

OTHER AGENCIES

NEW JERSEY MEADOWLANDS COMMISSION

Prohibition Against Improper Influence

Proposed New Rule: N.J.A.C. 19:4-4.23

Authorized By: New Jersey Meadowlands Commission, Robert R.

Ceberio, Secretary

Authority: N.J.S.A. 13:17-6(i)

Calendar Reference: See Summary below for explanation of exception
to calendar requirement.

Proposal Number: PRN 2007-372

A public hearing on this matter will be held on Tuesday, January 8, 2008

at 10:00 A.M. at the following location:

New Jersey Meadowlands Commission
Two DeKorte Park Plaza
Lyndhurst, NJ 07071

Submit written comments by February 15, 2008 to:

Ileana Kafrouni, P.P., AICP
Director of Land Use Management
Chief of Regulatory Affairs
New Jersey Meadowlands Commission
One DeKorte Park Plaza
Lyndhurst, NJ 07071

The agency proposal follows:

Summary

Pursuant to N.J.S.A. 13:17-6(i), the New Jersey Meadowlands Commission (NJMC) proposes to adopt a new rule at N.J.A.C. 19:4-4.23.

The NJMC staff was authorized by the NJMC Board of Commissioners on September 19, 2007, to proceed with this proposed rulemaking in order to ensure that the NJMC has a mechanism in place to ensure that its procedures for regulating development are carried out in accordance with the most stringent ethical standards legally available.

A summary of the proposed rule follows:

N.J.A.C. 19:4-2.1(n), Prohibition against improper influence, prohibits any person from attempting to improperly influence any member of the staff or the NJMC with regard to their decision on an application before the NJMC.

As the NJMC has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirements, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The adoption of N.J.A.C. 19:4-4.23 will result in a positive social impact. The proposed new rule will help to ensure that all persons shall

meet a standard of responsibility for fair competition and honest performance in their dealings with the NJMC.

Economic Impact

N.J.A.C. 19:4-4.23 may have a negative economic impact on persons who attempt to improperly influence the NJMC or its staff. Such persons may be subject to prosecution by the Office of the Attorney General. The rule will not, however, have an effect upon the total number of contracts entered into by the NJMC. The rule will have a positive economic impact on the NJMC and the public, in that it will help to ensure that the NJMC deals only with those contractors who maintain standards of performance and integrity.

Environmental Impact

N.J.A.C. 19:4-4.23 will have no environmental impact.

Federal Standards Statement

N.J.S.A. 52:14B-4 requires State agencies that adopt, readopt or amend State regulations that exceed any Federal standards or requirements to include in the rulemaking document a comparison with Federal law. The proposed new rule has not been formulated in

accordance with the authority of or in order to implement, comply with or participate in any program established under Federal law.

Jobs Impact

The NJMC does not anticipate that the proposed new rule will have any impact on job creation or retention in the State, except that N.J.A.C. 19:4-4.23 may have a negative impact on those businesses that may attempt to improperly influence the NJMC. However, the rule has no effect on the number of contracts that the NJMC enters into; therefore, the number of jobs that may result from those contracts will remain constant.

Agriculture Industry Impact

The NJMC does not anticipate that the proposed new rule will have any impact upon agriculture in New Jersey. The Hackensack Meadowlands District is an area comprised of commercial, industrial, and residential areas.

Regulatory Flexibility Analysis

There are no costs and no professional services are required in order to comply with the proposed new rule. The rule merely seeks to ensure that no person attempts to improperly influence the NJMC or its staff with regard to decision making on applications. Accordingly, the

NJMC has not established different requirements or exemptions for small businesses, because no business, regardless of its size, should be permitted to act in an unethical or dishonest manner.

Smart Growth Impact

Executive Order No. 4 (2002) requires State agencies that adopt, amend, or repeal State regulations to include in the rulemaking document a Smart Growth Impact statement that describes the impact of the proposed rule on the achievement of smart growth and implementation of the State Development and Redevelopment Plan (State Plan). Although the provisions of the State Plan do not apply to the NJMC (pursuant to N.J.S.A. 52:18A-206), the NJMC Master Plan sets forth smart growth principles to guide growth within the Meadowlands District consistent with State policy. The NJMC rules serve as the implementation tool of this policy.

The new rule proposed at N.J.A.C. 19:4-4.23 does not relate to the State's land use and development policies in a way that would either encourage or discourage any development or redevelopment in this State contrary to the guiding principles of the State Plan. As a result, the NJMC does not expect this rulemaking to have an impact on the State's achievement of smart growth or implementation of the State Plan.

Full text of the proposed new rules follows:

19:4-4.23 Prohibition against improper influence

No person shall, with respect to any application made to the NJMC, whether such application requires a decision by the staff or the NJMC, attempt to contact any member of the NJMC Staff or a Commissioner in an effort to improperly influence them with respect to their decision regarding the subject application. This prohibition shall also apply to rulemaking. Any member of the NJMC staff or a Commissioner who has been contacted in this regard shall immediately report such contact to the Office of the Attorney General, which shall take any necessary and appropriate action.