

NEW JERSEY ASSOCIATION OF COUNTIES

County Government with a Unified Voice!

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STATE HOUSE NEWS

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CODE RED ALERTS

County governments across the State have been struggling to implement and fund the 2017 law that requires county emergency management coordinators to issue Code Blue alerts under certain circumstances. With this in mind, NJAC plans to meet with the sponsors of **SENATE, NO. 3121/ASSEMBLY, NO. 4566** (*Greenstien D14*)(*Vainieri Huttler D-37*) to discuss our concerns with this legislation, which would require counties to establish Code Red alert plans during hot weather conditions.

In summary, this bill would require a county office of emergency management, or other appropriate county office, agency, or department, to coordinate with municipal emergency management coordinators in municipalities with a documented homeless population of at least 10 persons, to develop consistent Code Red alert plans throughout the county that provide emergency cooling centers during implementation of a Code Red alert. The bill would make the county emergency management coordinator responsible for monitoring National Weather Service weather forecasts; and, would require issuance of a Code Red alert if: the heat index is forecast to reach 95 degrees Fahrenheit to 99 degrees Fahrenheit for at least two consecutive days; or the temperatures will reach 100 degrees Fahrenheit to 104 degrees Fahrenheit for any length of time.

The issuance of an alert would trigger implementation of the county Code Red alert plan, which would include emergency cooling centers for at-risk individuals. These cooling centers may be provided by designated volunteer organizations that would receive planning support from the county but operate autonomously in response to an alert. The bill would define an at-risk individual as an individual living outdoors or in poorly insulated settings who is at risk for weather-related exposure and possible death. The bill also would amend current law to ensure the plans throughout the county include communication and outreach to at-risk individuals, as well as transportation during the implementation of a Code Blue or Code Red alert plan. Although NJAC commends the sponsors for their efforts to provide comfort for at-risk individuals during severe weather events, this legislation does not contain a funding mechanism or State appropriation to offset the costs associated with providing transportation, outreach and cooling centers as required under the bill. S-3121 is currently in the Senate Health, Human Services, and Senior Citizens Committee and A-4566 is in the Assembly Human Services Committee awaiting consideration.

TICK CONTROL ACTIVITIES

Special thanks to Monmouth County Mosquito Control Division Superintendent Vicki Thompson and Research Scientist Dr. Andrea Egizi, and Hunterdon County Division of Public Health Manager Tadhgh Rainey, for joining NJAC on October 22nd and testifying before the Assembly Agricultural and Natural Resources Committee about our concerns with **ASSEMBLY, No. 4459** (*Houghtaling/Downey D-11 Monmouth*).

In summary, this legislation would add tick control duties to the responsibilities of State and county mosquito control commissions; and, would require counties to include in their annual tax levy, the amount of money needed for mosquito and tick control. Although the legislation would authorize counties by resolution to conduct tick control activities, the bill would require counties to use existing revenues earmarked for mosquito control with no additional State funding. Under current law, counties must conduct comprehensive mosquito control activities, which may include source control, trap setting, water management, surveillance, brush cleaning, public education, and the use of other vector control techniques.

As noted in Committee, managing the growing tick population is much more difficult than controlling the mosquito population as there's no consensus among subject matter experts on how to effectively eradicate the critters, ticks thrive in a variety of habitats, and many of the currently used pesticides are also harmful to the bugs we like such as bumble bees and butterflies. The Committee Second Referenced A-4459 to the Assembly Appropriations Committee for consideration; and, NJAC is meeting with Assembly Houghtaling shortly to discuss how to preserve the legislation's original intent and make it more palatable for county governments to implement. The Senate companion version **SENATE, No. 3022** (*Greenstein D-14*) is currently in the Senate Environment and Energy Committee awaiting consideration.

STATUTE OF LIMITATIONS

The Senate Judiciary Committee may consider at one of its upcoming meetings **SENATE, No. 477** (*Vitale D-19/Scutari D-22*), which would eliminate the statute of limitations in certain civil actions for sexual abuse, expand the categories of defendants liable in such actions, and remove the safeguards provided local governing bodies under the New Jersey Tort Claims Act (TCA).

