



[Click to view newsletter archives](#)

View a Featured Ad at the End of this Email.

February 15, 2018

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

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

I. State Issues

a. Cannabis Legalization Update

As you may recall, legislation to legalize and regulate adult, recreational marijuana use was moved out of respective committees in late November but has not advanced for final floor votes. It is our understanding from multiple sources that progress has been made in negotiations between the Administration and the Legislative sponsors on at least one of the major areas of disagreement and, it is possible, we may again see the issue emerge for possible action in the upcoming weeks.

The League (NJLM) has worked closely with the Urban Mayors Association (NJUMA) and the Conference of Mayors (NJCM) on the issue. This is a controversial issue and there are strong feelings on both sides. However, legalization is likely a matter of when, not if. And when it becomes law it will impact every municipality in some way or another. We must prepare now so that municipalities are in the best position to implement the anticipated law.

Please take action and contact your Legislators immediately and let them know your feelings on the issue. Further, we urge you to prioritize the issues identified by the NJLM, NJCM and the NJUMA, those being the need to increase the 2% local option tax to 5% so that taxpayers are made whole and full funding and expansion of the expungement

provisions.

[The League's November 27 letter](#) has additional details as does the [PDF of the free webinar](#) offered by the League on November 30 and the Cannabis Legalization [web page](#).

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

b. Beach/Public Access Mandate Held by Committee

On Thursday, the Assembly Environment and Solid Waste Committee took testimony on but HELD A-[4221/S-1074](#), which seeks to provide protections for the public's right under the public trust doctrine.

While the League is supportive of public beach access we must oppose A-4221/S-1074 in its current form as it creates a mandate on municipal governments without providing for an offsetting appropriation. Further, we object to [A-4221/S-1074](#) because it impedes on municipal land use and planning authority. For more information please see our [blog post](#) where our objections from a prior legislative session version of this bill are outlined.

We appreciate that the Committee Chair indicated her interest in working with the League to address the concerns of local governments. The League will continue to advise you of any developments.

Our thanks to all those who reached out on this bill. It made a difference.

Contact: Frank Marshall, Esq., League Staff Attorney, fmarshall@njlm.org, 609-695-3481 x 137.

c. Lead-Pipe Inventory Bill Moved Out of Committee

On Thursday the Senate Environment and Energy Committee voted to approve [A-2697/S-1783](#) which would require public water systems to compile, and submit to DEP, lead service line inventories within one year of the bill's passage. Although supportive of identifying and solving the problems surrounding our State's water infrastructure the League opposes S-1783/A-2697 as currently drafted because it fails to provide a necessary source of funding for municipalities. The non-partisan Office of Legislative Affairs estimated that municipalities would see a one-time cost of nearly \$29 million to prepare such inventories.

Receptive of our concerns, Senator Greenstein, who is the primary sponsor of S-1783, has agreed to work with the League to identify possible funding sources for municipal water systems. It is anticipated that A-2697/S1783 will be second referenced to the Senate Budget and Appropriations Committee and we hope to have an identifiable funding source included in amendments for consideration by those committees.

Contact: Frank Marshall, Esq., League Staff Attorney, fmarshall@njlm.org, 609-695-3481 x 137.

d. Division Issues Guidance on LOSAP Annual CPI Adjustment

The Division of Local Government Services has issued [Local Finance Notice 2019-03](#) providing general information regarding the Length of Service Awards Program (LOSAP) along with the annual cost of living adjustment to the maximum award amounts. The increase in the CY 2018 CPI Adjustments, for use in CY 2019, is 1.6% for municipal programs and 0.49% for fire districts.

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

e. [S-477/A-3648](#), Removing the Statute of Limitations on Civil Actions for Sexual Abuse

In its current form, the League of Municipalities must oppose [S-477/A-3648](#), which would remove the statute of limitations on civil actions for sexual abuse, including claims against public bodies, and expand the categories of people who are potentially liable for such actions.

The bills have been scheduled for action, in both the Assembly and the Senate Judiciary Committees, on Thursday, March 7.

There is no question that the individual perpetrators of such heinous offenses should be held liable for their abuse. They should not be shielded by the statute of limitations. And, to that extent, we would support legislative action. But the bill would also lift the limitations on civil suits against institutions, including local governments.

