

52:13C-21.5

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2004 **CHAPTER:** 38

NJSA: 52:13C-21.5 (Prohibits legislative agents from collecting contingency fees)

BILL NO: A25 (Substituted for S25)

SPONSOR(S) Fisher and others

DATE INTRODUCED: May 17, 2004

COMMITTEE: **ASSEMBLY:** State Government

SENATE: ----

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** May 24, 2004

SENATE: June 10, 2004

DATE OF APPROVAL: June 16, 2004

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Original version of bill enacted)

A25

[SPONSOR'S STATEMENT](#): (Begins on page 4 of original bill) [Yes](#)

COMMITTEE STATEMENT: **[ASSEMBLY:](#)** [Yes](#)

[SENATE:](#) No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S25

[SPONSOR'S STATEMENT](#): (Begins on page 4 of original bill) [Yes](#)
Bill and Sponsors Statement identical to A25

COMMITTEE STATEMENT: **[ASSEMBLY:](#)** No

[SENATE:](#) [Yes](#)
Identical to Assembly Statement to A25

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

[GOVERNOR'S PRESS RELEASE ON SIGNING:](#) [Yes](#)

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

For clippings see legislative history of L2004 c. 19

P.L. 2004, CHAPTER 38, *approved June 16, 2004*

Assembly, No. 25

1 **AN ACT** concerning the compensation of legislative agents and
2 amending and supplementing P.L.1971, c.183.

3

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

6

7 1. Section 4 of P.L.1971 c.183 (C.52:13C-21) is amended to read
8 as follows:

9 4. a. Any person who, on or after the effective date of P.L.1991,
10 c.243, is employed, retained or engages himself as a legislative agent
11 shall, prior to any communication with, or the making of any
12 expenditures providing a benefit to, a member of the Legislature,
13 legislative staff, the Governor, the Governor's staff, or an officer or
14 staff member of the Executive Branch, and in any event within 30 days
15 of that effective date or of such employment, retainer or engagement,
16 whichever occurs later, file a signed notice of representation with the
17 Election Law Enforcement Commission in such detail as the
18 commission may prescribe, identifying himself and persons by whom
19 he is employed or retained, and the persons in whose interests he is
20 working, and the general nature of his proposed services as a
21 legislative agent for such persons, which notice shall contain the
22 following information:

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

24 (2) the name, business address and occupation or principal business
25 of the person from whom he receives compensation for acting as a
26 legislative agent;

27 (3) (a) the name, business address and occupation or principal
28 business of any person in whose interest he acts as a legislative agent
29 in consideration of the aforesaid compensation, if such person is other
30 than the person from whom said compensation is received; and

31 (b) if a person, identified under paragraph (2) of this subsection as
32 one from whom the legislative agent receives compensation, is a
33 membership organization or corporation whose name or occupation so
34 identified does not, either explicitly or by virtue of the nature of the
35 principal business in which the organization or its members, or the
36 corporation or its shareholders, is commonly known to be engaged,
37 clearly reveal the primary specific economic, social, political, or other
38 interest which the organization or corporation may reasonably be
39 understood to seek to advance or protect through its employment,
40 retainer, or engagement of the legislative agent, a description of that

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.

1 primary economic, social, political, or other interest and a list of the
2 persons having organizational or financial control of the organization
3 or corporation, including the names, mailing addresses and
4 occupations, respectively, of those persons. The commission shall
5 promulgate rules and regulations to govern the content of any
6 information required to be disclosed under this subparagraph and shall
7 take such steps as are reasonably necessary to ensure that all such
8 information is, in accordance with those rules and regulations, both
9 accurate and complete.

10 Any list of legislative agents and their principals required to be
11 published quarterly under subsection h. of section 6 of P.L.1971, c.183
12 (C.52:13C-23) shall include, for each such principal for whom it is not
13 otherwise apparent, the primary specific interest which the principal
14 may reasonably be understood to seek to advance or protect through
15 its engagement of the legislative agent and the category of persons
16 required to file additional information, as that interest and such
17 category shall have been determined under subparagraph (b) of this
18 paragraph;

19 (4) whether the person from whom he receives said compensation
20 employs him solely as a legislative agent, or whether he is a regular
21 employee performing services for his employer which include but are
22 not limited to the influencing of legislation or regulation;

23 (5) the length of time for which he will be receiving compensation
24 from the person aforesaid for acting as a legislative agent, if said
25 length of time can be ascertained at the time of filing;

26 (6) the type of legislation or regulation or the particular legislation
27 or regulation in relation to which he is to act as legislative agent in
28 consideration of the aforesaid compensation, and any particular
29 legislation or regulation or type of legislation or regulation which he
30 is to promote or oppose;

31 (7) [a full and particular description of any agreement,
32 arrangement or understanding according to which his compensation,
33 or any portion thereof, is or will be contingent upon the success of any
34 attempt to influence legislation or regulation] ~~deleted by amendment,~~
35 P.L. ., c. (now pending before the Legislature as this bill).

