



New Jersey State League
of Municipalities

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Executive Director

Legislative

Bulletin

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No. 2

2018-2019 Legislative Session

THE FOLLOWING BILLS WERE ENACTED AS THE PUBLIC LAWS OF 2019:

Chapter 39 **S-121** **3/18/2019**

Bars provisions in employment contracts that waive rights or remedies; bars agreements that conceal details relating to discrimination claims.

Chapter 42 **S-1073** **3/18/2019**

Authorizes municipalities, counties, and certain authorities to establish stormwater utilities.

Chapter 44 **S-2454** **3/18/2019**

Concerns prevailing wage requirements for certain fabrication.

Chapter 51 **A-1400** **3/18/2019**

Revises law governing Class Three special law enforcement officer.

Chapter 53 **A-4177** **3/18/2019**

Allows county homelessness trust funds to be used for code blue emergency shelter services.

Chapter 56 **A-4134** **3/28/2019**

"New Jersey Secure Choice Savings Program Act"; establishes retirement savings program for certain workers; establishes standard contribution level of 3 percent.

A = Approved by the League

O = Opposed by the League

BILL NO. AND SPONSOR	BILL SUMMARY	CURRENT STATUS	LEAGUE POSITION
AR-222 McKnight, Angela Chiaravalloti, Nicholas Pinkin, Nancy	Urges New Jersey Supreme Court to study the reasonableness of lowering court fees in civil asset forfeiture cases.	Assembly Committee with Amendments, 2nd Reading	A
A-778 Caputo, Ralph Jones, Patricia Egan	Requires State and local law enforcement agencies to assist officers receiving nomination petitions to investigate validity of any objection thereto when requested. <i>Use of local law enforcement in political investigation is unnecessary.</i>	Assembly Judiciary Committee	O
A-1700/S-1583 Dancer, Ronald Vainieri Huttie, Valerie Cruz-Perez, Nilsa Cunningham, Sandra	Specifies vacant shopping malls and office parks as eligible for designation as areas in need of redevelopment.	Assembly Committee with Amendments, 2nd Reading/ Senate Committee with Amendments, 2nd Reading	A

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BILL NO. AND SPONSOR	BILL SUMMARY	CURRENT STATUS	LEAGUE POSITION
<p>A-3809</p> <p>Dancer, Ronald Andrzejczak, Bob Taliaferro, Adam</p>	<p>Permits community gardens to sell excess produce.</p> <p><i>Allows private profit from public property. Conflicts with law regarding concessions.</i></p>	<p>Assembly Agriculture and Natural Resources Committee</p>	<p>O</p>
<p>A-3881/S-2517</p> <p>Giblin, Thomas Cryan, Joseph</p>	<p>Exempts nonprofit vocational training schools from property tax.</p> <p><i>IRS 501c definitions are much broader than NJ tax exemption status.</i></p>	<p>Assembly Education Committee/Senate Education Committee</p>	<p>O</p>
<p>A-3921/S-2580</p> <p>Mazzeo, Vincent Peters, Ryan Howarth, Joe Kean, Thomas Cruz-Perez, Nilsa</p>	<p>Permits sale of certain alcoholic beverages and related products at seasonal farm markets.</p> <p><i>Oppose, unless amended to condition issuance of permits on local approval.</i></p>	<p>Senate Economic Growth Committee/ Senate Economic Growth Committee</p>	<p>O</p>
<p>A-4222/S-3419</p> <p>Johnson, Gordon Calabrese, Clinton Weinberg, Loretta</p>	<p>"Swift Access For Emergency Response Actions Preservation Program (SAFER APP); authorizes Attorney General to order turn-by-turn navigation systems to reroute vehicular traffic under certain conditions.</p>	<p>Assembly Homeland Security and State Preparedness Committee/ Senate Law and Public Safety Committee</p>	<p>A</p>
<p>A-4288</p> <p>Thomson, Edward</p>	<p>Includes value of certain properties exempt from taxation in valuation used to calculate State school aid in SDA districts.</p> <p><i>Eliminates the purpose and intent of PILOTS.</i></p>	<p>Assembly Education Committee</p>	<p>O</p>
<p>A-4506</p> <p>Dancer, Ronald</p>	<p>Waives uniform fire safety code permit fees for places of worship with hospitality rooms for the homeless.</p> <p><i>Well-meaning but unnecessary. Local option is preferred and bill does not address State Fees.</i></p>	<p>Assembly State and Local Government Committee</p>	<p>O</p>
<p>A-4517</p> <p>Wimberly, Benjie Speight, Shanique Reynolds-Jackson, Verlina</p>	<p>Establishes "New Jersey Eviction Crisis Task Force."</p> <p><i>Supportive of the goal but the direction and composition of the task force is misplaced. No municipal representation on the task force.</i></p>	<p>Assembly Committee, 2nd Reading</p>	<p>O</p>
<p>A-4772/S-3391</p> <p>Schaer, Gary Mukherji, Raj Greenstein, Linda Cruz-Perez, Nilsa</p>	<p>Requires public water systems to provide customers with certain information regarding lead in drinking water.</p> <p><i>Costly.</i></p>	<p>Assembly Appropriations Committee/Senate Environment and Energy Committee</p>	<p>O</p>

