



[Click to view newsletter archives](#)

September 7, 2018

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

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

I. State Issues

a. CV of Alyssa's Law – School Security Bill

Last week, the Governor [conditionally vetoed A-764/S-365](#). This bill would require all public school buildings in New Jersey to be equipped with at least one silent panic alarm directly linked to local law enforcement for use in the event of a school security emergency. It is named in honor of Alyssa Alhadeff, who was just 14 when she was killed on February 14, 2018, in the school shooting at Florida's Marjory Stoneman Douglas High School that claimed 17 lives.

Governor Murphy's proposed amendments would: change the funding source (from the School Development Authority's (SDA's) current, cash-strapped bonding authority, to the proposed Secure Our Children's Future Bond Act, which will go to the voters on this November's ballot); authorize the SDA to implement a streamlined grant approval process; and delay the effective date of the new mandate, pending voter approval of the bond.

The Assembly has concurred with the Governor's recommendations. We expect the Senate to do the same when next they meet.

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

b. Jake’s Law Signed – Incentivizing Counties to Build Completely Inclusive Playgrounds

Last week, Governor Murphy signed into law [A-2187](#), otherwise known as “Jake’s Law.” The law incentivizes counties to build inclusive playgrounds for children and adults with disabilities by prioritizing Green Acres fund applications, submitted by a county seeking to use the funds for design and construction of a completely inclusive playground. Counties which do not currently operate or maintain a completely inclusive playground will be given further prioritization for Green Acres funds, to ensure at least one inclusive playground is operated and maintained by each county.

Along with the prioritization of Green Acres funds, the law also specifies that the Department of Community Affairs (DCA), in consultation with the Department of Education must promulgate rules and regulations for design, installation, inspection, and maintenance of completely inclusive playgrounds. The DCA has 90 days to publish these standards, which must also generally exceed standards required by the Americans with Disabilities Act of 1990. The prioritization of Green Acres funding for completely inclusive playground projects will begin August 23, 2019, one year after the bill was signed.

Contact: Frank Marshall, Esq., League Staff Attorney, FMarshall@njslom.org, 609-695-3481, x137.

c. Law Requires Public Display of Vote Counts and Updates on Election Days

On August 24, Governor Murphy signed into law [A-3463/S-1957](#), which requires district boards of election to report every two hours the number of voters who have voted at each precinct, and authorizes challengers to request reported count. Within two hours from the opening of polls, election board must publicly display a notice containing an official count of the cumulative number of voters who have voted at each precinct, indicating the number of voters who have voted by machine and using a provisional ballot. The notice must be updated every two hours until the polls close. The new law also permits challengers to ask, no more than every two hours, for the official count of voters at each precinct. This new law took effect on August 24, 2018

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

d. Governor Conditionally Vetoes Temporary Disability/Family Leave Bill

On August 27, Governor Murphy conditionally vetoed [A-4118](#), which permits individuals to submit temporary disability and family leave insurance claims up to 60 days prior to the commencement of leave if the individual knows in advance when the leave will begin. The Division of Unemployment and Temporary Disability Insurance would be required to immediately process the claim and pay the claim upon the commencement of the leave. This would apply to leaves that include, but are not limited to, pregnancy, child birth, childcare after birth or adoption, scheduled medical procedures, treatments or appointments for the individual or a family member, or scheduled ongoing care for the individual or a family member.

In his [conditional veto](#) the Governor expressed that he “unequivocally support[s]” the

expansion of this benefit but noted he identified “significant issues with the infrastructure supporting these programs.” Therefore, he vetoed the bill to change the implementation date from effective immediately to one year after the date of enactment. In the meantime, the Governor has directed the Department of Labor Workforce Development to work with Office of Information Technology to coordinate a strategy for implementation and modernization of the department’s computer system.

The conditional veto awaits consideration by the full Assembly.

