

SENATE, No. 560

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1996

By Senator BENNETT

1 AN ACT concerning the management of Lyme disease, amending and
2 supplementing P.L.1991, c.227, and amending P.L.1976, c.68.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. Section 1 of P.L.1991, c.277 (C.26:2P-1) is amended to read as
8 follows:

9 1. The Legislature finds and declares that:

10 a. Lyme disease is a bacterial infection which is spread by certain
11 [arthropods] ticks, and is one of the fastest growing public health
12 problems in New Jersey;

13 b. [There is evidence that the disease may be transmitted through
14 blood products, shared needles, raw milk and blood-sucking insects]
15 Studies of Lyme disease treatment have shown that costs associated
16 with long-term treatment of infected persons have often exceeded
17 \$100,000 per case and have a significant negative social impact;

18 c. Lyme disease, which is the most common tick-borne disease in
19 this country, is present in 48 states and five continents and is
20 spreading, with New Jersey being one of the states in which the
21 disease is most prevalent. New Jersey experienced the largest
22 percentage increase in reported cases of Lyme disease of any state
23 between 1992 and 1993 ;

24 d. Lyme disease was not widely recognized in the United States
25 until 1975 and was first identified in New Jersey in Monmouth county
26 in 1978;

27 e. [Because Lyme disease is still relatively unknown] Even though
28 Lyme disease is receiving increased public attention among both the
29 medical community and the general public, it is often misdiagnosed or
30 not diagnosed, which results in more serious health problems for the
31 affected person; [and]

32 f. If untreated, Lyme disease, in its later stages, can result in
33 neurological disorders, including, but not limited to, chronic and
34 severe fatigue, encephalitis, meningitis, memory loss, dementia and

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 seizures; severe arthritis; cardiac dysfunction; vision loss,
2 gastrointestinal disorders, paralysis, strokes and death; and
3 g. County mosquito control agencies throughout the State are
4 currently staffed and equipped to control nuisance and vector species
5 of mosquitoes. These commissions or agencies provide a central
6 operational unit within each county with the capability to advise and
7 assist a State Lyme Disease Vector Management Board in the
8 development and implementation of an integrated approach to the
9 control of tick populations on public lands within each county.

10 (cf: P.L.1991, c.277, s.1)

11

12 2. (New section) a. There is established in the Department of
13 Health a Lyme Disease Vector Management Board consisting of nine
14 members, five of whom shall be public members appointed by the
15 Governor with the advice and consent of the Senate, and four of whom
16 shall be the Commissioner of Health, the Commissioner of Education,
17 the Commissioner of Environmental Protection and the Director of
18 the New Jersey Agricultural Experiment Station, or their designees,
19 who shall serve ex officio.

20 b. Of the five public members to be appointed by the Governor, one
21 shall be a physician or a veterinarian, one shall be a regular or
22 honorary member of Associated Executives of Mosquito Control
23 Work in New Jersey, one shall be a representative of the New Jersey
24 Health Education Association, one shall be chosen from the regular
25 membership of the New Jersey Recreation and Parks Association, and
26 one shall be chosen from the public members of the Governor's Lyme
27 Disease Advisory Council.

28 c. Public members of the board shall serve four year terms, except
29 that of the first public members appointed two shall be appointed for
30 a term of one year, one shall be appointed for a term of two years, one
31 shall be appointed for a term of three years and one shall be appointed
32 for a term of four years. Members whose terms have expired shall
33 continue to serve until their successors have been appointed and
34 qualified. Vacancies occurring other than by expiration of a term shall
35 be filled for the remainder of the unexpired term.

36 d. The board shall organize at the call of the Commissioner of
37 Health within thirty days following the appointment of the five public
38 members, and shall select a chairperson from among the appointed
39 public members and a secretary, who need not be a member. Members
40 shall serve without compensation.

41 e. For the purpose of gathering data, sharing information and
42 distributing public educational material, the board may call to its
43 assistance and avail itself of the service of any State, county or
44 municipal department, board, bureau, commission or agency. The
45 board shall have appropriate offices and staffing within the Department
46 of Health and that department shall supply the professional and clerical

1 assistance necessary for the board to perform its duties. The board
2 may incur miscellaneous expenses to perform its duties, within the
3 limits of funds appropriated or otherwise made available to it for those
4 purposes.