BILL NO. AND SPONSOR	BILL SUMMARY	CURRENT STATUS	LEAGUE POSITION
A-4781 Johnson, Gordon Conaway, Herb Zwicker, Andrew	Establishes NJ Fuel Cell Task Force to increase use of fuel cells in State. <i>Would allow industry reps to lead a state funded task force, one authorized to use municipal resources.</i>	Assembly Science, Innovation and Technology Committee	O
A-4969 Swain, Lisa Chiaravalloti, Nicholas Pinkin, Nancy	Establishes "Fairness in Asset Forfeiture Proceedings Task Force."	Assembly Comm. w/ Amendments, 2 nd Reading	A
A-4970/S-3441 Chiaravalloti, Nicholas Sumter, Shavonda Pinkin, Nancy Cryan, Joseph	Revises procedures for certain asset forfeiture proceedings and requires criminal conviction for forfeiture of certain seized property. <i>Costly and premature. We support legislation that would create a task force to study the issue.</i>	Assembly Appropriations Committee/Senate Law and Public Safety Committee	O
A-4985 Rooney, Kevin Wolfe, David	Concerns parking reserved for charging plug-in electric vehicles. <i>Conceptual support; League will contact sponsor regarding technical issues.</i>	Assembly Transportation and Independent Authorities Committee	A*
A-5006 Murphy, Carol	Requires local units of government to provide access to "user-friendly" budget information through link included on home page of Internet site. <i>Unnecessary.</i>	Assembly State and Local Government Committee	O
A-5023/S-3467 McKnight, Angela Mukherji, Raj Chaparro, Annette Chiaravalloti, Nicholas Cunningham, Sandra	Exempts from DOT permitting requirements certain signs not located in protected areas that have been approved by municipality.	Assembly Transportation and Independent Authorities Committee/Senate Transportation Committee	A
S-1353 Turner, Shirley	Eliminates property tax exempt status of certain school faculty housing. <i>Legislation is a step in the right direction but should be expanded to include for profit entities running services on campus (ie-dorms, ice arenas).</i>	Senate Community and Urban Affairs Committee	A*

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<p>S-2310</p> <p>Smith, Bob</p>	<p>Requires DCA to authorize municipalities to impose highly-enhanced energy conservation construction requirements.</p>	<p>Senate Environment and Energy Committee</p>	<p>A</p>
<p>S-2492</p>	<p>Requires law enforcement officers to be stationed at all public schools during school hours; authorizes schools to request funding from Safe Neighborhoods Services Fund.</p> <p><i>Well intended, but an unfunded mandate.</i></p>	<p>Senate Law and Public Safety Committee</p>	<p>O</p>
<p>S-2881/A-5058</p> <p>Singleton, Troy</p>	<p>Requires use of clear polycarbonate boarding for securing vacant and abandoned property.</p> <p><i>A costly proposition that may not lead to recoupment of costs.</i></p>	<p>Senate Community and Urban Affairs Committee</p>	<p>O</p>
<p>S-2991/A-4601</p> <p>Sarlo, Paul</p>	<p>Revises certain aspects of State procurement process.</p> <p><i>Impacts "lowest responsible responsive" bidder threshold and could lead to litigation.</i></p>	<p>Senate Committee, 2nd Reading</p>	<p>O</p>
<p>S-3171</p> <p>Cryan, Joseph Pou, Nellie</p>	<p>Requires State and local government recapture of economic development subsidies for failure to meet minimum job retention obligations.</p> <p><i>Unnecessary as municipalities can already do this. At a certain point the recovery becomes impractical due to costs.</i></p>	<p>Senate Commerce Committee</p>	<p>O</p>
<p>S-3396/A-4951</p> <p>Andrzejczak, Bob Land, Bruce</p>	<p>Permits transmittal of certain land use notices via regular mail.</p>	<p>Senate Community and Urban Affairs Committee/Assembly State and Local Government Committee</p>	<p>A</p>
<p>S-3422</p> <p>Singer, Robert Kean, Thomas</p>	<p>Requires declaration of Code Blue alert when National Weather Service predicts temperatures of 32 degrees Fahrenheit or lower.</p> <p><i>This decision is best left to local officials.</i></p>	<p>Senate Law and Public Safety Committee</p>	<p>O</p>
<p>S-3495</p> <p>O'Scanlon, Declan</p>	<p>Provides that persons entering into civil settlement agreement with State entity must make full restitution; elected officials and employees with fiduciary or contracting responsibilities entering into such agreement will forfeit public office or employment.</p> <p><i>Oppose. We would support a permanent ban on reemployment.</i></p>	<p>Senate State Government, Wagering, Tourism & Historic Preservation Committee</p>	<p>O</p>

BILL NO. AND SPONSOR	BILL SUMMARY	CURRENT STATUS	LEAGUE POSITION
<p>S-3512</p> <p>Pennacchio, Joseph Sweeney, Stephen</p>	<p>Requires bidders on public works construction projects to submit information on fire safety features.</p> <p><i>The proposed legislation does not consider the impact on the Local Public Contracts Law or uniformed construction code.</i></p>	<p>Senate State Government, Wagering, Tourism & Historic Preservation Committee</p>	<p>0</p>



