

SENATE, No. 632

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator PAUL A. SARLO

District 36 (Bergen and Passaic)

SYNOPSIS

Authorizes special financing by municipalities, counties and, school districts to compensate sexual harassment and abuse survivors; establishes "Sexual Harassment and Abuse Survivor Fund."

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning compensation of sexual harassment and abuse
2 survivors and supplementing P.L.2019, c.120 (C.2A:14-2a et al.),
3 N.J.S.18A:22-1 et seq., and N.J.S.40A:4-1 et seq.

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

7
8 1. a. There is established within the General Fund the "Sexual
9 Harassment and Abuse Survivor Fund" as a nonlapsing revolving
10 fund in the Department of the Treasury. Monies deposited in the
11 fund shall be utilized by the State Treasurer exclusively for the
12 purposes of funding any liability of a municipality, county, or
13 school district to a sexual harassment or abuse survivor for a claim
14 of the survivor pursuant to P.L.2019, c.120 (C.2A:14-2a et al.).

15 b. If a judgement, or an order approving a settlement, is
16 rendered by a court of competent jurisdiction against a
17 municipality, county, or school district that requires compensation
18 to be provided for a claim pursuant to P.L.2019, c.120 (C.2A:14-2a
19 et al.), the governing body or board of education, as applicable,
20 may, by resolution, apply to the State Treasurer to obtain the
21 funding necessary from the "Sexual Harassment and Abuse
22 Survivor Fund" to compensate the municipality, county, or school
23 district for the amount of liability incurred. In order to be eligible
24 for a payment from the fund, the resolution shall be adopted no later
25 than 90 days following the date when the judgment, or order
26 approving the settlement, is rendered.

27 c. In accordance with the "Administrative Procedure Act,"
28 P.L.1968, c.410 (C.52:14B-1 et seq.), the State Treasurer may adopt
29 the rules and regulations necessary to effectuate the purposes of this
30 section.

31

32 2. a. If a judgement, or an order approving a settlement, is
33 rendered by a court of competent jurisdiction, against a school
34 district, that requires compensation to be provided for a claim
35 pursuant to P.L.2019, c.120 (C.2A:14-2a et al.), the board of
36 education may raise the necessary funding pursuant to
37 N.J.S.18A:22-21 or N.J.S.18A:22-40, as applicable, for the purpose
38 of satisfying the liability, except that the approval of the board of
39 school estimate or the voters pursuant to N.J.S.18A:22-21 or
40 N.J.S.18A:22-41, as appropriate, shall not be required.

41 b. In accordance with the "Administrative Procedure Act,"
42 P.L.1968, c.410 (C.52:14B-1 et seq.), the Commissioner of
43 Education may adopt the rules and regulations necessary to
44 effectuate the purposes of this section.

45

46 3. a. If a judgement, or an order approving a settlement, is
47 rendered by a court of competent jurisdiction, against a local unit,
48 that requires compensation to be provided for a claim pursuant to

1 P.L.2019, c.120 (C.2A:14-2a et al.), the governing body may adopt
2 a resolution declaring a special emergency for the purpose of
3 funding the liability. The resolution shall be adopted no later than
4 90 days following the date when the judgment, or order approving
5 the settlement, is rendered. No resolution adopted pursuant to this
6 section shall take effect without the approval of the Local Finance
7 Board. The special emergency may be funded for up to three years
8 pursuant to the provisions of either section 3 of P.L.1961, c.22
9 (C.40A:4-55.3) or section 4 of P.L.1961, c.22 (C.40A:4-55.4).

10 b. In accordance with the "Administrative Procedure Act,"
11 P.L.1968, c.410 (C.52:14B-1 et seq.), the Director of the Division
12 of Local Government Services in the Department of Community
13 Affairs may adopt the rules and regulations necessary to effectuate
14 the purposes of this section.

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16 4. This act shall take effect immediately.

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STATEMENT

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21 This bill authorizes special financing by municipalities, counties,
22 and school districts to compensate sexual harassment and abuse
23 survivors, and establishes the "Sexual Harassment and Abuse
24 Survivor Fund" in the Department of Treasury.

25 This bill would establish in the General Fund the "Sexual
26 Harassment and Abuse Survivor Fund" as a nonlapsing revolving
27 fund in the Department of the Treasury. Monies deposited in the
28 fund would be used exclusively for the funding of any liability of a
29 municipality, county, or school district to a sexual harassment or
30 abuse survivor for a claim of the survivor pursuant to P.L.2019,
31 c.120 (C.2A:14-2a et al.), a recently-enacted statute that has
32 expanded the statute of limitations for such claims.

33 Following a judgement or settlement against a municipality,
34 county, or school district, that requires compensation for a claim
35 pursuant to P.L.2019, c.120 (C.2A:14-2a et al.), the bill permits the
36 governing body or board of education to apply to the State
37 Treasurer to obtain the funding necessary from the "Sexual
38 Harassment and Abuse Survivor Fund" to compensate for the
39 amount of liability incurred. In order to obtain a payment from the
40 fund, the bill requires the resolution to be adopted no later than 90
41 days following the date when the judgment, or order approving the
42 settlement, is rendered.

43 The bill would permit the governing body of a municipality or
44 county to adopt a resolution declaring a special emergency for the
45 purpose of funding sexual harassment and abuse survivor liability
46 arising pursuant to P.L.2019, c.120 (C.2A:14-2a et al.). The
47 resolution would be adopted no later than 90 days following the
48 date when the judgment, or order approving the settlement, is

1 rendered. This resolution would not take effect without approval of
2 the Local Finance Board, and would be funded for up to three years
3 through the issuance of special emergency notes.

4 Finally, when a judgement, or an order approving a settlement, is
5 rendered against a school district, that requires compensation to be
6 provided for a claim pursuant to P.L.2019, c.120 (C.2A:14-2a et
7 al.), the bill permits the board of education to raise the necessary
8 funding pursuant to financing mechanisms available under
9 N.J.S.18A:22-21 or N.J.S.18A:22-40, for the purpose of satisfying
10 the liability. Approval of this financing from the board of school
11 estimate or the voters would not be required.