

ASSEMBLY, No. 1753

STATE OF NEW JERSEY

INTRODUCED MARCH 25, 1996

By Assemblyman LANCE

1 AN ACT concerning certain contact by members or employees of the
2 Legislature with State agencies and amending P.L.1971, c.182.

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

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7 1. Section 5 of P.L.1971, c.182 (C.52:13D-16) is amended to read
8 as follows:

9 5. a. No special State officer or employee, nor any partnership,
10 firm or corporation in which he has an interest, nor any partner, officer
11 or employee of any such partnership, firm or corporation, shall
12 represent, appear for, or negotiate on behalf of, or agree to represent,
13 appear for or negotiate on behalf of, any person or party other than the
14 State in connection with any cause, proceeding, application or other
15 matter pending before the particular office, bureau, board, council,
16 commission, authority, agency, fund or system in which such special
17 State officer or employee holds office or employment.

18 b. No State officer or employee or member of the Legislature, nor
19 any partnership, firm or corporation in which he has an interest, nor
20 any partner, officer or employee of any such partnership, firm or
21 corporation, shall represent, appear for, or negotiate on behalf of, or
22 agree to represent, appear for, or negotiate on behalf of, any person
23 or party other than the State in connection with any cause, proceeding,
24 application or other matter pending before any State agency[;
25 provided, however, this]. Nothing contained herein shall be deemed
26 to prohibit any such partnership, firm or corporation from appearing
27 on its own behalf. This subsection shall not be deemed to prohibit a
28 member of the Legislature or an employee on the member's behalf
29 from: (1) making an inquiry for information on behalf of a constituent,
30 which may include ascertaining the status of a matter, identifying the
31 statutes or regulations involved in a matter or inquiring how to
32 expedite a matter; (2) assisting the constituent in bringing the merits
33 of the constituent's position to the attention of a State agency; or (3)
34 making a recommendation on a matter or indicating support for a

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 constituent's position to a State agency if no fee, reward, employment,
2 offer of employment, or other thing of value is promised to, given to
3 or accepted by the member of the Legislature or an employee therefor,
4 whether directly or indirectly [nor shall anything contained herein be
5 deemed to prohibit any such partnership, firm or corporation from
6 appearing on its own behalf.], and the member or employee does not
7 endeavor to use his official position to improperly influence any
8 determination. As used in this subsection "constituent" shall mean any
9 State resident or other person seeking legislative assistance. Nothing
10 contained herein shall authorize contact with State agencies by
11 members of the Legislature or their employees which is otherwise
12 prohibited by the criminal law, this act or the Code of Ethics and
13 nothing contained herein shall authorize contact with an administrative
14 law judge or agency head during the hearing of a contested case.

15 c. Nothing contained in this section shall be deemed to prohibit any
16 legislator, or any State officer or employee or special State officer or
17 employee from representing, appearing for or negotiating on behalf of,
18 or agreeing to represent, appear for, or negotiate on behalf of, any
19 person or party other than the State in connection with any
20 proceeding:

21 (1) Pending before any court of record of this State,

22 (2) In regard to a claim for compensation arising under chapter 15
23 of Title 34 of the Revised Statutes (Workers' Compensation),

24 (3) In connection with the determination or review of transfer
25 inheritance or estate taxes,

26 (4) In connection with the filing of corporate or other documents
27 in the office of the Secretary of State,

28 (5) Before the Division on Civil Rights or any successor thereof,

29 (6) Before the New Jersey State Board of Mediation or any
30 successor thereof,

31 (7) Before the New Jersey Public Employment Relations
32 Commission or any successor thereof,

33 (8) Before the Unsatisfied Claim and Judgment Fund Board or any
34 successor thereof solely for the purpose of filing a notice of intention
35 pursuant to P.L.1952, c.174, §5 (C.39:6-65), or

36 (9) Before any State agency on behalf of a county, municipality or
37 school district, or any authority, agency or commission of any thereof
38 except where the State is an adverse party in the proceeding and
39 provided he is not holding any office or employment in the State
40 agency in which any such proceeding is pending.

41 (cf: P.L.1987, c.432, s.3)

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43 2. This act shall take effect immediately.

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STATEMENT

This bill authorizes members of the Legislature or employee on their behalf to assist their constituents by: (1) making certain inquiries on their behalf in matters pending before State agencies; (2) assisting the constituent in bringing the merits of the constituent's position to the attention of a State agency; or (3) making recommendation on a matter or indicating support for a constituent's position to a State agency provided no fee, reward, employment, offer of employment, or other things of value is promised to or given to the member or employee for the service and the member or employee does not endeavor to use his official position to improperly influence any State agency determination. This bill would not authorize contact with State agencies by members or employees of the Legislature which is otherwise prohibited by criminal law, the New Jersey Conflicts of Interest Law or the Code of Ethics. Nothing in the bill shall authorize contact with an administrative law judge during the course of a contested matter.

Allows legislators and their employees to inquire on behalf of and assist constituents with State agency matters if nothing of value is received and legislators or employees do not use their official position to improperly influence any determination.