Contact:

- Frank Marshall, Esq., League Staff Attorney, FMarshall@njslom.org, 609-695-3481, x137.
- Lori Buckelew, Senior Legislative Analyst, lbuckelew@njslom.org, 609-695-3481, x112.

e. Governor Signs Law Disqualifying Employees Removed for Misconduct from Receiving UI Benefits

Last week, Governor Murphy signed into law [A-3871/S-2439](#), which concerns disqualification from unemployment benefits for misconduct. The new law reduces the duration of time that a worker is disqualified from receiving unemployment benefits, if the worker is discharged from work for misconduct, from seven weeks to five weeks. Misconduct is defined as “behavior which is improper, intentional, connected with the individuals’ work, malicious, within the individual’s control, not a good faith error of judgment or discretion, and is either a deliberate failure, without good cause, to comply with the employer’s lawful and reasonable rules made known to the employee or a disregard of standards of behavior the employer has a reasonable right to expect, including reasonable safety standards and reasonable standards for a workplace free of drug and substance abuse.” The new law also goes on to define several specific behaviors that are considered misconduct.

The burden of proof is on the employer to demonstrate misconduct and must provide documentation of the misconduct written at or immediately following the time of the misconduct. You should review this new law with your labor counsel for more information.

Contact: Frank Marshall, Esq., League Staff Attorney, FMarshall@njslom.org, 609-695-3481, x137.

f. Sales Tax Collections by Out-of-State Retailers CVed

Governor Murphy sent [A-4261/S-2794](#) back to the Legislature, with recommended amendments. This bill is a response to the US Supreme Court’s decision in *South Dakota v. Wayfair*, which cleared the way for States wishing to require the application of the sales tax on remote transactions. It will level the sales tax playing field for our Main Street, brick-and-mortar retailers.

For many years, the League has advocated for Congressional action to allow States to collect Sales Taxes on distant commerce. We wanted to provide support for Main Street businesses, forced into unfair competition with internet and other out-of-state merchants. For us, it wasn’t about State Sales Tax collections. It was about supporting the businesses

I. State Issues

a. CV of Alyssa's Law – School Security Bill

Last week, the Governor [conditionally vetoed A-764/S-365](#). This bill would require all public school buildings in New Jersey to be equipped with at least one silent panic alarm directly linked to local law enforcement for use in the event of a school security emergency. It is named in honor of Alyssa Alhadeff, who was just 14 when she was killed on February 14, 2018, in the school shooting at Florida's Marjory Stoneman Douglas High School that claimed 17 lives.

Governor Murphy's proposed amendments would: change the funding source (from the School Development Authority's (SDA's) current, cash-strapped bonding authority, to the proposed Secure Our Children's Future Bond Act, which will go to the voters on this November's ballot); authorize the SDA to implement a streamlined grant approval process; and delay the effective date of the new mandate, pending voter approval of the bond.

The Assembly has concurred with the Governor's recommendations. We expect the Senate to do the same when next they meet.

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

b. Jake's Law Signed – Incentivizing Counties to Build Completely Inclusive Playgrounds

Last week, Governor Murphy signed into law [A-2187](#), otherwise known as "Jake's Law." The law incentivizes counties to build inclusive playgrounds for children and adults with disabilities by prioritizing Green Acres fund applications, submitted by a county seeking to use the funds for design and construction of a completely inclusive playground. Counties which do not currently operate or maintain a completely inclusive playground will be given further prioritization for Green Acres funds, to ensure at least one inclusive playground is operated and maintained by each county.

Along with the prioritization of Green Acres funds, the law also specifies that the Department of Community Affairs (DCA), in consultation with the Department of Education must promulgate rules and regulations for design, installation, inspection, and maintenance of completely inclusive playgrounds. The DCA has 90 days to publish these standards, which must also generally exceed standards required by the Americans with Disabilities Act of 1990. The prioritization of Green Acres funding for completely inclusive playground projects will begin August 23, 2019, one year after the bill was signed.

