

**MCANJ “Legislative Update”
May 3, 2018**

New Laws

P.L. 2018, c. 6: Offers every person applying in person for driver’s license, permit, probationary driver’s license or non-driver identification card, including renewals, the opportunity to decline automatic voter registration as long as they meet all the requirements to be eligible to vote. The Motor Vehicle Commission (MVC) must promptly electronically transmit the information to the Secretary of State. MVC is required to include notice to drivers, including information on penalties for false voter registration, about the program and the ability to opt-out. If a person who is not eligible to vote becomes a register voter it is presumed to have been as a result with official authorization and the voter is deemed not to have committed a crime. However, there are penalties for those who knowingly and willfully unlawfully register to vote. The law also permits any state agency that collects similar information to work with Secretary of State to establish a procedure for automatic voter registration. The law will take effect on November 1, 2018.

P.L. 2018, c. 8: Permits taxpayers to make dedicated prepayment towards anticipated property taxes, regardless if the governing body has adopted a resolution. The tax collector must accept payments made in full or installments of not less than \$1. If a prepayment exceeds the total property tax bill a refund must be issued within 60 days of the issuance of the property tax bill. If governing body does not meet within the 60 days, then at next regular governing body meeting. The law took effect April 20, 2018 and was retroactive to July 1, 2017. For more see our [blog post](#).

P.L. 2017, c. 317: Establishes standardized change condition clauses for local public construction contracts. The law establishes standard process for differing site conditions, suspension of contract work, changes in the character of contract work, and changes in the amount of work to be performed by the contractor. The Division of Local Government Services is working on regulations. For more please see our [blog post](#). The law took effect January 16, 2018.

P.L. 2017, c. 266: Permits a governing body by ordinance to require the municipal clerk to create and maintain a list of municipal residents who identify as being in need of special assistance in the event of emergency. The list must include the person’s name, address, and special circumstance. The list must be delivered monthly to the municipal police department, each fire company and first aid servicing the municipality. The list must be cross-indexed by name and address of each resident. A notice of the program must be included in the tax bill mailing. In addition, a notice must be provided on how tenant can be added to each landlord who has filed a certificate of registration with the town. The list is exempted from the Open Public Records Act. Department of Community Affairs was given rulemaking authority. The law took effect on January 8, 2018.

P.L. 2017, c. 260: Permits voters of municipality to approve an increase in the municipal free public library tax in addition to 1/3 of mil by a public question. The public question can either be by ordinance or petition. Any increase approved by a public question would be for ten (10) years. A public question cannot be submitted more than once in a three year election cycle. However, the question can be renewed by another public question. The law took effect on January 8, 2018.

P.L. 2017, c. 315: Regulates and prohibits certain operations of drones. The law also preempts any law, ordinance, resolution, or regulation adopted by the governing body concerning the private use of a drone that is inconsistent with the bill's provisions. The law took effect on May 1, 2018.

P.L. 2017, c. 331: Revises the way animal cruelty law is enforced in the State. The law transfers the power of the human law enforcement from the NJ Society for Prevention of Cruelty to Animals (NJSPCA) to the county prosecutor in each county. The governing body in each municipality with an existing police department must designate at least one municipal human law enforcement officer, who will be responsible for animal welfare within the municipality. The municipal human law enforcement officer is required to enforce and abide by the animal cruelty laws of the State and municipality. The municipal human law enforcement officer may be authorize to use a firearm in the furtherance of their duties if they complete an approve firearms training course and qualifies twice a year in the use of a revolver or similar weapon. All third (3rd) and fourth (4th) degree criminal offense under the animal cruelty laws must be referred to the County Prosecutor for investigation. Municipalities may handle Civil and disorderly persons' offenses. Each County must designate an animal cruelty prosecutor and chief human law enforcement officer. A governing body may enter into a Memorandum of Understanding (MOU) with the County SPCA, under the supervision of the county prosecutor. Rulemaking authority has been given to the Attorney General. For more please see our [blog post](#).

P.L. 2017, c. 321: Permits any law enforcement agency to authorize the towing of a vehicle from private property if it is deemed appropriate for public safety. The owner will be responsible for the expense of tow. The law also exempts law enforcement officers, in course of work, that deems appropriate for public safety to tow a car from requiring consent of motor vehicle owner from private property. The law took effect January 16, 2018.

