

# 52:13D-13

## LEGISLATIVE HISTORY CHECKLIST Compiled by the NJ State Law Library

**LAWS OF:** 1971           **CHAPTER:** 359  
**NJSA:** 52:13D-13      (Amends "New Jersey Conflicts of Interest Law")  
**BILL NO:** S2340  
**SPONSOR(S)** Sears and Crabiel  
**DATE INTRODUCED:** December 2, 1971  
**COMMITTEE:**       **ASSEMBLY:** ---  
                              **SENATE:** ---  
**AMENDED DURING PASSAGE:** No  
**DATE OF PASSAGE:**       **ASSEMBLY:** December 6, 1971  
  **SENATE:** December 2, 1971  
**DATE OF APPROVAL:** December 21, 1971

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (Original version of bill enacted)

S2340

<b>SPONSOR'S STATEMENT:</b>	No
<b>COMMITTEE STATEMENT:</b>	<b>ASSEMBLY:</b> No
	<b>SENATE:</b> No
<b>FLOOR AMENDMENT STATEMENT:</b>	No
<b>LEGISLATIVE FISCAL NOTE:</b>	No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

LAW

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CHAPTER 359 LAWS OF N. J. 1971  
APPROVED 12-21-71

SENATE, No. 2340

STATE OF NEW JERSEY

INTRODUCED DECEMBER 2, 1971

By Senators SEARS and CRABIEL

(Without Reference)

AN ACT to amend the "New Jersey Conflicts of Interest Law,"  
approved June 2, 1971 (P. L. 1971, c. 182).

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

1 1. Section 2 of P. L. 1971, c. 182 (C. 52:13D-13) is amended to  
2 read as follows:

3 2. As used in this act, and unless a different meaning clearly  
4 appears from the context, the following terms shall have the follow-  
5 ing meaning:

6 a. "State agency" means any of the principal departments in  
7 the Executive Branch of the State Government, and any division,  
8 board, bureau, office, commission or other instrumentality within  
9 or created by such department, the Legislature of the State and any  
10 office, board, bureau or commission within or created by the Legis-  
11 lative Branch, and any independent State authority, commission,  
12 instrumentality or agency. A county or municipality shall not be  
13 deemed an agency or instrumentality of the State.

14 b. "State officer or employee" means any person, other than  
15 a member of the Legislature, holding an office or employment in a  
16 State agency, excluding special State officers or employees as  
17 defined in subsection e. of this section.

18 c. "Member of the Legislature" means any person elected to  
19 serve in the General Assembly or the Senate.

20 d. "Head of a State agency" means (1) in the case of the  
21 Executive Branch of government, the department head or, if the  
22 agency is not assigned to a department, the Governor, and (2) in  
23 the case of the Legislative Branch, the chief presiding officer of  
24 each house of the Legislature.

25 e. "Special State officer or employee" means (1) any person hold-  
26 ing an office or employment in a State agency **[,]** for which office or  
27 employment **[(1)]** no compensation is authorized or provided by  
28 law, or **[(2)]** no compensation other than a sum in reimbursement

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law.**

29 of expenses, whether payable per diem or per annum, is authorized  
30 or provided by law *and (2) any person, not a member of the Legis-*  
31 *lature, holding a part-time elective or appointive office or employ-*  
32 *ment in the Legislative branch.*

33 f. "Person" means any natural person, association or cor-  
34 poration.

35 g. "Interest" in a corporation means the ownership or control  
36 of more than 10% of the stock of the corporation.

37 h. "*Cause, proceeding, application or other matter*" means a  
38 *specific cause, proceeding or matter and does not mean or include*  
39 *determinations of general applicability or the preparation or re-*  
40 *view of legislation which is no longer pending before the Legis-*  
41 *lature or the Governor.*

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

3 5. a. No special State officer or employee, nor any partnership,  
4 firm or corporation in which he has an interest, nor any partner,  
5 officer or employee of any such partnership, firm or corporation,  
6 shall represent, appear for, or negotiate on behalf of, or agree to  
7 represent, appear for or negotiate on behalf of, any person or  
8 party other than the State in connection with any cause, proceeding,  
9 application or other matter pending before the [State agency]  
10 *particular office, bureau, board, council, commission, authority,*  
11 *agency, fund or system* in which such special State officer or em-  
12 ployee holds office or employment.

