

P.L. 2004, CHAPTER 27, *approved June 16, 2004*

Senate, No. 22

1 AN ACT expanding the definition of lobbyist and legislative agent and  
2 amending various parts of the statutory law.

3

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

6

7 1. Section 1 of P.L.1971, c.183 (C.52:13C-18) is amended to read  
8 as follows:

9 1. The Legislature affirms that the preservation of responsible  
10 government requires that the fullest opportunity be afforded to the  
11 people of the State to petition their government for the redress of  
12 grievances and to express freely to individual legislators, committees  
13 of the Legislature and the Governor their opinion on legislation and  
14 current issues, **[and]** to Executive Branch officers and agencies their  
15 opinion on rules and regulations developed and promulgated by those  
16 officers and agencies in the exercise of powers delegated to them by  
17 law, and to the Governor and Executive Branch officers and agencies  
18 their opinion on matters involving the administration of various  
19 governmental processes by the Governor and those officers and  
20 agencies in the exercise of powers delegated to them by law.

21 The Legislature finds, however, that the preservation and  
22 maintenance of the integrity of the legislative process, the regulatory  
23 process and governmental process, including the development and  
24 promulgation of rules and regulations or administration of various  
25 governmental processes to effectuate the implementation of statutory  
26 law, requires the identification in certain instances of persons and  
27 groups who seek to influence the content, introduction, passage or  
28 defeat of legislation **[or]**, the proposal, adoption, amendment, or  
29 repeal of rules and regulations or the administration of various  
30 governmental processes, and, where it is not otherwise apparent or  
31 readily ascertainable, the nature of the interest which those persons  
32 and groups seek to advance or protect through such activity.

33 It is in the public interest to closely monitor the activities of  
34 governmental affairs agents and lobbyists with respect to their  
35 involvement in influencing legislative, regulatory and governmental  
36 processes to ensure the integrity of government.

37 **[It]** Therefore, it is the purpose of this act, as amended by P.L. ,  
38 c. (now pending before the Legislature as this bill), to require  
39 adequate disclosure in certain instances in order to make available to  
40 the Legislature, governmental officials and the public information  
41 relative to the activities of persons who seek to influence the content,

**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 introduction, passage or defeat of legislation [or], the proposal,  
2 adoption, amendment[,] or repeal of rules and regulations or the  
3 administration of various governmental processes by such means.

4 (cf: P.L.1991, c.243, s.2)

5

6 2. Section 2 of P.L.1971, c.183 (C.52:13C-19) is amended to read  
7 as follows:

8 2. This act shall be known as the "Legislative and Governmental  
9 Process Activities Disclosure Act [ of 1971]."

10 (cf: P.L.1971, c.183, s.2)

11

12 3. Section 3 of P.L.1971, c.183 (C.52:13C-20) is amended to read  
13 as follows:

14 3. For the purposes of this act, as amended and supplemented,  
15 unless the context clearly requires a different meaning:

16 a. The term "person" includes an individual, partnership,  
17 committee, association, corporation, and any other organization or  
18 group of persons.

19 b. The term "legislation" includes all bills, resolutions,  
20 amendments, nominations and appointments pending or proposed in  
21 either House of the Legislature, and all bills and resolutions which,  
22 having passed both Houses, are pending approval by the Governor.

23 c. The term "Legislature" includes the Senate and General  
24 Assembly of the State of New Jersey and all committees and  
25 commissions established by the Legislature or by either House thereof.

26 d. The term "lobbyist" means any person, partnership, committee,  
27 association, corporation, labor union or any other organization that  
28 employs, engages or otherwise uses the services of any [legislative]  
29 governmental affairs agent to influence legislation [or] . regulation  
30 or governmental processes.

31 e. The term "Governor" includes the Governor or the Acting  
32 Governor.

33 f. The term "communication with a member of the Legislature,  
34 "with legislative staff," "with the Governor," "with the Governor's  
35 staff," or "with an officer or staff member of the Executive Branch"  
36 means any communication, oral or in writing or any other medium,  
37 addressed, delivered, distributed or disseminated, respectively, to a  
38 member of the Legislature, to legislative staff, to the Governor, to the  
39 Governor's staff, or to an officer or staff member of the Executive  
40 Branch, as distinguished from communication to the general public  
41 including but not limited to a member of the Legislature, legislative  
42 staff, the Governor, the Governor's staff, or an officer or staff member  
43 of the Executive Branch. If any person shall obtain, reproduce or  
44 excerpt any communication or part thereof which in its original form  
45 was not a communication under this subsection and shall cause such  
46 excerpt or reproduction to be addressed, delivered, distributed or

1 disseminated to a member of the Legislature, to legislative staff, to the  
2 Governor, to the Governor's staff, or to an officer or staff member of  
3 the Executive Branch, such communication, reproduction or excerpt  
4 shall be deemed a communication with the member of the Legislature,  
5 with legislative staff, with the Governor, with the Governor's staff, or  
6 with an officer or staff member of the Executive Branch by such  
7 person.

8 g. The term "[legislative] governmental affairs agent" means any  
9 person who receives or agrees to receive, directly or indirectly,  
10 compensation, in money or anything of value including reimbursement  
11 of his expenses where such reimbursement exceeds \$100.00 in any  
12 three-month period, to influence legislation [or], to influence  
13 regulation or to influence governmental processes, or [both] all of  
14 the above, by direct or indirect communication with, or by making or  
15 authorizing, or causing to be made or authorized, any expenditures  
16 providing a benefit to, a member of the Legislature, legislative staff,  
17 the Governor, the Governor's staff, or any officer or staff member of  
18 the Executive Branch, or who holds himself out as engaging in the  
19 business of influencing legislation [or], regulation[, ] or governmental  
20 processes, by such means, or who incident to his regular employment  
21 engages in influencing legislation [or] , regulation or governmental  
22 processes, by such means; provided, however, that a person shall not  
23 be deemed a [legislative] governmental affairs agent who, in relation  
24 to the duties or interests of his employment or at the request or  
25 suggestion of his employer, communicates with a member of the  
26 Legislature, with legislative staff, with the Governor, with the  
27 Governor's staff, or with an officer or staff member of the Executive  
28 Branch concerning any legislation [or] , regulation or governmental  
29 process, if such communication is an isolated, exceptional or  
30 infrequent activity in relation to the usual duties of his employment.

31 h. The term "influence legislation" means to make any attempt,  
32 whether successful or not, to secure or prevent the initiation of any  
33 legislation, or to secure or prevent the passage, defeat, amendment or  
34 modification thereof by the Legislature, or the approval, amendment  
35 or disapproval thereof by the Governor in accordance with his  
36 constitutional authority.

