

# NEW JERSEY ASSOCIATION OF COUNTIES

*County Government with a Unified Voice!*

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## STATE HOUSE NEWS

10/25/24

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### NJ PACT/REAL RULES

With the comment period for the New Jersey Protection Against Climate Threat (PACT)/Resilient Environment and Landscape (REAL) rules extended until November 7, 2024, NJAC is respectfully requesting that Governor Murphy and the New Jersey Department of Environmental Protection (NJDEP) consider a more moderate regulatory and legislative approach to implementing the sweeping changes in a manner that actively engages stakeholders at the local and federal levels along with the business community and residents. You may find additional details about the PACT/REAL rules by visiting <https://dep.nj.gov/njreal/>.

Although NJAC certainly recognizes that climate change and sea level rise impose a documented risk to local governments across the State, NJAC is concerned with the long-term economic and social consequences the rule proposal will inflict on new development, redevelopment, and the renovation of existing development. As currently drafted, the proposal fails to take into consideration how the new standards will affect a county's ratable base of which is critical for delivering essential services to those in need. With this in mind, and based on the recommendations included in the Resolution 421-24 passed by the Cape May County Board of Commissioners, NJAC respectfully requests that Governor Murphy and NJDEP consider taking the following actions:

1. Delay implementation of the PACT/REAL rules to provide stakeholders with additional opportunities to consider how the regulations will affect them and their communities.
2. Conduct a comprehensive and independent fiscal analysis on the potential economic and social impact of the proposed regulations.
3. Engage the New Jersey State Legislature to enact PACT/REAL rules through the legislative process, which includes public hearings and committee meetings.
4. Dedicate funding in the State budget to assist local governments with implementation of the regulations along with grant monies for resiliency efforts to comply with the new standards.

Importantly note that county and municipal governments across the State, and on both sides of the aisle, have passed similar resolutions as these recommendations offer a measured and reasonable approach that effectively balance the risks imposed by climate change and sea level rise with the long-term economic and social needs of the Garden State. You may find Cape May County's Resolution along with other helpful materials and resources at <https://capemaycountynj.gov/1694/njpactreal>.

#### **STATE HEALTH BENEFITS PROGRAM CASH FLOW**

On October 24<sup>th</sup>, committees in both houses considered **S-3838/A-4999** (*Scutari D-21/Coughlin D-19*), which would establish a mechanism to provide necessary funds if the available funds in the dependents' premium fund and employer health benefits fund fall to a level that is insufficient to cover 10 days of anticipated payments from the fund. The bill would permit the Director of the Division of Pensions and Benefits to initiate a temporary transfer of available funds from the health benefits fund to the dependents premium fund and employer health benefits fund. The bill would require the Director of the Division of Pensions and Benefits to notify the State Health Benefits Commission within 30 days of the transfer.

Under the bill, the amount transferred must not exceed the amount necessary to cover 30 days of anticipated payments from the fund. Moreover, the amount transferred, together with interest accruing at the prevailing interest rate earned by the health benefits fund in the month last preceding the date of the transfer, would be reimbursed from the employer health benefits fund on or before the 120th day next following the date of the transfer unless the Director of the Division of Pensions and Benefits determines that an extension of the reimbursement date is necessary to ensure that sufficient funding is available to pay claims incurred by employees of employers other than the State and their dependents; provided, however, in no case will the reimbursement date be extended for more than an additional 365 days.

In layperson terms, the measure would authorize the Division of Pensions and Benefits to transfer surplus monies from the State portion of the State Health Benefits Program (SHBP) to the local portion of the SHBP as it appears that the local portion will not have enough funds to cover the demand in utilization by the end of this year. The measure would then require the local portion to repay the State portion for the amount borrowed. Thank you to Senate President Scutari and Speaker Coughlin for agreeing to remove any reference in the bill as introduced to the local portion having to pay interest on any transferred funds. As such, the local portion of SHBP would have at least 120 days to repay the monies lent from the State portion without incurring any fees, penalties, or charges. The Division contends that this legislation is necessary as a cash management tool that would prevent the State Health Benefits Commission (SHBC) from imposing additional rate increases on the local portion at its November meeting.