Contact: Frank Marshall, Esq., League Staff Attorney, FMarshall@njslom.org, 609-695-3481, x137.

c. Law Requires Public Display of Vote Counts and Updates on Election Days

On August 24, Governor Murphy signed into law [A-3463/S-1957](#), which requires district

boards of election to report every two hours the number of voters who have voted at each precinct, and authorizes challengers to request reported count. Within two hours from the opening of polls, election board must publicly display a notice containing an official count of the cumulative number of voters who have voted at each precinct, indicating the number of voters who have voted by machine and using a provisional ballot. The notice must be updated every two hours until the polls close. The new law also permits challengers to ask, no more than every two hours, for the official count of voters at each precinct. This new law took effect on August 24, 2018

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

d. Governor Conditionally Vetoes Temporary Disability/Family Leave Bill

On August 27, Governor Murphy conditionally vetoed [A-4118](#), which permits individuals to submit temporary disability and family leave insurance claims up to 60 days prior to the commencement of leave if the individual knows in advance when the leave will begin. The Division of Unemployment and Temporary Disability Insurance would be required to immediately process the claim and pay the claim upon the commencement of the leave. This would apply to leaves that include, but are not limited to, pregnancy, child birth, childcare after birth or adoption, scheduled medical procedures, treatments or appointments for the individual or a family member, or scheduled ongoing care for the individual or a family member.

In his [conditional veto](#) the Governor expressed that he “unequivocally support[s]” the expansion of this benefit but noted he identified “significant issues with the infrastructure supporting these programs.” Therefore, he vetoed the bill to change the implementation date from effective immediately to one year after the date of enactment. In the meantime, the Governor has directed the Department of Labor Workforce Development to work with Office of Information Technology to coordinate a strategy for implementation and modernization of the department’s computer system.

The conditional veto awaits consideration by the full Assembly.

Contact:

- Frank Marshall, Esq., League Staff Attorney, FMarshall@njslom.org, 609-695-3481, x137.
- Lori Buckelew, Senior Legislative Analyst, lbuckelew@njslom.org, 609-695-3481, x112.

e. Governor Signs Law Disqualifying Employees Removed for Misconduct from Receiving UI Benefits

Last week, Governor Murphy signed into law [A-3871/S-2439](#), which concerns disqualification from unemployment benefits for misconduct. The new law reduces the duration of time that a worker is disqualified from receiving unemployment benefits, if the worker is discharged from work for misconduct, from seven weeks to five weeks. Misconduct is defined as “behavior which is improper, intentional, connected with the individuals’ work, malicious, within the individual’s control, not a good faith error of judgment or discretion, and is either a deliberate failure, without good cause, to comply

with the employer's lawful and reasonable rules made known to the employee or a disregard of standards of behavior the employer has a reasonable right to expect, including reasonable safety standards and reasonable standards for a workplace free of drug and substance abuse." The new law also goes on to define several specific behaviors that are considered misconduct.

The burden of proof is on the employer to demonstrate misconduct and must provide documentation of the misconduct written at or immediately following the time of the misconduct. You should review this new law with your labor counsel for more information.

Contact: Frank Marshall, Esq., League Staff Attorney, FMarshall@njslom.org, 609-695-3481, x137.

f. Sales Tax Collections by Out-of-State Retailers CVed

Governor Murphy sent [A-4261/S-2794](#) back to the Legislature, with recommended amendments. This bill is a response to the US Supreme Court's decision in *South Dakota v. Wayfair*, which cleared the way for States wishing to require the application of the sales tax on remote transactions. It will level the sales tax playing field for our Main Street, brick-and-mortar retailers.

For many years, the League has advocated for Congressional action to allow States to collect Sales Taxes on distant commerce. We wanted to provide support for Main Street businesses, forced into unfair competition with internet and other out-of-state merchants. For us, it wasn't about State Sales Tax collections. It was about supporting the businesses that pay local property taxes, employ local residents, and contribute, in other ways, to the spirit of the community. Whether through sponsorship of local youth sports, support for neighborhood parades and special events, or hosting fund-raisers for area organizations, our local retailers help to breathe life into strong municipalities.