37 i. The term "statement" includes a notice of representation or a  
38 report required by this act, as amended and supplemented.

39 j. (Deleted by amendment, P.L.1991, c.243).

40 k. The term "member of the Legislature" includes any member or  
41 member-elect of, or any person who shall have been selected to fill a  
42 vacancy in, the Senate or General Assembly, and any other person who  
43 is a member or member-designate of any committee or commission  
44 established by the Legislature or by either House thereof.

45 l. The term "legislative staff" includes all staff, assistants and  
46 employees of the Legislature or any of its members in the member's

1 official capacity, whether or not they receive compensation from the  
2 State of New Jersey.

3 m. The term "Governor's staff" includes the members of the  
4 Governor's Cabinet, the Secretary to the Governor, the Counsel to the  
5 Governor and all professional employees in the office of the Counsel  
6 to the Governor, and all other employees of the Office of the  
7 Governor.

8 n. The term "officer or staff member of the Executive Branch"  
9 means any assistant or deputy head of a principal department in the  
10 Executive Branch of State Government, including all assistant and  
11 deputy commissioners; the members and chief executive officer of any  
12 authority, board, commission or other agency or instrumentality in or  
13 of such a principal department; and any officer of the Executive  
14 Branch of State Government other than the Governor who is not  
15 included among the foregoing or among the Governor's staff, but who  
16 is empowered by law to issue, promulgate or adopt administrative  
17 rules and regulations or to administer governmental processes, and any  
18 person employed in the office of such an officer who is involved with  
19 the development, issuance, promulgation or adoption of such rules and  
20 regulations or administration of governmental processes in the regular  
21 course of employment.

22 o. The term "regulation" includes any administrative rule or  
23 regulation affecting the rights, privileges, benefits, duties, obligations,  
24 or liabilities of any one or more persons subject by law to regulation  
25 as a class, but does not include an administrative action (1) to issue,  
26 renew or deny, or, in an adjudicative action, to suspend or revoke, a  
27 license, order, permit or waiver under any law or administrative rule  
28 or regulation, (2) to impose a penalty, or (3) to effectuate an  
29 administrative reorganization within a single principal department of  
30 the Executive Branch of State Government.

31 p. The term "influence regulation" means to make any attempt,  
32 whether successful or not, to secure or prevent the proposal of any  
33 regulation or to secure or prevent the consideration, amendment,  
34 issuance, promulgation, adoption or rejection thereof by an officer or  
35 any authority, board, commission or other agency or instrumentality  
36 in or of a principal department of the Executive Branch of State  
37 Government empowered by law to issue, promulgate or adopt  
38 administrative rules and regulations.

39 q. The term "expenditures providing a benefit" or "expenditures  
40 providing benefits" means any expenditures for entertainment, food  
41 and beverage, travel and lodging, honoraria, loans, gifts or any other  
42 thing of value, except for (1) any money or thing of value paid for  
43 past, present, or future services in regular employment, whether in the  
44 form of a fee, expense, allowance, forbearance, forgiveness, interest,  
45 dividend, royalty, rent, capital gain, or any other form of recompense,  
46 or any combination thereof, or (2) any dividends or other income paid

1 on investments, trusts, and estates.

2 r. The term "commission" means the Election Law Enforcement  
3 Commission established pursuant to section 5 of P.L.1973, c.83  
4 (C.19:44A-5).

5 s. The terms "influence governmental processes", "influencing  
6 governmental processes" or "influence governmental process" means  
7 to make any attempt, whether successful or not, to assist a represented  
8 entity or group to engage in communication with, or to secure  
9 information from, an officer or staff member of the Executive Branch,  
10 or any authority, board, commission or other agency or instrumentality  
11 in or of a principal department of the Executive Branch of State  
12 Government, empowered by law to administer a governmental process  
13 or perform other functions that relate to such processes.

14 t. The term "governmental process" means:

15 promulgation of executive orders;

16 rate setting;

17 development, negotiation, award, modification or cancellation of  
18 public contracts;

19 issuance, denial, modification, renewal, revocation or suspension of  
20 permits, licenses or waivers;

21 procedures for bidding;

22 imposition or modification of fines and penalties;

23 procedures for purchasing;

24 rendition of administrative determinations; and

25 award, denial, modification, renewal or termination of financial  
26 assistance, grants and loans.

27 u. The term "public contract" means a contract the cost or price of  
28 which is to be paid with or out of State funds or the funds of an  
29 independent authority created by the State or by the Legislature.

30 (cf: P.L.1991, c.244, s.1)

31

32 4. Section 4 of P.L.1971, c.183 (C.52:13C-21) is amended to read  
33 as follows:

34 4. a. Any person who, on or after the effective date of P.L.1991,  
35 c.243 or on or after the effective date of P.L. , c. (now pending  
36 before the Legislature as this bill) for the purpose of influencing  
37 governmental processes, is employed, retained or engages himself as  
38 a [legislative] governmental affairs agent shall, prior to any  
39 communication with, or the making of any expenditures providing a  
40 benefit to, a member of the Legislature, legislative staff, the Governor,  
41 the Governor's staff, or an officer or staff member of the Executive  
42 Branch, and in any event within 30 days of [that] the appropriate  
43 effective date or of such employment, retainer or engagement,  
44 whichever occurs later, file a signed notice of representation with the  
45 Election Law Enforcement Commission in such detail as the  
46 commission may prescribe, identifying himself and persons by whom

1 he is employed or retained, and the persons in whose interests he is  
2 working, and the general nature of his proposed services as a  
3 [legislative] governmental affairs agent for such persons, which notice  
4 shall contain the following information:

5 (1) his name, business address and regular occupation;

6 (2) the name, business address and occupation or principal business  
7 of the person from whom he receives compensation for acting as a  
8 [legislative] governmental affairs agent;

9 (3) (a) the name, business address and occupation or principal  
10 business of any person in whose interest he acts as a [legislative]  
11 governmental affairs agent in consideration of the aforesaid  
12 compensation, if such person is other than the person from whom said  
13 compensation is received; and

14 (b) if a person, identified under paragraph (2) of this subsection as  
15 one from whom the [legislative] governmental affairs agent receives  
16 compensation, is a membership organization or corporation whose  
17 name or occupation so identified does not, either explicitly or by virtue  
18 of the nature of the principal business in which the organization or its  
19 members, or the corporation or its shareholders, is commonly known  
20 to be engaged, clearly reveal the primary specific economic, social,  
21 political, or other interest which the organization or corporation may  
22 reasonably be understood to seek to advance or protect through its  
23 employment, retainer, or engagement of the [legislative] governmental  
24 affairs agent, a description of that primary economic, social, political,  
25 or other interest and a list of the persons having organizational or  
26 financial control of the organization or corporation, including the  
27 names, mailing addresses and occupations, respectively, of those  
28 persons. The commission shall promulgate rules and regulations to  
29 govern the content of any information required to be disclosed under  
30 this subparagraph and shall take such steps as are reasonably necessary  
31 to ensure that all such information is, in accordance with those rules  
32 and regulations, both accurate and complete.

