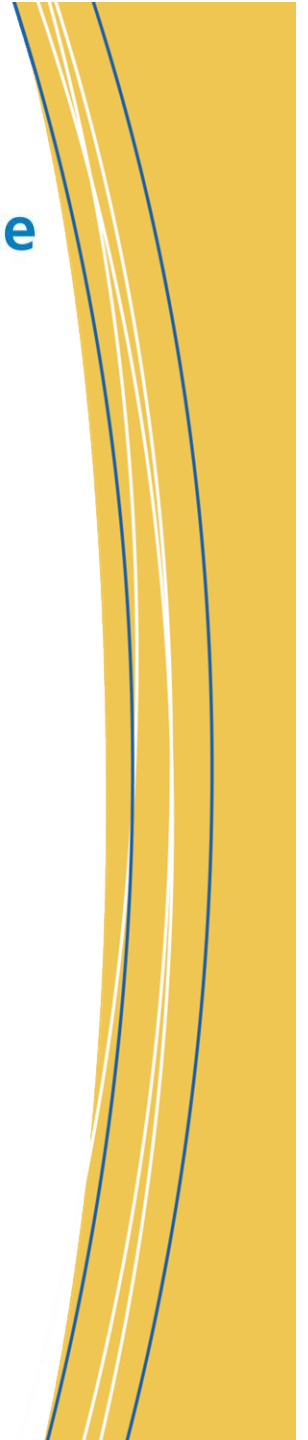


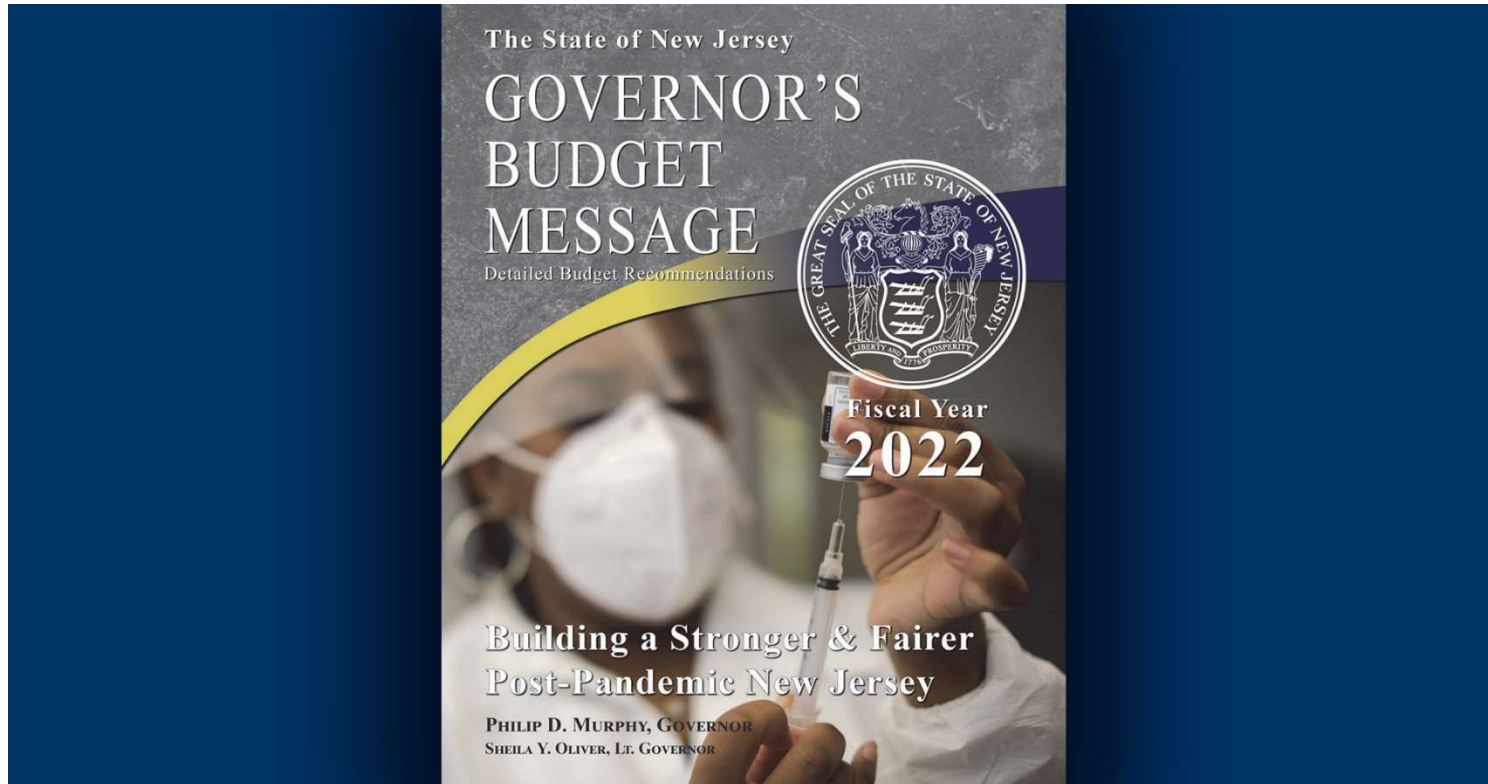


# Legislative Briefing: June 17, 2021

Bills of Municipal Interest



# FY 2022 State Budget



# Proposed Budget Includes

- \$1.6 billion for pensions
- \$1.4 billion for CMPTRA & Energy Tax Receipts
- \$122.8 million for Transitional Aid
- \$6.5 million Open Space PILOT
- \$4.4 million Highlands Protection Fund Act



# Proposed Budget – Property Tax Relief

- \$21.2 billion property tax relief
  - School Aid: \$17.2 million
  - Municipal Aid: \$1.5 million
  - Other local aid: \$1.09 million
  - Direct Property Tax Relief: \$1.2 million

## Proposed Budget - Property Tax Deductions Act

**\$709.9 million**

- \$219.7 million - Senior & Disabled Citizens' Property Tax Freeze
- \$260 million - Homestead Benefit Program
- \$51.5 million – Veteran's Property Tax Deductions
- \$7.2 million – Senior & Disabled Citizens' Property Tax Deductions



# Proposed Budget - Shared Services

\$10 million for Regional School District Consolidation Grant Program



# Proposed Budget \$11.2 Billion

According to State  
Treasurer, \$5.2  
billion “tax windfall”  
between now and  
June 2022

\$6 billion from  
American Rescue  
Plan Act

# Responsible Collective Negotiations Act

- [A-5862/S-3810](#) – NJLM **opposes**
- Expands mandatory non-negotiable items during collective bargaining
- Ignores multilayered & unparalleled protections afforded public sector workers by PERC, Civil Service Commission, Workplace Democracy Act, collective bargaining process, and more...
- Eliminates the function and rights of management to effectively govern its affairs with property taxpayer dollars.



# Responsible Collective Negotiations Act

- Expands Non-Negotiables items to include:
  - Layoffs
  - Subcontracting and privatization
  - Criteria and procedures for promotions, performance evaluations and hiring