36 b. Any legislative agent who receives compensation from more
37 than one person for his services as a legislative agent shall file a
38 separate notice of representation with respect to each such person;
39 except that a legislative agent whose fee for acting as such in respect
40 to the same legislation or regulation or type of legislation or regulation
41 is paid or contributed to by more than one person may file a single
42 statement, in which he shall detail the name, business address and
43 occupation or principal business of each person so paying or
44 contributing.

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

1 2. (New section) A legislative agent shall not enter into any
2 agreement, arrangement, or understanding under which the legislative
3 agent's compensation, or any portion thereof, is made contingent upon
4 the success of any attempt to influence legislation or regulation.

5
6 3. This act shall take effect immediately and apply to any
7 agreement, arrangement, or understanding entered into after that
8 effective date.

9
10
11 STATEMENT

12
13 This bill would amend existing law to eliminate the ability of a
14 legislative agent to enter into a contingency fee agreement with a
15 client under which the legislative agent's compensation is made
16 contingent upon the success of attempts to influence legislation or
17 regulation. Thus, New Jersey would join 42 other states that already
18 prohibit or restrict the ability of legislative agents to accept continency
19 fees. Pursuant to provisions in existing law, a legislative agent who
20 accepts a contingency fee in violation of the bill's provisions could be
21 fined up to \$1,000 by the Election Law Enforcement Commission.

22
23
24 _____
25
26 Prohibits legislative agents from accepting contingency fees to
27 influence legislation or regulation.

ASSEMBLY, No. 25

STATE OF NEW JERSEY

211th LEGISLATURE

INTRODUCED MAY 17, 2004

Sponsored by:

Assemblyman DOUGLAS H. FISHER

District 3 (Salem, Cumberland and Gloucester)

Assemblywoman JOAN M. QUIGLEY

District 32 (Bergen and Hudson)

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

Assemblyman LOUIS D. GREENWALD

District 6 (Camden)

Co-Sponsored by:

**Assemblymen Gusciora, Scalera, Mayer, Van Drew, McKeon,
Assemblywoman Cruz-Perez, Assemblymen R.Smith, Conners, Panter,
Morgan, Manzo, Payne, Vas, Cryan, Stanley, Assemblywoman Greenstein,
Assemblyman O'Toole, Senators Codey, Lance and Coniglio**

SYNOPSIS

Prohibits legislative agents from accepting contingency fees to influence legislation or regulation.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/11/2004)

A25 FISHER, QUIGLEY

2

1 AN ACT concerning the compensation of legislative agents and
2 amending and supplementing P.L.1971, c.183.

3

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

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7 1. Section 4 of P.L.1971 c.183 (C.52:13C-21) is amended to read
8 as follows:

9 4. a. Any person who, on or after the effective date of P.L.1991,
10 c.243, is employed, retained or engages himself as a legislative agent
11 shall, prior to any communication with, or the making of any
12 expenditures providing a benefit to, a member of the Legislature,
13 legislative staff, the Governor, the Governor's staff, or an officer or
14 staff member of the Executive Branch, and in any event within 30 days
15 of that effective date or of such employment, retainer or engagement,
16 whichever occurs later, file a signed notice of representation with the
17 Election Law Enforcement Commission in such detail as the
18 commission may prescribe, identifying himself and persons by whom
19 he is employed or retained, and the persons in whose interests he is
20 working, and the general nature of his proposed services as a
21 legislative agent for such persons, which notice shall contain the
22 following information:

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

24 (2) the name, business address and occupation or principal business
25 of the person from whom he receives compensation for acting as a
26 legislative agent;

27 (3) (a) the name, business address and occupation or principal
28 business of any person in whose interest he acts as a legislative agent
29 in consideration of the aforesaid compensation, if such person is other
30 than the person from whom said compensation is received; and

31 (b) if a person, identified under paragraph (2) of this subsection as
32 one from whom the legislative agent receives compensation, is a
33 membership organization or corporation whose name or occupation so
34 identified does not, either explicitly or by virtue of the nature of the
35 principal business in which the organization or its members, or the
36 corporation or its shareholders, is commonly known to be engaged,
37 clearly reveal the primary specific economic, social, political, or other
38 interest which the organization or corporation may reasonably be
39 understood to seek to advance or protect through its employment,
40 retainer, or engagement of the legislative agent, a description of that
41 primary economic, social, political, or other interest and a list of the
42 persons having organizational or financial control of the organization
43 or corporation, including the names, mailing addresses and

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.

