

January 20, 2016

Re: Governor Takes Action on Legislation

Dear Mayor,

On Tuesday, the final day to take action on legislation from the 216th Legislative Session, the Governor took action on the following bills of interest:

Bills signed:

[S-2741/A-4213](#), sponsored by Senator Doherty, Assemblywoman Vainieri Huttle and Assemblyman Webber, prohibits a municipality from enacting an ordinance regulating solicitation for snow shoveling services, either written or verbal, made within 24 hours of a snowstorm that has been predicted by a commonly recognized commercial or governmental weather reporting entity. The **League opposed this unnecessary intrusion into purely local affairs**. It took effect on January 19, 2016.

[A-1726/S-308](#), sponsored by Assemblymen Eustace, Lagana, Wimberly and Assemblywomen Mosquera, Vainieri Huttle and Senator Gordon, amends the "Flood Hazard Area Control Act" to require DEP to take certain actions concerning delineations of flood hazard areas and floodplains. This law, which the **League supported**, makes changes to the "Flood Hazard Area Control Act" used by the Department of Environmental Protection to delineate areas prone to flooding, in order to ensure that appropriate steps are taken to protect the public's health and safety. This bill also directs DEP to update its delineations and to prioritize its work based on flood risks. It took effect on January 19, 2016.

[A-3006/S-3272](#), sponsored by Assemblymen Conaway, Singleton, Eustace, DiMaio, and Danielsen, and by Senators Beach and Turner, establishes procedure for consolidating fire districts. We **supported** this legislation, which streamlines and simplifies the consolidation process. At a time when it is becoming more difficult to recruit and maintain volunteers, while municipal and fire district budgets are increasingly strained, consolidation initiated at the local level might benefit governing bodies, taxpayers and citizens who depend on this vital service.

[S-3171/A-4575](#), sponsored by Senators Whelan and Oroho, and Assemblymen Greenwald and Burzichelli, creates a definition of certified mail to include private carrier service, and would permit delivery confirmation to be completed electronically. The law took effect on January 19, 2016.

[S-3321/A-4981](#), sponsored by Senators Smith, Van Drew, and Bateman, and by Assemblywoman Spencer and Assemblyman Rumana, authorizes DEP to require public access to waterfront and adjacent shoreline as a condition of waterfront development approvals and CAFRA permits. Specifically, permits DEP to require, as a condition of waterfront development or CAFRA permit that the applicants provide on-site public access to the waterfront and adjacent shoreline, or off-site public access if DEP determines that on-site public access is not feasible. This law was in response to the Appellate Division decision issued on December 22, 2015 in

Hackensack Riverkeeper, Inc. and NY/NJ Baykeeper v. New Jersey Department of Environmental Protection that invalidated the DEP's public access rules. The law took effect on January 19, 2016.

[A-428/S-393](#), sponsored by Assemblywoman Jimenez and Assembly Speaker Prieto, and Senators Sacco and Sarlo, expands DNA database to include samples from disorderly persons who are fingerprinted and permits law enforcement officers to collect certain biological samples. We appreciate the sponsors' willingness to address concerns we had with the original version of the legislation. The bill takes effect on the first day of the 18th month following enactment (July 1, 2017), but permits the Attorney General and the Superintendent of State Police to take anticipatory administrative actions in advance of the bill's effective date.

[S-3019/A-4771](#), sponsored by Senator President Sweeney, Senator Stack, and by Assemblyman Burzichelli, and Assemblywoman Muoio, requires the filing of a financial agreement for long term tax exemption with county finance officer and counsel. Further, it requires quarterly payment of county share of payment in lieu of tax. Specifically, the law requires that the municipal clerk send a certified copy of the ordinance approving the long-term tax exemption and the financial agreement with the urban renewal entity receiving the exemption, within 10 days of either the effective date of the ordinance following final adoption, or execution of the financial agreement by the urban renewal entity, whichever occurs later. The law also requires the municipality to turn over five percent of the portion of the payment in lieu of taxes that it has collected from an urban renewal entity during a tax quarter to the county, instead of five percent of the amount due and payable. The law took effect on January 19, 2016.

[A-3044/S-1944](#), sponsored by Assemblymen Space, DeAngelo, Egan, and Moriarty, Assemblywoman Phoebus, and Senators Oroho and Van Drew, requires the Commissioner of Department of Labor and Workforce to disseminate certain information to contractors who bid on or perform prevailing wage public work. The law requires the Commissioner to create, maintain and distribute an informational list for contractors and subcontractors who bid on and perform public work, which includes, but not limited to, wage payment record keeping, registration requirements and applicable penalties. The informational list is available upon request as well as the names of contractors and subcontractors who have failed to pay prevailing wages and state employer payroll tax. The law took effect on January 19, 2016.