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6 3. (New section) The duties of the board shall include but not be
7 limited to:

8 a. Conducting a continuous study of ticks that transmit Lyme
9 disease, which shall include:

10 (1) Review of available epidemiological information;

11 (2) Surveillance of known tick habitats;

12 (3) Preparation of maps indicating Lyme disease case distribution
13 and tick habitat; and

14 (4) Development of a system for prioritizing the geographical areas
15 of the State requiring the implementation of tick management
16 measures;

17 b. Developing a tick management protocol based upon the
18 principles of integrated pest management (IPM), including but not
19 limited to:

20 (1) Surveillance and habitat assessment;

21 (2) Public education;

22 (3) Physical control measures, including habitat modification ;

23 (4) Biological control measures; and

24 (5) Chemical control measures;

25 c. Overseeing the operation of an ongoing work program within the
26 Department of Health to:

27 (1) Promote the prevention, detection and diagnosis of Lyme
28 disease;

29 (2) Manage the vectors of the disease in the State;

30 (3) Establish a mechanism that will allow State, county and
31 municipal agencies and educational facilities throughout New Jersey
32 to share information about Lyme disease;

33 (4) Determine the amount of State funding necessary to implement
34 research activities required to develop a Statewide protocol for the
35 management of ticks that transmit Lyme disease;

36 (5) Develop a system for prioritizing those areas of the State where
37 State funding should be utilized;

38 (6) Develop a formula for determining the amount of money
39 required to be made available in the form of State aid to counties for
40 implementation of management activities; and

41 (7) Develop a Statewide educational program for boards of
42 education, local health agencies, county Lyme disease vector
43 management agencies and the public at large; and

44 d. Submitting an annual report to the Governor and Legislature on
45 the progress made toward the prevention, detection and diagnosis of
46 Lyme disease, on the progress made in managing the vectors that

1 transmit Lyme disease, and on the financial impact of Lyme disease on
2 the residents of the State of New Jersey. The annual report shall also
3 include the amount of State funding that the board deems necessary to
4 be appropriated for:

5 (1) Research on the management of the vectors of Lyme disease;

6 (2) State aid to counties for the performance of tick management
7 activities by the various county boards of chosen freeholders that have
8 established a comprehensive Lyme disease vector management
9 program; and

10 (3) Monitoring and managing vectors of Lyme disease on State
11 lands.

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13 4. (New section) The Board of Chosen Freeholders of a county
14 may designate any county mosquito control agency or other agency or
15 any combination thereof to undertake Lyme disease management
16 activities. An agency or agencies that are designated to undertake
17 such activities shall conduct a management program that is consistent
18 with the Lyme disease vector management protocol established by the
19 board pursuant to section 3 of P.L. , c. (C.) (now before the
20 Legislature as this bill).

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22 5. Section 4 of P.L.1976, c.68 (C.40A:4-45.4) is amended to read
23 as follows:

24 4. In the preparation of its budget, a county may not increase the
25 county tax levy to be apportioned among its constituent municipalities
26 in excess of 5% or the index rate, whichever is less, of the previous
27 year's county tax levy, subject to the following exceptions:

28 a. The amount of revenue generated by the increase in valuations
29 within the county, based solely on applying the preceding year's county
30 tax rate to the apportionment valuation of new construction or
31 improvements within the county, and such increase shall be levied in
32 direct proportion to said valuation;

33 b. Capital expenditures, including appropriations for current capital
34 expenditures, whether in the capital improvement fund or as a
35 component of a line item elsewhere in the budget, provided that any
36 such current capital expenditures would be otherwise bondable under
37 the requirements of N.J.S.40A:2-21 and 40A:2-22;

38 c. (1) An increase based upon emergency temporary appropriations
39 made pursuant to N.J.S.40A:4-20 to meet an urgent situation or event
40 which immediately endangers the health, safety or property of the
41 residents of the county, and over which the governing body had no
42 control and for which it could not plan and emergency appropriations
43 made pursuant to N.J.S.40A:4-46. Emergency temporary
44 appropriations and emergency appropriations shall be approved by at
45 least two-thirds of the governing body and by the Director of the
46 Division of Local Government Services, and shall not exceed in the

1 aggregate 3% of the previous year's final current operating
2 appropriations.

3 (2) (Deleted by amendment, P.L.1990, c.89.)

4 The approval procedure in this subsection shall not apply to
5 appropriations adopted for a purpose referred to in subsection d. or f.
6 below;

7 d. All debt service;

8 e. (Deleted by amendment, P.L.1990, c.89.)