P.L. 2017, c. 259: Requires the removal of equipment and markings of emergency vehicles prior to sale or transfer to a private individual entity. The law defines emergency vehicles as fire, police, ambulance or any vehicle approved by the Motor Vehicle Commission to operate in response to emergency call. The law does exempt historic vehicles. The law does not apply to sales or transfers to the State, local governments, volunteer companies or authorize dealers of emergency vehicles. The law requires the

Attorney General to issue guidelines or directives for enforcement. The law took effect on May 1, 2018.

P.L. 2017, c. 272: Requires the Civil Service Commission to develop a uniform domestic violence policy to be adopted by all public employees, regardless if they are subject to Civil Service. Employers must distribute a copy of the policy to all employees. The law took effect January 8, 2018.

P.L. 2017, c. 275: Requires Master Plans to include a statement of strategy concerning smart growth, including consideration of potential locations of installation of electric vehicle charging station; storm resiliency with respect to energy supply, flood-prone areas and environmental infrastructure; and environmental sustainability. The law took effect on January 8, 2018.

P.L. 2018, c. 9: For all employers in the State, the unlawful employment practice under Law Against Discrimination is expanded to include discrimination based on compensation or financial terms or conditions of employment. It is unlawful for employer to pay any of its employees, who are members of a protected class, at a rate of compensation, including benefits, which is less than the rate paid to employees, who are not members of the protected class, for substantially similar work when viewed as a composite of skill, effort, and responsibility. An employer cannot reduce the rate of pay of an employee but must bring the lower salary to the higher salary. An employer can pay different salary rates to employees only if the difference is based on seniority system, merit system or the employer demonstrates certain factors. Each paycheck is viewed as an occurrence and monetary damage awards are at the rate of three times. For more see our [blog post](#). The law takes effect on July 1, 2018.

Laws Ready to be Sign

(Please note that the laws have been signed since the conference)

Earned Sick Leave: This law ([P.L. 2018, c. 10](#)) requires all employees to provide sick leave of at least 1 hour for every 30 hours of work and expands what is consider sick time. The law excludes Civil Service communities from the requirements of the law. The law takes effect on October 29, 2018. For more see our [blog post](#).

Charitable Trust: This law ([P.L. 2018, c. 11](#)) permits towns, counties, and/or school districts to establish one or more charitable trust, each for a specific public purpose, and permits property tax credits in association with certain donations. This law is a response to a new Federal Income Tax cap on the SALT property tax deduction. The law takes effect on July 3, 2018. For more see our blog post [on the law](#) and [IRS guidance](#).

On Governor's Desk

PFRS Pension Bill (S5): This bill will transfer the management of the Police and Fire Retirement System to a labor (7) – management (5) board. Please note since the

conference the Governor [conditionally vetoed](#) the bill and has returned it to the legislature. It is anticipated that the Senate will consider the bill on June 7. For more on the bill and the Governor's conditional veto see our [blog post](#).

Workplace Democracy Act (A3686): This legislation is in response to a United State Supreme Court case of Janus v. ASCFM. Please note since the conference the Governor signed this bill into law ([P.L. 2018, c.15](#)). The law imposes mandatory requirements on public employers to ensure that public unions are able to carry out their statutory duties by having access to, and the ability to communicate with, their public employee members. This law took effect immediately. For more see our [blog post](#).

School Board Petitions (S868): Permits two or more candidates for School Board to circulate a nominating petition jointly and be bracketed together for the same term for both the April and November school board elections. However, the candidates must first notify the School Board Secretary. Please note that the Governor signed this bill into law ([P.L. 2018, c. 20](#)) and it took effect on May 30.

Of Interest

[S-1](#): This bill would modify the “Uniformed Shared Services and Consolidation Act” and “Local Unit Alignment, Reorganization and Consolidation Commission” (LUARCC) to encourage and facilitate shared services. For more please see our [blog post](#). The bill is awaiting consideration of the full Senate.

[A-1100](#): Expands the Common Sense Shared Service Pilot Program to include Monmouth and Atlantic counties. If you recall the Common Sense Shared Service Pilot permits the sharing of the municipal clerk, chief financial officer, tax assessor, tax collector, municipal treasurer, and principal public works manager regardless of tenure in Camden, Morris, Ocean, Sussex and Warren counties. The bill unanimously passed the Assembly and is awaiting consideration by Senate Community and Urban Affairs Committee.

[A-1521](#): Permits any registered voter who is 17 years of age prior to primary election but is 18 years old at general election is permitted to vote in the primary election. The bill passed the Assembly 56-17 and awaits consideration of the full Senate.