33 Any list of [legislative] governmental affairs agents and their  
34 principals required to be published quarterly under subsection h. of  
35 section 6 of P.L.1971, c.183 (C.52:13C-23) shall include, for each  
36 such principal for whom it is not otherwise apparent, the primary  
37 specific interest which the principal may reasonably be understood to  
38 seek to advance or protect through its engagement of the [legislative]  
39 governmental affairs agent and the category of persons required to file  
40 additional information, as that interest and such category shall have  
41 been determined under subparagraph (b) of this paragraph;

42 (4) whether the person from whom he receives said compensation  
43 employs him solely as a [legislative] governmental affairs agent, or  
44 whether he is a regular employee performing services for his employer  
45 which include but are not limited to the influencing of legislation [or],

1 regulation or governmental processes;

2 (5) the length of time for which he will be receiving compensation  
3 from the person aforesaid for acting as a [legislative] governmental  
4 affairs agent, if said length of time can be ascertained at the time of  
5 filing;

6 (6) the type of legislation [or], regulation or governmental process  
7 or the particular legislation [or], regulation or governmental process  
8 in relation to which he is to act as [legislative] governmental affairs  
9 agent in consideration of the aforesaid compensation, and any  
10 particular legislation [or], regulation or governmental process, or type  
11 of legislation [or], regulation or governmental process which he is to  
12 promote or oppose;

13 (7) a full and particular description of any agreement, arrangement  
14 or understanding according to which his compensation, or any portion  
15 thereof, is or will be contingent upon the success of any attempt to  
16 influence legislation [or], regulation or governmental processes.

17 b. Any [legislative] governmental affairs agent who receives  
18 compensation from more than one person for his services as a  
19 [legislative] governmental affairs agent shall file a separate notice of  
20 representation with respect to each such person; except that a  
21 [legislative] governmental affairs agent whose fee for acting as such  
22 in respect to the same legislation [or], regulation or governmental  
23 process or type of legislation [or], regulation or governmental process  
24 is paid or contributed to by more than one person may file a single  
25 statement, in which he shall detail the name, business address and  
26 occupation or principal business of each person so paying or  
27 contributing.

28 (cf: P.L.1991, c.244, s.2)

29

30 5. Section 4 of P.L.1981, c.150 (C.52:13C-21a) is amended to read  
31 as follows:

32 4. Any [legislative] governmental affairs agent or lobbyist not a  
33 resident of this State, or not a corporation of this State or authorized  
34 to do business in this State, shall file with the Election Law  
35 Enforcement Commission, before attempting to influence legislation,  
36 regulation or governmental process, or within 30 days of the effective  
37 date of P.L. , c. (now pending before the Legislature as this bill),  
38 as appropriate, its consent to service of process at an address within  
39 this State, or by regular mail at an address outside this State.

40 (cf: P.L.1981, c.150, s.4)

41

42 6. Section 3 of P.L.2003, c.255 (C.52:13C-21b) is amended to  
43 read as follows:

44 3. Except as expressly authorized in section 13 of P.L.1971, c.182  
45 (C.52:13D-24) or when the lobbyist or [legislative] governmental

1 affairs agent is a member of the immediate family of the officer or  
2 staff member of the Executive Branch or member of the Legislature or  
3 legislative staff, no lobbyist or **[legislative]** governmental affairs  
4 agent shall offer or give or agree to offer or give, directly or indirectly,  
5 any compensation, reward, employment, gift, honorarium or other  
6 thing of value to an officer or staff member of the Executive Branch  
7 or member of the Legislature or legislative staff, totaling more  
8 than \$250.00 in a calendar year. The \$250.00 limit on any  
9 compensation, reward, gift, honorarium or other thing of value shall  
10 also apply to each member of the immediate family of a member of the  
11 Legislature, as defined in section 2 of P.L.1971, c.182 (C.52:13D-13)  
12 to be a spouse, child, parent, or sibling of the member residing in the  
13 same household as the member of the Legislature.

14 b. The prohibition in subsection a. of this section on offering or  
15 giving, or agreeing to offer or give, any compensation, reward, gift,  
16 honorarium or other thing of value shall not apply if it is in the course  
17 of employment, by an employer other than the State, of an individual  
18 covered in subsection a. of this section or a member of the immediate  
19 family. The prohibition in subsection a. of this section on offering or  
20 giving, or agreeing to offer or give, any compensation, reward, gift,  
21 honorarium or other thing of value shall not apply if receipt is from a  
22 member of the immediate family when the family member received  
23 such in the course of his or her employment.

24 c. Subsection a. of this section shall not apply if an officer or staff  
25 member of the Executive Branch or member of the Legislature or  
26 legislative staff who accepted any compensation, reward, gift,  
27 honorarium or other thing of value offered or given by a lobbyist or  
28 **[legislative]** governmental affairs agent makes a full reimbursement,  
29 within 90 days of acceptance, to the lobbyist or **[legislative]**  
30 governmental affairs agent in an amount equal to the money accepted  
31 or the fair market value of that which was accepted if other than  
32 money. As used in this subsection, "fair market value" means the  
33 actual cost of the compensation, reward, gift, honorarium or other  
34 thing of value accepted.

35 d. A violation of this section shall not constitute a crime or offense  
36 under the laws of this State.

37 (cf: P.L.2003, c.255, s.3)

38

39 7. Section 1 of P.L.1977, c.92 (C.52:13C-21.1) is amended to read  
40 as follows:

41 1. Any person who knowingly employs another person to serve as  
42 a **[legislative]** governmental affairs agent who is not registered as  
43 required by section 4 of the act of which this act is a supplement,  
44 except upon the condition that such person register as a **[legislative]**  
45 governmental affairs agent as provided by law or who continues to  
46 employ any such person who has not registered within the time

1 required by law, shall, upon conviction, be guilty of a [misdemeanor]  
2 crime of the fourth degree.

3 (cf: P.L.1977, c.92, s.1)

4

5 8. Section 1 of P.L.1977, c.90 (C.52:13C-21.2) is amended to read  
6 as follows:

7 1. Any [legislative] governmental affairs agent who knowingly  
8 represents an interest adverse to any of his employer's without first  
9 obtaining such employer's written consent thereto, after full disclosure  
10 to such employer of such adverse interest, shall, upon conviction, be  
11 guilty of a [misdemeanor] crime of the fourth degree.

