

NEW JERSEY ASSOCIATION OF COUNTIES

County Government with a Unified Voice

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MEMORANDUM

TO: Senate Budget and Appropriations Committee

DATE: December 15, 2010

RE: **SENATE, NO. 2395** (*Vitale D-18/Bateman D-16*)

The New Jersey Association of Counties (NJAC) would like to thank the sponsors of S-2395 for taking the time over the past several months to work with us on addressing several of our concerns with this legislation as introduced. As you know, this measure would revise the "State Medical Examiner Act." Although the proposed amendments seem to make the legislation more palatable for county governments to implement, several outstanding issues remain.

DIRECT SUPERVISION

NJAC is initially concerned with the fact that this legislation would empower the new Chief State Medical Examiner to directly supervise county operated medical examiner offices in Atlantic, Bergen, Burlington, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Sussex, Union, and Warren counties. The new Medical Examiner would also maintain this authority over Gloucester County, which provides medical examiner services on behalf of Camden and Salem counties. Please note that the Northern Regional Medical Examiner Office operated by the State of New Jersey provides medical examiner services for Essex, Hudson, Passaic, and Somerset counties; and, that the Southern Regional Medical Examiner Office, also operated by the State of New Jersey, provides medical examiner services for Cape and Cumberland counties.

As counties are responsible for paying for the salaries, equipment, facilities and other expenses incurred by the county medical examiner offices through the collection of the county general purpose tax, counties should retain jurisdiction to oversee the operations of the county medical examiner offices accordingly. Our general concern is that this legislation would implement a dysfunctional operational structure similar to that of the county prosecutors offices, where the Governor appoints all county prosecutors with the advice and consent of the Senate; the State's Attorney General supersedes any actions taken by a county prosecutor in all law enforcement matters; and where county governments exercise little control over the fiscal or administrative

functions. If this legislation does in fact require the Chief State Medical Examiner to exercise direct supervisory power over the county medical examiner offices, then the Department of Health and Senior Services should assume the costs associated with the operation and maintenance of the offices accordingly.

NEW COSTS

NJAC is also concerned that this legislation would impose additional and untimely costs on county governments by requiring them to comply with new standards for funding operations, staffing, and equipment. At a time in which all local governments are struggling to make ends meet by reducing critical staff, essential services, and capital improvement projects, county officials will find it very difficult to allocate the necessary resources to comply with new standards. These unfunded mandates would be similar to the ones imposed by the "Court Securitization Act." Although the Act through regulations and directives attempted to create a uniform standard for security at county judicial and prosecutorial facilities, it significantly increased the costs associated with the operation and maintenance of such facilities.

UNNECESSARY LEVEL OF BUREAUCRACY/BARRIER TO SHARED SERVICES

Finally, NJAC is concerned that this legislation would create an unnecessary level of bureaucracy and barrier to shared services by engaging the Chief State Medical Examiner in the hiring and firing of all county medical examiners, and in the approval of intercounty medical examiner office agreements. County governments have proven to be leaders in regionalization, shared services, and consolidation where feasible, and should retain the autonomy to enter into such agreements without the imposition of an unnecessary level of bureaucracy. As the only true regional form of government in the State, county governments have led the way in creating innovative shared service initiatives that deliver essential services in a more cost effective manner while saving valuable taxpayer dollars. Moreover, the decision making authority of elected body should not be subject to the approval of an appointed state employee. Finally, in light of the fact that counties are responsible for funding and maintaining county medical examiner offices, they should retain the discretion to hire and fire county medical examiners.

For the reasons stated above, NJAC respectfully opposes S-2395 at this time, but looks forward to working with the sponsors as this legislation makes its way through the Legislature. Thank you for your time and consideration, and please do not hesitate to contact us with any questions or concerns.