We welcomed the Court's *Wayfair* decision and our State Legislature's action. Governor Murphy's [conditional veto](#) calls for several technical amendments. We expect the Legislature to consider those in September.

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

g. Appellate Division Upholds Municipal Ordinance Charging Inspection Fee to Landlords

Last week, in [Cona v. Twp. of Washington, et al.](#), the Appellate Division, in a published decision, rejected challenges to municipal ordinances that require landlords to pay a fee to offset the costs of annual inspections and registration of rental units. The *Cona* decision examined the Appellate Divisions' 2015 ruling in *Timber Glen*, which found that municipalities are not authorized under state law to license landlords and charge an annual fee for the license.

The *Cona* court rejected assertions from the challengers that the fee charged for rental unit inspections was a de facto licensing fee, noting that licensing and inspections were distinct from one another and that the fees charged for inspections and registrations were reasonably related to the municipalities' exercise of their obligation to promote the safety and welfare of their residents. Although the court did have concerns with continued use of

the term “license fee” in some municipalities’ ordinances, as it may lead to confusion, it nevertheless saw through the name and properly determined that the additional fee was charged to offset the costs of inspections and permissible under law.

You should review this decision with your municipal attorney and construction code official for more information on how the ruling will impact your municipality.

Contact: Frank Marshall, Esq., League Staff Attorney, FMarshall@njslom.org, 609-695-3481, x137.

h. Parking Privileges for Home Health Care Providers Gets CV

Last week, the Governor conditionally vetoed [A-3683/S-2416](#). Pursuant to the bill, the NJ Motor Vehicle Commission (MVC) would issue placards, which would entitle home care service employees to park their motor vehicles in on-street areas that are generally reserved for municipal residents, in municipal parking lots, and in college and university parking lots, when providing services to homebound patients.

The [Governor's CV](#) recommends the implementation of a renewal fee to offset MVC costs. The recommendations also include provisions designed to enhance enforcement and prevent abuse. Both House of the Legislature will need to consider the Governor’s proposal when the Legislature reconvenes after the Labor Day holiday.

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

II. Federal Issue

a. FCC Proposed Order Dramatically Limits Control Over Municipal Rights of Way

This week, the Federal Communications Commission (FCC) released a proposed Order which would severely limit local government’s control over the public rights of way. The Order deals specifically with the deployment of small cell facilities and restrict the conditions and standards municipalities place on siting applications.

The FCC will need to vote on the proposed order before it can become effective, but it is expected to be approved at its next meeting on September 8. To read more about the order, including what limitations it sets for municipalities, please review the [League’s recent blog post](#).

Contact: Frank Marshall, Esq., League Staff Attorney, FMarshall@njslom.org, 609-695-3481, x137.

III. League Conference

a. Unauthorized Hospitality Functions

The 103rd Annual League Conference will soon be upon us and we know you are

looking forward to a productive and educational week.

Numerous exhibitors and groups have scheduled receptions and hospitality functions during the evening hours in Atlantic City. However each year there are a few commercial entities that schedule hospitality function such as brunches and lunches which conflict with the Conference programming. These unauthorized functions should not be confused with legitimate business luncheons sponsored by our affiliated associations and their members. The League urges you not to attend daytime hospitality functions offered by commercial firms.

Instead, plan your daytime activities so you can derive the greatest educational benefit from attending the League Conference. League Education sessions begin at 9:00 a.m., break at noon when there are informative Exhibitor Learning Sessions, resume at 2:00 p.m. and adjourn at 5:15 p.m.

As always, the League is available to answer your questions on any aspect of the annual conference and we strive to make your participation both enjoyable and highly productive.