1 occupations, respectively, of those persons. The commission shall
2 promulgate rules and regulations to govern the content of any
3 information required to be disclosed under this subparagraph and shall
4 take such steps as are reasonably necessary to ensure that all such
5 information is, in accordance with those rules and regulations, both
6 accurate and complete.

7 Any list of legislative agents and their principals required to be
8 published quarterly under subsection h. of section 6 of P.L.1971, c.183
9 (C.52:13C-23) shall include, for each such principal for whom it is not
10 otherwise apparent, the primary specific interest which the principal
11 may reasonably be understood to seek to advance or protect through
12 its engagement of the legislative agent and the category of persons
13 required to file additional information, as that interest and such
14 category shall have been determined under subparagraph (b) of this
15 paragraph;

16 (4) whether the person from whom he receives said compensation
17 employs him solely as a legislative agent, or whether he is a regular
18 employee performing services for his employer which include but are
19 not limited to the influencing of legislation or regulation;

20 (5) the length of time for which he will be receiving compensation
21 from the person aforesaid for acting as a legislative agent, if said
22 length of time can be ascertained at the time of filing;

23 (6) the type of legislation or regulation or the particular legislation
24 or regulation in relation to which he is to act as legislative agent in
25 consideration of the aforesaid compensation, and any particular
26 legislation or regulation or type of legislation or regulation which he
27 is to promote or oppose;

28 (7) [a full and particular description of any agreement,
29 arrangement or understanding according to which his compensation,
30 or any portion thereof, is or will be contingent upon the success of any
31 attempt to influence legislation or regulation] ~~deleted by amendment,~~
32 P.L. , c. (now pending before the Legislature as this bill).

33 b. Any legislative agent who receives compensation from more
34 than one person for his services as a legislative agent shall file a
35 separate notice of representation with respect to each such person;
36 except that a legislative agent whose fee for acting as such in respect
37 to the same legislation or regulation or type of legislation or regulation
38 is paid or contributed to by more than one person may file a single
39 statement, in which he shall detail the name, business address and
40 occupation or principal business of each person so paying or
41 contributing.

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

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44 2. (New section) A legislative agent shall not enter into any
45 agreement, arrangement, or understanding under which the legislative
46 agent's compensation, or any portion thereof, is made contingent upon

1 the success of any attempt to influence legislation or regulation.

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3 3. This act shall take effect immediately and apply to any
4 agreement, arrangement, or understanding entered into after that
5 effective date.

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STATEMENT

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9 This bill would amend existing law to eliminate the ability of a
10 legislative agent to enter into a contingency fee agreement with a
11 client under which the legislative agent's compensation is made
12 contingent upon the success of attempts to influence legislation or
13 regulation. Thus, New Jersey would join 42 other states that already
14 prohibit or restrict the ability of legislative agents to accept continency
15 fees. Pursuant to provisions in existing law, a legislative agent who
16 accepts a contingency fee in violation of the bill's provisions could be
17 fined up to \$1,000 by the Election Law Enforcement Commission.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 25

STATE OF NEW JERSEY

DATED: MAY 20, 2004

The Assembly State Government Committee reports favorably
Assembly, No. 25.

This bill amends existing law to eliminate the ability of a legislative agent to enter into a contingency fee agreement with a client under which the legislative agent's compensation is made contingent upon the success of attempts to influence legislation or regulation. A legislative agent who accepts a contingency fee in violation of the bill's provisions could be fined up to \$1,000 by the Election Law Enforcement Commission.

SENATE, No. 25

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED MAY 20, 2004

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex)

Senator LEONARD LANCE

District 23 (Warren and Hunterdon)

Co-Sponsored by:

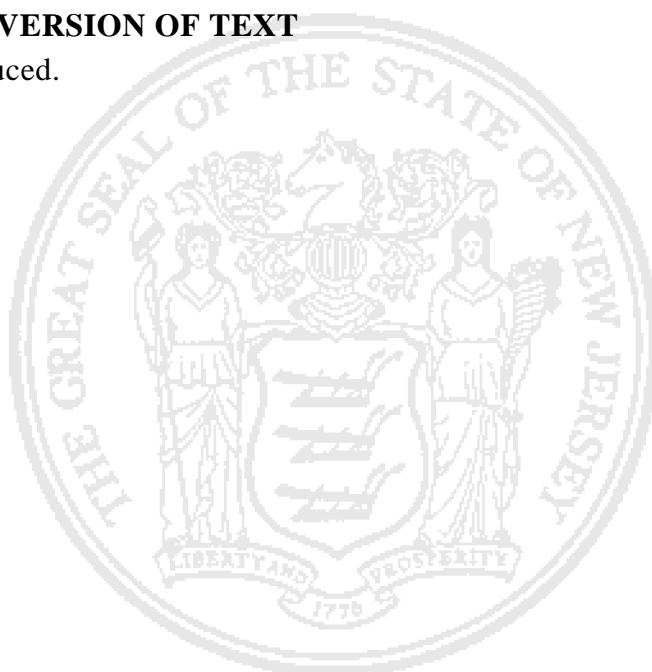
Senator Coniglio

SYNOPSIS

Prohibits legislative agents from accepting contingency fees to influence legislation or regulation.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/8/2004)

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

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14 regulation. Thus, New Jersey would join 42 other states that already
15 prohibit or restrict the ability of legislative agents to accept contingency
16 fees. Pursuant to provisions in existing law, a legislative agent who
17 accepts a contingency fee in violation of the bill's provisions could be
18 fined up to \$1,000 by the Election Law Enforcement Commission.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 25

STATE OF NEW JERSEY

DATED: JUNE 3, 2004

The Senate State Government Committee reports favorably Senate, No. 25.

This bill would amend existing law to eliminate the ability of a legislative agent to enter into a contingency fee agreement with a client under which the legislative agent's compensation is made contingent upon the success of attempts to influence legislation or regulation. Thus, New Jersey would join 42 other states that already prohibit or restrict the ability of legislative agents to accept contingency fees. Pursuant to provisions in existing law, a legislative agent who accepts a contingency fee in violation of the bill's provisions could be fined up to \$1,000 by the Election Law Enforcement Commission.

This bill is identical to Assembly, No. 25 of 2004.

Office of the Governor

News Releases

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PO BOX 004
TRENTON, NJ 08625

Contact: Micah Rasmussen
609-777-2600

RELEASE: June 16, 2004

McGreevey Signs Landmark Ethics Reform Legislation

Bills Provide A More Accountable and Transparent Government

(TRENTON) – Governor James E. McGreevey today signed into law the strongest ethics and campaign finance reform package in the history of New Jersey – and one of the strongest in the nation.

“Today is a good day for government and a victory for our citizens,” said Governor McGreevey. “From the stronger penalties, to the increased disclosure, to the end of the influence of campaign contributions on no-bid contracts, this reform package provides a more accountable and more transparent government for all. I want to congratulate the citizens, the State Legislature, and the numerous advocacy groups who helped make these reforms a reality.”

The legislation is the most comprehensive ethics and campaign finance reform initiative the State has embarked upon in more than 30 years and makes New Jersey only the fourth state in the entire country to enact a “pay-to-play” ban.

"The numerous positive achievements in this legislation clearly demonstrate how Democrats have seized the initiative on ethics reform," said Senate Majority Leader Bernard F. Kenny Jr. (D-Hudson). "As the Majority Party, Democrats have acted to put us in the right direction after years of inaction by the Republicans. The reforms enacted today are long overdue, but they mark the beginning - not the end - of our commitment to eliminate any perception that those who give the most to political campaigns get favored treatment in the form of lucrative State contracts."

Among the reforms the package are: prohibiting anyone who receives a no-bid contract from making certain political contributions; strengthening legislative ethics; enhancing reporting of legislators' financial disclosure requirements, hidden financial interests, and

conflicts of interests; increasing penalties for ethics and campaign finance violations and for illegally soliciting campaign contributions; and expanding the definition of lobbyist and legislative agent, ensuring that all parties who seeks to influence government are properly disclosed.

One of the main components of the ethics reform package is S-2/A-2, which prohibits state, county or local government officials from awarding no-bid contracts to their campaign contributors and prohibits no-bid contract holders from contributing to officials holding office at the government level in which the contract is in effect.

“This has been a long and winding journey, but today New Jersey sets an unprecedented standard for disclosure and transparency, and takes significant steps to reduce the influence of money in politics,” said Governor McGreevey. “We should be proud of the example New Jersey has set for the rest of the nation, but we must also continue to work together to uphold the highest standards of ethical conduct.”