12 (cf: P.L.1977, c.90, s.1)

13

14 9. Section 1 of P.L.1977, c.91 (C.52:13C-21.3) is amended to read  
15 as follows:

16 1. Any [legislative] governmental affairs agent who knowingly  
17 causes, influences, or otherwise secures the introduction of any  
18 legislation or amendment thereto for the purpose of thereafter being  
19 employed to prevent the passage thereof, shall upon conviction be  
20 guilty of a [misdemeanor] crime of the fourth degree.

21 (cf: P.L.1977, c.91, s.1)

22

23 10. Section 5 of P.L.1971, c.183 (C.52:13C-22) is amended to  
24 read as follows:

25 5. a. Every [legislative] governmental affairs agent shall file with  
26 the commission a signed quarterly report of his activity in attempting  
27 to influence legislation, regulation or governmental processes during  
28 each such quarter.

29 b. The quarterly reports required under this section shall be made  
30 in the form and manner prescribed by the commission and shall be filed  
31 between the first and tenth days of each calendar quarter for such  
32 activity during the preceding calendar quarter. The commission may,  
33 in its discretion, permit joint reports by persons subject to this act.

34 c. Each such quarterly report shall

35 (1) describe the particular items of legislation, regulation, or  
36 governmental process and any general category or type of legislation,  
37 regulation or governmental process regarding which the [legislative]  
38 governmental affairs agent acted as a [legislative] governmental  
39 affairs agent during the quarter, and any particular items or general  
40 types of legislation, regulation, or governmental processes which he  
41 actively promoted or opposed during the quarter; and

42 (2) supply any information necessary to make the notice of  
43 representation filed by the [legislative] governmental affairs agent  
44 pursuant to section 4 of P.L.1971, c.183 (C.52:13C-21), current and  
45 accurate as of the final day of the calendar quarter covered by the

1 report.

2 (cf: P.L.1991, c.244, s.3)

3

4 11. Section 2 of P.L.1981, c.150 (C.52:13C-22.1) is amended to  
5 read as follows:

6 2. Each [legislative] governmental affairs agent or lobbyist shall  
7 make and certify the correctness of a full annual report to the Election  
8 Law Enforcement Commission, of those moneys, loans, paid personal  
9 services or other things of value contributed to it and those  
10 expenditures made, incurred or authorized by it for the purpose of  
11 communication with or providing benefits to any member of the  
12 Legislature, legislative staff, the Governor, the Governor's staff, or an  
13 officer or staff member of the Executive Branch during the previous  
14 year. The report shall include, but not be limited to, the following  
15 expenditures which relate to communication with, or providing  
16 benefits to, any member of the Legislature, legislative staff, the  
17 Governor, the Governor's staff, or an officer or staff member of the  
18 Executive Branch: media, including advertising; entertainment; food  
19 and beverage; travel and lodging; honoraria; loans; gifts; and salary,  
20 fees, allowances or other compensation paid to [a legislative] an  
21 agent. The expenditures shall be reported whether made to the  
22 intended recipient of the communication or benefit or to a [legislative]  
23 governmental affairs agent or a lobbyist. The expenditures shall be  
24 reported in the aggregate by category, except that if the aggregate  
25 expenditures on behalf of a member of the Legislature, legislative staff,  
26 the Governor, the Governor's staff, or an officer or staff member of  
27 the Executive Branch exceed \$25.00 per day, they shall be detailed  
28 separately as to the name of the member of the Legislature, member  
29 of legislative staff, the Governor, member of the Governor's staff, or  
30 officer or staff member of the Executive Branch, date and type of  
31 expenditure, amount of expenditure and to whom paid. Where the  
32 aggregate expenditures for the purpose of communication with or  
33 providing benefits to any one member of the Legislature, member of  
34 legislative staff, the Governor, the Governor's staff, or officer or staff  
35 member of the Executive Branch exceed \$200.00 per year, the  
36 expenditures, together with the name of the intended recipient of the  
37 communication or benefits, shall be stated in detail including the type  
38 of each expenditure, amount of expenditure and to whom paid. Where  
39 the expenditures in the aggregate with respect to any specific occasion  
40 are in excess of \$100.00, the report shall include the date and type of  
41 expenditure, amount of expenditure and to whom paid. The Election  
42 Law Enforcement Commission may, in its discretion, permit joint  
43 reports by [legislative] governmental affairs agents. No [legislative]  
44 governmental affairs agent shall be required to file a report unless all  
45 moneys, loans, paid personal services or other things of value  
46 contributed to it for the purpose of communication with or making

1 expenditures providing a benefit to a member of the Legislature,  
2 legislative staff, the Governor, the Governor's staff, or officer or staff  
3 member of the Executive Branch exceed \$2,500.00 in any year or  
4 unless all expenditures made, incurred or authorized by it for the  
5 purpose of communication with or providing benefits to a member of  
6 the Legislature, legislative staff, the Governor, the Governor's staff, or  
7 officer or staff member of the Executive Branch exceed \$2,500.00 in  
8 any year.

9 Any lobbyist who receives contributions or makes expenditures to  
10 influence legislation or regulation shall be required to file and certify  
11 the correctness of a report of such contributions or expenditures if the  
12 contributions or expenditures made, incurred or authorized by it for  
13 the purpose of communication with or providing benefits to a member  
14 of the Legislature, legislative staff, the Governor, the Governor's staff,  
15 or an officer or staff member of the Executive Branch exceed, in the  
16 aggregate, \$2,500.00 in any year. Any lobbyist required to file a report  
17 pursuant to this section may designate a [legislative] governmental  
18 affairs agent in its employ or otherwise engaged or used by it to file a  
19 report on its behalf; provided such designation is made in writing by  
20 the lobbyist, is acknowledged in writing by the designated [legislative]  
21 governmental affairs agent and is filed with the Election Law  
22 Enforcement Commission on or before the date on which the report of  
23 the lobbyist is due for filing, and further provided that any violation of  
24 this act shall subject both the lobbyist and the designated [legislative]  
25 governmental affairs agent to the penalties provided in this act.

26 This section shall not be construed to authorize any person to make  
27 or authorize, or to cause to be made or authorized, any expenditure  
28 providing a benefit, or to provide a benefit, the provision or receipt of  
29 which is prohibited under the "New Jersey Conflicts of Interest Law,"  
30 P.L.1971, c.182 (C.52:13D-12 et seq.) or any code of ethics  
31 promulgated thereunder, or under any other law or any executive  
32 order, rule or regulation.