Although NJAC appreciates the efforts of legislative leadership to work with the Administration on the SHBP's cash flow challenges and recognizes the dilemma the Division is facing with unanticipated utilization along with local governments leaving SHBP, this legislation underscores the necessity for State leaders to implement long overdue structural reforms. Both houses are expected to pass the legislation at upcoming voting sessions and the Governor is expected to sign the measure into law.

#### **ONLINE LEGAL NOTICES**

If you haven't done so already, 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.

## **WORKING TEST PERIOD**

NJAC is optimistic that we will soon have sponsors to introduce legislation that would extend the Working Test Period (WTP) for local governments from three months to four months along with the ability to extend the WTP to six months at the discretion of the Civil Service Commission (CSC).

For the past two years, NJAC has been working with the Chair/CEO of CSC, Allison Meyers, who has made several positive changes to streamline the antiquated hiring, evaluation, and promotional procedures long imposed by the CSC. As an integral component of these initiatives, the Chair/CEO and Commission implemented a Pilot Program in Atlantic County to extend the WTP from three months to four months with a copy of the Administrative Order dated December 23, 2023, enclosed for your review.

In general, the CSC defines the WTP as the period of time following a regular appointment from a certified list or appointment to a non-competitive title. CSC considers the WTP as a continuation of the examination process and as an opportunity for local governments to properly evaluate prospective employees. County officials contend that this relatively brief timeframe hampers human resource professionals from properly evaluating potential employees and making accurate recommendations accordingly. Moreover, current law provides the State of New Jersey as an employer with a four-month WTP, so any permanent changes to the law would create uniformity among all levels of government.

Please also note that prior to the commencement of the Pilot Program, Atlantic County notified all career service employees subject to the three-month WTP of the change and that the County has reported no issues, challenges, or grievances with any of its collective bargaining units. With this in mind, NJAC is advocating to make the Atlantic County Pilot Program permanent and applicable to all local governments following the Program's conclusion in January of 2025 by amending N.J.S.A. 11A:4-15 as follows:

- a. A working test period following regular appointment of four months, which may be extended to six months at the discretion of the commission, except that the working test period for [political subdivision employees shall be three months and the working test period for] entry level law enforcement, correction officer, and firefighter titles shall be 12 months:

NJAC submits that this modest change to the law would provide personnel and human resource departments in local governments across the State with additional time to adequately evaluate and recommend qualified employees for full-time employment. Stay tuned for additional details.

## **PUBLIC HEALTH LEGISLATION**

On September 23<sup>rd</sup>, NJAC noted its support before the health Assembly Health Committee for **A-4850** (*Rodriguez D-33/Sampson D-31*) and **A-4578** (*Schnall D-30/Speight D-29*). In summary, **A-4850** would increase the State's public health emergency supplies and services. In summary, this legislation would require the Division of Purchase and Property in the Department of Treasury to establish a stockpile of Personal Protective Equipment (PPE) in consultation with the State Office of Emergency Management (OEM). The measure would further require OEM to maintain the stockpile and ensure that the stockpile is adequately supplied to meet the State's personal protective equipment needs during a public health emergency.

During such an emergency, the bill would require OEM to make PPE available to the State and its political subdivisions, schools, hospitals, and nursing homes without charging a fee. The bill would further direct OEM to create, maintain, and update, an online portal, in the form of an Internet website, that would allow entities to donate emergency supplies during a public health emergency in accordance with standards and requirements as determined by OEM. The bill would also require OEM to review and streamline the State's process for procuring critical supplies and services during a public health emergency. NJAC supports this legislation as it should prevent the extraordinary circumstances county governments faced throughout the COVID-19 pandemic in navigating supply chain demands along with deciphering hundreds of executive orders and multiple procurement laws all the while being responsible for purchasing personal protective equipment, operating testing centers, collecting and sharing public health data, sheltering the homeless and at risk individuals, managing correctional facilities, administering welfare and social service programs, conducting elections, and much more.

**A-4578** (*Schnall D-30/Speight D-29*) would require the Department of Health (DOH), within 18 months of the effective date of the bill, to submit to the Governor and the Legislature a proposal for a comprehensive plan to invest in the State's public health system. In general, the plan would outline: a summary of existing policies, as well as recommendations for new initiatives, which strengthen public health infrastructure, develop a robust public health workforce, address health equity, and improve public health messaging and trust; clear objectives, actionable steps, and timelines for each recommendation; and, identify responsible agencies or entities for the implementation of each recommendation. The bill would require DOH to develop the plan with input from health partners across the State, including local health departments, healthcare providers, community organizations, and academia. NJAC supports this legislation as it should leave the State better prepared to manage the next public health emergency. The Committee favorably reported both bills to the Assembly Preparedness and Public Safety Committee for consideration.

