

NEW JERSEY ASSOCIATION OF COUNTIES

County Government with a Unified Voice!

RICHARD D. GARDNER
NJAC President
Warren County Freeholder

JOHN G. DONNADIO
Executive Director

STATE HOUSE NEWS

December 21, 2012

DIRECT DEPOSIT

We're getting close. On December 20th the Senate passed by a vote of 35-1 **ASSEMBLY, NO. 720/SENATE, NO. 2090** (*Ramos D-Hudson*)(*Gordon D-Bergen*), which would require direct deposit for all State employee compensation after July of 2014; and, would authorize all local government employers to pay its employees by direct deposit at the governing body's discretion. NJAC has been advocating for the passage of this important and timely initiative for almost two years as it would eliminate an antiquated law that has become a significant barrier for counties committed to streamlining their operations and saving valuable taxpayer dollars. The measure now heads back to the General Assembly, which must concur with the Senate amendments before sending to the Governor's Desk.

PUBLIC MEETINGS AND RECORDS

On December 20th the Senate considered, but did not pass **SENATE, NO. 1451** (*Weinberg D-Bergen/Pennacchio R-Morris*) and **SENATE, NO. 1452** (*Weinberg D-Bergen/Buono D-Middlesex*), which would provide the public with greater access to government meetings and records.

NJAC's primary concern with S-1451 (*Open Public Meetings Act*) remains the same as it does not contain an appropriation to address the costs associated with providing adequate notice and preparing accurate meeting minutes for subcommittees meetings, commissions, advisory boards, etc. In fact, the latest version of the bill as amended on December 17th would seem to make its implementation even more onerous and costly than the bill as introduced. These amendments would require public bodies, subcommittees, and quasi-governmental agencies to keep "comprehensive" minutes of all meetings as opposed to "reasonably comprehensible" minutes. This would include any portion of a meeting from which the public was excluded, including at a minimum: the time and place of the meeting; the members present; the subjects considered; the actions taken; the motions made; the vote of each member; and, several other requirements.

The amendments would also expand the definition of "subcommittee" to mean "any subordinate committee of a public body, *except the Legislature*, regardless of label, that is formally created by that body and comprised of two or more of its members and collectively empowered as a voting body to perform a public, governmental function affecting the rights, duties, obligations, privileges, benefits, or other legal relations of any person ... to spend public funds." The amendments would further expand the definition of "quasi-governmental agency" to mean any "association, commission, agency, authority, organization, public-private entity, or any other entity, in which one or more public agencies exercise substantial control, as evidenced by whether the public agency maintains the ability to review, approve, or reject the agency's proposals or plans, or holds a beneficial interest in the agency's assets.

We have similar concerns with S-1452 (*Open Public Records Act*), which would in part require a custodian of records to provide a requestor with a comprehensive written analysis of redacted information. Although the amended version of this bill seems more palatable than the original one, it would nonetheless create an unnecessary level of bureaucracy and expense. For redacted information, the bill would require the custodian of a government record to provide the "requester with a redacted version of the document and one affidavit for the entire request that states the date of the record, the originator or author of the record, the subject matter or title of the record, the number of redacted words, lines, or pages, and the specific statutory ... basis for each redaction. At a time in which local governments are struggling to make ends meet by reducing critical staff, essential services, and capital improvement projects, local officials will find it very difficult to allocate the necessary staff, time, and resources to carry out these added job functions and responsibilities. '

The companion versions in the General Assembly **ASSEMBLY, NOS. 2425 & 2426** (*Johnson D-Bergen*) are currently in the Assembly State Government Committee awaiting consideration.

INTERNET GAMING

On December 20th both houses passed and sent to the Governor **SENATE, NO. 1565/ASSEMBLY, NO. 2578** (*Lesniak D-Union/Whelan D-Atlantic*)(*Burzichelli D-Gloucester/Prieto D-Hudson*), which would authorize Internet wagering at Atlantic City casinos under certain circumstances.

