

NEW JERSEY ASSOCIATION OF COUNTIES

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E. MARIE HAYES
NJAC President
Cape May County Freeholder

JOHN G. DONNADIO
Executive Director

COVID-19 LOCAL GOVERNMENT RELEVANT LEGISLATION

April 13, 2020

Both houses of the Legislature passed the following bills on April 13th and all are on the Governor's Desk awaiting his signature.

PRISONER REENTRY ASSISTANCE: S-2331 (*Sweeney D-3/Cunningham D-31*)(*Pintor Marin/Quijano D-20*) would assist inmates released from incarceration in obtaining certain reentry benefits. NJAC has several concerns with the operational and fiscal implications of this legislation and plans to discuss these issues and provide recommendations to the Administration accordingly.

In summary, this legislation would assist inmates released from incarceration from a State prison or county correctional facility with obtaining the following benefits: food stamps; cash assistance and temporary emergency housing under the State's general assistance program; and Medicaid services, including treatment for hepatitis and other viruses, behavioral health services, such as medication-assisted treatment (MAT) and other addiction treatment, and mental health care. The bill would also require a county correctional facility to provide, free of charge, each inmate at least 30 days before release, with a non-driver identification card.

Additionally, the bill would require county correctional facilities to provide inmates, upon release, with a 3-month supply of prescription medications. The measure would further require a county correctional facility to complete an application for enrollment in social service programs, at least 30-days before release. These programs would include food stamps, general assistance (including temporary emergency housing assistance), and Medicaid. If a county inmate at any time is scheduled to be released in less than 30 days, the county correctional facility must complete the application at least 48 hours before release and forward to the appropriate county welfare agency of board of social services.

TAX FILINGS AND STATE BUDGET: S-2338 (*Sarlo D-36/Oroho R-24*)(*Pintor Marin D-29/Wirths R-24*) would extend the time to file gross income tax and corporation business tax to July 15th.

In summary, this bill would clarify that the deadline to file a gross income tax or corporation business tax return or make payments is July 15, 2020. The bill would also adjust the timing for the payment of interest and penalties and the assessment of the tax; alter the duration of the state fiscal years 2020 and 2021 without impacting municipalities that adopt the State's fiscal year; require the State Treasurer to provide certain updates on economic conditions, revenues, and spending plans; would require the Governor to formulate and present a revised budget message for State Fiscal Year 2021.

As noted, the bill would clarify that taxpayers who would typically file a return, report, or make a payment for the gross income tax or the corporation business tax by April 15th would be granted an automatic extension to July 15th. Taxpayers would not be subject to penalties or interest if the taxpayer files a return, report, or makes a payment by the end of the extension. Moreover, provisions governing the payment of interest for overpayments would be extended for 6 months after the conclusion of the state of emergency declared by the Governor pursuant to Executive Order No. 103, or within six months after the return is filed, whichever is later.

The bill would also extend the statute of limitations to assess taxes by 90 days following the conclusion of the state of emergency. Additionally, the bill would modify the duration of State Fiscal Year 2020 to conclude on September 30, 2020 and would set October 1, 2020 as the start of State Fiscal Year 2021. The bill would also require that any additional spending required to support the operations of the State from July 1, 2020 through September 30, 2020 would be made through the enactment of a general law that would amend or provide for a supplemental appropriation to that annual appropriations act. This change would not apply to municipalities that adopt the State's fiscal year and would not prevent municipalities from converting to a calendar fiscal year.

The bill would require the State Treasurer to prepare a report on the financial condition of the State budget for state fiscal years 2020 and 2021, which must be submitted to the Legislature by May 22nd and be prominently displayed on the Office of Management and Budget's website. The State Treasurer's report must include: (1) an update on State revenue collections through the first 9 months of State Fiscal Year 2020 and a revised forecast of revenue projections for the remainder of the current fiscal year; (2) a detailed plan of spending from State, federal, and all other governmental funds for the continuation of essential governmental operations during the remainder of State Fiscal Year 2020; and (3) an assessment of current economic conditions and the potential impact of the economy on the proposed budget for State Fiscal Year 2021. The bill would also require the Governor to formulate and transmit a revised budget message for State Fiscal Year 2021 by August 25th.

EMERGENCY MEDICAL RESPONDER PROTECTIONS: S-2351 (*Scutari D-22/Greenstein D-14*)(*Kennedy D-22*) would provide certain employment protections for emergency medical responders who, because they are providing emergency medical services related to a state of emergency, fail to report to work.