## **FAMILY LEAVE ACT**

On September 26<sup>th</sup>, the General Assembly passed **A-3505** (*Speight D-29/Sampson D-31*), which would amend the Family Leave Act. In general, the measure 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, miscarriage, stillbirth, or termination of a pregnancy for medical reasons. The bill would also permit leave due to an unsuccessful adoption that had been pending and planned by the employee or due to fertility treatment that was unsuccessful, including, but not limited to, intrauterine insemination and assisted reproductive technology.

The bill 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. The bill would permit 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. **A-3505** is currently in the Senate Labor Committee awaiting consideration along with **S-2978** (*Polistina R-2/Mukherji D-32*).

## **UTILITY CONNECTIONS**

On October 7<sup>th</sup>, the Senate Budget and Appropriations Committee favorably reported **S-286** (*Stack D-33/Singleton D-7*), which would permit certain local units and authorities to reduce water, sewerage, stormwater, and other fees for low-income individuals. Under the bill, a local unit or authority that operates a water, sewerage, or stormwater management system may reduce the fees or other charges it collects from a person residing in its district or service area, provided that certain requirements are met. In summary, the measure would require a local unit or authority that establishes such a reduction to adopt procedures for determining a ratepayer’s eligibility and require a local unit or authority to advertise the availability of the reduction to residents in the district or service area, or in special periodical mailings to residents in the district or service area. The legislation would also require an applicant seeking a reduction to provide information and documentation concerning the applicant’s identity, income, household, and ownership or tenancy. The bill would provide that a local unit or authority may not offer rate reductions to low-income residents unless the local unit or authority has a sufficient amount of funds available to set-aside and offset the projected loss in revenues attributable to providing for low-income reductions under the bill. The bill would impose deadlines for local units and authorities to accept applications for reductions under the bill. However, the bill would allow a local unit or authority to deviate from the statutory

application deadlines would require the Director to approve a local unit's or authority's if they can demonstrate that a reduction would not result in an unreasonable increase in average residential rates, rents, fees, and charges or the authority having insufficient funds to maintain the integrity of its system infrastructure. **S-286** is currently in the Senate Budget and Appropriations Committee awaiting consideration and the companion version **A-4815** (*Ramirez D-32/Rodriguez D-33*).

#### **PARATRANSIT SERVICES**

On October 4<sup>th</sup>, Governor Murphy signed into law **A-2607** (*Karabinchak D-18/Calabrese D-36*) (*Diegnan D-18/Mukherji D-32*) which permits taxicabs, limousines, and transportation network companies (TNCs) to provide paratransit services in the State for a period of two years under certain circumstances. NJAC supported this legislation as it made its way through Legislature as it could help county governments provide critical community and paratransit services to senior citizens, individuals with disabilities, and others with mobility needs. Although the types of transportation services provided to those in need may vary from county-to-county, this legislation could make additional rides available for medical appointments for hemodialysis, chemotherapy, and radiation; physical and mental therapies; employment and educational training opportunities; veteran services; recreational activities; meals on wheels; visitation of loved ones in nursing homes and hospitals; and more. The new law takes effect immediately.

**UPCOMING NJAC EVENTS:** Don't miss NJAC's Year-End Summit on "Artificial Intelligence & Cybersecurity" set for Friday 12/13 at the historic Trenton Country Club. Make sure to visit our website at [www.njac.org](http://www.njac.org) for registration details.

*The top 10 costumes that you should consider wearing to a Halloween party this weekend that you reluctantly agreed to attend because you're still kind of sore about you and your boys taking second place dressed as KISS at Park Jr. High's annual Halloween costume contest back in the day when really should have won by a mile.*

10. Indiana Jones
9. Buzz Lightyear
8. Lone Ranger
7. Fred Jones
6. Elf
5. Captain Kirk
4. Richard Simmons
3. Batman
2. Austin Powers
1. Tony Manero

*"The only thing that really scares me about Halloween is running out of candy." Melanie White*