  - Transfer of employees
  - Assignments and reassignments of employees
  - Transfer of negotiations unit work
  - Job security, discipline disputes and disciplinary reviews

# Responsible Collective Negotiations Act

**Items are subject to collective negotiations**

“unless a negotiated agreement would prevent government from carrying out its statutory mission”



# Responsible Collective Negotiations Act

- **Creates a definition of “disciplinary review procedures”**
- **Includes, but not limited to:**
  - Oral and written reprimands
  - Written warnings
  - Suspensions with and without pay
  - Fines
  - Terminations
  - Non-renewals
  - Non-reappointments
  - Demotions
  - Disciplinary transfers
  - All other adverse personnel actions based on employee performance or conduct

# Responsible Collective Negotiations Act

- Subjects grievance and disciplinary review procedures to binding arbitration
- Provides labor with a broad privileged communication protections
- Creates a disincentive for labor to negotiate what controls when an existing contract expires, and the parties have failed to reach an agreement on a successor contract.
- S-3810 passed Senate Labor 3-2, 2<sup>nd</sup> reading in Senate
- A-5862 awaiting consideration of Assembly Appropriations Committee

# Uniform Regulation of Small Wireless Facility Deployment

- [A-1116/S-2674](#) – as amended NJLM **opposes**
- League initially taken a neutral position – working with stakeholders and sponsors.
- The bill's original intended purpose and goal was to provide set standards for the siting of personal wireless providers, small cell equipment.
- Recent amendments
  - limited scope expanded far beyond the original intent of the legislation.
  - includes new equipment, industries, and technology to be included in the siting and deployment regulations.
- League now opposing the bill.

