

January 14, 2016

Re: **Bills Awaiting Governor's Action**

Dear Mayor:

Before the close of the 216th Legislative term there was a flurry of activity. The Governor has until January 19 to either sign or veto a bill. If the Governor fails to take any action on a bill during the 7 period it is considered a pocket veto. The following bills of interest have been sent to Governor Christie for his consideration. **We urge you to contact the Governor's office and express your support or opposition, as appropriate, on the bills of interest. You can either call 609-292-6000 or submit your comments online by clicking here.**

Bills the League **supports:**

**S-3277**, reinstates municipal authority to regulate residential rental properties through the Licensing Act (N.J.S.A. 40:52-1). A recent Appellate Division decision, Timber Glen v. Township of Hamilton, ruled municipalities may no longer be able to annually inspect residential rentals leased for more than 175 days. The Licensing Act is an important tool for local government that ensures residents' safety and decent living conditions. S-3277 would clarify that point and permit municipalities to regulate all residential rental housing. *Contact: Mike Cerra at [mcerra@njslom.org](mailto:mcerra@njslom.org) or 609-695-3481 ext. 120*

**A-964**, requires bidders for public works projects to provide a certification that the prevailing wage rate will be paid. A-964 requires the Commissioner of Labor and Workforce Development, in consultation with Division of Local Government Services, to adopt rules concerning the standardization of the certification. *Contact: Lori Buckelew at [lbuckelew@njslom.org](mailto:lbuckelew@njslom.org) or 609-695-3481 ext. 112.*

**A-1039**, sets forth certain standards to be followed by law enforcement agencies and fire departments when utilizing drones. Prohibits a law enforcement agency for utilizing a drone unless they have obtained a warrant, unless written consent is given by the property owner, or exigent circumstances existing making it unreasonable to obtain a warrant. Permits the use of a drone for the for search and rescue missions; to survey or monitor the extent of a fire in situations when the unmanned aerial vehicle can assist firefighters in obtaining visual and auditory information on the damage caused by the fire to a building or other structure; or by use of OEM in certain defined emergency events. A-1039 also clarifies that Fire Departments and OEM are not subject to the warrant requirements imposed on law enforcement. *Contact: Jon Moran at [jmoran@njslom.org](mailto:jmoran@njslom.org) or 609-695-3481 ext. 120.*

**A-2925**, allows modernization for the form of disbursement for certain State government and local unit payments to individuals and business entities. A-2925 permits a governing body or board of education to adopt a policy by ordinance to pay claims thorough the use of one or more standard electronic fund transfer technologies instead of the use of signed checks. A "standard electronic fund transfer technologies" is defined to include, but not limited to, wire transfers, automated clearing house (ACH) transactions and debit cards. A-2925 also requires the adoption

of a policy by ordinance explicitly list the forms of standard electronic fund transfer technologies that may be used by that local unit and the ability to limit the circumstances when electronic fund transfer may be used. The Chief Financial Officer is responsible for the oversight and administration of the disbursement policy of the program including implementing internal controls to ensure safe and proper use of the system and mitigate the potential for fraud and abuse. *Contact: Lori Buckelew at [lbuckelew@njslom.org](mailto:lbuckelew@njslom.org) or 609-695-3481 ext. 112.*

**A-2935**, would allow New Jersey residents enlisted in any branch of the United States Armed Forces to qualify for the deferment of any property tax amount that becomes due during the period of deployment for active duty in time of war. A resident qualified for the deferment, or a person acting on behalf of the resident, would file an application for deferment with the tax collector 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. A-2935 would require that the State annually pay each municipality the total amount deferred, in the same manner as is currently done for the veteran's property tax deduction and the tax collector is required to reimburse the State upon receipt of the payment deferred from each qualified taxpayer. *Contact: Lori Buckelew at [lbuckelew@njslom.org](mailto:lbuckelew@njslom.org) or 609-695-3481 ext. 112.*

