



TRENTON WATCH

December 12, 2017

Tracking Legislation and Other Items Important to the Business Community:

CONSUMER AFFAIRS



Liability Protections for Food Donations - [S-3026](#) (Smith/D-17; Thompson/R-12; Lampitt/D-6; Eustace/D-38; Zwicker/D-16): Assembly passed 65-0. Organizations that donate food to needy individuals are immune from civil and criminal liability, but there are some ambiguities in the federal and state laws. By clarifying the definition of "donate," this bill permits nonprofit organizations to recover the cost of handling donated food, which can allow for innovative approaches to selling surplus food at deeply reduced prices. The bill expands liability protections, and in doing so, the efficiency and cost-effectiveness of using perishable food. **Contact:** [Michael Egenton](#)

CORPORATIONS



Forum Selection in Corporate By-Laws - [A-2162](#) (Diegnan/D-18; Schaer/D-36; Mukherji/D-33)/[S-2234](#) (Diegnan/D-18): Assembly passed 69-0. This bill allows for corporations to include a 'forum selection' requirement in their by-laws. The by-laws of a corporation may provide that the federal and state courts in New Jersey shall be the sole and exclusive forum for any lawsuits involving shareholders. These bylaws help protect companies against superfluous litigation. **Contact:** [Michael Egenton](#)



Electronic Approval - [A-2971](#) (Diegnan/D-18; Webber/R-26; Pinkin/D-18; Mukherji/D-33)/[S-2235](#) (Diegnan/D-18): Assembly passed 64-0. Clarifies that corporate directors may approve actions by electronic transmission. Under current law, action without a meeting can only be taken if all members of the board consent to the action in writing. Approval by electronic transmission is already in practice, but this would promulgate it by law. **Contact:** [Michael Egenton](#)

GOVERNMENT REFORM



Eliminates Down Payment Requirement for Bond Ordinances - [A-1640](#) (Schaer/D-36; Sumter/D-35; Holley/D-20; McKnight/D-31)/[S-2334](#) (Cruz-Perez/D-5): Assembly passed 54-19. Eliminates the 5 percent down payment requirement for bond ordinances approved by counties and municipalities. Currently, bond ordinances require an appropriation of at least 5 percent of the amount of the authorized obligation. Relief from this requirement will give flexibility to counties and municipalities with limited resources. **Contact:** [Michael Egenton](#)

IMMIGRATION

Senate State Government, Wagering, Tourism, & Historic Preservation Committee



Deferred Action for Childhood Arrivals - [SR-143](#) (Pou/D-35; Vitale/D-19; Ruiz/D-29)/[AR-300](#) (Huttle/D-37; Prieto/D-32; Jimenez/D-32): Senate committee passed. Urges Congress to enact legislation to codify the Deferred Action for Childhood Arrivals (DACA) program. DACA allows certain immigrants to obtain renewable, two-year work programs. There are more than 22,000 DACA recipients in New Jersey. It is estimated that New Jersey will lose the \$66 million that DACA recipients contribute in state and local taxes each year. **Contact:** [Michael Egenton](#)

Senate State Government, Wagering, Tourism, & Historic Preservation Committee SR-143

Vote: Beach, James (C) - Yes; Turner, Shirley K. (VC) - Yes; Diegnan, Patrick J., Jr - Yes; Oroho, Steven V. - Not Voting; Thompson, Samuel D. - Abstain

LABOR



Penalties for Failure to Pay Wages - [A-5072](#) (Quijano/D-20; Muoio/D-15; Lampitt/D-6; Egan/D-17; DeAngelo/D-14; Weinberg/D-37; Greenstein/D-14): Senate passed 24-13, sent to the Governor. The bill seeks to assist workers who are not paid in a timely manner by imposing excessive enforcement procedures and a variety of criminal, civil and administrative sanctions.

The State Chamber believes the penalties proposed in the legislation are harsh and place an onerous burden on the employer whose inability to pay timely wages may be due to circumstances beyond their control. **Contact:** [Michael Egenton](#)

PUBLIC SAFETY



Drone Regulation - [S-3370](#) (Sarolo/D-36; Whelan/D-2)/[A-5205](#) (Quijano/D-20; Bramnick/R-21; Mazzeo/D-2; Mukherji/D-33; Benson/D-14): Senate passed 39-0. Regulates and prohibits certain operation of drones. The bill determines what offenses would be considered a disorderly persons offense, a fourth degree crime and a third degree crime when operating a drone. The bill also would prohibit the use of operating a drone when hunting wildlife, and would determine when using a drone would violate a restraining order. Owners and operators of critical infrastructure may apply to the Federal Aviation Administration to prohibit or restrict the operation of drones in close proximity.

Contact: [Michael Egenton](#)

TAXATION



Federal Tax Reform - [SR-153](#) (Sarolo/D-36; Weinberg/D-37; Turner/D-15)/[AR-302](#) (Huttle/D-37): Senate passed by voice vote. Opposes recent federal tax reform proposals that disproportionately impact New Jersey residents. The recent House and Senate tax reform bills include an elimination of sales and income tax deductions and cap property tax deductions at \$10,000. The elimination and reduction of these taxes will disproportionately affect high-tax states, like New Jersey, contributing \$13,000 per person to Washington but only receiving \$10,000 per person back in federal spending. Some 40 percent of New Jerseyans deduct income or sales tax, and under the federal tax reform bill, the average New Jersey resident will pay \$3,522 more in taxes if SALT is eliminated. Other provisions of concern include the elimination of the individual mandate, the alternative minimum tax, and the mortgage interest deduction. **Contact:** [Michael Egenton](#)

Thumbs up and down indicates the chamber's support or opposition to issues. Call the State Chamber Government Relations Department at (609) 989-7888 with questions or comments.