In summary, this legislation would eliminate the current two-year statute of limitations in civil actions for the sexual abuse of a child; the willful, wanton or grossly negligent act or omission of a sexual assault or other crimes of a sexual nature brought against a trustee, director, officer, employee, agent, servant or volunteer of a nonprofit corporation, society or association organized exclusively for religious, charitable or educational purposes; and, the sexual offense committed against a minor due to the negligent hiring, supervision or retention of an employee, agent or servant of a nonprofit corporation, society or association organized exclusively for religious, charitable, educational or hospital purposes. The bill would

also expand the category of persons who are potentially liable in any civil action alleging the sexual abuse of a child to include *any person* who knowingly permitted or acquiesced in the sexual abuse would be civilly liable. Finally, the measure would eliminate the protections afforded local governing bodies under the “New Jersey Tort Claims Act,” and would further hold public entities liable in actions for damages alleging the sexual abuse of a child.

NJAC commends the sponsors for their leadership to provide the victims of sexual abuse with additional remedies against the individual and entities guilty of committing such heinous crimes; and, plans to meet with the sponsors to discuss the following recommendations: extend the statute of limitations from 2 to 7 years in civil actions for sexual abuse filed against local governing bodies; and, eliminate the statute of limitations for the perpetrators of sexual abuse. NJAC, the New Jersey State League of Municipalities (NJLM), and the New Jersey School Boards Association (NJSBA) respectfully submit that these recommendations would expand the ability for the victims of sexual abuse to pursue civil actions against the person that committed such terrible acts; and, would reasonably preserve the safeguards contemplated by the Tort Claims Act as local governing bodies defend all lawsuits with property taxpayer dollars. The companion version **ASSEMBLY, No. 3648** (*Quijano D-20/Vainieri Huttled-37*) is currently in the Assembly Judiciary Committee awaiting consideration.

COUNTY OPTION HOSPITAL FEE PILOT PROGRAM

On November 1st, Governor Murphy signed into law **SENATE, No. 2758** (*Vitale D-19/Ruiz D-29*)(*Coughlin D-19*), which would establish a five-year County Option Hospital Fee Pilot Program. In summary, this new law authorizes the Commissioner of Human Services to allow no more than seven participating counties in the State to impose a local health care-related fee on hospitals within their borders. Boards of chosen freeholders must choose to participate in the program; and, according to the parameters set by the bill, Atlantic, Burlington, Camden, Gloucester, Essex, Hudson, Mercer, Middlesex, Monmouth, and Passaic counties would be eligible. At a time in which all local governments are struggling to make ends meet, NJAC supports this important and timely initiative as it may provide participating counties with new revenues; and, may further increase financial resources through the Medicaid program to support local hospitals and their continued efforts to provide necessary services for the State’s most vulnerable population.

COUNTY COLLEGE EMPLOYEE HEALTH BENEFITS

On October 24th, both houses passed **SENATE, No. 2455** (*Sweeney D-3/Oroho R-24*)(*Murphy D-7/McKnight D-31*), which would transfer New Jersey county college employees and retirees from membership in the School Employees’ Health Benefits Program (SEHBP) to membership in the State Health Benefits Program (SHBP).

In summary, SEHBP offers medical and prescription drug coverage to qualified local education public employees, retirees, and eligible dependents. Under current law, employees and retirees of county colleges and their eligible dependents may participate in the SEHBP. This bill would transfer such membership for employees and retirees of county colleges and their eligible dependents from SEHBP to SHBP, which provides medical and prescription drugs coverage to qualified State and local government public employees, retirees, and eligible dependents. NJAC supports this legislation as it would provide flexibility in managing employee health benefits and reduce employee health benefit expenses, which increase by double digits nearly every year. It's unclear if Governor Murphy will sign the bill into law at this time.

MURPHY PLEDGES \$50M TO SANDY HOMEOWNERS STILL REBUILDING 6 YEARS LATER

Colleen O'Dea, NJ Spotlight, October 30, 2018

On the sixth anniversary of superstorm Sandy, some 1,200 New Jerseyans still can't return to their homes. Now, the state is finally taking action to make additional assistance available to them. Gov. Phil Murphy traveled to Union Beach, one of the Shore communities hardest hit by the massive storm, to announce the state plans to redirect \$50 million in unspent funds to a program that would provide no-interest loans to homeowners. Those loans could be forgiven eventually, if residents have already received a \$150,000 grant from a major homeowner-relief program but still could not pay all the costs of rebuilding. "We could congratulate ourselves all we want on the rebuilding ... however, we cannot stop until every family in every Sandy-impacted community is once again able to walk back to the doors of their homes," said Murphy, after noting that most of the state's residents, businesses, and boardwalks have returned to normal.

