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## August 31, 2018

- I. State Issues
- II. Federal Issue
- III. League Conference
- IV. Also of Interest

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

A traditionally quiet week in Trenton turned in to a busy one after the Senate and Assembly had a rare late August voting session on Monday. The session was held to approve the Governor's conditional veto of [S-2293](#) (School Bonding), ahead of the deadline for having the bond question appear on the November ballot. By having the voting session, the Legislature also triggered a deadline for the Governor to act on legislation already on his desk and as a result, Governor Murphy took action on over 30 bills before the voting sessions. Later in the week, Attorney General Grewal issued guidance on municipal marijuana prosecutions. Recognizing that today begins Labor Day weekend, this recap will be brief. Next week we will provide a more detailed recap of this week's events.

### I. State Issues

#### a. Governor Vetoes Bag Fee Bill

On Monday, Governor Murphy vetoed [A-3267/S-2600](#). This bill would have placed a \$0.05 fee on single-use carryout bags provided by certain types of stores to customers. The League opposed the bill, which, if signed as is, would have preempted local legislation on this matter.

In his veto message to the Legislature, the Governor commended Legislators for their attention to environmental problems caused by single-use bags. He noted that those problems could have serious economic consequences due to the impact on tourism as well as public water and sewer infrastructure.

The Governor noted:

“As a society, we must break our dependence on single-use bags when going about our daily routines and instead commit ourselves to sustainable alternatives. Our responsibilities as stewards of the environment and our natural resources demand nothing less. I am committed to taking bold but necessary steps in order to protect our environment and firmly believe that we must look forward and implement programs designed for the future.”

His message to the Legislature stated:

“Instituting a five-cent fee on single-use bags that only applies to certain retailers does not go far enough to address the problems created by overreliance on plastic bags and other single-use carryout bags. In order to make a real difference, a single-use bag program must be devised and applied more broadly and consistently in a manner that would avoid loopholes that undermine the ultimate purpose of the program.”

The veto message concludes with the Governor’s promise ‘...to work collaboratively with my legislative colleagues to craft more concrete solutions to this issue.’

We intend to see to it that the concerns of municipal officials will continue to be heard on this issue. And we will keep you posted.

**Contact:** Jon Moran, Senior Legislative Analyst, [jmoran@njslom.org](mailto:jmoran@njslom.org), 609-695-3481, x121.

## **b. Attorney General Issue Marijuana Prosecution Guidance**

On Wednesday, NJ Attorney General Gurbir Grewal issued a Memorandum of Guidance regarding [“Municipal Prosecutors’ Discretion in Prosecuting Marijuana and Other Criminal Offenses.”](#)

The Memorandum prohibits municipal prosecutors from adopting a policy that would have the categorical effect of marijuana decriminalization. However, the AG noted that municipal prosecutors have authority to recommend amending or dismissing a complaint and emphasized that prosecutors should exercise this discretion for marijuana offenses when the interest of justice requires it.

For more information, please see the League’s daily update from [August 30, 2018](#).

**Contact:** Frank Marshall, Esq., League Staff Attorney, [FMarshall@njslom.org](mailto:FMarshall@njslom.org), 609-695-3481, x137.

## **c. New Law Permits Special Assessments and Bond Issuances to Replace Lead Contaminated Water Service Lines**

On August 24, Governor Murphy signed into law [A-4120/S-2695](#), which authorizes municipalities to levy special assessments, and issue bonds, to replace certain lead-contaminated water service lines. However, all projects under this new law must be (a) undertaken as an environmental infrastructure project and (b) funded either by loans from the [New Jersey Infrastructure Bank](#) or New Jersey Department of Environmental Protection. For more on P.L. 2018, c. 114, which took effect on August 24, 2018, please

see our [recent blog post](#).

**Contact:** Lori Buckelew, Senior Legislative Analyst, [lbuckelew@njslom.org](mailto:lbuckelew@njslom.org), 609-695-3481, x112.

#### **d. Attorney Fees for Workers' Compensation Awards**

Governor Murphy signed into law [S-2145](#), which concerns attorney fees for workers' compensation awards. Specifically, P.L. 2018, c. 105 requires that if a workers' compensation petitioner has received compensation from an insurance company prior to any judgment or award, the reasonable allowance for attorney fees will be based upon the amount of compensation received by the petitioner prior to any judgment, but after the establishment of an attorney-client relationship, by written agreement, and the amount of the judgment or award in excess of the amount of compensation already received by the petitioner. This new law took effect on August 24, 2018.

