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June 18, 2019

Legislative Alert

a. Legislature Introduces FY 2020 Budget Bills

Yesterday in Trenton, the State Senate and the General Assembly introduced and advanced identical bills that would authorize State appropriations for the 2020 Fiscal Year that begins on July 1. S-2020/A-5600 would appropriate \$38.7 billion. The bill assumes strong corporate and sales tax receipts. It also assumes that many of the Governor's proposed revenue enhancements will not be implemented.

The bills would add important funding for a number of programs in individual municipalities. They also include increased Transitional Aid monies (A total of \$114.5 million would be available.) and \$48 million for a new 'Shared Services and School District Consolidation Study and Implementation Grant' program. The bill would increase funding for the State's 'Complete Count Commission' to strengthen support for the 2020 Census.

The budget bills accept the Administration's proposed diversion of Energy Tax Receipts (ETR) 'lockbox' revenues. Until last year, the ETR had always been funded through taxes (Sales and Corporate) levied on energy supplying utilities. Instead, the upcoming budget would again deliver level ETR, as well as CMPTRA funding, with Income Tax dollars.

We expect both Houses to pass an FY 2020 Appropriations bill on Thursday. We will continue our analysis and keep you advised on the bill and the Governor's response.

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

b. League Supports Taxpayer Equity Liability Standards Bill

On Monday, the Senate Judiciary Committee and the Assembly Budget Committee approved S-3739 and [A-5392](#) respectively. This legislation will establish liability standards

in sexual abuse lawsuits filed against public entities and public employees. As amended, this bill will apply the same standards to public employees and entities as will be applied to private, non-profit organizations, per the recent revisions in P.L. 2019, c.120. The League **supports** this important correction to the current statute.

Both committees accepted amendments suggested by a coalition that includes the League, the Association of Counties, the School Boards Association and the MEL-JIF to assure that public and private entities are treated alike. S-3739/A-5392 address a shortcoming in the recent amendments made by [PL 2019, c.120](#). Both bills now stand at 2nd reading and could be voted on as soon as Thursday.

We commend the efforts of the respective sponsors, Senators Vitale and Scutari and Assemblywomen Quijano and Murphy to assure justice for the victims of these heinous acts. Aware of the problem, local governments are today, more vigilant and fully committed to doing all that can be done to prevent abuse and to expose offenders. These efforts include background checks on employees and volunteers; immediate investigation when abuse is suspected; and, immediate action when abuse is reported.

This legislation is critical for local governments and we urge you to contact your legislators and ask for their support of S-3739 and A-5392.

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

c. OPMA and OPRA Bills Advance

Yesterday, by a vote of 6 yes and 5 abstentions, the Senate Budget and Appropriations Committee amended and released S-106, which amends the Open Public Meetings Act (OPMA), and S-107, which amends the Open Public Records Act (OPRA). We are currently reviewing the amendments and will provide an update shortly. While we thank Senator Weinberg for the strides she has taken to address our concerns with the bills and appreciate the amendments made to address privacy issues, commercial requests, and relief for some of the abuse towns have seen firsthand under OPRA, the League must continue to oppose the bills.

We continue to have concerns with both bills, in particular, subjecting subcommittees to certain provisions under OPMA, expanding the definition of government record, continuing mandatory prevailing attorney fees under OPRA, and expanding OPMA to include prevailing attorney fees.

Both bills could be before the full Senate as early as Thursday. We urge you to contact and ask your State Senator to oppose S-106 and S-107.

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

d. Assembly Committee Releases Bill That Would Negatively Impact Local Affordable Housing Efforts

Yesterday, A-4414, a bill which the League opposes, was reported out of the Assembly Housing and Community Development Committee with a committee substitute. The League understands the need for affordable housing, and appreciates legislative efforts to

come up with a solution for this important issue. However, the one-size-fits-all approach contemplated by A-4414 fails to effectively address the issue and will instead lead to unintended consequences.

The Committee Substitute of A-4414 would require developers of residential housing with 30 or more newly-constructed residential units to provide a specific set aside for low, moderate, and middle income housing or pay a fee. This required set-aside limits a municipality's ability to negotiate with a developer and may limit the financial viability of a project, thus reducing the number of available housing units.

S-3056, the Senate companion for A-4414 has been referred to the Senate Community and Urban Affairs Committee but has not been scheduled for a hearing. We urge our members to reach out to [your legislators](#) and ask them to oppose A-4414/S-3056.

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