But while 330 homeowners in Union Beach have been able to rebuild, 56 have not. Statewide, the number is "1,200 families six years later. We must get them back into their homes." Murphy also announced an official moratorium on the state's seeking repayment from owners who have been unable to prove they spent all aid appropriately, along with an "extreme financial hardship allowance" that could lead to the state forgiving so-called clawbacks, which seek to recover money already disbursed. Owners will apply for an allowance to the state Department of Community Affairs, which will evaluate each individual's ability to recoup aid. Proven cases of extreme hardship — including those who lost a home to foreclosure or who declared bankruptcy — would have their debt reduced or eliminated. This "new approach ... will no longer employ collection agency tactics," Murphy added. Both of those changes were requested two months ago by the New Jersey Organizing Project, which has been working to help Sandy victims recover, when the state announced an earlier reallocation of \$10 million in federal Community Development Block Grant Disaster Recovery funds. "There's a new collaborative attitude to bring humanity and compassion back into the recovery process," said Doug Quinn, a member of the New Jersey Organizing Project (NJOP), who is one of those still trying to finish rebuilding his home along the waterfront in Toms River. "Our goal is to get all our citizens home."

Quinn said he was “cheated by my flood insurance company and the engineering firm they hired to do their dirty work,” so the reconstruction of his home “turned into a never-ending nightmare that consumed my life.” The new loan program is for those who got help through the state’s main housing-recovery programs, Reconstruction, Rehabilitation, Elevation, and Mitigation (RREM) and Low-to-Moderate Income (LMI) Homeowner Rebuilding. Those programs provided grants to homeowners to cover rebuilding costs up to \$150,000 not otherwise funded by insurance, Federal Emergency Management Agency assistance, Small Business Administration loans, or other sources. Together, the RREM and LMI programs have rebuilt some 6,420 Sandy-damaged homes.

Those unable to complete reconstruction would be able to apply for a loan for whatever amount is needed to finish the work after accounting for flood insurance, SBA loans, and any other funds available to the homeowner. The loans would have no monthly payment requirements. A homeowner who remains in the house for 15 years following the completion of construction would have the loan forgiven, while someone who sells a home prior to meeting that residency requirement would have to repay a portion of the loan. The state received about \$4.2 billion in CDBG disaster-recovery funds and has spent all but \$1.2 billion. Officials had to craft detailed plans for spending the federal money. All changes to the way the money is spent are subject to a public comment period and a hearing and need approval from the U.S. Department of Housing and Urban Development.

Murphy said all of the \$1.2 billion not spent is earmarked for projects. It must be spent by 2022. “A lot of the money that is still outstanding is for the larger flood-control and other projects like the one we are doing here in Union Beach,” said Rep. Frank Pallone, a Democrat whose 6th District includes part of the Jersey Shore. “We’ve been focusing on individuals and helping individuals but that bottom line is a lot of that package was for Army Corps flood-control projects. And these are ongoing, hundreds of millions of dollars.” The Union Beach project, estimated to cost about \$290 million, includes a beach berm and dune system, a number of levees and floodwalls, road closure gates, pump stations, tide-gate structures, and beach replenishment. Some 90 percent of Union Beach, which lies along the Raritan Bay shoreline, was flooded by as much as 10 feet of water from Sandy. More than 340 homes were destroyed or left uninhabitable. Perhaps the storm’s most iconic image, of a yellow two-story home cut roughly in half diagonally, was taken in Union Beach. Statewide, Sandy damaged an estimated 346,000 homes, knocked out power to 2 million households, and killed 37 people.

This being an election year with Democratic Sen. Bob Menendez facing a tough challenge from former pharmaceuticals executive Bob Hugin, Murphy, Pallone, and others present all praised Menendez for fighting for Sandy victims for the past six years. Menendez and Pallone held a roundtable discussion with Sandy survivors in nearby Belford prior to Murphy’s announcement. The Senator opened it up by talking about his memories of seeing the devastation, of meeting those who had lost everything, but also seeing “some of the best of what we are as a state.” He also recounted fights to gain passage of a bill to stop a hike in flood insurance premiums that would have cost New

Jersey ratepayers \$50 million. The measure also reopened flood insurance claims that had been “lowballed” to gain another \$260 million for policyholders.

