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December 13, 2019

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Municipal Clerks: Please forward to your Mayor, Governing Body and Department Heads.

I. State Issues

a. Final Votes on Ballot Measure to Legalize Cannabis Scheduled

Yesterday, the Assembly Oversight, Reform and Federal Relations Committee and Senate Commerce Committee held the required public hearings on [ACR-840](#) and [SCR-183](#), authorizing a 2020 public question on legalizing adult use of recreational cannabis. The ballot question includes language that, if authorized by the Legislature, a municipality may pass a local ordinance to charge a local tax on cannabis products.

Both measures are scheduled for final floor votes on Monday and are expected to pass. If they are unable to get 3/5 majority vote but still a majority of votes, the legislature must consider the legislation again during the next legislative session in time to appear on the 2020 general election ballot.

Contact: Michael F. Cerra, Assistant Executive Director, mcerra@njlm.org, 609-695-3481, ext. 120.

b. Expungement Revisions Up for Final Vote

Yesterday, the Assembly Appropriations Committee advanced [A-5981](#), legislation to revise the laws for those seeking expungement of marijuana and other minor crimes. The

bill reflects the major provisions of a similar bill that was sent to the Governor but was conditionally vetoed. The new legislation includes many of the Governor's recommendations. The provisions of this legislation include:

- The waiting period before being able to seek an expungement for certain minor crimes is reduced from 6 to 5 years; and, lowers from 5 years to 4 years the waiting period for a public interest expungement;
- The possession or distribution of 5 pounds or less of marijuana or 1 pound or less of hashish would be changed from a crime to a disorderly persons offense; and
- Eliminate the existing \$75 filing fee for all expungement applications; the bill includes a \$15 million appropriation for, among other things, the Administrative Office of the Courts to develop a web-based system for all expungement filings.

The Senate companion legislation, [S-4154](#), bypassed a committee reference and went immediately to 2nd reading in the Senate. Both bills are scheduled for final votes on Monday.

Contact: Michael F. Cerra, Assistant Executive Director, mcerra@njlm.org, 609-695-3481 x120.

c. Division Issues Guidance on Electronic Procurement

Recently the Division of Local Government Services issued [Local Finance Notice 2019-15](#) providing provisional guidance on the use of electronic procurement pending the adoption of regulations. The Division anticipates promulgating the regulations for [P.L. 2018, c. 156](#), which enables local governments and school districts to use technology for the procurement of goods, services, and public works construction contracts along with sale of surplus property, early next year. In the meantime, we suggest you review the Local Finance Notice with your purchasing official to ensure compliance.

Contact: Lori Buckelew, Senior Legislative Analyst, lbuckelew@njlm.org, 609-695-3481 x112.

II. Federal Issues

a. Federal Food Stamps Rule Change Raises Pressure on Recipients and Providers

Some 12,000 New Jersey residents stand to lose federal food assistance next year due to a Trump administration program change. Saying he is returning the Supplemental Nutrition Assistance Program (SNAP) to its intended purpose as temporary help in tough times, the U.S. Department of Agriculture (USDA) Secretary Sonny Perdue announced last Thursday the finalization of the rule.

The USDA's rule change will limit states' ability to continue to provide SNAP payments to able-bodied adults between the ages of 18 and 49 without dependents. States have been able to receive waivers from SNAP work requirements for areas with high unemployment. The new rule puts stricter standards on states that seek a waiver. Able-bodied adults aged 18 to 49, without dependents, who live in areas where unemployment is less than 10% will

have to work 20 hours a week to continue to get benefits.

This change will, likely, increase the pressure on Food Banks and other non-profit meal providers.

Contact: Jon Moran, Senior Legislative Analyst, jmoran@njlm.org, 609-695-3481 x121.

b. Representative Sherrill Urge Congress to Act on SALT Cap Relief

In an effort to educate her colleagues in Congress on the unfairness of the \$10,000 cap on federal income tax deductions for amounts paid in State and Local Taxes (SALT), New Jersey Representative Mikie Sherrill is taking the House Floor on twelve consecutive days to talk about the cap's impact on New Jersey residents, businesses, and homeowners. She is highlighting the penalty it imposes on married couples, filing jointly. And she explains how it punishes states that invest in their communities – 'investments in roads, libraries, schools, first responders, and teachers.'

Referring to a favorite Christmas carol, Representative Sherrill has dubbed this series of speeches the '12 Days of SALT.' On this past Wednesday, the sixth 'Day of SALT,' she read into the Congressional Record the NJ League of Municipalities [Conference Resolution No. 2019-14](#), which called on Congress to lift the cap. That Resolution was approved at our Annual Conference, last month.

You can read more about her campaign to convince the Congress to lift the SALT Cap in [this story](#), which appeared last Friday in the Sparta Independent.

Also of note, the U.S. House Ways and Means Committee, on Wednesday, approved a bill that would double the \$10,000 cap The bill, [H.R. 5377, the 'Restoring Tax Fairness to States and Localities Act'](#), which is co-sponsored by New Jersey Representative Bill Pascrell, creates a \$20,000 SALT deduction for married couples who file jointly, which would go into effect immediately for tax year 2019.

The bill also calls for the SALT cap to be repealed for tax years 2020 and 2021. The top-end federal income-tax rate of 39.6% would be restored, starting in 2020, to offset revenue that would not be collected by the federal government once the \$10,000 cap is eliminated.

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- Frank Marshall, Esq., League Staff Attorney, fmarshall@njlm.org, 609-695-3481, ext. 137.
- Jon Moran, Senior Legislative Analyst, jmoran@njlm.org, 609-695-3481, ext. 121.

c. FCC Seeks Local Elected Officials for Advisory Committee

The Federal Communications Commission (FCC) is soliciting nominations for membership on the [Intergovernmental Advisory Committee](#) (IAC) and has announced that it is extending the deadline to submit nominations until January 13, 2020.

The mission of the IAC is to provide advice to the FCC on the many telecommunications issues affecting local, state and Tribal governments that are within the jurisdiction of the FCC. These issues can range from major FCC policy priorities such as broadband adoption and deployment, especially in unserved and underserved rural areas, to

strengthening public safety communications infrastructure and emergency response capabilities, streamlining facilities siting while respecting local rights of way, monitoring transition from “legacy” telecommunications services to emerging wireline networks and wireless networks, and ensuring effectiveness and efficiency of the universal service program.

Additional information about the function of the advisory committee, who is eligible to be nominated and procedures for submitting nominations can be found in the [IAC Nominations Public Notice](#). The League urges interested members with the requisite expertise to submit their nomination to the IAC. Local input at the Federal level is critically important, especially now as we see a shift to small cell and 5G technology. If you become a member of the IAC please let us at the League know. We will be happy to assist in any way.

Contact: Frank Marshall, Esq., League Staff Attorney, fmarshall@njlm.org, 609-695-3481 x137.

III. Annual League Conference

a. Claim Your CEU’s from the 2019 League Conference

Attention Municipal Officials! Do Not Forget to Claim Your CEU’s from the 2019 NJLM Annual Conference! Visit the [Conference Tracking page](#) to claim your credits.

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