New Jersey State League of Municipalities

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Legislative Backgrounder

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LEGISLATIVE UPDATE

NJLM Sends Budget Notes to Committees

Michael F. Cerra, NJLM Assistant Executive Director;
Lori Buckelew & Jon R. Moran, NJLM Senior Legislative Analysts; Frank Marshall, NJLM Staff Attorney

NJLM's leadership recently sent Senator Paul A. Sarlo (District 36) and Assemblywoman Eliana Pintor Marin (District 29), Chairs of the Senate Budget & Appropriations Committee and Assembly Budget Committee, respectively, the following letter defending municipal concerns in regards to the FY 2020 Budget.

As you review the Governor's proposed FY 2020 budget and put together a final Appropriations Act, please consider the impact that your decisions will have on New Jersey municipalities and local citizens and businesses. From our perspective, municipal property tax relief funding is of paramount importance.

We thank the Governor for an appropriate increase in Transitional Aid and the end of the diversions from the Affordable Housing Trust Fund (a \$59 million restoration), and the Clean Energy (\$70 million) funding programs. While more needs to be done to address the affordable housing crisis in New Jersey municipalities, this is a welcome first step toward the State reentering the playing field to develop a statewide, rational housing policy.

Unfortunately, the proposed budget does not seek to end the diversion of Municipal Property Tax Relief, as well.

Regarding that, the Governor has proposed level funding for combined Energy Tax and Consolidated Municipal Property Tax Relief Assistance (CMPTRA) property tax relief. After 10 years of reduced relief, we hoped to see these funding sources restored to their previous levels. If the Governor's proposal is not changed, FY 2020 funding for Energy Tax and CMPTRA property tax relief will be \$190 million lower than it was before the Recession of 2008. And if the \$71 million shift, which occurred between 2015 and 2018 from Transitional Aid to CMPTRA is discounted, the statewide gap grows to over \$260 million.

The Energy Tax and CMPTRA are all municipal revenue replacement programs. They are not, properly speaking, State aid. They were not meant to make things better for municipal property taxpayers, but rather intended to keep things from getting worse. But things are now worse, since the State slashed funding in the years after the 2008 financial collapse.

In 2007, NJ municipalities divided \$1.63 billion in general property tax relief distributions. On average—and no town is average—that was about \$2.9 million, per municipality. It worked out to about \$188 per capita. For 2020, the Governor asks for only \$1.44 billion in municipal property tax relief, \$190 million less than was distributed before the Great Recession. On average, that would be about \$2.5 million, per municipality or about \$161, per resident.

After over a decade of this failure to honor the State's statutory promise to local taxpayers, the time has come to recognize the

fact that there is a connection between property tax relief funding and property tax relief.

That connection is obscured by the proposed continuation of last year's decision to open the ETR 'lock box,' which has always been funded through taxes (Sales and Corporate) levied on energy-supplying utilities. Instead, the budget would again deliver level funding with Income Tax dollars. This 'accounting change' shakes the foundations of the Energy Tax Receipts Property Tax Relief Fund (ETR), which, for more than 20 years, has delivered reliable, though insufficient, property tax relief to municipal home- and business-owners, all around our Garden State. We urge the respective Budget committees to keep the ETR lock box off-budget.

We want to commend a couple of other initiatives that the Governor mentioned in his speech or that are, otherwise, included in the proposed budget. Negotiated public employee health benefit reforms are projected to provide a total of \$400 million in savings for local employers participating in the State Health Benefits Program or the School Employees' Health benefits Program. Details on these savings have not been provided yet and we are anxious to learn more about how these potential savings may be achieved.

Further, we appreciate that the budget would allocate \$2 million for outreach for the 2020 Census. And, in addition to \$9.8 million in Federal funding, the State will put \$10.8 million toward election access and security.

In addition to our advocacy on the matters already mentioned, League members must ask for a permanent fix to the telecommunications business personal property tax problem that costs more communities more tax revenues every year. The problem began in 2008, when Verizon informed a handful of municipalities that it had decided to exempt itself from payment of taxes on all of the cables and electronic equipment it houses in local switching stations. In the years that followed, similar decisions by Verizon have led to cases affecting taxpayers in hundreds of other New Jersey municipalities.

After a court case that dragged on for 10 years, Hopewell Borough finally prevailed. This win, however, only required Verizon to meet its obligations to the citizens of Hopewell for one year. And we have recently learned that Verizon has appealed even that. Absent legislative action, every affected municipality will be faced with mounting legal bills in every year that Verizon claims an exemption.

A few years ago, Senator Bob Smith and Assemblyman Ralph Caputo introduced legislation that would address this matter. We hope to see remedial bills again this year. And we hope, this time, to see them passed.

We would welcome the opportunity to meet with you, or any other members of the Senate Budget and Appropriations or the Assembly Budget Committees, to discuss our concerns with the proposed budget. 🍷