9 f. Amounts required to be paid pursuant to (1) any contract with
10 respect to use, service or provision of any project, facility or public
11 improvement for water, sewerage, parking, senior citizen housing or
12 any similar purpose, or payments on account of debt service therefor,
13 between a county and any other county, municipality, school or other
14 district, agency, authority, commission, instrumentality, public
15 corporation, body corporate and politic or political subdivision of this
16 State; and (2) any lease of a facility owned by a county improvement
17 authority when the lease payment represents the proportionate amount
18 necessary to amortize the debt incurred by the authority in providing
19 the facility which is leased, in whole or in part;

20 g. That portion of the county tax levy which represents funding to
21 participate in any federal or State aid program and amounts received
22 or to be received from federal, State or other funds in reimbursement
23 for local expenditures. If a county provides matching funds in order
24 to receive the federal or State or other funds, only the amount of the
25 match which is required by law or agreement to be provided by the
26 county shall be excepted;

27 h. (Deleted by amendment, P.L.1987, c.74.)

28 i. (Deleted by amendment, P.L.1990, c.89.)

29 j. (Deleted by amendment, P.L.1990, c.89.)

30 k. (Deleted by amendment, P.L.1990, c.89.)

31 l. Amounts expended to meet the standards established pursuant to
32 the "New Jersey Public Employees' Occupational Safety and Health
33 Act," P.L.1983, c.516 (C.34:6A-25 et seq.);

34 m. (Deleted by amendment, P.L.1990, c.89.)

35 n. (Deleted by amendment, P.L.1990, c.89.)

36 o. (Deleted by amendment, P.L.1990, c.89.)

37 p. Extraordinary expenses, approved by the Local Finance Board,
38 required for the implementation of an interlocal services agreement;

39 q. Any expenditure mandated as a result of a natural disaster, civil
40 disturbance or other emergency that is specifically authorized pursuant
41 to a declaration of an emergency by the President of the United States
42 or by the Governor;

43 r. Expenditures for the cost of services mandated by any order of
44 court, by any federal or State statute, or by administrative rule,
45 directive, order, or other legally binding device issued by a State
46 agency which has identified such cost as mandated expenditures on

1 certification to the Local Finance Board by the State agency;

2 s. That portion of the county tax levy which represents funding to
3 a county college in excess of the county tax levy required to fund the
4 county college in local budget year 1992;

5 t. Amounts appropriated for the cost of administering a joint
6 insurance fund established pursuant to subsection b. of section 1 of
7 P.L.1983, c.372 (C.40A:10-36), but not including appropriations for
8 claims payments by local member units;

9 u. Amounts in a separate line item of a county budget that are
10 expended on Lyme disease vector management activities undertaken
11 pursuant to P.L. , c. (C.) (now before the Legislature as this
12 bill).

13 (cf: P.L.1993, c.269, s.17)

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15 6. This act shall take effect immediately.

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STATEMENT

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20 The bill establishes a nine-member Lyme Disease Vector
21 Management Board in the Department of Health. The board will
22 include five public members appointed by the Governor with the
23 advice and consent of the Senate and four ex officio members who
24 include the Commissioners of Health, Education and Environmental
25 Protection and the Director of the New Jersey Agricultural Experiment
26 Station.

27 The duties of the board include:

28 a. Conducting a continuous study of ticks that transmit Lyme
29 disease;

30 b. Developing a tick management protocol based upon the
31 principles of integrated pest management;

32 c. Overseeing the operation of an ongoing work program within
33 the Department of Health; and

34 d. Submitting an annual report to the Governor and Legislature on
35 the progress made toward the prevention, detection and diagnosis of
36 Lyme disease and the progress made in managing the vectors that
37 transmit Lyme disease, and on the financial impact of the disease on
38 the residents of the State of New Jersey. The annual report shall also
39 include the amount of State funding that the board deems necessary to
40 appropriate for research on the management of vectors of Lyme
41 disease, State aid to counties for tick management activities and
42 monitoring and managing vectors of Lyme disease on State lands.

43 The bill authorizes county boards of chosen freeholders to designate
44 mosquito control agencies or other agencies to conduct Lyme disease
45 management activities pursuant to the act.

46 The bill also amends section 4 of P.L.1976, c.68 (C.40A:4-45.4) to

1 exempt from the local government cap law, amounts in a separate line
2 item in the county budget that are expended on Lyme disease vector
3 management activities undertaken pursuant to this bill.

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8 Establishes Lyme Disease Vector Management Board.