

NEW JERSEY ASSOCIATION OF COUNTIES

County Government with a Unified Voice!

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STATE HOUSE NEWS

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ONLINE LEGAL NOTICES

NJAC is encouraging all 21 counties in the State to adopt the following resolution concerning online legal notices.

A RESOLUTION urging state leaders to pass legislation that will authorize counties, municipalities, school districts, and all local governments to electronically publish legal notices in a newspaper's website or digital publication.

WHEREAS, current law requires purchasing officials, clerks of the boards, planning departments, improvement authorities, sheriffs, and other local government professionals to publish printed legal notices in local newspaper publications; and,

WHEREAS, such legal notices typically include contract awards, contract addendums, public meeting notices, RFP and RFQ advertisements, election announcements, sheriff sales, and much more; and,

WHEREAS, local government officials have long decried that publishing these voluminous documents in print media is costly, time consuming, and outdated; and,

WHEREAS, local government officials have found it increasingly difficult to comply with the notice requirements under current law as the newspaper industry has evolved into an online platform and struggled to retain staff, resources, and publications; and,

WHEREAS, legislation to authorize the online publishing of legal notices will streamline the antiquated process and save valuable time, resources, and property taxpayer dollars; and,

NOW, THEREFORE, BE IT RESOLVED that the New Jersey Association of Counties does in fact, hereby urge state leaders to pass legislation that will authorize counties, municipalities, school districts, and all local governments to electronically publish legal notices in a newspaper's website or digital publication.

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be sent to Governor Phil Murphy, Senate President Nicholas Scutari, Speaker of the General Assembly Craig Coughlin, and the clerks of the boards of county commissioners in all twenty-one counties.

CODE RED ALERTS

On June 13th, NJAC testified before the Assembly Housing Committee in opposition to **A-2258** (*Lopez D-19/McCoy D-14*), which would require counties to establish Code Red Alert plans to shelter at-risk individuals during hot weather conditions and recommends the measure instead establish a voluntary pilot program along with a dedicated and non-lapsing funding mechanism to support the program.

Although NJAC commends Assemblywoman Lopez for his leadership to provide comfort for at-risk individuals during severe weather events, NJAC is concerned that this legislation does not include a clearly defined and dedicated source of funding to offset the costs associated with providing transportation services, community outreach, and cooling centers as required under the bill. Moreover, the legislation is vague and ambiguous on which agencies are ultimately responsible for providing the mandated services, which has led to confusion among counties, municipalities, social service agencies, and non-profit organizations with implementing a 2017 law that now requires counties to issue Code Blue alerts during cold weather conditions.

NJAC submits that a voluntary pilot program with a dedicated funding mechanism could ultimately provide some much-needed clarity and direction on which agencies are ultimately responsible for providing the above services in a clear and consistent manner. NJAC further recommends that any new funding should not affect, alter, or diminish any existing services, programs, or initiatives that support permanent housing and self-sufficiency for homelessness - similar to a 2018 law that now authorizes county governments to increase the homelessness housing fund surcharge from \$3.00 to \$5.00 and to use the \$2.00 increase to support emergency shelter for homeless services provided during Code Blue alerts. NJAC looks forward to working with Assemblywoman Lopez in establishing a long-term solution that would support those in need in a resourceful, manageable, and meaningful manner. The Committee amended the legislation without reporting it, and the companion version **S-2346** (*Turner D-15/McNight D-31*) is currently in the Senate Health, Human Services, and Senior Citizens Committee awaiting consideration.

LOCAL AID MONIES FOR BOARDWALKS

On June 3rd, NJAC testified before the Senate Transportation Committee in opposition to **S-1224** (*Beach D-6*) which would amend the definition of public highways under the Transportation Trust Fund (TTF) to include boardwalks and would further amend the local aid program formula for the distribution of county and municipal aid to include boardwalk mileage.

Although NJAC certainly appreciates the vital role boardwalks play in the State's tourism industry and overall economy, NJAC respectfully submits that local aid monies should remain dedicated to ensuring a safe and reliable network of roads and bridges. NJAC strongly supported the recent reauthorization of the TTF as it reestablished a stable, dependable, and long-term source of constitutionally dedicated funding necessary to ensure a safe and reliable network of roads and bridges in the Garden State. As a vital component of the TTF, local aid

allocations to counties and municipalities provide critical property tax relief, promote economic growth and development, and protect the motoring public on local roads and bridges that carry the majority of the State's overall traffic. Boardwalks and promenades are not transportation corridors for motor vehicles and limited local aid dollars should not be used for anything other than improving local roads and bridges.