The ethics reform package signed into law today includes:

- **S-2** -- Prohibits campaign contributions by certain business entities performing State, county and local contracts, as well as prohibits certain contributions by county committee of political party.
- **S-4** -- Extends certain financial disclosure requirements to lobbying conducted through advertisements and direct mail to general public.
- **A-5** -- Change the minimum contribution that needs to be reported to the Election Law Enforcement Commission (ELEC) from \$400 to \$300 and requires the reporting of all cash campaign contributions.
- **A-6** -- Requires professional campaign fundraisers to register and file quarterly reports with ELEC.
- **A-7** -- Expands campaign communications require identification to include telephone calls featuring recorded messages made in regard to candidates and public questions. The message or call would clearly state the name of business or address of the committee, group or person that financed the communication.

"Just as voters have a right to know who is sending them campaign literature, New Jerseyans should see who is behind commercials or advertisements calling for action on a specific bill or regulation under consideration," said Assemblywoman Linda Greenstein (D-Mercer/Middlesex). "Issue ads are nothing more than thinly-veiled political campaign commercials, and all money spent on them should be publicly disclosed."

- **S-8** -- Prohibits the solicitation or making of political contributions on state property by state officeholders or their representatives.

- **A-9** -- Requires Election Law Enforcement Commission (ELEC) to assess its Internet site and recommend improvements for the site's format and content. ELEC) would evaluate the presentation, accessibility, convenience, and usefulness of its Web site and recommend upgrades.
- **S-10** -- Requires certain campaign and organizational treasurers to be trained by ELEC. It also requires ELEC to make the training program available over its Internet site within one year of the bill's enactment.
- **A-11** -- Increases the maximum fines for violating campaign contribution and expenditure limit, reporting requirements and payment restrictions. The bill doubles the maximum fines that may be imposed for a variety of violations.
- **A-12** -- Requires certain election committees/ joint candidates committees to file a report with ELEC within 48 hours of making certain expenditures in excess of \$800 during certain periods of an election cycle.
- **A-14** -- Blocks legislators, Governor and department heads from lobbying activities for one year after leaving office.

"The strong link between government service and private lobbying creates - at a minimum - an appearance of impropriety in the eyes of the public," said Assemblyman Michael J. Panter (D-Monmouth/Mercer). "It also creates the very real possibility that the judgment of an elected or appointed official could be affected by their own financial concerns rather than the public's best interest. The signing of this bill today represents a new era in New Jersey politics, and a step in the right direction toward good government."

- **A-15** – Prohibits employment or assignment of relatives of certain employees of the Executive Branch, independent authorities, and interstate agencies to specific positions. Expands upon last year's nepotism ban by extending the definition of immediate family and including certain Executive Branch departments and commissions.
- **S-16** – Bans any member of the Legislature from acting on legislation in which they or their family member has a personal interest. The bill eliminates the option of filing a personal interest statement and instead prohibits the member from acting on legislation that they have a personal interest.
- **S-17**-- Changes memberships of Executive Commission on Ethical Standards and Joint Legislative Committee on Ethical Standards. The changes equalize the number of public and governmental official members.
- **S-18** -- Increases monetary penalties for violations of "New Jersey Conflicts of Interest Law." The bill increases the fine for civil violations of the conflict of interest laws to between \$500 and \$10,000 for State officers and employees or

members of the Legislature.

- **S-19**-- Requires candidates seeking office of Governor or legislator to disclose prior conviction for criminal offense. Candidates would be required to file a form setting out whether they have been convicted of an indictable crime.

"As legislators, we often consider measures that would require members of the public to undergo criminal background checks or disclose criminal histories prior to consideration for employment," said Assemblyman Jeff Van Drew (D-Cape May). "However, current state law fails to require state elected officials to disclose similar backgrounds. This is more than a statutory anomaly. It is an error in need of immediate correction."

- **S-22** -- Expands the definition of lobbyist and legislative agent to include those who influence the governmental process and actions in the Executive Branch, agency, or instrumentality.
- **A-23** -- Requires ELEC to conduct random audits of records kept by legislative agents. Currently, ELEC has the authority to conduct such audits, but this bill would require them to do so.
- **A-24** -- Directs ELEC to collect \$100 annual fee from legislative agents. The fee would be deposited in the general fund to be appropriated to ELEC. The fee would offset the costs of ELEC's new responsibilities.
- **A-25** -- Prohibits legislative agents from accepting contingency fees to influence legislation or regulations. This bill amends the existing law by eliminating the ability of a legislative agent to enter into a contingency fee agreement with a client. The legislative agent's reimbursement could not be dependent upon the whether or not he or she was successful in trying to influence legislation or regulation.

State of New Jersey Governor's Office

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