth day preceding
the filing of the statement.