The bill would prohibit employers from terminating, dismissing, or suspending an employee who fails to report to work because the employee is actively engaged in providing paid or volunteer emergency medical services related to a state of emergency. This protection is available, however, only if the employee would provide the employer with notice, at least one hour prior to when the employee's shift is scheduled to begin, that the employee is rendering emergency medical services in response to a state of emergency; and upon returning to the employee's place of employment, a copy of the incident report and a certification by the incident commander, or other official or officer in charge, affirming that the emergency medical responder was actively engaged in, and necessary for, rendering emergency medical services and setting forth the date and time the emergency medical responder was relieved from emergency duty by that officer or official, as the case may be.

The measure would also provide that if the emergency medical responder is actively engaged in rendering emergency medical services for more than one consecutive work day, the incident commander, or other official or officer in charge, is required to direct that appropriate notice be given to the emergency medical responder's employer each day the volunteer is required to be absent. In addition, this bill would provide that a law enforcement agency or fire department or company is prohibited from limiting the ability of a first responder to serve as an emergency medical responder during a state of emergency. The legislation would not require an employer to pay any employee for any work time that the employee is absent while serving as an emergency medical responder pursuant to this section. However, the emergency medical responder may use any vacation days or sick days that are available to the employee. The bill would define emergency medical responder as a paid or volunteer member of a duly incorporated first aid, rescue, or ambulance squad. In addition, the bill would define first responder as a law enforcement officer or paid or volunteer firefighter.

PRIMARY ELECTIONS: S-2349 (*Beach D-5*)(*Coughlin D-19*) would change the date of the primary election in 2020 from June 2nd to July 7th.

This legislation would codify into law, Executive Order No. 120, which moved the date of the primary election to July 7th. The bill would not affect the deadlines prescribed under current law for the: nomination of candidates filing of petitions; acceptance of nominations; certification of nominations; and, any other deadline required to be met preceding the primary election, when that deadline occurs before April 11, 2020, including, but not limited to, the deadline for filing nominating petitions, for amending

defective petitions, for the filing of objections to nominating petitions, for determining the validity of objections to nominating petitions, and for drawing for ballot positions, which dates will continue to be determined by reference to June 2nd. All other deadlines prescribed under current law for meeting statutory requirements for a primary election would be calculated using the July 7th primary election date. This bill is temporary and would apply only to the 2020 primary election.

FAMILY LEAVE: S-2374 (*Sweeney D-3*)(*Zwicker D-16/Egan D-17*) would expand the Family Leave Act (FLA) during the COVID-19 public health crisis.

In summary, this legislation would expand the FLA to include leave from employment so that an employee may provide care to a family member made necessary by an epidemic of a communicable disease, a known or suspected exposure to a communicable disease, or efforts to prevent spread of a communicable disease. Additionally, this legislation would allow employees forced to care for family members during the COVID-19 outbreak to take up to 12 weeks of family leave in a 24-month period without losing their jobs. This Legislation would take effect retroactively from March 25th.

REMOTE NOTARIES: A-3903 (*Downy D-11/Houghtaling D-11*)(*Cardinale R-39/ Doherty R-23*) would allow for remote notarial acts during the COVID public health crisis. In summary, this legislation would authorize a notary of the public appointed pursuant to the “Notaries of the Public Act,” or otherwise qualified and commissioned as a notary public in the State of New Jersey, to perform notarial acts using communication technology for a remotely located individual.

MORE REMOTE NOTARIES: A-3905 (*Downey D-11/Houghtaling D-11*)(*Greenstein D-14/O’Scanlon R-13*) would allow notaries of the public to perform certain notarial acts remotely.

In summary, this legislation would allow a remotely located individual to use communication technology to appear before a notarial officer. A notarial officer located in this State would be authorized to perform a notarial act using communication technology for a remotely located individual if the notarial officer: has personal knowledge of the identity of the individual; has satisfactory evidence of the identity of the remotely located individual by oath or affirmation from a credible witness appearing before the notarial officer; or, has obtained satisfactory evidence of the identity of the remotely located individual by using at least two different types of identity proofing; the notarial officer is able reasonably to confirm that a record before the notarial officer as the same record in which the remotely located individual made a statement or on which the remotely located individual executed a signature; and, the notarial officer, or a person acting on behalf of the notarial officer, creates an audio-visual recording of the performance of the notarial act.