13 b. No State officer or employee or member of the Legislature,  
14 nor any partnership, firm or corporation in which he has an interest,  
15 nor any partner, officer or employee of any such partnership, firm  
16 or corporation, shall represent, appear for, or negotiate on behalf  
17 of, or agree to represent, appear for, or negotiate on behalf of, any  
18 person or party other than the State in connection with any cause,  
19 proceeding, application or other matter pending before any State  
20 agency; provided, however, this subsection shall not be deemed to  
21 prohibit a member of the Legislature from making an inquiry for  
22 information on behalf of a constituent, if no fee, reward or other  
23 thing of value is promised to, given to or accepted by the member of  
24 the Legislature, whether directly or indirectly nor shall anything  
25 contained herein be deemed to prohibit any such partnership, firm  
26 or corporation from appearing on its own behalf.

27 c. Nothing contained in this section shall be deemed to prohibit  
28 any legislator, or any State officer or employee or special State  
29 officer or employee from representing, appearing for or negotiating  
30 on behalf of, or agreeing to represent, appear for, or negotiate on

31 behalf of, any person or party other than the State in connection  
32 with any proceeding pending before any court of record of this  
33 State, any proceeding in regard to a claim for compensation  
34 arising under chapter 15 of Title 34 of the Revised Statutes (Work-  
35 men's Compensation), any proceeding in connection with the de-  
36 termination or review of transfer inheritance or estate taxes, any  
37 proceeding before the Division of Tax Appeals, any proceeding in  
38 connection with the filing of corporate or other documents in the  
39 office of the Secretary of State, any proceeding before the Divi-  
40 sion of Civil Rights, the New Jersey State Board of Mediation or  
41 the New Jersey Public Employment Relations Commission, or any  
42 successor thereof or any proceeding on behalf of a county, munici-  
43 pality or school district, or any authority, agency or commission of  
44 any thereof except where the State is an adverse party in the pro-  
45 ceeding and provided he is not holding any office or employment  
46 in the State agency in which any such proceeding is pending.

1 3. Section 6 of P. L. 1971, c. 182 (C. 52:13D-17) is amended to  
2 read as follows:

3 6. **[(a)]** No State officer or employee or special State officer or  
4 employee, subsequent to the termination of his office or employment  
5 in any State agency, shall represent, appear for or negotiate on  
6 behalf of, or agree to represent, appear for, or negotiate on behalf  
7 of, whether by himself or through any partnership, firm or corpora-  
8 tion in which he has an interest or through any partner, officer or  
9 employee thereof, any person or party other than the State in con-  
10 nection with any cause, proceeding, application or other matter  
11 with respect to which such State officer or employee or special  
12 State officer or employee shall have made any investigation,  
13 rendered any ruling, given any opinion, or been otherwise *sub-*  
14 *stantially and* directly involved at any time during the course of  
15 his office or employment. Any person who willfully violates the  
16 provisions of this section is a disorderly person, and shall be subject  
17 to a fine not to exceed \$500.00 or imprisonment not to exceed 6  
18 months, or both.

19 **[(b)]** No State officer or employee or special State officer or  
20 employee, within the 2 years next subsequent to the termination  
21 of his office or employment in any State agency, shall represent,  
22 appear for or negotiate on behalf of, or agree to represent, appear  
23 for or negotiate on behalf of, any person or party other than the  
24 State in connection with any cause, proceeding, application or other  
25 matter pending before the State agency in which the State officer  
26 or employee or special State officer or employee formerly held  
27 office or employment.]

1 4. This act shall take effect January 11, 1972.