

December 11, 2015

RE: Weekly Policy Update

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Dear Mayor:

I. Bills Would Facilitate Fire District Consolidations

Yesterday in Trenton, the Senate Community and Urban Affairs Committee released A-3006 and S-3272. The League supports this legislation, which would facilitate the consolidation of fire districts, both within and between municipalities.

This bill would streamline and simplify the consolidation process. At a time when it is becoming more difficult to recruit and maintain volunteers, while municipal and fire district budgets are increasingly strained, consolidation initiated at the local level might benefit governing bodies, taxpayers and citizens who depend on this vital service.

We welcome this initiative which would implement one recommendation included in a Resolution, adopted by the League's 565 member municipalities in 2014, which urges the Legislature to enact reforms that would improve fire district administration. These bills are a good step in that direction. We would welcome the opportunity to work with any interested legislators to advance additional reforms.

The League thanks the sponsors for their leadership on this matter and we enthusiastically support A-3006 and S-3272. The bills are now ready for final action by the Senate. Please urge your State Senator to support A-3006 and S-3272.

Contact: Jon Moran, Sr. Legislative Analyst, [jmoran@njslom.org](mailto:jmoran@njslom.org) or 609-695-3481 x121.

## II. Assembly Committee Approves Bill Reinstating Municipal to Regulate

### Residential Rental Properties

A-4764, a bill to reinstate municipal authority to regulate and inspect residential rental properties, was approved by the Assembly Housing and Community Development Committee. The League supports this bill, which is sponsored by Assemblyman John Burzichelli. This is a necessary and important power of local government.

The Senate companion to this bill, S-2733 is scheduled for consideration before the Senate State Government Committee on Monday. Please contact your State Legislators and ask them to support A-4746 and S-2733. For more, please [click here](#).

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## III. Long-Term Federal Transportation Policy Enacted

After more than 35 short-term extensions and over a decade since Congress passed the last long-term transportation bill, the Fixing America's Surface Transportation (FAST) Act passed in the House and Senate last week. It was signed by the President, on Friday, as Public Law No. 114-094.

In addition to those provisions highlighted in our December 4, 2015 Weekly Policy Update, the new law includes provisions that were needed to advance the Gateway Project needed to rehabilitate and strengthen the vital passenger rail link between New Jersey and Mid-town Manhattan. Notably, the law will allow Amtrak to reinvest profits from its Northeast Corridor operations in the project, rather than using those revenues to subsidize less profitable routes. (See our November 12, 2015 Gateway Project Progress letter for more details on this initiative.)

Again, we want to thank Senators Booker and Menendez and Governor Christie for their work on the bill and on the Gateway Project. We also want to thank Congresswoman Watson-Coleman and Congressmen Frelinghuysen, Lance, LoBiondo, MacArthur, Norcross, Pallone, Pascrell, Sires and Smith for their support.

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#### IV. Costly Workers' Comp Expansion Advances

Yesterday, the Assembly Appropriations Committee released A-1347/S-264 for final consideration by the full Assembly. The League opposes this measure, which concerns workers' compensation for public safety workers. This bill would create a rebuttable presumption that if, in the course of employment, a public safety worker is exposed to a carcinogen or pathogen, that any subsequent injury, disability, chronic or corollary illness or death, is compensable under workers' compensation.

Clearly, as a society we must take care of our first responders. They are the first line of defense for our citizens in the face of industrial accidents, environmental incidents, terrorist attacks, and much more. However, we must also balance our responsibility to our public safety workers with our responsibility to the taxpaying public at large. The provisions of this bill will, we feel, tip the scales and increase costs that will need to be passed on to taxpayers.

In ascending order of potential new costs, our concerns follow:

First, the bill will impose new record keeping requirements, which will apply to volunteer organizations, as well as to local and State professional agencies and departments.

Second, the bill shifts the standard of proof to rebut the presumption of compensability, from a preponderance of the evidence to "clear and convincing" proof. (There is no definition of this new standard, so it will need to be worked out in costly litigation.)

Third, under A-1347/S-264, New Jersey local taxpayers will be forced to further subsidize the Federal Government. (Municipalities and the State are required to reimburse the Medicare program for medical payments incurred by retirees who qualify for workers' compensation. Under this Act, more and more claimants will qualify.)

Fourth, that will occur because A-1347/S-264 will create a presumption that all cancers are due to on the job exposures. (The most comprehensive study that we are aware of was published by the National Institute for Occupational Safety and Health (NIOSH). The study concluded that career firefighters had a significantly higher rate of mesothelioma and an elevated rate of respiratory, digestive, and urinary

cancers. The study does not support the presumption that all cancers are related nor does not support a presumption for volunteers.)

In conclusion, our recommendation is to create a study commission to examine the issue, review the NIOSH study and consider the experience of other states. Further, this issue should be addressed outside of workers' compensation.

This matter is now poised for final action by the Assembly. Please contact your representatives and urge them to oppose this initiative, as currently drafted.

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#### V. Governor Signs Bills of Interests

Governor Christie recently signed the following bills of interest into law:

A-3502, which exempts guide dogs and service dogs temporarily placed in foster homes from dog licensing and registration tag requirements. P.L. 2015, c. 163 took effect on December 2, 2015.

A-2327, which requires the Secretary of State to create e-mail notification system alerting when the United States and State flags are flown at half-staff. Any person may sign up to receive automatic notification when the Governor orders the United States flag and the State flag flown at half-staff. P.L. 2015, c. 162 will take effect on January 1, 2016.

S-1336, which requires the issuance of construction permits for installation of wheelchair ramps on a one or two residential dwelling where the ramp is required for a resident to access the dwelling within 5 business days of application. P.L. 2015, c. 159 took effect on December 2, 2015.

Sincerely,

Michael J. Darcy, CAE

Executive Director