



State of New Jersey

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September 6, 1983

Helen Ransky, President
New Jersey Chapter
American Physical Therapy Association
P.O. Box 1259
133 S. Main Street
Hightstown, New Jersey 08520

ADVISORY OPINION NO. 11-1983

Dear Ms. Ransky:

Your letter to the Election Law Enforcement Commission requesting an Advisory Opinion has been considered by the Commission and I have been directed to issue this response. You have asked whether the New Jersey Chapter of the American Physical Therapy Association must report as a lobbying expenditure the cost of a small gift made by the Association to each legislator in connection with enactment of the Physical Therapist Licensing Act, L. 1983, c.296. For reasons stated herein, the Commission finds on the facts submitted that the Association is not required to report the cost of the gift because such cost was incurred after the enactment of legislation, and therefore is not considered a " . . . direct, express and intentional communication with legislators . . . undertaken for the specific purpose of affecting legislation during the previous year." N.J.S.A. 52:13C-22.1.

You have written the Commission that after the Physical Therapists' Licensing Act was signed into law on August 4, 1983, the Association made a small gift of an umbrella, obtained at the cost of \$4.58, to each State legislator. The card on the package sent to the legislators identified the Association as the donor, and indicated the gift was in appreciation for the adoption of the Physical Therapist Licensing Act.

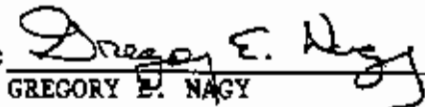
Initially, the Commission observes that unless the Association expends more than \$2,500 for purposes of lobbying in New Jersey in the 1983 calendar year, the Association is not required to file an annual report of lobbying expenditures pursuant to N.J.S.A. 52:13C-22.1. However, assuming that the Association does exceed that threshold amount, the question presented by this inquiry is whether expenditures for the umbrellas after the enactment of the legislation would require that expenditure to be listed in the annual report.

The term "legislation" is defined to include " . . . all bills, resolutions, amendments, nominations and appointments pending or proposed in either House of the Legislature, and all bills and resolutions which, having passed both Houses, are pending approval by the Governor." N.J.S.A. 52:13C-20(b) The facts you have submitted indicate that the Association made the expenditure in question after the enactment of the Physical Therapists Licensing Act and without any prior pledgeor commitment to any legislator. Therefore, the gifts are related to a statute enacted into law, not to a pending or proposed bill, or to a bill pending approval by the Governor. If the gifts had been made or pledged prior to the date of enactmant, they would be subject to reporting because the accompanying card expressly relates those gifts to the Physical Therapists Licensing Act.

Very truly yours,

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

By:



GREGORY E. NAGY
Staff Counsel

GEN/ck