**A-3006**, establishes procedure for consolidating fire districts. This bill would streamline and simplify the consolidation process. At a time when it is become more difficult to recruit and maintain volunteers, while municipal and fire district budgets are increasingly strained, consolidation initiated at and by the local government might benefit governing bodies, taxpayers and citizens who depend on this vital service. *Contact: Jon Moran at [jmoran@njslom.org](mailto:jmoran@njslom.org) or 609-695-3481 ext. 120.*

**S-2521**, establishes Pedestrian Safety Study Commission. A bi-partisan, Blue Ribbon Commission would analyze, among other factor: the rights, duties, and responsibilities of pedestrians and motorists; the type of motor vehicle violations, including excessive speed, that are contributing factors in pedestrian accidents; municipal planning practices, especially concerning pedestrian facilities and adequate sidewalks, lighting, and pedestrian waiting areas or safety zones; current applicable speed limits and the need to lower those speed limits in certain locations in keeping with pedestrian safety and traffic movement; the use and effectiveness of public awareness campaigns on the issue of pedestrian safety; additional legislative and regulatory solutions, and other issues and matters as the commission may deem appropriate to fulfill the scope of its charge. The Commission would submit six annual reports to the Governor and the Administration, which would include findings and recommendations for reforms and revisions. *Contact: Jon Moran at [jmoran@njslom.org](mailto:jmoran@njslom.org) or 609-695-3481 ext. 120.*

**Bills the League opposes:**

**S-3299** 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. S-3299 was introduced in response to the recent Tax Court ruling involving the Town of Morristown and Morristown Hospital.

Our first concern is that this 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. While we appreciate the initial community contribution fee of \$2.50 per bed per day, a number of host municipalities have expressed a concern that the fee is inadequate to fairly compensate for municipal services and to treat other taxpayers in the municipality equitably.

Furthermore, as currently drafted, the bill might result in giving institutions, organized as non-profit hospitals, all the benefits of a tax exemption, without any of the responsibilities.

Additionally, based on our legal analysis of the proposed legislation, it is our opinion that S-3299 would lead to conflicts with a number of constitutional provisions. Specifically, it appears that this bill could conflict with the New Jersey Constitution's exemption clause (N.J. Const. Art. VIII, §I, ¶ 2), the Constitution's uniformity clause. (N.J. Const. Art. VIII, §I, ¶ 1) and, since the bill would mandate a de facto Payment in Lieu of Taxes (PILOT), it could be subject to challenge. This could occur because PILOTs are allowed under only two provisions of the New Jersey Constitution, neither of which would accommodate the requirements included in this bill.

*Contact: Mike Cerra at [mcerra@njslom.org](mailto:mcerra@njslom.org) or 609-695-3481 ext. 120*

**S-316** – Increases flexibility, clarity, and available tools of optional municipal consolidation process. The League previously supported this legislation. But recent Assembly Floor amendments will actually limit local flexibility, increase 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. *Contact: Jon Moran at [jmoran@njslom.org](mailto:jmoran@njslom.org) or 609-695-3481 ext. 120*

**S-2741**, permits unregulated solicitation to perform snow shoveling within 24 hours of predicted snowstorm. The League opposes this bill, which would supersede any municipal ordinance that permits a municipality to regulate the solicitation of snow shoveling services within 24 hours of a predicted snowstorm. We are aware of one incident that occurred, in which two teenagers were allegedly warned by police that they might be violating the municipality's solicitation regulation ordinance. However, we are also advised that this event occurred during a state of emergency in the hours before what was anticipated to be a significant weather event. From what we are advised, the police officers and local officials acted professionally, appropriately and in the best interests of all those involved. Their actions should not now be second-guessed by Trenton. This legislation is intended to be a rebuke of over-regulations by government. But for the reasons above, we believe it is an example of over-regulations and overreach. We believe it best for the

State, and Federal, legislatures to refrain from unnecessary involvement in purely local matters.  
*Contact: Jon Moran at [jmoran@njslom.org](mailto:jmoran@njslom.org) or 609-695-3481 ext. 120*

Sincerely,

Michael Darcy, CAE  
Executive Director