

52:13C-36

LEGISLATIVE HISTORY CHECKLIST

(Awards Court costs for certain actions under Legislative Activities Disclosure Act)

IWSA 52:13C-36

LANS OF 1977

CHAPTER 451

Bill No. A1000

Sponsor(s) Codey

Date Introduced Pre-filed

Committee: Assembly State Gov't, Federal & Interstate Relations

Senate Labor, Industry & Professions

Amended during passage ~~YES~~ No

Date of Passage: Assembly May 24, 1976

Senate Jan. 27, 1977

Date of approval March 2, 1978

Following statements are attached if available:

Sponsor statement Yes ~~YES~~ Below

Committee Statement: Assembly ~~YES~~ No

Senate Yes ~~YES~~

Fiscal Note ~~YES~~ No

Veto Message ~~YES~~ No

Message on signing ~~YES~~ No

Following were printed:

Reports ~~YES~~ No

Hearings ~~YES~~ No

Sponsor's statement:

This bill would provide for the awarding of court costs for certain actions brought under this section of the Legislative Activities Disclosure Act.

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ASSEMBLY, No. 1000

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1976 SESSION

By Assemblyman CODEY

AN ACT concerning damages and amending section 19 of P. L. 1971,
c. 183.

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

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

3 19. a. When it shall appear to the Attorney General that a per-
4 son required to file any statement under this act has failed to file
5 such required statement, or has filed a statement false, inaccurate
6 or incomplete in any material matter, or has otherwise violated the
7 provisions of this act; or when the Attorney General believes it to
8 be in the public interest that an investigation should be made to
9 ascertain whether a person has in fact violated any of the pro-
10 visions of this act, he may apply to the Superior Court for an order
11 or orders directing.

12 (1) That any such person or persons to make available to his
13 inspection, or to the inspection of any of his authorized deputies or
14 agents, such records as are required to be kept by that person
15 pursuant to section 7 of this act; or

16 (2) That any such person file a statement or report in writing
17 under oath concerning the facts and circumstances upon which the
18 Attorney General's belief in the necessity of an investigation is
19 based; or

20 (3) That any person submit to examination under oath by the
21 Attorney General in connection with said circumstances, and pro-
22 duce any and all records, books and other documents which may be
23 specified by order of the court; or

24 (4) That the Attorney General may impound any record, book
25 or other documents specified by order of the court.

26 b. Such application by the Attorney General shall set forth all
27 the facts and circumstances upon which his belief in the necessity of
28 an investigation is based. The court may proceed on such applica-
29 tion in a summary manner; and if the court determines that from
30 the evidence submitted it appears that a person required to file any
31 statement under this act has failed to file such statement, or has
32 filed a statement false, inaccurate or incomplete in any material
33 respect, or has otherwise violated any of the provisions of this act,
34 or that it is the public interest that an investigation be held to
35 determine whether such violation has occurred, the court shall issue
36 such order pursuant to subsection a. of this section as it may deem
37 necessary and proper.

38 c. The Attorney General shall hold as confidential all statements,
39 books, records, testimony and other information or sources of in-
40 formation coming into his possession or knowledge as a result of an
41 investigation pursuant to this section; and he shall not disclose or
42 divulge any such materials or information to anyone except the
43 court under whose order such material or information comes into
44 his knowledge or possession, unless the court shall order its dis-
45 closure to a grand jury of this State or other appropriate authori-
46 ties for the purposes of enforcing the provisions of this act or any
47 other law.

48 d. If any person shall refuse to testify or produce any book,
49 paper or other document in any proceeding under this section as
50 ordered by the court on the grounds that the testimony or evidence,
51 documentary or otherwise, which is required of him may tend to
52 incriminate him, convict him of a crime, or subject him to a penalty
53 or forfeiture, and shall, notwithstanding, be directed to testify or to
54 produce such book, paper or document, he shall comply with such
55 direction. A person who is entitled by law to assert such privilege,
56 and does so assert, and thereafter complies with such direction,
57 shall not thereafter be prosecuted or subjected to any penalty or
58 forfeiture in any criminal proceeding which arises out of and
59 relates to the subject matter of the proceeding. No person so
60 testifying shall be exempt from prosecution or punishment for
61 perjury on false swearing committed by him in giving such
62 testimony.

63 e. *In any action brought under this section, the court may award*
64 *to the State all costs of investigation and trial, including a reason-*
65 *able attorney's fee to be fixed by the court. If costs are awarded in*
66 *such an action brought against a legislative agent, the judgment*

67 *may be awarded against the legislative agent, and the legislative*
68 *agent's employer or employers joined as defendants, jointly,*
69 *severally, or both. If the defendant prevails, he shall be awarded*
70 *all costs of trial, and may be awarded a reasonable attorney's fee*
71 *to be fixed by the court and paid by the State of New Jersey.*

1 2. This act shall take effect immediately.

STATEMENT

This bill would provide for the awarding of court costs for certain actions brought under this section of the Legislative Activities Disclosure Act.

SENATE LABOR, INDUSTRY AND
PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1000

STATE OF NEW JERSEY

DATED: DECEMBER 13, 1976

Section 19 of the "Legislative Activities Disclosure Act" encompasses those actions which the Attorney General may take, upon issuance of a Superior Court order, against persons who violate the provisions of the act. These include the inspection of records, examination under oath, and the impounding of documents.

Assembly Bill No. 1000 provides for the awarding of court costs which result from such actions. If the State prevails in an action against the lobbyist or his employer, the judgment may be awarded against them for the cost of the investigation, the trial, and attorney's fees. If the defendant prevails, he would be awarded all trial costs, including attorney's fees, to be paid by the State.

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FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

MARCH 2, 1978

ANNE BURNS

Governor Brendan Byrne today signed into law the following bills:

A-1000, sponsored by Assemblyman Richard Codey (D-Essex) which would permit the awarding of all costs of investigation and trial, including reasonable attorney's fees to be fixed by the court.

If the costs are awarded in such an action brought against a legislative agent, the judgement may be awarded against the legislative agent and the legislative agent's employer or employers.

The legislation also permits a prevailing defendant to recover reasonable attorney's fees and trial costs against the State.

A-1683, sponsored by Assemblyman Christopher Jackman (D-Hudson) which applies only to counties of the first class.

It allows certain State employees paid by those counties to be reinstated into a county pension fund upon their return to the State position within five years after having left it.

The bill would apply to persons working for the State but who are paid by the county. The persons must have completed 15 years of State employment before leaving voluntarily and must have accumulated at least 15 years of pension credit.

A-1989, sponsored by Assemblyman Walter L. Kozloski (R-Monmouth) which provides that whenever the construction or maintenance of State highways by the Department of Transportation results in the destruction or contamination of a well, spring, pond, or reservoir necessary for the use or enjoyment of private or public property, the Commissioner of Transportation can compensate the owner for the destruction or contamination.

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~~none~~

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Trenton, N. J.