



The Senate came into session today and passed the following bills dealing with COVID 19. These bills were passed by the Assembly on Monday so they are now on the Governor's desk for his consideration.

A3095 which provides county clerks with additional time to prepare mail-in ballots for the 2020 primary. Any additional mail-in ballots that have been approved before the 45th day before the 2020 primary election are required to be forwarded or delivered at least 38 days, instead of 45 days, before the day of the election. County clerks still are required to comply with federal guidelines and have military and overseas ballots mailed by April 18, 2020. The additional week provided under the amended bill is temporary and will only apply to the 2020 primary election.

A3813 which would allow a school district, county vocational school district, or county special services school district to meet the requirement that schools be open for 180 days in a year with an excessive number of unexpected school closures due to an epidemic, or a weather or other emergency through the use of virtual or remote instruction. Specifically, in the event that a district is required to close its schools for more than three school days due to an epidemic, or a weather or other emergency condition, the commissioner will allow the district to apply to the 180-day requirement one or more days of virtual or remote instruction provided to students on the day or days the schools of the district were closed if the program meets such criteria as may be established by the commissioner. All schools in NJ have been closed since yesterday although many districts had closed prior to the Governor mandating the closure statewide.

A3840 provides direction to school districts for the provision of school meals to students if the districts are directed by either the New Jersey Department of Health or the health officer of the jurisdiction to institute a public health-related closure due to the COVID-19 epidemic. Under these circumstances, the district is required to implement a program during the period of the school closure to provide school meals to all district students who are eligible for the free and reduced price school lunch and school breakfast programs. The school district must collaborate with county and municipal government officials to identify one or more school meal distribution sites that are walkable and easily accessible to students in the district. The bill lists possible sites including, but not limited to: faith-based locations; community centers, such as YMCAs; and locations in the school district where summer meals are available. The bill provides, however, that if there is high density housing in a school district, the district must make every effort to identify a school meal distribution site in that housing area. In cases where a site is not within walking distance the meals must be delivered the student's residence or to the student's bus stop as long as a parent or guardian is present at the bus stop to receive the food.

A3841 extends the time to file a New Jersey gross income tax or corporation business tax return if the federal government extends the filing or payment due date for federal returns. The bill also speaks to taxpayers that are required to make quarterly estimated payments around April 15th. The bill would automatically grant an extension for those taxpayers if the federal government grants an extension and would not impose penalties or interest if the taxpayer files a return by the end of the extension. The extended due date would be no later than June 30, 2020.

A3842 establishes the “Bridging the Digital Divide in Schools Grant Program” in the Department of Education. for the purpose allocating grant moneys to school districts, charter schools, renaissance schools, and nonpublic schools to provide or expand access to technology and technological equipment, such as laptops, tablets, hot spot access devices, and other electronic mobile devices, for students who do not have the means to purchase such items or who do not have access to the Internet at home. No specific appropriation is attached to the bill

A3843 requires health insurance carriers (health, hospital and medical service corporations, health maintenance organizations and insurance companies), as well as the State and School Employees’ Health Benefits Programs and the State Medicaid program, to provide coverage for expenses incurred in both the testing for coronavirus disease 2019, provided that a licensed medical practitioner has issued a medical order for that testing and the delivery of health care services through telemedicine or telehealth in accordance with the provisions of P.L.2017, c.117. The requirements of the bill remain in effect during the Public Health Emergency and State of Emergency declared by the Governor in Executive Order 103 of 2020. The bill requires the coverage to be provided to the same extent as for any other services under the health benefits plan, except that no cost-sharing may be imposed on the coverage provided pursuant to the bill. The bill takes effect immediately and applies to all health benefit plans currently in effect in the State, or that are delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of the bill.