33 (cf: P.L.1991, c.243, s.5)

34

35 12. Section 7 of P.L.1991, c.243 (C.52:13C-22.1a) is amended to  
36 read as follows:

37 7. A person who is registered as a [legislative] governmental  
38 affairs agent and who, on or after the effective date of P.L.1991, c.243  
39 (C.52:13C-18 et al.) or on or after P.L. , c. (C.52:13C-18 et  
40 al)(now pending before the Legislature as this bill) for the purpose of  
41 influencing governmental processes, serves or shall serve as a member  
42 of any independent State authority, county improvement authority or  
43 municipal utilities authority, or as a member from New Jersey on an  
44 inter-state or bi-state authority, or as a member of any board or  
45 commission established by statute or resolution or by executive order  
46 of the Governor or by the Legislature or by any agency, department or

1 other instrumentality of the State shall disclose such service, including  
2 the name of the authority, board or commission and the date upon  
3 which his term as a member thereof expires, in the annual report  
4 required to be made under section 2 of P.L.1981, c.150  
5 (C.52:13C-22.1).

6 (cf: P.L.1991, c.243, s.7)

7

8 13. Section 1 of P.L.1996, c.144 (C.52:13C-22.4) is amended to  
9 read as follows:

10 1. a. Each [legislative] governmental affairs agent and lobbyist  
11 shall provide to each member of the Legislature, legislative staff, the  
12 Governor, the Governor's staff, or an officer or staff member of the  
13 Executive Branch who receives a benefit that is required to be  
14 reported to the commission pursuant to section 2 of P.L.1981, c.150  
15 (C.52:13C-22.1), a full written and certified report describing the  
16 benefit, including a description of the benefit, the amount of the  
17 benefit, the date it was provided and to whom it was paid.

18 b. The reports shall be transmitted to the member of the  
19 Legislature, legislative staff, the Governor, the Governor's staff, or an  
20 officer or staff member of the Executive Branch by each [legislative]  
21 governmental affairs agent or lobbyist no later than February 1 of  
22 each year and shall cover benefits provided in the immediately  
23 preceding calendar year. In the event that a [legislative]  
24 governmental affairs agent or lobbyist provides more than one benefit  
25 to a member of the Legislature, legislative staff, the Governor, the  
26 Governor's staff, or an officer or staff member of the Executive Branch  
27 during a calendar year, the reports describing those benefits required  
28 pursuant to subsection a. of this section may be combined into one  
29 report or filed as separate reports.

30 (cf: P.L.1996, c.144, s.1)

31

32 14. Section 6 of P.L.1971, c.183 (C.52:13C-23) is amended to  
33 read as follows:

34 6. The commission shall:

35 a. permit public inspection of all statements filed pursuant to this  
36 act, as amended and supplemented;

37 b. compile and summarize information contained in statements filed  
38 pursuant to this act, as amended and supplemented, and report the  
39 same to the Legislature and the Governor;

40 c. ascertain whether any persons have failed to file statements as  
41 required by this act, as amended and supplemented, or have filed  
42 incomplete or inaccurate statements, and give notice to such persons  
43 to file such statements as will conform to the requirements of this act,  
44 as amended and supplemented;

45 d. investigate violations of this act, as amended and supplemented,  
46 report to the Legislature and the Governor thereon, and notify the

1 Attorney General of any possible criminal violations of this act, as  
2 amended and supplemented, that may warrant further investigation and  
3 action;

4 e. make such recommendations to the Legislature and the  
5 Governor as will tend to further the objectives of this act, as amended  
6 and supplemented, and take such other action as shall be necessary and  
7 proper to effectuate the purposes of this act, as amended and  
8 supplemented;

9 f. report to the Legislature and the Governor annually on the  
10 administration of this act, as amended and supplemented;

11 g. develop and prescribe methods and forms for statements  
12 required to be filed by this act, as amended and supplemented, and  
13 require the use of such forms by persons subject to this act, as  
14 amended and supplemented;

15 h. compile and publish quarterly a list of all [legislative]  
16 governmental affairs agents then registered, together with the  
17 information contained in their notices of representation and last  
18 quarterly report, which compilation shall be distributed to all members  
19 of the Legislature and the Governor, and published in the New Jersey  
20 Register;

21 i. prepare and publish a summary and explanation of the  
22 registration and reporting requirements of this act, as amended and  
23 supplemented, for the use and guidance of those persons who may be  
24 required to file statements under this act, as amended and  
25 supplemented;

26 j. in accordance with a fee schedule adopted by the commission as  
27 a rule or regulation, establish and charge reasonable fees for the filing  
28 of notices of representation and quarterly and annual reports pursuant  
29 to this act, as amended and supplemented, provided that such fees  
30 shall not apply to the organizations which qualify under subsection (b)  
31 of section 9 of chapter 30 of the laws of 1966, as amended  
32 (C.54:32B-9), and provided further that the amount of such fees shall  
33 not exceed the cost to the commission of processing and maintaining  
34 those notices and reports and of compiling, summarizing and  
35 publishing the information contained therein as prescribed by this act,  
36 as amended and supplemented; and

37 k. during periods when the Legislature is in session, report monthly  
38 to the members of the Legislature and the Governor and his staff all  
39 new notices of representation, notices of termination and other notices  
40 filed pursuant to this act, as amended and supplemented, during the  
41 preceding month.

42 (cf: P.L.1991, c.244, s.4)

43

44 15. Section 11 of P.L.1991, c.244 (C.52:13C-23.1) is amended to  
45 read as follows:

46 11. Upon receiving evidence of any violation of P.L.1971, c.183

1 (C.52:13C-18 et seq.), as amended and supplemented, the commission  
2 shall have power to bring complaint proceedings, to issue subpoenas  
3 for the production of witnesses and documents, and to hold or to  
4 cause to be held by the Office of Administrative Law, hearings upon  
5 such complaint. In addition to any other penalty provided by law, any  
6 person who is found to have committed such a violation shall be liable  
7 for civil penalty not in excess of \$1,000, which penalty may be  
8 collected in a summary proceeding pursuant to ["the penalty  
9 enforcement law" (N.J.S.2A:58-1 et seq.)] the "Penalty Enforcement  
10 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).  
11 (cf: P.L.1991, c.244, s.11)  
12

13 16. Section 7 of P.L.1971, c.183 (C.52:13C-24) is amended to  
14 read as follows:

15 7. Any person engaged in activity which makes him subject to filing  
16 a statement under this act shall keep and preserve all records of his  
17 receipts, disbursements and other financial transactions in the course  
18 of and as a part of his activities as a [legislative] governmental affairs  
19 agent. Such records shall be preserved for a period of 3 calendar years  
20 next succeeding the calendar year in which they were made. The  
21 provisions of this section shall not apply to any [legislative]  
22 governmental affairs agent with respect to any quarterly period within  
23 which the total of his compensation including reimbursement of  
24 expenses is less than \$500.00.