Menendez also made a pitch for legislation he is sponsoring, the SAFE NFIP Act, that would provide sweeping reforms to the National Flood Insurance Program, which needs to be reauthorized by November 30. Among its provisions, the bill would reauthorize the NFIP for six years, cap annual premium increases at 10 percent, and invest in mitigation efforts. It is one of a number of reauthorization bills pending. “It’s the most comprehensive bill,” said Menendez, who has bipartisan co-sponsorship. “It takes all the lessons we learned from the consequences of Sandy and incorporates them. This is the best bill.” Krista Sperber, a Belmar resident who was knocked out of her home by Sandy for three years, agreed. “At a time when more people need flood insurance, it is getting too expensive,” said Sperber, another NJOP member. Sperber said that despite the flooding that damaged her home, she “felt pretty good because I knew I had the maximum flood insurance coverage.” But her insurer paid only 10 percent of her claim and she had to hire an attorney, and agree to pay him a third of any settlement, to get more money. While she remained out of her home for three years, she also suffered a period of paralyzing depression and anxiety.

“We can’t have families priced out of protection,” Sperber continued. “The SAFE NFIP Act works to make flood insurance more affordable, but even more than that, it prioritizes making mitigation funding available before a disaster. That means families can be safer, their flood insurance costs go way down, and every dollar spent on mitigation saves taxpayers six dollars after a disaster. But above all, prioritizing mitigation would save families the kind of heartache all of us went through and are still going through because of Sandy.”

MURPHY PUSHES FOR NEW GUN LAWS IN WAKE OF PITTSBURGH SYNAGOGUE MASSACRE

Katherine Landergan, POLITICO, October 29, 2018

TRENTON — Gov. Phil Murphy and top lawmakers on Monday promised to move a package of gun safety reform bills, in the aftermath of Saturday's mass shooting at a Pittsburgh synagogue and the death Friday of a high school student in Jersey City. Murphy called on the Democrat-controlled Legislature to address several specific areas, including passing a law that would criminalize all aspects of gun trafficking as well as straw purchasing — the act of buying a firearm for someone who is barred from buying one. The governor said he has been speaking with lawmakers about the need for another package of gun safety bills, but that two events in recent days put renewed focus on the issue: specifically, the massacre at a synagogue in Pittsburgh on Saturday that left 11 people dead and six wounded, and the death of a 17-year-old high school student who was shot Friday night in Jersey City. "For all of these big awful events like the slaughter on Saturday, there is a daily drumbeat of gun violence we cannot ignore," Murphy said at a press conference in Trenton. "Gun violence is not something we can eliminate through a single magic law. It requires our constant attention."

Assembly Majority Leader Lou Greenwald and state Senate Majority Leader Loretta Weinberg both pledged to work on passing the bills. This gun package would follow another one Murphy signed back in June. That six-bill package formally rolled back Christie administration regulations and made some substantial changes like reducing the permitted size of ammunition clips. Murphy has taken other steps to curb gun violence, including signing an executive order to publish regular reports on gun data and appointing Bill Castner as a senior adviser on firearms. Greenwald said he is unsure how many proposals will be in this package, but that lawmakers are working directly with both offices of the governor and attorney general, and he is hopeful the entire process could get done within three months.

"We'd like to move quickly," he said. "Much of the legislation has already been drafted." Murphy also called the Legislature to send him a proposal, previously vetoed by Republican Gov. Chris Christie, that would require New Jersey gun dealers to sell at least one weapon equipped with "smart" technology, or using fingerprint scanners or other means to verify a gun's owner before the weapon can be fired. Among some of the other changes the governor is seeking: requiring photo identification to purchase ammunition, mandating that ammunition retailers report sales to the state police, and criminalizing the purchase of ammunition by people convicted of serious crimes. Murphy also said he wants the state to give out grants to help certain cities provide "violence intervention strategies for at-risk individuals." Weinberg said in a statement that the tragedy in Pittsburgh is a "horrifying reminder" of the harm that gun violence inflicts. "While New Jersey has always been at the forefront of sensible gun legislation, we know that can do more," she said. "Until the federal government does more, it is up to us in state legislatures to lead the way on this important life-saving issue."

UPCOMING NJAC EVENTS

Please visit www.njac.org for details about NJAC's December 14th Summit on Active Shooter Preparedness and 911 Systems. Space is limited, and you *must* complete and return the attached registration form to Kim Nolan at knolan@njac.org or by fax at (609) 989-8567 no later than December 7th.

STATE HOUSE TRIVIA: Did you know that Veterans Day originated as Armistice Day on November 11, 1919 on the first anniversary following the end of World War I and officially became a national holiday in 1938?

"On this Veterans Day, let us remember the service of our veterans, and let us renew our national promise to fulfill our sacred obligations to our veterans and their families who have sacrificed so much so that we can live free." Dan Lipinski