A3845 authorizes the New Jersey Economic Development Authority to provide grants during periods of emergency declared by the Governor, such as the declaration regarding the Coronavirus disease 2019, and for the duration of economic disruptions due to the emergency. The bill gives the authority the power to offer grants for the planning, designing, acquiring, constructing, reconstructing, improving, equipping, and furnishing of a project, including, but not limited to, grants for working capital and meeting payroll requirements, upon such terms and conditions as the authority deems reasonable, during such period of time. The bill also extends the uses of the economic growth account in the Economic Recovery Fund to the planning, designing, acquiring, constructing, reconstructing, improving, equipping, and furnishing by small and medium-size businesses and not-for-profit corporations of certain projects, including, but not limited to, grants for working capital and meeting payroll requirements, upon such terms and conditions as the authority deems reasonable, during such periods of time. The bill further provides that, for projects that were approved by the authority under the Grow

New Jersey Assistance Program, if the Governor declares an emergency, then the chief executive officer of the authority has the discretion to grant a business documentation submission extension for the duration of the emergency and the board of the authority, upon recommendation of the chief executive officer, may grant two additional six-month extensions; provided that (i) the extensions are due to the economic disruption cause by the emergency; (ii) the project is delayed due to unforeseeable acts related to the project beyond the eligible business's control and without its fault or negligence; (iii) the eligible business is using best efforts, with all due diligence, to proceed with the completion of the project and the submission of the certification; and (iv) the eligible business has made, and continues to make, all reasonable efforts to prevent, avoid, mitigate, and overcome the delay. No specific appropriation is attached to the bill.

A3846 creates the "Temporary Lost Wage Unemployment Program" to allow individuals affected by the coronavirus disease 2019 pandemic to recoup actual lost wages due to the absence from work under certain circumstances and to assist employers who pay wages to workers who are ordered under quarantine by a licensed healthcare practitioner as a result of coronavirus disease 2019. Specifically, the program will provide, to the extent funds are available, monetary relief to individuals for actual lost wages in an amount that is equivalent to the individual's average weekly rate of compensation from the past calendar year, if the individuals do not have fully paid leave. The Department of Labor and Workforce Development will use moneys in the fund, in an amount not to exceed \$10,000,000, to pay the lost wages of individuals due to: the individual's absence from work due to the need to care for a family member; the individual's absence from work due to the illness of the individual; the individual's absence from work due to school or childcare facility being closed; and for such other purposes as determined by the commissioner. No moneys shall be paid to an individual for any period or wages for which the individual receives benefits pursuant the "unemployment compensation law." Moneys in the fund may be supplemented or replaced, or both, by any amounts received from the federal government for the same purposes as provided in the bill. Finally, the department will use moneys in the fund, not to exceed \$10,000,000, to assist employers who pay wages to workers who are ordered under quarantine by a licensed healthcare practitioner as a result of coronavirus disease 2019.

A3848 prohibits an employer, during the Public Health Emergency and State of Emergency declared by the Governor in Executive Order 103 of 2020 concerning the coronavirus disease 2019 pandemic, from terminating or refusing to reinstate an employee if the employee requests or takes time off from work based on a written or electronically transmitted recommendation from a medical professional licensed in New Jersey that the employee take time off work for a specified period of time because the employee has, or is likely to have, an infectious disease which may infect others at the employee's workplace.

A3849 provides that during a state of emergency, public health emergency, or state of local disaster emergency, a custodian of a government record for a public agency will be required only to make a reasonable effort to respond to a request for a government

record within seven business days, or as soon as possible thereafter, as the circumstances permit.

A3850 allows public bodies to conduct meetings by electronic means during periods of emergency. The provisions of the bill explicitly authorize a public body to conduct a meeting and public business, cause a meeting to be open to the public, vote, and receive public comment by means of communication or other electronic equipment during a state of emergency, public health emergency, or state of local disaster emergency. The bill also allows a public body to provide notice of meetings electronically through the internet during that time, but requires that public bodies who exercise this option limit, to the extent practicable, the public business conducted at that meeting to matters necessary for the continuing operation of government and that relate to the applicable emergency declaration.

A3851 would expand the current authority of the Director of the Division of Local Government Services, in the Department of Community Affairs, to extend the statutory dates for the introduction and approval, and for the adoption, of county and municipal budgets when the Governor has declared a Public Health Emergency or State of Emergency. The bill permits the director to extend those dates unilaterally whenever a Public Health Emergency or a State of Emergency, or both, has been declared by the Governor and is in effect.