[S-2972/A-4465](#), sponsored by Senators Van Drew and Cruz-Perez and Assemblymen Andrzejczak, Benson and Assemblywoman Tucker, requires Adjutant General of the New Jersey Department of Military and Veterans' Affairs to assist and mentor veterans through criminal justice system, while the case is pending and afterward, by developing and coordinating a volunteer-based program comprised of former service members. The law takes effect on March 19, 2016.

[A-2935/S-1325](#), sponsored by Assemblymen Andrzejczak, Lagana, Webber and Assemblywomen Mosquera and Lampitt, and Senators Van Drew and Bucco, authorizes New Jersey residents enlisted in any branch of the United States Armed Forces to defer any property tax amount that becomes due during the period of deployment for active duty in time of war. The resident, or a person acting on their behalf, would file an application for deferment with the tax

collector of the municipality in which the property is located, and submit the documentation required to ascertain that the applicant qualifies for the deferment. The deferment would commence on the tax due date, and end 90 days after the end of deployment. No interest would be charged when the amount owed is paid on or before the first day following the 90-day grace period, but interest would accrue as of the date of the original due date on any unpaid amount after the first day following the grace period. The law requires the State to annually pay each municipality the total amount deferred, in the same manner as is currently done for the veteran's property tax deduction. The tax collector is required to reimburse the State upon receipt of the payment deferred from each qualified taxpayer. The law took effect on January 19, 2016.

[A-2299/S-239](#), sponsored by Assemblymen Andrzejczak and Benson, and Senators Van Drew and Stack, prohibits municipalities from charging construction permit surcharge fee to or enforcing agency fee on a person who has a service connected disability, who qualifies for 100% total and permanent disabled veteran property tax exemption, for any construction, reconstruction, alteration, or improvement designed and undertaken solely to promote accessibility by the disabled veteran to their own living unit. A spouse, parent, sibling, or guardian of the disabled veteran may also apply for the permit at no charge. A municipality that has granted an exemption from the fees may apply to the Department of Community Affairs for reimbursement of those exempt fees. Rulemaking authority is given to the Department of Community Affairs. The law took effect on January 19, 2016.

[S-832/A-2039](#), sponsored by Senators Whelan and Beach, and by Assemblymen Moriarty and Garcia and Assemblywoman Stender, permits a person who is at least 17 years old to register to vote for the next election occurring on or after their 18th birthday. The law took effect on January 19, 2016.

[S-1447/A-2829](#), sponsored by Senators Greenstein and Addiego, and Assemblymen Johnson, Mainor, and Rible, and Assemblywoman Quijano, prohibits the posting, publishing on the Internet, or disclosing the home address or unpublished home telephone number of any law enforcement officer, active or retired, their spouse or child. A State or local governmental agency shall not knowingly post or publish on the Internet the home address or unpublished home telephone number of any retired law enforcement officer or law enforcement officer without first obtaining the written permission of that law enforcement officer or retired law enforcement officer. The law took effect on January 19, 2016.

[S-1567/A-410](#), sponsored by Senators Bucco and Van Drew, and Assemblymen Bucco, Bramnick, Johnson, Rumana, and Assemblywoman Quijano, establishes DOT roadside memorial program for fallen police officers, sheriff's officers, EMS workers, and firefighters. The program shall include a process allowing a municipal or law enforcement official or the next of kin to apply to the department to sponsor a sign memorializing the fallen person. No State or other public funds may be used for producing, purchasing or erecting memorial signs. Rulemaking authority is given to the Commissioner of Transportation. The law took effect on January 19, 2016.

BILLS VETOED:

[S-3277/A-4764](#), sponsored by Senator Cruz-Perez and Assemblyman Burzichelli, expands municipal authority to license and inspect residential rental property. The **League supported** S-3277/A-4764, as it would clarify that the Licensing Act is an important tool for local government that ensures residents' safety and decent living conditions. As a result of a recent Appellate Division decision, Timber Glen v. Township of Hamilton, municipalities may no longer be able to annually inspect residential rentals leased for more than 175 days.

[S-3299/A-4903](#), sponsored by Senate President Sweeney, Senators Singer and Vitale, and by Assemblymen Burzichelli, Rible, Mukherji, Lagana, and Assemblywomen Pintor Marin and Vainieri Huttel, maintains property tax exemption for certain nonprofit hospitals with on-site for-profit medical providers; requires these hospitals to pay community service contributions to host municipalities; establishes Nonprofit Hospital Community Service Contribution Study Commission. The **League opposed** this bill, which was in response to the recent Morristown Hospital tax court ruling, for several reasons. Our first concern was that it would be unfair to local residents and businesses, whose property taxes would have to subsidize local services that would benefit those for-profit providers of medical services. We appreciate the initial community contribution fee of \$2.50 per bed per day. However, a number of host municipalities expressed a concern that the fee is inadequate to fairly compensate for municipal services and to treat other taxpayers in the municipality equitably. Secondly, by exempting many acute care facilities from local property taxation, we believe that provisions in the bill could, actually, inflate health care costs. Third, we were concerned that the bill might have resulted in giving institutions, organized as non-profit hospitals, all the benefits of a tax exemption, without any of the responsibilities. Finally, we were concerned that the bill would lead to conflicts with a number of New Jersey constitutional provisions.

