

[First Reprint]
SENATE, No. 560

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1996

By Senators BENNETT and McGreevey

1 AN ACT concerning the management of Lyme disease ¹and other tick-
2 borne illness¹, amending and supplementing P.L.1991, c.227, and
3 amending P.L.1976, c.68.

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

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

10 1. The Legislature finds and declares that:

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

14 b. [There is evidence that the disease may be transmitted through
15 blood products, shared needles, raw milk and blood-sucking insects]
16 Studies of Lyme disease treatment have shown that costs associated
17 with long-term treatment of infected persons have often exceeded
18 \$100,000 per case and have a significant negative social impact;

19 c. Lyme disease, which is the most common tick-borne disease in
20 this country, is present in 48 states and five continents and is
21 spreading, with New Jersey being one of the states in which the
22 disease is most prevalent. New Jersey experienced the largest
23 percentage increase in reported cases of Lyme disease of any state
24 between ¹[1992 and 1993] 1993 and 1994¹ ;

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

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

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SHH committee amendments adopted June 20, 1996.

1 affected person; [and]

2 f. If untreated, Lyme disease, in its later stages, can result in
3 neurological disorders, including, but not limited to, chronic and
4 severe fatigue, encephalitis, meningitis, memory loss, dementia and
5 seizures; severe arthritis; cardiac dysfunction; vision loss,
6 gastrointestinal disorders, paralysis, strokes and death;¹[and]¹

7 g. ¹Other tick-borne diseases known or suspected to occur in New
8 Jersey include Rocky Mountain spotted fever, human monocytic
9 ehrlichiosis, human granulocytic ehrlichiosis and human babesiosis; and

10 h.¹ County mosquito control agencies throughout the State are
11 currently staffed and equipped to control nuisance and vector species
12 of mosquitoes. These commissions or agencies provide a central
13 operational unit within each county with the capability to advise and
14 assist ¹[a State Lyme Disease Vector Management Board] the
15 Department of Health¹ in the development and implementation of an
16 integrated approach to ¹[the control of tick populations on public
17 lands within each county] manage tick-borne disease vectors¹.

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

19

20 ¹[2. (New section) a. There is established in the Department of
21 Health a Lyme Disease Vector Management Board consisting of nine
22 members, five of whom shall be public members appointed by the
23 Governor with the advice and consent of the Senate, and four of whom
24 shall be the Commissioner of Health, the Commissioner of Education,
25 the Commissioner of Environmental Protection and the Director of
26 the New Jersey Agricultural Experiment Station, or their designees,
27 who shall serve ex officio.

28 b. Of the five public members to be appointed by the Governor, one
29 shall be a physician or a veterinarian, one shall be a regular or
30 honorary member of Associated Executives of Mosquito Control
31 Work in New Jersey, one shall be a representative of the New Jersey
32 Health Education Association, one shall be chosen from the regular
33 membership of the New Jersey Recreation and Parks Association, and
34 one shall be chosen from the public members of the Governor's Lyme
35 Disease Advisory Council.

36 c. Public members of the board shall serve four year terms, except
37 that of the first public members appointed twoshall be appointed for
38 a term of one year, one shall be appointed for a term of two years, one
39 shall be appointed for a term of three years and one shall be appointed
40 for a term of four years. Members whose terms have expired shall
41 continue to serve until their successors have been appointed and
42 qualified. Vacancies occurring other than by expiration of a term shall
43 be filled for the remainder of the unexpired term.

44 d. The board shall organize at the call of the Commissioner of
45 Health within thirty days following the appointment of the five public
46 members, and shall select a chairperson from among the appointed

1 public members and a secretary, who need not be a member. Members
2 shall serve without compensation.

3 e. For the purpose of gathering data, sharing information and
4 distributing public educational material, the board may call to its
5 assistance and avail itself of the service of any State, county or
6 municipal department, board, bureau, commission or agency. The
7 board shall have appropriate offices and staffing within the Department
8 of Health and that department shall supply the professional and clerical
9 assistance necessary for the board to perform its duties. The board
10 may incur miscellaneous expenses to perform its duties, within the
11 limits of funds appropriated or otherwise made available to it for those
12 purposes.]¹

13

14 ¹[3. (New section) The duties of the board shall include but not be
15 limited to:

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

18 (1) Review of available epidemiological information;

19 (2) Surveillance of known tick habitats;

20 (3) Preparation of maps indicating Lyme disease case distribution
21 and tick habitat; and

22 (4) Development of a system for prioritizing the geographical areas
23 of the State requiring the implementation of tick management
24 measures;

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

28 (1) Surveillance and habitat assessment;

29 (2) Public education;

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

31 (4) Biological control measures; and

32 (5) Chemical control measures;

33 c. Overseeing the operation of an ongoing work program within the
34 Department of Health to:

35 (1) Promote the prevention, detection and diagnosis of Lyme
36 disease;

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

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

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

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

46 (6) Develop a formula for determining the amount of money

1 required to be made available in the form of State aid to counties for
2 implementation of management activities; and

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

6 d. Submitting an annual report to the Governor and Legislature on
7 the progress made toward the prevention, detection and diagnosis of
8 Lyme disease, on the progress made in managing the vectors that
9 transmit Lymedisease, and on the financial impact of Lyme disease on
10 the residents of the State of New Jersey. The annual report shall also
11 include the amount of State funding that the board deems necessary to
12 be appropriated for:

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

14 (2) State aid to counties for the performance of tick management
15 activities by the various county boards of chosen freeholders that have
16 established a comprehensive Lyme disease vector management
17 program; and

18 (3) Monitoring and managing vectors of Lyme disease on State
19 lands.]¹

20

21 ¹[4.] 2.¹ (New section) The Board of Chosen Freeholders of a
22 county may designate any county mosquito ¹[control agency]
23 commission¹ or other agency or any combination thereof to
24 ¹[undertake Lyme disease management activities. An agency or
25 agencies that are designated to undertake such activities shall conduct
26 a management program that is consistent with the Lyme disease vector
27 management protocol established by the board pursuant to section 3
28 of P.L. , c. (C.) (now before the Legislature as this bill)]
29 provide surveillance, education, training and recommendations on
30 integrated pest management for the management of Lyme disease or
31 other tick-borne disease vectors¹.

