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March 22, 2019

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

I. State Issues

a. Final Vote on Marijuana Legalization Set for Monday, March 25

On Monday, the Assembly Appropriations Committee and the Senate Judiciary each amended and approved legislation that will legalize the adult use of recreational marijuana. The committees also approved legislation to expand the State's medical marijuana program and to streamline the expungement process. All of these bills are scheduled for final votes in the Assembly and Senate this Monday, March 25, though it appears there may not be sufficient support for final passage at this point in time. For more, please see our [March 22 alert](#).

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

b. Gov. Murphy Signs Stormwater Utility Bill into Law

Earlier this week, Gov. Murphy signed into law [S-1073](#), which clarifies local government authority to create stormwater utilities and to collect related fees and other charges.

Under the new law, a municipality, county, or authority can establish by resolution or ordinance, as appropriate, a stormwater utility for the purposes of acquiring, constructing, improving, maintaining, and operating a stormwater management system. The stormwater utility is authorized to charge and collect reasonable fees and other charges to recover the costs of stormwater management.

The fees and charges are assessed against a real property owner and must be based on a fair and equitable approximation of the proportionate contribution of stormwater runoff from the real property. A partial fee reduction in the form of a credit is required to be available for any property that complies with the State or local stormwater management standards that were in place when the system was installed. Additionally, lands actively devoted to agricultural or horticulture are exempt from any fee or charge.

By providing local governments with a clear path for a dedicated funding source, this new law allows the issue of inadequate stormwater management to be properly addressed. This law puts New Jersey in a similar position as 41 other states across the country that currently have these types of utilities, and use a similar funding mechanism.

Section 19 through 20 of the new law take effect immediately and the remainder of the law take effect 180 days after the enactment—September 14, 2019.

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

c. Assembly to Vote on Bill Expanding Statute of Limitations on Sexual Abuse Claims

On Monday, the Assembly will vote on [S-477/A-3648](#), which would extend the statute of limitations in civil actions for sexual abuse claims, expand categories of potential defendants, and create a two-year window for parties to bring actions previously time-barred.

The League is supportive of any measure that would allow survivors of sexual assault the ability to seek justice against the individual perpetrator as well as those who knowingly and willfully enabled them. However, we have concerns with language in the bill that would completely eliminate the application of Title 59 (Tort Claims Act) in such cases against municipal governments. The wholesale exemption to all of Title 59 in these matters would create a host of unintended consequences outside of the scope of S-477's purpose.

We are urging the Assembly to delay voting on S-477/A-3648 until these concerns can be fully addressed. We are asking our members to [reach out to their legislators](#) asking them to take a closer look at the potential impact the total removal of Title 59 in these cases would have on municipal governments and property tax payers.

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

d. Assembly Set to Vote on Beach/Public Access Mandate

On Monday, the Assembly is set vote on [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 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 urge our members to reach out to your [legislative representative](#) asking them to oppose this legislation and vote against the usurpation of local planning prerogatives.

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

e. Gov. Murphy Conditionally Vetoes Bill to Permit Delay of Property Tax Bills for Furloughed Federal Employees

On Monday, Gov. Murphy conditionally vetoed A-4904, which would permit a municipality, upon adoption of a resolution, to not charge interest on delinquent quarterly tax payments from federal government employees not being paid due to a shut down or a contractor who is paid by a federal agency but is delayed or diminished due to a federal shutdown and is receiving unemployment benefits under certain circumstances. In his [veto message](#) the governor applauded the Legislature for “stepping in and assisting federal employees living in New Jersey” and lauded the legislative objective but “believe that certain changes should be made to clarify and strengthen its protections.”

The conditional veto added appropriate definitions for ‘eligible resident’ and ‘shutdown.’ In addition, changed who establishes the criteria necessary to verify contractor’s pay was affected by the shutdown from Division of Local Government Services via rulemaking instead to the municipal governing body by resolution. Finally, the veto changed the parameters of the federal budget impasse to include not only impasses between the President and Congress but also between the Congress and the US Senate.

A-4904 now heads back to the Assembly and Senate to concur with the governor’s conditional veto.

Contact: Lori Buckelew, Senior Legislative Analyst, lbuckelew@njlm.org, 609-695-3481, ext. 112.

f. New Law Expands Those Qualified to Serve As Class Three Special Law Enforcement Officers

Earlier this week Governor Murphy signed into law [A-1400](#), which expands the class of retired law enforcement officers deemed qualified to service as Class Three special law enforcement officers to include any retired interstate police officer, State or county corrections officer, State juvenile corrections officer, juvenile detention officer, or any other duly qualified, fully-trained, full-time law enforcement officer who had full powers of arrest. P.L. 2019, c. 51 took effect on March 18, 2019.

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

g. Prevailing Wage Expanded to include “custom fabrication”

On Monday, Gov. Murphy signed into law [A-3964/S-2454](#), which amends the definition of “custom fabrication” under the “New Jersey Prevailing Wage Act.” Specifically, the definition of prevailing wage has been expanded to include “any other fabrication which is

either components or structures pre-fabricated to specifications for a particular project of public work or of other materials finished into components without further modification for use in a project of public work or for use in a type or classification of a project of public work.”

P.L. 2019, c. 44 took effect immediately on March 18, 2019.

Contact: Lori Buckelew, Senior Legislative Analyst, lbuckelew@njlm.org, 609-695-3481, ext. 112.

II. Federal Issue

a. FEMA Proposes New Flood Insurance Rules

On Monday, the Federal Emergency management Agency (FEMA) proposed major changes to the system that is used to determine National Flood Insurance Program (NFIP) risks, and, consequently, NFIP flood insurance premium prices. Currently, prices are based on whether or not a property is within a ‘100-year flood plain.’

The new system, which FEMA calls Risk Rating 2.0, would, as of October 2020, tie premiums to the actual flood risk facing individual homes nationwide. New computer models, which factor in weather events not currently considered, would be used to gauge the actual risk.

Recent severe weather events all around the country have forced NFIP to incur debt in order to cover claims. We will continue to study the changes, in order to evaluate the impact that they will have on New Jersey homeowners.

Contact: Jon Moran, Senior Legislative Analyst, jmoran@njlm.org, 609-695-3481, ext. 121.

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. How to Celebrate 1st NJ Local Government Week April 7-13!

The 1st NJ Local Government Week is approaching quickly; have you started planning yet?

NJ Local Government week creates an opportunity to let your residents know about your municipal facilities and careers, and highlight the services that their local government provides on a daily basis.

Visit the League website for a [how-to packet](#) with ideas ranging from basic, no cost activities to some that are more complex.

Want the League to share the events that your municipality is planning to hold? [Complete this form on the League website](#) and let us help you spread the word! Share your activities and event photos with the League so that we may share on the League's website, social media and in *NJ Municipalities* magazine. And remember to use the #NJLocalGovt on social media.

b. 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](#).

c. New Jersey Public Sector Labor Law Conference

April 26, 2019, the New Jersey Public Sector Labor Law Conference will be held at the Hilton in East Brunswick. This year's conference will celebrate the 50th anniversary of PERC and feature a Keynote Address by Governor Phil Murphy. Many of the State's leading public employment attorneys and professionals will be on the timely and informative panels. This full-day program is appropriate for any municipal official or manager engaged in labor negotiations. You do not need to be an attorney. See full details and registration at the [NJ State Bar Association website](#).



New Jersey State League of Municipalities

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