[S-316/A-1739](#), sponsored by Senator Gordon and Assemblymen Eustace, Ciattarelli, Lagana, and Gusciora, increases flexibility, clarity, and available tools of optional municipal consolidation process. After the Senate sponsor amended the bill, at our request, the League had supported this legislation. However, due to subsequent Assembly Floor amendments the **League opposed** S-316/A-1739, and asked the Governor to veto it. The amendments would have actually limited local flexibility, increased consolidation costs and, thereby, discourage future consolidations. Specifically, new Sections 3. e., f. and g. of the bill grant tenure, continued employment and terminal leave rights to select employees of consolidating municipalities. Further amendments would prevent emergency appropriations needed to support the work of certain consolidation committees.

[S-2521/A-3888](#), sponsored by Senators Gill and Allen, Assemblywomen Lampitt and Vainieri Huttel, Assemblymen Benson and Eustace, establishes Pedestrian and Bicycle Safety Advisory Council. The bi-partisan, Blue Ribbon Commission, envisioned in this legislation, would analyze, among other factors: the rights, duties, and responsibilities of pedestrians and motorists; municipal planning practices, especially concerning adequate sidewalks, lighting, and pedestrian waiting areas or safety zones and other issues. The **League supported** this legislation and we were grateful to be included in the membership of this Commission.

[A-964/S-187](#), sponsored by Assemblymen Singleton, DeAngelo, Coughlin and Moriarty, Assemblywoman Quijano, and Senators Whelan and Madden, requires certain bidders for prevailing wage public work to provide proof that the prevailing wage will be paid. The **League supported the bill as amended**, which would have required every prevailing wage contract to include a certification stating the prevailing wage rate which could be paid and a provision covering violations of prevailing wage rates. The Commissioner of Labor and Workforce Development, in consultation with Division of Local Government Services, would have been given rulemaking authority to standardize the certification.

[A-1039/S-2310](#), sponsored by Assemblyman Benson, Assembly Speaker Prieto, Assemblywomen Caride and Quijano, and Senators Sacco and Greenstein, set forth certain standards to be followed by law enforcement agencies and fire departments when utilizing drones. The **League supported** this legislation that set reasonable standards that would appropriately balance public safety responsibilities and privacy rights.

[A-2925/S-1033](#), sponsored by Assemblymen Lagana, O'Scanlon, Burzichelli, and Garcia, and Senators Weinberg, Oroho, and Van Drew, allows modernization for the form of disbursement for certain State government and local unit payments to individuals and business entities. The **League supported the bill as amended**. It would provide municipalities with the ability to choose to use contemporary payment procedures while providing appropriate internal controls to ensure safe and proper use of the system and mitigate the potential for fraud and abuse.

[A-4384/S-3145](#), sponsored by Assemblymen DeAngelo, Danielsen, Schaer, and Johnson, Assemblywoman Pintor Marin and Senator Whelan, requires BPU to render decision on case within 12 months of final public hearing or hold another public hearing prior to deciding case. The **League supported** the bill which would have ensured that BPU decision makers are aware of the most current facts relevant to pending applications.

[A-4763/S-2973](#), sponsored by Assemblyman McKeon, Assemblywoman Spencer and Senators Smith, Bateman, Greenstein, and Codey, revises the "Electronic Waste Management Act". We agree that the current law is in need of significant revision. A Statewide standard program could be helpful to solve many of the inconsistencies that have developed in the program. We believe that a significant taxpayer issue should be addressed. Under the current structure, our taxpayers pay twice for electronic waste recycling, first at the time of purchase, as these costs are factored in, and then again at the time of recycling. The Senate substitute stated that the manufacturers would have to provide a free and convenient electronic waste recycling program for all covered electronic devices; and expanded the defined covered electronic devices. It was not clear, however, how a municipality or county could be assured of free collection of the materials they collect. These processes can be streamlined, cutting red tape and providing the necessary funding to local governments faster. And, there is an existing model that can be utilized. Under the Hotel Occupancy Tax, revenues are collected and then disbursed by the Department of Treasury. We suggested consideration of using this model so that manufactures report on weight monthly and then pay on a quarterly basis to the Treasury, who can in turn immediately pay the local governments. Such changes would, in our estimate, eliminate unnecessary costs to our taxpayers and simultaneously reduce red tape.

[S-2769/A-4197/A-4206](#), sponsored by Senators Smith and Bateman, and Assemblymen Andrzejczak, McKeon, and Dancer, Assemblywomen Spencer, Pintor Marin, and Vainieri Huttle, implements 2014 constitutional dedication of CBT revenues for certain environmental purposes; revises State's open space, farmland, and historic preservation programs.

Sincerely,

Michael J. Darcy, CAE
Executive Director