

SENATE, No. 779

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

Senator GERALD CARDINALE

District 39 (Bergen and Passaic)

SYNOPSIS

Permits travel by legislator to foreign country to be paid for by foreign country when legislator travels in official capacity.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning payment of travel expenses of legislator by
2 foreign country and amending P.L.1971, c.182.

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 13 of P.L.1971, c.182 (C.52:13D-24) is amended to
8 read as follows:

9 13. a. No State officer or employee, special State officer or
10 employee, or member of the Legislature shall solicit, receive or
11 agree to receive, whether directly or indirectly, any compensation,
12 reward, employment, gift, honorarium, out-of-State travel or
13 subsistence expense or other thing of value from any source other
14 than the State of New Jersey, for any service, advice, assistance,
15 appearance, speech or other matter related to the officer, employee,
16 or member's official duties, except as authorized in this section.

17 b. A State officer or employee, special State officer or
18 employee, or member of the Legislature may, in connection with
19 any service, advice, assistance, appearance, speech or other matter
20 related to the officer, employee, or member's official duties, solicit,
21 receive or agree to receive, whether directly or indirectly, from
22 sources other than the State, the following:

23 (1) reasonable fees for published books on matters within the
24 officer, employee, or member's official duties;

25 (2) reimbursement or payment of actual and reasonable
26 expenditures for travel or subsistence and allowable entertainment
27 expenses associated with attending an event in New Jersey if
28 expenditures for travel or subsistence and entertainment expenses
29 are not paid for by the State of New Jersey;

30 (3) reimbursement or payment of actual and reasonable
31 expenditures for travel or subsistence outside New Jersey, not to
32 exceed \$500.00 per trip, if expenditures for travel or subsistence
33 and entertainment expenses are not paid for by the State of New
34 Jersey. The \$500 per trip limitation shall not apply if the
35 reimbursement or payment is made by (a) a nonprofit organization
36 of which the officer, employee, or member is, at the time of
37 reimbursement or payment, an active member as a result of the
38 payment of a fee or charge for membership to the organization by
39 the State or the Legislature in the case of a member of the
40 Legislature; (b) a nonprofit organization that does not contract with
41 the State to provide goods, materials, equipment, or services; **[or]**
42 (c) any agency of the federal government, any agency of another
43 state or of two or more states, or any political subdivision of
44 another state; or (d) any government of a foreign country, or agency

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 or political subdivision thereof, for travel by a member of the
2 Legislature to that foreign country.

3 Members of the Legislature shall obtain the approval of the
4 presiding officer of the member's House before accepting any
5 reimbursement or payment of expenditures for travel or subsistence
6 outside New Jersey.

7 As used in this subsection, "reasonable expenditures for travel or
8 subsistence" means commercial travel rates directly to and from an
9 event and food and lodging expenses which are moderate and
10 neither elaborate nor excessive; and "allowable entertainment
11 expenses" means the costs for a guest speaker, incidental music and
12 other ancillary entertainment at any meal at an event, provided they
13 are moderate and not elaborate or excessive, but does not include
14 the costs of personal recreation, such as being a spectator at or
15 engaging in a sporting or athletic activity which may occur as part
16 of that event.

17 c. This section shall not apply to the solicitation or acceptance
18 of contributions to the campaign of an announced candidate for
19 elective public office, except that campaign contributions may not
20 be accepted if they are known to be given in lieu of a payment
21 prohibited pursuant to this section.

22 d. (1) Notwithstanding any other provision of law, a designated
23 State officer as defined in paragraph (2) of this subsection shall not
24 solicit, receive or agree to receive, whether directly or indirectly,
25 any compensation, salary, honorarium, fee, or other form of income
26 from any source, other than the compensation paid or reimbursed to
27 him or her by the State for the performance of official duties, for
28 any service, advice, assistance, appearance, speech or other matter,
29 except for investment income from stocks, mutual funds, bonds,
30 bank accounts, notes, a beneficial interest in a trust, financial
31 compensation received as a result of prior employment or
32 contractual relationships, and income from the disposition or rental
33 of real property, or any other similar financial instrument and
34 except for reimbursement for travel as authorized in paragraphs (2)
35 and (3) of subsection b. of this section. To receive such income, a
36 designated State officer shall first seek review and approval by the
37 State Ethics Commission to ensure that the receipt of such income
38 does not violate the "New Jersey Conflicts of Interest Law,"
39 P.L.1971, c.182 (C.52:13D-12 et seq.) or any applicable code of
40 ethics, and does not undermine the full and diligent performance of
41 the designated State officer's duties.

42 (2) For the purposes of this subsection, "designated State
43 officer" shall include: the Governor, the Adjutant General, the
44 Secretary of Agriculture, the Attorney General, the Commissioner
45 of Banking and Insurance, the director of the Division of Business
46 Assistance, Marketing, and International Trade, the Commissioner
47 of Community Affairs, the Commissioner of Corrections, the
48 Commissioner of Education, the Commissioner of Environmental

1 Protection, the Commissioner of Health and Senior Services, the
2 Commissioner of Human Services, the Commissioner of Children
3 and Families, the Commissioner of Labor and Workforce
4 Development, the President of the State Board of Public Utilities,
5 the Secretary of State, the Superintendent of State Police, the
6 Commissioner of Transportation, the State Treasurer, the head of
7 any other department in the Executive Branch, and the following
8 members of the staff of the Office of the Governor: Chief of Staff,
9 Chief of Management and Operations, Chief of Policy and
10 Communications, Chief Counsel to the Governor, Director of
11 Communications, Policy Counselor to the Governor, and any
12 deputy or principal administrative assistant to any of the
13 aforementioned members of the staff of the Office of the Governor
14 listed in this subsection.

15 e. A violation of this section shall not constitute a crime or
16 offense under the laws of this State.

17 (cf: P.L.2008, c.29, s.105)

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19 2. This act shall take effect immediately.

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22 STATEMENT

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24 This bill would permit a member of the Legislature to accept
25 payment or reimbursement that exceeds the current \$500 limitation
26 on payment or reimbursement for travel outside the State of New
27 Jersey, not paid for by the State, from the government of a foreign
28 country for travel to that foreign country in the legislator's official
29 capacity.