Contact: Michael J. Darcy, CAE, Executive Director, mdarcy@njslom.org, 609-695-3481, x116.

b. Exhibits at the Annual Conference

Do you know a vendor that would be a good fit for the Annual Conference? If so, ask them about being an exhibitor or have them contact Kristin Lawrence, Exhibit Manager at 609-695-3481 x125 or klawrence@njslom.org. Information is also available on [our website](#).

c. Reminder! CEU Tracking System Procedures for 103rd Annual NJLM Conference

Badge Scanners will be used to track CEU Credits and Attendance at the NJLM 103rd Annual Conference.

For Sessions that Have CEU credit Available

- All Attendees looking to earn credit must scan-in and scan-out of these qualifying sessions* to earn their CEU credits.
- Attendees will claim their certificates after the conference via the League website www.njslom.org/confceu/

For more information or for a complete list of procedures please visit the [Conference Website](#).

* **Please note**, the procedures described above only apply to educational sessions. Business Meetings and Exhibitor Learning Sessions are **not** included in the scanning system.

IV. Also of Interest

a. League Now Accepting Applications for the Innovation in Governance Program

The New Jersey Department of Community Affairs (DCA) and the New Jersey League of Municipalities will again acknowledge and promote Innovation in Governance through our annual recognition program. This is an excellent opportunity to showcase innovative solutions to any problems that have cropped up – either suddenly or over time – in your municipality. It can also be an opportunity to let your peers in on innovations that prevented problems from even arising.

[Visit our awards page](#) to see previous years of impressive ideas created by our winning municipalities as well as the full invitation and application to this year's program.

Contact: Ciara Bradley, Legislative Administrator, CBradley@njslom.org, 609-695-3481 x128.

b. Attorney General 21/21 Community Policing Project

The Attorney General has [asked the 21 County Prosecutors](#) to organize quarterly public events to discuss issues relevant to community policing in the 21st century (the "21/21 Community Policing Project"). The goal of the project is to strengthen relationships between law enforcement officers and the communities they serve – and to address areas of concern before conflicts arise. Starting in spring 2018, each of the County Prosecutors will be responsible for organizing one meeting each on the following topics:

- **Spring 2018** (Apr-Jun) – Investigations of Officer-Involved Shootings
- **Summer 2018** (Jun-Aug) – Opioids
- **Fall 2018** (Sep-Nov) – Immigration Enforcement
- **Winter 2018-19** (Dec-Feb) – Bias Crimes

The events will include presentations and/or discussions on the quarterly topic. For a listing of scheduled public events contact [your county prosecutor](#) or visit the [21/21 Community Policing Project site](#).

c. Application for 2018 Governor's Environmental Excellence Awards Available

The New Jersey Department of Environmental Protection (DEP) is accepting applications for the 2018 Governor's Environmental Excellence Awards (GEEA). The Governor's Environmental Excellence Awards Program is New Jersey's premier awards program for recognizing outstanding environmental performance, programs, and projects throughout the state. These awards recognize individuals, businesses, institutions, communities, organizations, educators, youth and others who have made significant contributions to environmental protection in New Jersey. Since the awards program was established in 2000, 170 winners have been recognized. Nominations can be submitted for seven different categories. In addition, the category for "Environmental Education" has been divided into two awards: one for adult-led educational initiatives and one for projects that are student-led or have succeeded due to a high level of student involvement.

The GEEA Program is sponsored by the New Jersey Department of Environmental Protection, the New Jersey Environmental Infrastructure Trust and the New Jersey Corporation for Advanced Technology, in partnership with the New Jersey State League of Municipalities. Award winners will be honored at a ceremony in December, to be held in Trenton. The 2018 application and other awards information is available at [the DEP website](#). Completed applications must be received at DEP by October 5.

Questions – Contact Tanya Oznowich at DEP, 609-984-9802 or Tanya.Oznowich@dep.nj.gov



New Jersey State League of Municipalities

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

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



Powered by

Email not displaying correctly? [View it in your browser](#).