For the same reasons as set forth above, NJAC is also concerned with the fact that this legislation would permit the Commissioner of the Department of Transportation (DOT) to provide grant funding of no less than \$4.0 million per year through the Local Aid Infrastructure Fund for boardwalk projects. This funding is typically reserved for emergencies caused by severe weather events such as roadway washouts, sink holes, bridge failures, and more; and should remain fully funded for such purposes. The New Jersey State Association of Counties (NJSACE) also opposes S-1224 and issued the following statement: *"NJSACE opposes S-1224. Boardwalk miles must not be included in the county/municipality road mileage calculation. The county aid and municipal aid funding allotment must not be reduced in any way. NJSACE understands that boardwalks are important to NJ Tourism/Economy, however boardwalks are not the same thing as roads and bridges. NJSACE has no objections if the State desires to have a separate funding program for boardwalks - without reducing the county aid."* The Committee second referenced the measure to the Senate Budget and Appropriations Committee for consideration, but a companion version has not been introduced in the General Assembly as of this writing.

COUNTY HOSPITAL OPTION FEE

On June 6th, the Senate Health, Human Services, and Senior Citizens Committee amended and favorable reported **S-2552 (Vitale D-19)**, which would clarify the cap on fees imposed under the "County Option Hospital Fee Program Act."

In summary, this bill would amend the "County Option Hospital Fee Program Act," to remove the requirement that the fee implemented under the program be subject to a cap as determined by the Commissioner of Human Services. The bill would instead require that the fee is subject to review and approval by the Commissioner of which would not impact the Commissioner's authority to annually review and approve county option programs. The bill would also specify that the fee would not exceed the aggregate amount specified under federal law minus one percent of total net patient revenues. The Committee amended the bill to provide that neither the State nor a participating county would be liable for any amount of local-healthcare-related fee imposed on a hospital pursuant to this act that the hospital fails to pay or does not pay in a timely manner to the assessing county. The Committee further amended the bill to provide that with the exception of the period of time during which a participating county or Medicaid Managed Care Organization is in possession of payments prior to disbursement, neither a participating county nor Medicaid Managed Care Organization would be liable for any amount related to an approved expenditure plan determined to be impermissible by a federal agency.

The County Option Hospital Fee Program was established in November of 2018 to support local hospitals in designated high-need areas to ensure continued access to critical healthcare services for vulnerable populations. To effectuate this goal, the program authorizes participating counties, and hospitals within those counties, to partner with the State through a provider assessment mechanism that enhances financial support through the Medicaid program. The bill would further modify the definition of “participating county” to mean a county that contains a municipality with a population greater than 20,000, and with a Municipal Revitalization Index Distress score that exceeds 55, as last calculated by the New Jersey Department of Community Affairs. The current participating counties are: Atlantic, Bergen, Burlington, Camden, Cumberland, Gloucester, Essex, Hudson, Mercer, Middlesex, Monmouth, Ocean, and Passaic. The Office of Legislative Services (OLS) estimates that the measure would produce an annual net revenue gain for the State and participating counties of \$667.3 million of which would generate \$1.24 billion in federal Medicaid cost reimbursements, for an estimated \$1.91 billion in program revenues. S-2552 is on Second Reading in the Senate and the companion version **A-3364** (*Conaway D-7/Speight D-29*) was recommitted to the Assembly Appropriations Committee for consideration.

BEREAVEMENT LEAVE

On June 6th, the Assembly Labor Committee favorable reported **A-3505** (*Speight D-29/Sampson D-31*), which would provide that an employee may take family leave granted by the “New Jersey Family Leave Act” to grieve the loss of a child due to the death of the child, or miscarriage, stillbirth, or termination of a pregnancy for medical reasons.

The measure would also permit leave due to an unsuccessful adoption that had been pending and planned by the employee or due to an unsuccessful fertility treatment, including, but not limited to, intrauterine insemination and assisted reproductive technology. The measure would further allow an employee to take family temporary disability leave benefits granted by the “Temporary Disability Benefits Law” to bereave the loss of a child due to the death of the child, or miscarriage, stillbirth, or termination of a pregnancy for medical reasons, if the individual, or the spouse, domestic partner, or civil union partner of the individual, is a biological parent of the child or is a parent of the child pursuant to a valid gestational carrier agreement. Additionally, the bill would allow an employee to take family temporary disability leave benefits granted by the “Temporary Disability Benefits Law” to bereave an unsuccessful adoption that had been pending and planned by the employee or bereave an unsuccessful fertility treatment, including, but not limited to, intrauterine insemination and assisted reproductive technology.