25 (cf: P.L.1971, c.183, s.7)  
26

27 17. Section 8 of P.L.1971, c.183 (C.52:13C-25) is amended to  
28 read as follows:

29 8. a. Every [legislative] governmental affairs agent shall file a  
30 notice of termination report within 30 days after his activity shall  
31 cease, on such form as the commission shall prescribe, and any person  
32 who engages a [legislative] governmental affairs agent may file a  
33 notice of termination after such agent ceases to represent such person.

34 b. A [legislative] governmental affairs agent who receives or  
35 agrees to receive compensation for acting as such from any person not  
36 named in the notice of representation filed pursuant to section 4 of  
37 P.L.1971, c.183 (C.52:13C-21) shall, within 15 days of receiving or  
38 agreeing to receive such compensation, file an appropriate notification  
39 thereof in writing with the commission.

40 c. A [legislative] governmental affairs agent shall notify the  
41 commission in writing of any material change in the information  
42 supplied by him in the notice of representation filed pursuant to  
43 section 4 of P.L.1971, c.183 (C.52:13C-21) within 15 days of the  
44 effective date of such change.

45 (cf: P.L.1991, c.244, s.5)

1 18. Section 10 of P.L.1971, c.183 (C.52:13C-27) is amended to  
2 read as follows:

3 10. This act shall not apply to the following activities:

4 a. the publication or dissemination, in the ordinary course of  
5 business, of news items, advertising, editorials or other comments by  
6 a newspaper, book publisher, regularly published periodical, or radio  
7 or television station, including an owner, editor or employee thereof;

8 b. acts of an officer or employee of the Government of this State  
9 or any of its political subdivisions, or of the Government of the United  
10 States or of any State or territory thereof or any of their political  
11 subdivisions, in carrying out the duties of their public office or  
12 employment;

13 c. acts of bona fide religious groups acting solely for the purpose  
14 of protecting the public right to practice the doctrines of such religious  
15 groups;

16 d. acts of a duly organized national, State or local committee of a  
17 political party;

18 e. acts of a person in testifying before a legislative committee or  
19 commission, at a public hearing duly called by the Governor on  
20 legislative proposals or on legislation passed and pending his approval,  
21 or before any officer or body empowered by law to issue, promulgate  
22 or adopt administrative rules and regulations in behalf of a nonprofit  
23 organization incorporated as such in this State who receives no  
24 compensation therefor beyond the reimbursement of necessary and  
25 actual expenses, and who makes no other communication with a  
26 member of the Legislature, legislative staff, the Governor, the  
27 Governor's staff, or an officer or staff member of the Executive Branch  
28 in connection with the subject of his testimony; [and]

29 f. acts of a person in communicating with or providing benefits to  
30 a member of the Legislature, legislative staff, the Governor, the  
31 Governor's staff, or an officer or staff member of the Executive Branch  
32 if such communication or provision of benefits is undertaken by him  
33 as a personal expression and not incident to his employment, even if  
34 it is upon a matter relevant to the interests of a person by whom or  
35 which he is employed, and if he receives no additional compensation  
36 or reward, in money or otherwise, for or as a result of such  
37 communication or provision of benefits;

38 g. with regard to influencing governmental processes as defined  
39 in subsection s. and t. of section 3 of P.L.1971, c.183 (C.52:13C-20)  
40 any communications, matters or acts of an attorney falling within the  
41 attorney-client privilege while engaging in the practice of law to the  
42 extent that confidentiality is required in order for the attorney to  
43 exercise his ethical duties as a lawyer; and

44 h. with regard to influencing governmental processes as defined in  
45 subsections s. and t. of section 3 of P.L.1971, c.183 (C.52:13C-20)  
46 any communications, matters or acts involving collective negotiations,

1 or the interpretation or violation of collective negotiation agreements,  
2 of a labor organization of any kind which exists or is constituted for  
3 the purpose, in whole or in part, of collective bargaining, or of dealing  
4 with employers concerning the grievances, terms or conditions of  
5 employment, or of other mutual aid or protection in connection with  
6 employment.

7 (cf: P.L.1991,c.243, s.6)

8

9 19. Section 11 of P.L.1971, c.183 (C.52:13C-28) is amended to  
10 read as follows:

11 11. Every [legislative] governmental affairs agent who, for the  
12 purpose of influencing legislation, is in the State House, the State  
13 House Annex, or any other State building or other location when and  
14 where an authorized meeting of a legislative committee is being held  
15 shall at all times wear a descriptive name tag of a type prescribed by  
16 the commission.

17 (cf: P.L.1991, c.244, s.7)

18

19 20. Section 12 of P.L.1971, c.183 (C.52:13C-29) is amended to  
20 read as follows:

21 12. All staff, assistants and employees of the Legislature who  
22 receive for their services a stated salary or similar compensation from  
23 the State of New Jersey are forbidden to act as [legislative]  
24 governmental affairs agents or to seek, receive or agree to receive,  
25 directly or indirectly, compensation, in money or any thing of value,  
26 for influencing or purporting to influence legislation. Whoever violates  
27 this section is guilty of a [misdemeanor] crime of the fourth degree.

28 (cf: P.L.1971, c.183, s.12)

29

30 21. Section 13 of P.L.1971, c.183 (C.52:13C-30) is amended to  
31 read as follows:

32 13. Any person who knowingly and willfully falsifies all or any part  
33 of any statement, notice or report under this act shall, upon conviction,  
34 be guilty of a [misdemeanor] crime of the fourth degree.

35 (cf: P.L.1971, c.183, s.13)

36

37 22. Section 14 of P.L.1971, c.183 (C.52:13C-31) is amended to  
38 read as follows:

39 14. Any person who shall transmit, utter or publish to the  
40 Legislature or the Governor or his staff any communication relating to  
41 any legislation or be a party to the preparation thereof, knowing such  
42 communication or any signature thereto is false, forged, counterfeit,  
43 or fictitious, shall upon conviction, be guilty of a [misdemeanor]  
44 crime of the fourth degree.