32 ¹In the event of a public health necessity, the designated

33 commission or agency may conduct other tick management activities
34 in accordance with tick management protocols established by the
35 Department of Health.¹

36

37 ¹[5.] 3.¹ Section 4 of P.L.1976, c.68 (C.40A:4-45.4) is amended
38 to read as follows:

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

43 a. The amount of revenue generated by the increase in valuations
44 within the county, based solely on applying the preceding year's county
45 tax rate to the apportionment valuation of new construction or
46 improvements within the county, and such increase shall be levied in

- 1 direct proportion to said valuation;
- 2 b. Capital expenditures, including appropriations for current capital
3 expenditures, whether in the capital improvement fund or as a
4 component of a line item elsewhere in the budget, provided that any
5 such current capital expenditures would be otherwise bondable under
6 the requirements of N.J.S.40A:2-21 and 40A:2-22;
- 7 c. (1) An increase based upon emergency temporary appropriations
8 made pursuant to N.J.S.40A:4-20 to meet an urgent situation or event
9 which immediately endangers the health, safety or property of the
10 residents of the county, and over which the governing body had no
11 control and for which it could not plan and emergency appropriations
12 made pursuant to N.J.S.40A:4-46. Emergency temporary
13 appropriations and emergency appropriations shall be approved by at
14 least two-thirds of the governing body and by the Director of the
15 Division of Local Government Services, and shall not exceed in the
16 aggregate 3% of the previous year's final current operating
17 appropriations.
- 18 (2) (Deleted by amendment, P.L.1990, c.89.)
- 19 The approval procedure in this subsection shall not apply to
20 appropriations adopted for a purpose referred to in subsection d. or f.
21 below;
- 22 d. All debt service;
- 23 e. (Deleted by amendment, P.L.1990, c.89.)
- 24 f. Amounts required to be paid pursuant to (1) any contract with
25 respect to use, service or provision of any project, facility or public
26 improvement for water, sewerage, parking, senior citizen housing or
27 any similar purpose, or payments on account of debt service therefor,
28 between a county and any other county, municipality, school or other
29 district, agency, authority, commission, instrumentality, public
30 corporation, body corporate and politic or political subdivision of this
31 State; and (2) any lease of a facility owned by a county improvement
32 authority when the lease payment represents the proportionate amount
33 necessary to amortize the debt incurred by the authority in providing
34 the facility which is leased, in whole or in part;
- 35 g. That portion of the county tax levy which represents funding to
36 participate in any federal or State aid program and amounts received
37 or to be received from federal, State or other funds in reimbursement
38 for local expenditures. If a county provides matching funds in order
39 to receive the federal or State or other funds, only the amount of the
40 match which is required by law or agreement to be provided by the
41 county shall be excepted;
- 42 h. (Deleted by amendment, P.L.1987, c.74.)
- 43 i. (Deleted by amendment, P.L.1990, c.89.)
- 44 j. (Deleted by amendment, P.L.1990, c.89.)
- 45 k. (Deleted by amendment, P.L.1990, c.89.)
- 46 l. Amounts expended to meet the standards established pursuant to

- 1 the "New Jersey Public Employees' Occupational Safety and Health
2 Act," P.L.1983, c.516 (C.34:6A-25 et seq.);
- 3 m. (Deleted by amendment, P.L.1990, c.89.)
- 4 n. (Deleted by amendment, P.L.1990, c.89.)
- 5 o. (Deleted by amendment, P.L.1990, c.89.)
- 6 p. Extraordinary expenses, approved by the Local Finance Board,
7 required for the implementation of an interlocal services agreement;
- 8 q. Any expenditure mandated as a result of a natural disaster, civil
9 disturbance or other emergency that is specifically authorized pursuant
10 to a declaration of an emergency by the President of the United States
11 or by the Governor;
- 12 r. Expenditures for the cost of services mandated by any order of
13 court, by any federal or State statute, or by administrative rule,
14 directive, order, or other legally binding device issued by a State
15 agency which has identified such cost as mandated expenditures on
16 certification to the Local Finance Board by the State agency;
- 17 s. That portion of the county tax levy which represents funding to
18 a county college in excess of the county tax levy required to fund the
19 county college in local budget year 1992;
- 20 t. Amounts appropriated for the cost of administering a joint
21 insurance fund established pursuant to subsection b. of section 1 of
22 P.L.1983, c.372 (C.40A:10-36), but not including appropriations for
23 claims payments by local member units;
- 24 u. Amounts in a separate line item of a county budget that are
25 expended on ¹[Lyme] tick-borne¹ disease vector management activities
26 undertaken pursuant to P.L. _____, c. _____ (C. _____) (now before the
27 Legislature as this bill).
28 (cf: P.L.1993, c.269, s.17)

29

30 ¹[6.] 4.¹ This act shall take effect immediately.

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35 _____

35 Authorizes Boards of Chosen Freeholders to designate mosquito
36 commissions and others to undertake tick-borne disease vector
37 management programs.