

NEW JERSEY ASSOCIATION OF COUNTIES

County Government with a Unified Voice

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LEGISLATIVE UPDATE

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INTEREST ARBITRATION REFORM

As expected, both houses passed the interest arbitration reform legislation. The Senate passed the measure 40 - 0, while the General Assembly passed it by a vote of 74 - 1. SENATE, NO. 5/ASSEMBLY, NO. 3393 (*Sweeney D-3/Greenwald D-6*) establishes the "last offer" as the terminal procedure for police and fire contract disputes, and imposes a cap on certain arbitration awards. *NJAC supports this legislation as a fair and significant restructuring of the interest arbitration system; and, thanks Senate President Sweeney, Assemblyman Greenwald, and the Administration, for addressing our concerns with the current interest arbitration process. Governor Christie will likely sign the bill into law by January 1st.*

CIVIL SERVICE REFORM

Although the civil service reform legislation passed both houses yesterday as well, it did not enjoy the same bi-partisan support. The Senate passed the measure 24 - 16, while the General Assembly passed it by a vote of 43 - 32. SENATE, NO. 2391/ASSEMBLY, NO. 3590 (*Sweeney D-3/Stender D-22*) permits collective bargaining on certain matters covered by civil service, extends the working test period and time frame for hiring certain temporary seasonal employees, and creates the Title Reduction Task Force. *NJAC supports this legislation as an important step toward streamlining the antiquated civil service system; and thanks both Senate President Sweeney and Assemblywoman Stender for taking the time to discuss this issue in detail with our county officials over the past several months. It's unclear at this time if Governor Christie will sign the bill into law in its current form as he would like to see it permit local governments to withdraw from civil service under certain circumstances.*

In addition to making various reforms to civil service, the bill includes NJAC as a member of the Civil Service Title Reduction Task Force. Please let us know as soon as possible if you would like to serve as the NJAC designee on the Task Force, which is compromised of only six members.

AFFORDABLE HOUSING

The General Assembly passed the affordable housing legislation by a vote of 43 – 32 and the Senate will likely consider the measure at its next voting session on December 20th. SENATE, NO. 1/ASSEMBLY, NO. 3447 (*Lesniak D-20/Bateman R-16*) reforms the procedures concerning affordable housing and abolishes the Council on Affordable Housing. Importantly, the latest version of the bill does not require county planning boards to review and approve the housing element of a municipality’s affordable housing plan. NJAC thanks the New Jersey Association of County Planners for their hard work and patience over the past several weeks on clarifying the appropriate role for county planning boards.

STATE RESIDENCY REQUIREMENT

The General Assembly passed SENATE, NO. 1730/ASSEMBLY, NO. 2478 (*Norcross D-5/O’Toole R-40*)(*Moriarty D-4/Riley D-3*) by a vote of 68 – 5 – 1, and the measure is on Second Reading in the Senate. In summary, this legislation establishes the “New Jersey First Act,” and requires every person holding an office, employment, or position in this State to maintain a principal place of residence in New Jersey: More specifically, the residency requirement applies to persons employed:

- in the Executive, Legislative, or Judicial branches of government;
- with an authority, board, body, agency, commission, or instrumentality of the State – including any State college, university, or other higher educational institution;
- with a county, municipality, or other political subdivision of the State or an authority, board, body, agency, district, commission, or instrumentality of the county, municipality, or subdivision; or
- with a school district or with an authority, board, body, agency, commission, or instrumentality of the district.
- to have his or her principal residence in this State.

A person will have one year from the time of taking the office, employment or position to comply. Under the bill, the residency requirement would not apply to any person: who is employed on a temporary or per-semester basis as a visiting professor, teacher, lecturer, or researcher by any State college, university, other higher educational institution, or county or community college, or in a full or part-time position as a member of the faculty, the research staff, or the administrative staff by any State college, university, or other higher educational institution, or county or community college, that the college, university, or institution has included in the report required to be filed pursuant to this bill; or, who is employed full-time by the State who serves in an office, employment, or

position that requires the person to spend the majority of his or her working hours in a location outside of this State.

The bill also provides that a person who holds an office, employment, or position in this State on the effective date of the bill, but does not maintain a principal residence in this State on that effective date, will not be subject to the residency requirement while the person continues to hold office, employment, or position without a break in public service of greater than seven days.

In addition, the bill provides that any person may request a residency exemption based on a critical need or hardship from a three-member committee established by the bill to consider applications for such exemptions. The decision on whether to approve an application from any person would be made by a majority vote of the members of the committee, and those voting in the affirmative must so sign the approved application. If the committee fails to act on an application within 30 days after the receipt thereof, no exemption would be granted and the residency requirement would be operative.

LOCAL BUDGETS ON DCA'S WEBSITE

Both houses unanimously passed SENATE, NO. 2022/ ASSEMBLY, NO. 2478 (*Madden D-4*)(*Riley D-3*), which requires DCA to post on its website the current adopted budget of any county or municipality that does not maintain its own website; and requires posting of the three immediately preceding adopted budgets. Although each county in the State maintains its own website, this bill would require all counties to post on its website the adopted budgets of the three preceding years. Governor Christie is expected to sign the measure into law.

PROPERTY TAX FORCE STUDY COMMISSION

The Senate unanimously passed SENATE, NO. 2201 (*Sweeney D-3/Kean R-21*), which establishes the "Property Tax Levy Cap Task Force." The bill's counterpart in the General Assembly ASSEMBLY, NO. 3155 (*Burzichelli D-3*) is currently in the Assembly Housing and Local Government Committee awaiting consideration. In summary, the Task Force will monitor the impact of changes to the levy cap law; and must engage in a three-year study of the new levy cap on municipal finances, the property tax burden, the structure and functions of county and municipal government, including all local taxing districts, the fiscal relationship between local governments, the allocation of service delivery responsibilities, and labor agreements reached between local units and collective bargaining entities. The Task force must issue its final report to the Governor and Legislature by November 1, 2013. Although the Governor and legislative

leaders make all appointments to the Task Force, please let us know if you would like to serve and we'll make a recommendation accordingly.

SAMPLE BALLOTS

The General Assembly unanimously passed SENATE, NO. 1781/ASSEMBLY, NO. 1646 (*Beach D-6*)(*Greenwald D-6/Wagner D-38*), which provides for delivering one sample ballot to each residence address where at least one resident thereof is registered to vote. Current law requires delivering one sample ballot for each registered voter, even if several registered voters reside at the same address. In the case of an election in a nonpartisan municipality, the municipal clerk, and in the case of all other elections (other than fire district elections), the county clerk, will post a copy of the sample ballot prepared by that clerk on the Internet website of the municipality or county, as appropriate. If a municipality does not maintain a website, the county clerk of the county that includes that municipality will post a copy of a sample ballot prepared for use in a nonpartisan municipal election on the county Internet website. Sample ballots will not be required to be posted for fire district elections.

As always, thank you for your time and consideration, and please do not hesitate to contact us with any questions or concerns.