A3852 allows the conduct of State business and legislative sessions at locations other than Trenton during periods of emergency or other exigency. The bill also allows the Legislature to use any technology or electronic means to conduct its business, to carry out its purposes, or to comply with the requirements of certain provisions of the New Jersey Constitution during a period of emergency that is determined to exist by the Governor or the Legislature. This may be utilized for the conducting of hearings on the Governor's proposed budget in the coming weeks.

A3854 provides that, for the duration of the public health emergency declared in connection with the coronavirus disease 2019, all licensed health care facilities and clinical laboratories will be authorized to collect specimens for the purposes of testing for COVID-19. Nothing in the bill will abrogate the authority of the Commissioner of Health to require a health care facility to provide services or the use of its facility to respond to the public health emergency as authorized under the "Emergency Health Powers Act." The bill also expressly authorizes the Commissioner of Health, during a public health emergency, to waive mandatory staffing ratio requirements for health care facilities, which is likely to be critical moving forward.

A3855 requires the Statewide 2-1-1 system and all executive branch departments to prominently display information concerning food access programs and resources through their main websites and social media throughout the duration of any declared public health emergency. The 2-1-1 system and the departments may further disseminate the information using any other means deemed appropriate to reach as many individuals and population groups in the State as possible.

A3856 makes a FY 2020 supplemental appropriation of \$10 million for health care and residential facility sanitation due to the coronavirus disease 2019 outbreak. The funds are to be used to provide financial assistance to certain health care and residential facilities in meeting the sanitation demands imposed by the coronavirus disease 2019. These facilities are limited to: nursing homes; long-term care facilities; Program of All-inclusive Care for the Elderly, or PACE, facilities; federally qualified health centers; urgent care facilities; retirement centers; senior centers; intermediate care facilities; State developmental centers; group homes for individuals with medical needs; State psychiatric hospitals; post-acute rehabilitation centers; medical day care centers; residential schools for children with complex medical needs; group homes for individuals with mental health, substance use, or behavioral health conditions; and homeless shelters. The bill provides that the Director of the Division of Budget and Accounting, in collaboration with Commissioners of Health, Human Services, Children and Families, and Community Affairs, shall determine the methodology for allocation of the funds across the applicable facilities no later than five days after the effective date of the bill. And the Director of the Division of Budget and Accounting shall transfer such funds to the applicable departments and divisions for distribution to the facilities no later than 10 days after the effective date of the bill.

A3857 supplements the FY 2020 appropriations act by appropriating \$15 million for grants to the Community Food Bank of New Jersey, the Food Bank of South Jersey, and Fulfill Monmouth & Ocean to provide food assistance to households in need as follows: \$10.8 million to the Community Food Bank of NJ, 2.4 million to the Food Bank of South Jersey and \$1.8 million to Fulfill.

A3858 directs the Commissioner of Human Services, in collaboration with county welfare agencies, to issue supplemental cash assistance payments to eligible recipients of the Work First New Jersey program in addition to the standard benefits issued under the program during a public health emergency declared by the Governor, in which the commissioner determines that the standard benefits issued under the Work First New Jersey program are not sufficient to support the needs of recipients in the State. The payments shall be in an amount equal to a recipient's monthly benefit amount for the most recent complete month. Following the initial determination to issue supplemental cash assistance payments, the commissioner is required to make all subsequent determinations on a monthly basis until the supplemental cash assistance payments cease. Furthermore, the bill directs the commissioner to distribute the supplemental cash assistance payments via the State's electronic benefit transfer program.

A3859 provides that, whenever a public health emergency or a state of emergency is declared by the Governor and is in effect, the Governor may issue an executive order to declare that a lessee, tenant, homeowner or any other person would not be removed from a residential property as the result of an eviction or foreclosure proceeding. This executive order would remain in effect for no longer than two months following the end of the public health emergency or state of emergency. The bill would permit eviction and foreclosure proceedings to be initiated or continued during the time of the executive

order, but enforcement of all judgments for possession, warrants of removal, and writs of possession would be stayed, unless the court determines on its own motion or motion of the parties that enforcement is necessary in the interest of justice. The bill would require sheriffs, court officers, and their agents to refrain from acting to remove individuals from residential properties through the eviction or foreclosure processes during the time of the executive order, unless the court determines on its own motion or motion of the parties, that removal is necessary in the interest of justice. Governor Murphy announced during his press briefing today that he would sign this bill immediately and will then issue an Executive Order.

