

New Jerseyans should know county and municipal dollars spent on lobbying



Tuesday, 17 August 2010

15:19



BY JEFF BRINDLE

COMMENTARY

Benjamin Franklin lobbied the British parliament on behalf of the Continental Congress, making him the first American lobbyist.

Many individuals have followed in Franklin's footsteps, in their case

lobbying on behalf of State and local government entities. So Franklin, along with his numerous political, diplomatic, and scientific exploits, can be credited with establishing this precedent as well.

To be sure, not much has been written about government employing individuals to lobby other government entities --- at least not until recently.

Now, however, in light of almost insurmountable budgetary problems at every level of government, and with high property taxes impacting home owners, this activity is being given greater scrutiny.

The first shot across the bow came when the State's Comptroller, Matthew Boxer, issued a report in March 2009.

Though not recommending that public entities be prohibited from hiring lobbyists, the report recommended cost cutting measures and greater transparency.

The comptroller called for governmental agencies to report to the Election Law Enforcement Commission (ELEC) their hiring of outside lobbying firms. It recommended that governments themselves file reports and not delegate this responsibility to the contracting firm.

Soon after taking office, Governor Chris Christie, in Executive Order 15, directed that "All existing contracts between State

Authorities and lobbyists or legislative agents shall be terminated as soon as is legally permissible."

The Order required State Authorities to identify all lobbyist contracts and to not "enter into . . . any contract . . . unless expressly authorized . . . by the Governor's Office."

The existence of contracts between governmental entities and professional lobbyists has generally flown under the radar screen throughout the years and been little publicized.

But with the economic climate being what it is, and budgets stretched to the limit, greater attention is being paid to this activity.

Herb Jackson, Record reporter, wrote that lobbyists were paid \$1.3 million by municipalities and public colleges during the first six months of this year to lobby Washington.

He pointed out that local governments employed a well known lobbying firm to lobby on grants and noted that the Passaic Valley Sewerage Authority spent \$1.1 million on federal lobbying over the past decade.

The New Jersey Association of Counties has also found itself in the news recently. As reported by the Herald News, the Association received over \$200,000 in annual dues this year from county governments. The Association lobbies on behalf of county governments but is not required to disclose its activities.

The Star-Ledger reported earlier this year that at least 52 public bodies paid \$2.1 million to lobby state officials in 2009. The analysis was based on annual disclosures by lobbyists to ELEC that, under current law, are strictly voluntary.

Legislators from both parties already are moving to close this loophole. A bipartisan bill cosponsored by Senators Loretta Weinberg (D-Bergen) and Tom Goodwin (R-Mercer) would require lobbyists to file annual and quarterly reports with ELEC if they represent any government agency or political subdivision in the State of New Jersey.

Under New Jersey's lobbying law, registered lobbyists report their lobbying activity to ELEC on a quarterly basis. In addition, annual financial reports are disclosed to ELEC each February.

But the information contained in these reports pertains to lobbying State government only. Attempts to influence the

Legislature and executive branch on legislation, regulations, and governmental processes come under the disclosure law.

Lobbying on behalf of local government entities or the lobbying of local government is not required to be reported under the State's statute.

While some contract lobbying firms report their activity vis-à-vis local government voluntarily, many don't. And this leaves a big gap in disclosure and doesn't benefit the public in the least.

As part of its priority recommendations for legislative reforms, the Election Law Enforcement Commission has called for lobbying on behalf of local governmental entities by contract lobbying firms to be disclosed by these firms.

Moreover, it has called for the lobbying of local government entities on behalf of private clients to be disclosed by contract lobbying firms. With millions of dollars in public contracts issued to private businesses it's not unusual for private clients to pay lobbyists to lobby local government entities.

While the Commission is not calling for a ban on this activity, as exists in some other jurisdictions, it is calling for disclosure of lobbying at the local level.

To be sure, much of this activity may be justified on a cost/benefit basis. A municipality expending \$10,000 for a lobbyist for a return of \$100,000 in State aid may certainly be worth the expenditure but it should be up to the public to decide whether such spending merits its support.

And the only way the public can decide whether expending municipal and county dollars on lobbying is justified is if the lobbying activity is disclosed and made readily available.

Jeff Brindle is the Executive Director of the New Jersey Election Law Enforcement Commission.

The opinions presented here are his own and not necessarily those of the Commission.