

52:13 D-16

**LEGISLATIVE HISTORY CHECKLIST**  
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(Legislators and Legislative Branch employees--  
certain contact with state agencies on behalf  
of constituents)

NJSA: 52:13D-16

LAWS OF: 1996 CHAPTER: 116

BILL NO: S597

SPONSOR(S): Schluter and others

DATE INTRODUCED: January 29, 1996

COMMITTEE: ASSEMBLY: State Government

SENATE: Judiciary

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: June 27, 1996

SENATE: February 26, 1996

DATE OF APPROVAL: September 16, 1996

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

**FOLLOWING WERE PRINTED:**

REPORTS: No

HEARINGS: No

Reference to recommendations, in committee statement:  
memo issued by Joint Legislative Committee -- not attached.

BP:pp

[Corrected Copy]  
SENATE, No. 597

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1996

By Senators SCHLUTER, DiFRANCESCO, Codey, Sacco and  
Adler

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:

6  
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[; **thus**];  
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

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

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

- 23 (1) Pending before any court of record of this State,
- 24 (2) In regard to a claim for compensation arising under chapter 15  
25 of Title 34 of the Revised Statutes (Workers' Compensation),
- 26 (3) In connection with the determination or review of transfer  
27 inheritance or estate taxes,
- 28 (4) In connection with the filing of corporate or other documents  
29 in the office of the Secretary of State,
- 30 (5) Before the Division on Civil Rights or any successor thereof,
- 31 (6) Before the New Jersey State Board of Mediation or any  
32 successor thereof,
- 33 (7) Before the New Jersey Public Employment Relations  
34 Commission or any successor thereof,
- 35 (8) Before the Unsatisfied Claim and Judgment Fund Board or any  
36 successor thereof solely for the purpose of filing a notice of intention  
37 pursuant to P.L.1952, c.174, §5 (C.39:6-65), or
- 38 (9) Before any State agency on behalf of a county, municipality or  
39 school district, or any authority, agency or commission of any thereof  
40 except where the State is an adverse party in the proceeding and  
41 provided he is not holding any office or employment in the State  
42 agency in which any such proceeding is pending.

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

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45 2. This act shall take effect immediately.

STATEMENT

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

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

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9 constituent's position to a State agency provided no fee, reward,  
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SENATE JUDICIARY COMMITTEE

STATEMENT TO

**SENATE, No. 597**

**STATE OF NEW JERSEY**

DATED: FEBRUARY 15, 1996

The Senate Judiciary Committee reports favorably Senate Bill No. 597.

This bill authorizes members of the Legislature or employees 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 a recommendation on a matter or indicating support for a constituent's position to a State agency provided no fee, reward, 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.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

**SENATE, No. 597**

**STATE OF NEW JERSEY**

DATED: JUNE 10, 1996

The Assembly State Government Committee reports favorably Senate Bill No. 597.

This bill authorizes members of the Legislature or employees 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 a 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 thing 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.

This legislation embodies recommendations unanimously adopted by the Joint Legislative Committee on Ethical Standards.