**Contact:** Lori Buckelew, Senior Legislative Analyst, [lbuckelew@njslom.org](mailto:lbuckelew@njslom.org), 609-695-3481, x112.

#### **e. Governor Conditionally Vetoes Three Temporary Disability/Family Leave Bills**

On August 27, Governor Murphy conditionally vetoed [A-2762](#), [A-4118](#), and [S-844](#), all of which address various aspects of the temporary disability and family leave insurance systems. For more please see our recent [blog post](#).

**Contact:** Lori Buckelew, Senior Legislative Analyst, [lbuckelew@njslom.org](mailto:lbuckelew@njslom.org), 609-695-3481 x112.

#### **f. Department of Agriculture Requests Municipal Assistance to Inform Residents of Invasive Pest**

As we reported in [January](#) and [May](#), the [Spotted Lanternfly](#) (*Lycorma delicatula*) poses a threat to forests, ornamental trees, orchards, vegetables, grapes, hops, and other agricultural commodities. Since its initial discovery in Pennsylvania, it has spread to infest portions of 13 counties of that state, and recently it has been discovered in New Jersey in Warren, Hunterdon, and Mercer Counties. The New Jersey Department of Agriculture has recently enacted a state quarantine in these counties to restrict the movement of this insect to un-infested areas of the state.

The Department is asking affected municipalities in the [Quarantined Counties](#) to put on their websites Spotted Lanternfly information, including a [checklist for residents living in quarantine areas](#). This will help inform their residents and workers about this insect and what they can do to prevent accidental movement of this insect. Sightings of this insect can be made to [SLF-plantindustry@ag.nj.gov](mailto:SLF-plantindustry@ag.nj.gov) or by calling the New Jersey Spotted Lanternfly Hotline at 1-833-223-2840 (BADBUG0) and leave a message detailing sighting and contact information.

For additional information or questions please contact Joe Zoltowski, Director, Division of Plant Industry, NJDA, at [Joseph.Zoltowski@ag.nj.gov](mailto:Joseph.Zoltowski@ag.nj.gov) or 609-406-6940.

## II. Federal Issue

### a. US Senate Moves Major Appropriations Bill

Last Thursday, in Washington, on an 85-7 vote, the Senate approved its third “minibus” package of appropriations bills. The bill would authorize spending for the Departments of Defense, Health and Human Services, Labor, and Education, during the Federal government’s upcoming (FY 2019) fiscal year beginning Oct. 1, 2018.

With Thursday’s vote, the Senate has now passed nine of the 12 appropriations bills needed to fund the government beyond September 30. The \$854 billion Labor-HHS-Defense-Education bill alone accounts for roughly 60% of the 2019 appropriations bills. The House of Representatives has completed work on all of its appropriations measures.

The Labor-HHS bill is largely good news for municipalities, with an increase in funding towards fighting opioid abuse, an increase in funding targeted at apprenticeship training programs, as well as a slight increase for the Low-Income Home Energy Assistance Program (LIHEAP). The bill also provides level funding for important programs previously suggested for elimination by the President’s FY19 budget proposal, including the 21st Century Community Learning Centers Program, the Corporation for National and Community Service, and the LIHEAP program.

Hoping to avoid an eleventh-hour rush to pass a continuing resolution at the end of next month, or a government shutdown just weeks before the midterm elections, the Senate and House will still need to reconcile the differences between their respective appropriations bills. Eleven working days remain on the Congressional calendar before the end of the fiscal year on September 30. While there have been threats of a shutdown by the President, the Senate has been hard at work to prevent this from occurring. It is expected that there will likely be a continuing resolution for the three remaining spending bills, including the Homeland Security bill that will be the focus of debates over funding for immigration reform including a U.S.-Mexico border wall.

**Contact:** Jon Moran, Senior Legislative Analyst, [jmoran@njslom.org](mailto:jmoran@njslom.org), 609-695-3481 x121.

## III. League Conference

### a. Unauthorized Hospitality Functions

The 103<sup>rd</sup> Annual League Conference will soon be upon us and we know you are looking forward to a productive and educational week.