The legislation would limit leave and benefits for bereavement as follows: for bereavement related to a circumstance for which the employee would not otherwise be eligible for any other kind of disability and family leave and benefits, the employee may take leave and benefits, depending on the circumstances, for not more than 21 days immediately following the date of the event which is the reason for the bereavement; and, for bereavement related to a circumstance for which the employee would be otherwise eligible for disability or family leave or benefits, depending on the circumstances, the employee may take leave and benefits for not

more than seven days immediately following the date of the event which is the reason for the bereavement. The Committee second referenced A-3505 to the Assembly Appropriations Committee for consideration and the companion version **S-2978** (*Polistina R-2*) is currently in the Senate Labor Committee.

TRANSPARENCY IN COMPENSATION

On June 6th, the Assembly Labor Committee favorably reported **A-4151** (*Danielsen D-17/Quijano D-20*), which would require transparency concerning compensation with employment listings and promotional opportunities.

In summary, this legislation would require employers to make reasonable efforts to announce, post, or otherwise make known opportunities for promotion that are advertised internally within the employer or externally on internet-based advertisements, postings, printed flyers, or other similar advertisements to all current employees in the affected department or departments of the employer's business prior to making a promotion decision. The bill would also require employers to disclose in each posting for new jobs and transfer opportunities that are advertised by the employer either externally or internally the hourly wage or salary, or a range of the hourly wage or salary, and a general description of benefits and other compensation programs for which the employee would be eligible. The measure would empower the Commissioner of the Department of Labor and Workforce Development (DOLWD) to enforce the provisions of the bill in a summary proceeding with employers who violate the law subject to a civil penalty in an amount not to exceed \$300 for the first violation and \$600 for each subsequent violation. The Committee second referenced A-4151 to the Assembly Commerce, Economic Development, and Agricultural Committee for consideration and the companion version **S-2310** (*Moriarity D-4/Turner D-15*) is in the Senate Budget and Appropriations Committee.

SOLID WASTE MANAGEMENT PLANS

On June 10th, the Senate Environment and Energy Committee took testimony on **S-2426** (*Smith D-17*), which would require each solid waste management district in the State (i.e., each county and the Hackensack Meadowlands District) to develop, as part of its district solid waste management plan, a strategy to reduce food waste in the district.

In general, this bill would require each solid waste management district to develop and implement a strategy for reducing, by the year 2030, the amount of food waste generated annually in the district by at least 50 percent of the amount which is generated in the year this bill is enacted into law. The strategy would be adopted as an amendment to each district's solid waste management plan and subject to the approval of the Department of Environmental Protection (DEP). The bill would require the DEP to develop, and publish on its Internet website, a list of measures solid waste management districts can take in order to achieve the food waste reduction requirement established in the bill. These measures would include actions to prevent food waste and increase the donation of surplus edible

food, the source separation and recycling of food waste, the composting and anaerobic digestion of food waste and other food waste diversion methods that also reduce methane emissions, and public awareness campaigns. Earlier this year, the Assembly Environment, Natural Resources, and Solid Waste Committee, second referenced the companion version **A-2090** (*Kennedy D-22/Stanelly D-18*) to the Assembly State and Local Government Committee for consideration.

UPCOMING NJAC EVENTS: Don't miss NJAC's virtual workshop "*Avoiding Wage & Hour Pitfalls & Compensatory Time in Jersey*" set for 10:00 a.m. on Wednesday 7/10 with registration details online at www.njac.org.

The top 5 simple things all dads would love this Sunday on the 4th best holiday of the year behind Halloween, Christmas Eve, and Independence Day.

5. Someone to confess that they flattened the tire and busted the rim on the mountain bike you recently purchased online from Walmart using American Express points.
4. Someone to cut the grass and use the weed whacker without having been asked and without mom secretly wiring them cash to do it.
3. Someone to remove the 17 cases of empty Papst Blue Ribbon cans dumped into the fire pit in your backyard and woods behind your house.
2. Someone to repair the basement window broken by the new girlfriend who snuck in the other night when they all thought you were sound asleep on the couch upstairs.
1. Someone to make you breakfast, lunch, or dinner as the only present you really need along with maybe a new tie or socks from the Burlington Coat Factory.

"The price of success is hard work, dedication to the job at hand, and the determination. that whether we win or lose, we have applied the best of ourselves to the task at hand." Vince Lombardi