45 (cf: P.L.1971, c.183, s.14)

1       23. Section 16 of P.L.1971, c.183 (C.52:13C-33) is amended to  
2 read as follows:

3       16. Any **[legislative] governmental affairs** agent required to file a  
4 notice of representation or report or maintain any record under this  
5 act who fails to file such a notice or report or maintain such record  
6 shall, upon conviction, be guilty of a **[misdemeanor] crime of the**  
7 **fourth degree.**

8 (cf: P.L.1971, c.183, s.16)

9

10       24. Section 19 of P.L.1971, c.183 (C.52:13C-36) is amended to  
11 read as follows:

12       19. a. When it shall appear to the commission that a person  
13 required to file any statement under this act, as amended and  
14 supplemented, has failed to file such required statement, or has filed  
15 a statement false, inaccurate or incomplete in any material matter, or  
16 has otherwise violated the provisions of this act, as amended and  
17 supplemented; or when the commission believes it to be in the public  
18 interest that an investigation should be made to ascertain whether a  
19 person has in fact violated any of the provisions of this act, as  
20 amended and supplemented, it may apply to the Superior Court for an  
21 order or orders directing:

22       (1) That any such person or persons make available to the  
23 commission's inspection, or to the inspection of any of its authorized  
24 deputies or agents, such records as are required to be kept by that  
25 person pursuant to section 7 of P.L.1971, c.183 (C.52:13C-24); or

26       (2) That any such person file a statement or report in writing under  
27 oath concerning the facts and circumstances upon which the  
28 commission's belief in the necessity of an investigation is based; or

29       (3) That any person submit to examination under oath by the  
30 commission in connection with said circumstances, and produce any  
31 and all records, books and other documents which may be specified by  
32 order of the court; or

33       (4) That the commission may impound any record, book or other  
34 documents specified by order of the court.

35       b. Such application by the commission shall set forth all the facts  
36 and circumstances upon which its belief in the necessity of an  
37 investigation is based. The court may proceed on such application in  
38 a summary manner; and if the court determines that from the evidence  
39 submitted it appears that a person required to file any statement under  
40 this act, as amended and supplemented, has failed to file such  
41 statement, or has filed a statement false, inaccurate or incomplete in  
42 any material respect, or has otherwise violated any of the provisions  
43 of this act, as amended and supplemented, or that it is in the public  
44 interest that an investigation be held to determine whether such  
45 violation has occurred, the court shall issue such order pursuant to  
46 subsection a. of this section as it may deem necessary and proper.

1 c. The commission shall hold as confidential all statements, books,  
2 records, testimony and other information or sources of information  
3 coming into its possession or knowledge as a result of an investigation  
4 pursuant to this section and shall not disclose or divulge any such  
5 materials or information to anyone except the court under whose order  
6 such material or information comes into its knowledge or possession,  
7 unless the court shall order its disclosure to a grand jury of this State  
8 or other appropriate authorities for the purposes of enforcing the  
9 provisions of this act, as amended and supplemented, or any other law.

10 d. If any person shall refuse to testify or produce any book, paper  
11 or other document in any proceeding under this section as ordered by  
12 the court on the grounds that the testimony or evidence, documentary  
13 or otherwise, which is required of him may tend to incriminate him,  
14 convict him of a crime, or subject him to a penalty or forfeiture, and  
15 shall, notwithstanding, be directed to testify or to produce such book,  
16 paper or document, he shall comply with such direction. A person  
17 who is entitled by law to assert such privilege, and does so assert, and  
18 thereafter complies with such direction, shall not thereafter be  
19 prosecuted or subjected to any penalty or forfeiture in any criminal  
20 proceeding which arises out of and relates to the subject matter of the  
21 proceeding. No person so testifying shall be exempt from prosecution  
22 or punishment for perjury on false swearing committed by him in  
23 giving such testimony.

24 e. In any action brought under this section, the court may award to  
25 the State all costs of investigation and trial, including a reasonable  
26 attorney's fee to be fixed by the court. If costs are awarded in such an  
27 action brought against a [legislative] governmental affairs agent, the  
28 judgment may be awarded against the [legislative] governmental  
29 affairs agent, and the [legislative] governmental affairs agent's  
30 employer or employers joined as defendants, jointly, severally, or both.  
31 If the defendant prevails, he shall be awarded all costs of trial, and may  
32 be awarded a reasonable attorney's fee to be fixed by the court and  
33 paid by the State of New Jersey.

34 (cf: P.L.1991, c.244, s.10)

35  
36 25. Section 11 of P.L.1971, c.182 (C.52:13D-22) is amended to  
37 read as follows:

38 11. (a) The Joint Legislative Committee on Ethical Standards  
39 created pursuant to the provisions of P.L.1967, chapter 229, as  
40 continued and established pursuant to P.L.1971, c.182, is continued  
41 and established in the Legislative Branch of State Government with the  
42 addition of the public members as set forth in this section.

43 (b) The joint committee shall be composed of 12 members as  
44 follows: four members of the Senate appointed by the President  
45 thereof, no more than two of whom shall be of the same political  
46 party; four members of the General Assembly, appointed by the

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

32 (c) The joint committee shall organize as soon as may be  
33 practicable after the appointment of its members, by the selection of  
34 a chairman and vice chairman from among its membership and the  
35 appointment of a secretary, who need not be a member of the joint  
36 committee.

37 (d) The Legislative Counsel in the Office of Legislative Services  
38 shall act as legal adviser to the joint committee. He shall, upon  
39 request, assist and advise the joint committee in the rendering of  
40 advisory opinions by the joint committee, in the approval and review  
41 of codes of ethics adopted by State agencies in the Legislative Branch,  
42 and in the recommendation of revisions in codes of ethics or legislation  
43 relating to the conduct of members of the Legislature or State officers  
44 and employees in the Legislative Branch.

45 (e) The joint committee may, within the limits of funds  
46 appropriated or otherwise available to it for the purpose, employ other

1 professional, technical, clerical or other assistants, excepting legal  
2 counsel, and incur expenses as may be necessary to the performance  
3 of its duties.

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

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

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

22 (i) Any State officer or employee or special State officer or  
23 employee in the Legislative Branch found guilty by the joint committee  
24 of violating any provisions of this act, of a code of ethics promulgated  
25 pursuant to the provisions of this act or of any rule of either or both  
26 Houses which gives the joint committee jurisdiction and the authority  
27 to investigate a matter shall be fined not less than \$500.00 nor more  
28 than \$1,500.00, which penalty may be collected in a summary  
29 proceeding pursuant to ["the penalty enforcement law"  
30 (N.J.S.2A:58-1 et seq.)] the "Penalty Enforcement Law of 1999,"  
31 P.L.1999, c.274 (C.2A:58-10 et seq.), and may be reprimanded and  
32 ordered to pay restitution where appropriate and may be suspended  
33 from his office or employment by order of the joint committee for a  
34 period not in excess of 1 year. If the joint committee finds that the  
35 conduct of such officer or employee constitutes a willful and  
36 continuous disregard of the provisions of this act, of a code of ethics  
37 promulgated pursuant to the provisions of this act or of any rule of  
38 either or both Houses which gives the joint committee jurisdiction and  
39 the authority to investigate a matter, it may order such person  
40 removed from his office or employment and may further bar such  
41 person from holding any public office or employment in this State in  
42 any capacity whatsoever for a period of not exceeding 5 years from the  
43 date on which he was found guilty by the joint committee.