Numerous exhibitors and groups have scheduled receptions and hospitality functions during the evening hours in Atlantic City. However, each year there are a few commercial entities that schedule hospitality functions such as brunches and lunches that conflict with the Conference programming. These unauthorized functions should not be confused with legitimate business luncheons sponsored by our affiliated associations and their members. The League urges you not to attend daytime hospitality functions offered by commercial firms.

Instead, plan your daytime activities so you can derive the greatest educational benefit from attending the League Conference. Education sessions begin at 9:00 a.m., break at noon, resume at 2:00 p.m. and finally adjourn at 5:15 p.m..

As always, the League is available to answer your questions on any aspect of the annual conference and we strive to make your participation both enjoyable and highly productive.

**Contact:** Michael J. Darcy, CAE, Executive Director, [mdarcy@njslom.org](mailto:mdarcy@njslom.org), 609-695-3481, x116.

## **b. Exhibits at the Annual Conference**

Do you know a vendor that would be a good fit for the Annual Conference? If so, ask them about being an exhibitor or have them contact Kristin Lawrence, Exhibit Manager at 609-695-3481, x125 or [klawrence@njslom.org](mailto:klawrence@njslom.org). Information is also available on [our website](#).

## **IV. Also of Interest**

### **a. The League is Now Accepting Applications for the Innovation in Governance Program!**

The New Jersey Department of Community Affairs (DCA) and the New Jersey League of Municipalities will again acknowledge and promote Innovation in Governance through our annual recognition program. This is an excellent opportunity to showcase innovative solutions to any problems that have cropped up – either suddenly or over time – in your municipality. It can also be an opportunity to let your peers in on innovations that prevented problems from even arising.

[Visit our awards page](#) to see previous years of impressive ideas created by our winning municipalities as well as the full invitation and application to this year's program.

**Contact:** Ciara Bradley, Legislative Administrator, [CBradley@njslom.org](mailto:CBradley@njslom.org), 609-695-3481, x128.

### **b. Attorney General 21/21 Community Policing Project**

The Attorney General has [asked the 21 County Prosecutors](#) to organize quarterly public events to discuss issues relevant to community policing in the 21st century (the “21/21 Community Policing Project”). The goal of the project is to strengthen relationships between law enforcement officers and the communities they serve – and to address areas of concern before conflicts arise. Starting in spring 2018, each of the County Prosecutors will be responsible for organizing one meeting each on the following topics:

- **Spring 2018** (Apr-Jun) – Investigations of Officer-Involved Shootings
- **Summer 2018** (Jun-Aug) – Opioids
- **Fall 2018** (Sep-Nov) – Immigration Enforcement
- **Winter 2018-19** (Dec-Feb) – Bias Crimes

The events will include presentations and/or discussions on the quarterly topic. For a


listing of scheduled public events contact [your county prosecutor](#) or visit the [21/21 Community Policing Project site](#).

### **c. Application for 2018 Governor's Environmental Excellence Awards Available**

The New Jersey Department of Environmental Protection (DEP) is accepting applications for the 2018 Governor's Environmental Excellence Awards (GEEA). The Governor's Environmental Excellence Awards Program is New Jersey's premier awards program for recognizing outstanding environmental performance, programs, and projects throughout the state. These awards recognize individuals, businesses, institutions, communities, organizations, educators, youth and others who have made significant contributions to environmental protection in New Jersey. Since the awards program was established in 2000, 170 winners have been recognized. Nominations can be submitted for seven different categories. In addition, the category for "Environmental Education" has been divided into two awards: one for adult-led educational initiatives and one for projects that are student-led or have succeeded due to a high level of student involvement.

The GEEA Program is sponsored by the New Jersey Department of Environmental Protection, the New Jersey Environmental Infrastructure Trust and the New Jersey Corporation for Advanced Technology, in partnership with the New Jersey State League of Municipalities. Award winners will be honored at a ceremony in December, to be held in Trenton. The 2018 application and other awards information is available at [the DEP website](#). Completed applications must be received at DEP by October 5.




**Questions – Contact** Tanya Oznowich at DEP, 609-984-9802 or [Tanya.Oznowich@dep.nj.gov](mailto:Tanya.Oznowich@dep.nj.gov).



New Jersey State League of Municipalities


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