NJAC supports this important and timely initiative as making New Jersey the first State in the nation to authorize Internet gaming is expected to increase annual casino revenues by more than \$200.0 million with \$20.0 million dedicated to the Casino Revenue Fund. As the Committee is well aware, New Jersey

casinos currently pay the State an 8% tax on gross revenues, which are appropriated to the Casino Revenue Fund and constitutionally dedicated for the benefit of the aged and disabled. This legislation would impose a similar tax on Internet wagering gross revenues with 10% dedicated to the Casino Revenue Fund.

Importantly, Casino Revenue Fund monies provide much needed financial support for county based programs and initiatives such as Para-transit services, Meals on Wheels, and Pharmaceutical Assistance to the Aged and Disabled (PAAD). As the State's gaming industry has struggled, the Casino Revenue Fund has lost more than \$2.0 billion in revenues since 2007, where the Fund earned approximately \$5.0 billion that year. Various projections for 2012 put that number at \$3.0 billion. Consequently, counties across the State have been forced to cut essential services at a time in which demand is drastically increasing. It's unclear at this point if Governor Christie plans to sign the measure into law.

COUNTY SPECIAL LAW ENFORCEMENT OFFICERS

On December 20th both house passed and sent to the Governor **SENATE, NO. 2129/ASSEMBLY, NO. 3166** (*Norcross D-Camden*)(*Wilson D-Camden/Fuentes D-Camden*), which would permit a county sheriff in a county that has established a county police department to appoint Class Two special law enforcement officers to perform court related duties.

Under current law, Class Two officers are empowered to exercise full police powers and perform the duties of permanent, regularly appointed full-time police officers. They are authorized to carry a firearm. Also under current law, only municipalities are authorized to hire special law enforcement officers to provide supplementary police services, particularly during unusual or emergency circumstances.

The intent of this legislation is to provide sheriffs the opportunity to appoint part-time special law enforcement officers to perform court related duties at a cost savings as a opposed to hiring full-time officers. Part-time specials would not receive pension, health, or other fringe benefits, which could potentially reduce court security costs. Additionally, sheriffs could hire retired or unemployed police officers as specials to reduce potential training costs. Camden County, Cumberland County, and the Sheriff's Association of New Jersey support this legislation as a cost effective alternative to providing court security. Governor Christie is expected to sign the measure into law.

VETERAN SET ASIDE

On December 20th both houses passed **SENATE, NO. 527/ASSEMBLY, NO. 1133** (*Norcross D-Camden/Connors R-Ocean*)(*Fuentes D-Camden/Wilson D-Camden*), which would authorize counties and municipalities to establish a qualified veteran business enterprise set-aside program.

In authorizing such a program, a county or municipality must establish a goal for its contracting agencies of setting aside a certain percentage of the dollar value of total procurements to be awarded as set-aside contracts to qualified veteran business enterprises. "Qualified veteran business enterprise" means: a business that has its principal place of business in this State; is independently owned and operated by a veteran; or, is at least 51% owned and controlled by a veteran. The business must also submit forms quarterly to the contracting agency showing proof of veteran status of all the veteran employees. Governor Christie is expected to sign the measure into law.

CHAPTER 78 PROPOSED REGULATIONS

The Division of Local Government Services (DLGS) Local Finance Board has proposed new rules for the approval process for non-State Health Benefits Program health insurance plans. In summary, the new rules would implement changes to the State Health Benefits Program (SHBP) enacted on June 28, 2011 under P.L. 2011, c.78 that require a cost comparison for local government employers that have chosen to participate in a health benefits plan other than the SHBP and would further require a local unit's certification that the non-SHBP plan achieves an aggregate employer savings.

NJAC plans to prepare and submit comments on the proposed rules before the January 18, 2013 deadline and will take the following course of action. And, special thanks to Morris County Administrator John Bonanni for coordinating a January 10, 2012 meeting with the Director of Local Government Services Tom Neff to discuss the proposed regulations in more detail. You review the proposed rules in their entirety at www.state.nj.us/dca/divisions/dlgs/.

"Merry Christmas and Happy New Year."