# Uniform Regulation of Small Wireless Facility Deployment

- Provides wireless service providers with access to the municipal ROW.
- Sets rates for both access and review.
- Sets a “shot clock” for the review of applications to site small cell facilities within the ROW.
- No requirement placed on the wireless providers to ensure buildout and access to broadband services, even though they are getting preferential treatment to ROW access.

# Uniform Regulation of Small Wireless Facility Deployment

- League's goal:
  - Increase access to fast and affordable broadband internet access in order to help bridge the digital divide
- A-1116 is 2<sup>nd</sup> Reading in Assembly
- S-2674 waiting consideration by Senate Budget and Appropriations Committee.

# Off Shore Wind Projects

- [S-3926/A-5894](#) – NJLM **opposes**
- Authorizes certain offshore wind projects to construct power lines and obtain real property interests
- Grants BPU authority to supersede certain local governmental powers upon petition from offshore wind project.





# Off Shore Wind Projects

- Fast-tracked legislation
  - introduced on 6/14/2021 and getting out of committee this week.
- Municipalities would be given 180 days to reach an agreement with offshore wind project owner obtaining easements, ROW, or other real property interest owned by municipality, necessary for the project.
- If an agreement is not reached, project owner can file petition with BPU.
- BPU would have authority to issue an order effectuating the project's property interest.
- Compensation to municipality determine under the Eminent Domain Act.
  - Limited to fair market value.
- Acquisition of easements & other property rights not subject to public bidding.

# Off Shore Wind Projects

- If land is currently preserved for conservation or recreation purposes
  - the project owner must acquire land two times the area of the conserved property
  - within three years of the acquisition of the conserved land.
- Authorizes Preemption and Superseding Municipal or County Approvals, Consents or Affirmative Filings
  - By petition to BPU
  - required to construct a project

# Construction Fees

- [A-5895/S-3868](#) – NJLM **supports**
- Require fees collected by UCC in excess of 112% of total cost transfer to current fund
- Amended to require any year UCC fees do not cover operating cost of Construction Department shortfall satisfy by general fund or current fund
- 2<sup>nd</sup> reading in Assembly & Senate

# Social Affair Permits Increase

- [A-5310](#) – NJLM supports.
- Increases maximum number of Social Affair Permits from 25 to 52 in one year.
- When:
  - Premise is owned by municipality **or**
  - Event is sponsor by municipality
- Passed Assembly, 73-0.
- 2<sup>nd</sup> Reading in Senate.

# BPPT (Hopewell v. Verizon)

- [A-2991](#) / [S-421](#) – NJLM **supports**.
- Clarifies telecommunications industry corporate tax responsibilities and shields local taxpayers from the costs of endless tax court litigation.
- Effects more than 130 municipalities in 30 legislative districts.
- Based on a misreading of a 1997 law:
  - Verizon decided that it could exempt itself from the payment of business personal property taxes (BPPT) in any year and in any municipality, when and where it, unilaterally, determined that it provided less than 51% of dial tone service.

# BPPT (Hopewell v. Verizon)

- Began in 2008 when Verizon notified some municipalities that it had decided to exempt itself from payment of taxes on all of the cables and electronic equipment it houses in local switching stations.
- Following years, similar decisions by Verizon have led to cases affecting taxpayers in more than a hundred other New Jersey municipalities.
- 2<sup>nd</sup> Reading in Assembly.
- Waiting consideration by Senate Community and Urban Affairs Committee.

# Responsible Dog Ownership Act

- [A-2401/S-3607](#) – NJLM **opposed** as introduced, working on amendments.
- Establishes leashing and fencing requirements by Department of Health to be implemented by municipalities.
- Previously opposed as overly specific and very broad.
- To the detriment of local requirements in favor of a broad state mandate that is difficult to enforce.
- Concerns with definition of “large dog” and whether a municipal official has to decide.
- Creates new revenue stream.
- Concerns:
  - Invisible fencing.
  - Residents in condos, apartments, or townhouses.
  - Renters.
  - Prohibitions on fencing by homeowners' associations.
  - Municipal ordinances on fence size.
- Waiting consideration by Assembly Agriculture Committee & Senate Environment Committee.

# Other Items

- Restores & Revises Urban Enterprise Zones (A-5580/[S-3600](#))
- Local Civilian Police Review Boards ([A-4656](#)/S-2963)
- Prohibiting Consideration of Arrest & Citations Police Performance Evaluations ([S-1322](#)/A-4058)





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