44 (j) A member of the Legislature who shall be found guilty by the  
45 joint committee of violating the provisions of this act, of a code of  
46 ethics promulgated pursuant to the provisions of this act or of any rule

1 of either or both Houses which gives the joint committee jurisdiction  
2 and the authority to investigate a matter shall be fined not less than  
3 \$500.00 nor more than \$1,500.00, which penalty may be collected in  
4 a summary proceeding pursuant to ["the penalty enforcement law"  
5 (N.J.S.2A:58-1 et seq.)] the "Penalty Enforcement Law of 1999,"  
6 P.L.1999, c.274 (C.2A:58-10 et seq.), and shall be subject to such  
7 further action as may be determined by the House of which he is a  
8 member. In such cases the joint committee shall report its findings to  
9 the appropriate House and shall recommend to the House such further  
10 action as the joint committee deems appropriate, but it shall be the  
11 sole responsibility of the House to determine what further action, if  
12 any, shall be taken against such member.  
13 (cf: P.L.1991, c.505, s.1)

14  
15 26. Section 2 of P.L.2003, c.255 (C.52:13D-24.1) is amended to  
16 read as follows:

17 2. a. Except as expressly authorized in section 13 of P.L.1971,  
18 c.182 (C.52:13D-24) or when the lobbyist or [legislative]  
19 governmental affairs agent is a member of the immediate family of the  
20 officer or staff member of the Executive Branch or member of the  
21 Legislature or legislative staff, no officer or staff member of the  
22 Executive Branch or member of the Legislature or legislative staff may  
23 accept, directly or indirectly, any compensation, reward, employment,  
24 gift, honorarium or other thing of value from each lobbyist or  
25 [legislative] governmental affairs agent, as defined in the "Legislative  
26 and Governmental Process Activities Disclosure Act [of 1971],"  
27 P.L.1971, c.183 (C.52:13C-18 et seq.), totaling more than \$250.00 in  
28 a calendar year. The \$250.00 limit on acceptance of compensation,  
29 reward, gift, honorarium or other thing of value shall also apply to  
30 each member of the immediate family of a member of the Legislature,  
31 as defined in section 2 of P.L.1971, c.182 (C.52:13D-13) to be a  
32 spouse, child, parent, or sibling of the member residing in the same  
33 household as the member of the Legislature.

34 b. The prohibition in subsection a. of this section on accepting any  
35 compensation, reward, gift, honorarium or other thing of value shall  
36 not apply if received in the course of employment, by an employer  
37 other than the State, of an individual covered in subsection a. of this  
38 section or a member of the immediate family. The prohibition in  
39 subsection a. of this section on accepting any compensation, reward,  
40 gift, honorarium or other thing of value shall not apply if acceptance  
41 is from a member of the immediate family when the family member  
42 received such in the course of his or her employment.

43 c. Subsection a. of this section shall not apply if an officer or staff  
44 member of the Executive Branch or member of the Legislature or  
45 legislative staff who accepted any compensation, reward, gift,  
46 honorarium or other thing of value provided by a lobbyist or

1 [legislative] governmental affairs agent makes a full reimbursement,  
2 within 90 days of acceptance, to the lobbyist or [legislative]  
3 governmental affairs agent in an amount equal to the money accepted  
4 or the fair market value of that which was accepted if other than  
5 money. As used in this subsection, "fair market value" means the  
6 actual cost of the compensation, reward, gift, honorarium or other  
7 thing of value accepted.

8 d. A violation of this section shall not constitute a crime or offense  
9 under the laws of this State.

10 (cf: P.L.2003, c.255, s.2)

11  
12 27. This act shall take effect immediately.

### 15 STATEMENT

16  
17 This bill amends the "Legislative Activities Disclosure Act of 1971"  
18 (N.J.S.A.52:13C-19 et seq.) to expand the definition of legislative  
19 agents and lobbyists to include those who seek to influence  
20 governmental processes, and requires disclosure of such activity. That  
21 activity is defined as making any attempt, whether successful or not,  
22 to assist a represented entity or group to engage in communication  
23 with, or to secure information from, an officer or staff member of the  
24 Executive Branch, or any authority, board, commission or other  
25 agency or instrumentality in or of a principal department of the  
26 Executive Branch of State Government authorized by law to  
27 administer governmental processes or perform such other functions  
28 that relate to such processes.

29 The term "governmental process" is defined to mean promulgation  
30 of executive orders; rate setting; development, negotiation, award,  
31 modification or cancellation of public contracts; issuance, denial,  
32 modification, renewal, revocation or suspension of permits, licenses or  
33 waivers; procedures for bidding; imposition or modification of fines  
34 or penalties; procedures for purchasing; rendition of administrative  
35 determinations; or award, denial, modification, renewal or termination  
36 of financial assistance, grants and loans.

37 The bill exempts from the law as it relates to influencing these  
38 governmental processes any communications, matters or acts of an  
39 attorney falling within the attorney-client privilege while engaging in  
40 the practice of law to the extent that confidentiality is required in order  
41 for the attorney to exercise his ethical duties as a lawyer, and any  
42 communications, matters or acts involving collective negotiations, or  
43 the interpretation or violation of collective negotiation agreements, of  
44 a labor organization of any kind which exists or is constituted for the  
45 purpose, in whole or in part, of collective bargaining, or of dealing  
46 with employers concerning the grievances, terms or conditions of

1 employment, or of other mutual aid or protection in connection with  
2 employment.

3 In addition, the bill changes the title of the "Legislative Activities  
4 Disclosure Act of 1971" to the "Legislative and Governmental Process  
5 Activities Disclosure Act" and the term "legislative agent" to  
6 "governmental affairs agent" to better reflect the broader scope of  
7 N.J.S.A.52:13C-19 et seq. as amended by this bill. All current  
8 provisions of the law regulating legislative agents who now influence  
9 legislation or regulations will regulate governmental affairs agents who  
10 influence legislation, regulation or governmental processes.

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15 Expands definition of lobbyist and legislative agent to include those  
16 who influence governmental processes; defines governmental  
17 processes.