Under this bill municipalities could be faced with the near impossible task of defending a claim of sexual abuse that may be decades old. In the case of a more recent claim of abuse, the officials who may have been negligent in supervising their employees may still be in power, and thus may suffer some indirect repercussions, such as the loss of their office or employment. However, in the case of a decades old claim of abuse, those officials are likely to be long gone.

Permitting these types of claims against the municipality itself would hold current taxpayers liable for the actions other persons.

We have asked for an amendment that would exempt governmental entities from this new liability exposure. We have also asked the sponsors to direct OLS to prepare a Fiscal Note on the legislation. The bills await hearings in the respective Judiciary Committees.

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

II. Federal Issues

a. NLC Launches Opportunity Zone Resources

The opportunity zone program, authored by N.J. United States Senator Cory Booker, was created under the 2017 Tax Cuts and Jobs Act to provide local and national investors with a tax incentive for investments made in economically distressed areas of the country.

Under the federal legislation, eligible Opportunity Zones were low-income census tracts

with a poverty rate of 20 percent or a median family income up to 80 percent of the area median. Governor Murphy was authorized to designate up to 25 percent of the state's eligible low-income census tracts (up to 169 tracts) as Opportunity Zones. 169 tracts were nominated on March 20, 2018 and approved by the US Department of the Treasury on April 9, 2018. (The N.J. Department of Community Affairs has posted some [Opportunity Zone Information](#) on its website.)

Local leaders in communities with zones should familiarize themselves with how the incentive works and be aware of how the program could influence investment in their communities.

The Internal Revenue Service (IRS) is currently working through the opportunity funds' rulemaking process in order to address outstanding investor questions. Opportunity fund investment will likely increase once rules are finalized. In the meantime, National League of Cities (NLC) tax and finance experts, Brian Egan, Kyle Funk and Michael Wallace have compiled some frequently asked questions, a map of each designated zone, and a host of other external resources to help local leaders find answers to their questions.

Visit NLC's [resource page](#) to learn more and stay updated on their continuing work on opportunity zones.

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

b. USDA Extends Application Deadlines, Reschedules Webinars for Broadband Grant Program

The U.S. Department of Agriculture (USDA) [announced on February 6](#) that it would extend the application deadlines for its Rural eConnectivity Pilot Program (ReConnect) due to delays caused by the recent partial federal government shutdown. Initial application deadlines were pushed back until May 31, 2019, or later to allow applicants to seek assistance from USDA staff. The agency also announced a new [resource guide for rural communities](#) to help match broadband projects to grants, loans, and technical assistance available through USDA.

The ReConnect Program, [as previously reported](#), includes \$600 million in new one-time grants and loans for rural broadband development, with a focus on connecting rural residences, farms, and anchor institutions. Qualifying communities will have populations of 20,000 or less and either lack an internet service provider completely or only have access to internet speeds of up to 10 megabits per second (Mbps) download and 1 Mbps upload.

For more information on the program and to check for more upcoming technical assistance events, visit reconnect.usda.gov.

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

III. League Conference Follow Up

a. Do Not Forget to Claim Your CEUs from the 2018 NJLM Annual Conference!

Attention Municipal Officials! Do Not Forget to Claim Your CEUs from the 2018 NJLM Annual Conference! Please go to [our website](#) to claim your credits.

IV. Also of Interest

a. League Publications: Read All About It

The League offers a wide variety of publications to provide extra insights on the hot topics in local government, from Newly Elected guidebooks to the latest editions on OPMA, License Fees, Salaries, and Local Public Contracts. For more information on the full publication list or to order volumes for your reference, see the [Publication Order Form](#).

Advertiser Spotlight



New Jersey State League of Municipalities

222 West State Street, Trenton, NJ 08608
Phone: 609-695-3481 Web: www.njlm.org

NJLM on Social Media: [Facebook](#) [Twitter](#) [LinkedIn](#) [YouTube](#)

[Share on Facebook](#)

[Share on Twitter](#)

[Share via Email](#)

Copyright 2018 NJLM. All Rights Reserved.
222 West State Street, Trenton, NJ 08608



Powered by

If you no longer wish to receive emails from us, you may [Unsubscribe](#).