A3860 provides that, for the duration of the public health emergency declared in response to the coronavirus disease 2019, any health care practitioner will be authorized to provide and bill for services using telemedicine and telehealth, regardless of whether rules and regulations concerning the practice of telemedicine and telehealth have been adopted. The services authorized under the bill will include the full range of services set forth in the definitions of telemedicine and telehealth in existing law. A practitioner who is not licensed or certified to practice in New Jersey may provide health care services under the bill using telemedicine and telehealth, provided that: (1) the practitioner is licensed or certified to practice in another state or territory of the United States or in the District of Columbia, and is in good standing in that jurisdiction; (2) the services provided by that practitioner are consistent with the practitioner's authorized scope of practice in the jurisdiction that issued the practitioner's license or certification; (3) unless the practitioner has a preexisting provider-patient relationship with the patient that is unrelated to COVID-19, the services provided are limited to services related to screening for, diagnosing, or treating COVID-19; and (4) in the event that the practitioner determines that a telemedicine or telehealth encounter with a patient located in New Jersey will not involve screening for, diagnosing, or treating COVID-19, and the practitioner does not have a preexisting provider-patient relationship with the patient that is unrelated to COVID-19, the practitioner advises the patient that the practitioner is not authorized to provide services to the patient, recommends that the patient initiate a new telemedicine or telehealth encounter with a health care practitioner licensed or certified to practice in New Jersey, and terminates the telemedicine or telehealth encounter. The bill requires that any amount charged for services provided under the bill be reasonable and consistent with the ordinary fees typically charged for that service. If a health care practitioner who is not licensed to practice in New Jersey is required to terminate a telemedicine or telehealth encounter because the encounter does not involve the provision of services related to screening, diagnosing, or treating COVID-19, the practitioner will be prohibited from billing for any services provided during the encounter.

A3861 permits corporations to hold shareholders' meetings in part or solely by means of remote communication to the extent the board authorizes and adopts guidelines and procedures governing such a meeting. The bill also provides that shareholders participating in a meeting by means of remote communication are deemed to be present in person and are entitled to vote at the meeting, regardless of whether the meeting is held at a designated place or solely by means of remote communication.

A3862 allows the director of the Division of Consumer Affairs, with the approval of the Attorney General, to expedite the professional and occupational licensing process for out-of-state individuals when the Governor has declared a state of emergency. The individual applying for a specific license, certificate of registration, or certification in New Jersey must have a corresponding license, certificate of registration or certification in good standing from another jurisdiction. The bill gives the director and applicable boards the ability to waive certain requirements normally required in the licensure process, such as a criminal history record background check of an individual and payment of certain fees for the license, certificate of registration or certification.

A3864 would allow notaries public to perform certain notarial acts remotely. A remotely located individual would be allowed to use communication technology to appear before a notarial officer remotely located individual is located. The bill sets forth the specific circumstances during which notarial acts may be performed.

A3865 makes it an unlawful practice for a retail food store to accept the return, with limited exceptions, of any groceries and other foodstuffs purchased during, and for 30 days following, a state of emergency declared in response to COVID-19. However, a retail food store may accept the return of groceries and other foodstuffs if it determines, in its sole discretion, that the purchased items are unsafe for use or otherwise adulterated as a result of any manufacturing error or defect. Any groceries or other foodstuffs accepted for return by a retail food store are not to be offered for resale.

ACR165 urges the Department of Human Services to apply for any federal waivers available to increase and extend access to Supplemental Nutrition Assistance Program benefits, and ease any administrative barriers to accessing benefits that arise from the nationwide outbreak of the coronavirus disease 2019.

AJR158 urges the Federal Communications Commission to take temporary measures to secure broadband access for those affected by the COVID-19 public health emergency.