

# NEW JERSEY ASSOCIATION OF COUNTIES

*County Government with a Unified Voice!*

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## STATE HOUSE NEWS

*September 24, 2012*

### DIRECT DEPOSIT

On September 13<sup>th</sup> the Senate State Government, Wagering, Tourism, and Historic Preservation Committee favorably reported **SENATE, NO. 2090/ASSEMBLY, NO. 720** (*Gordon D-Bergen*)(*Ramos D-Hudson*). As you know, this legislation is one of NJAC's top legislative priorities as it would require direct deposit for all State employee compensation on or after July 1, 2014; and, would authorize counties, municipalities, and school districts to pay its employees by direct deposit at the governing body's discretion at that time as well. This legislation would also authorize governing bodies to grant exemptions under certain circumstances and as determined by the governing body. We're optimistic that the Senate will vote on the measure at one of its upcoming voting sessions and then send it to the General Assembly for concurrence on the changes made to the bill in the Senate. If all goes well, the bill should be on the Governor's Desk by Thanksgiving if not sooner. In the meantime, please make sure to let your legislators know that we support this important and timely measure as a means to modernize payroll systems, streamline operations, and save valuable taxpayer dollars.

### COUNTY OPERATED NURSING HOMES

As county operated nursing homes begin planning for the phase in of Managed Care in 2013, NJAC sent the Commissioner of the Department of Human Services a letter asking for guidance on a number of pressing issues that include:

1. When does the Department anticipate approval of the State's Comprehensive Waiver application?
2. When does the Department expect to phase in Managed Care?
3. Has the State selected or approved Managed Care Organizations (MCO) to provide coverage for Long Term Care (LTC) facilities? *Several healthcare providers have already reached out to county facilities seeking to credential the facilities and physicians accordingly.*
4. Which formula does the Department plan to use when calculating Medicaid reimbursement rates for State fiscal year 2013?

5. In calculating rates, does the Department plan to use 2006 allowable costs as the base year with an inflation factor of 11%? *Actual costs have increased by 30-35% since that time.*
6. When does the Department plan to publish Medicaid reimbursement rates for State fiscal year 2013?

NJAC intends to play a greater role in representing and advocating for county operated nursing homes, which will very likely include serving as the lead agent in negotiating with healthcare providers. As county operated nursing homes face a significant crossroads, its imperative that we work together to identify potential cost saving initiatives, which include taking advantage of economies of scale by negotiating with providers as a single entity as opposed to acting individually.

### COUNTY INFRASTRUCTURE USER FEES

NJAC's Legislative Affairs Committee is in the process of reviewing **ASSEMBLY, NO. 3186** (*Coutinho D-Essex*), which would permit counties to charge a fee to fund infrastructure construction projects through voter approval. The Assembly Housing and Local Government Committee will very likely consider the measure at one of its upcoming meetings.

#### *Provisions*

1. The governing body of any county, by resolution or ordinance, may request approval to establish an infrastructure construction fee through a public question submitted to voters in a general or special election.
2. Approval of the public question must be by an affirmative vote in excess of 50 percent of the people voting on the question at the election.
3. The public question submitted to voters at the referendum must state the maximum fee to be established, specify the period for which the fee will be implemented, and identify the projects to be funded.
4. "Infrastructure construction fee" means a countywide fee established with voter approval for the purpose of funding infrastructure construction projects within the county.
5. "Infrastructure construction project" means the construction, reconstruction, alteration, addition, physical betterment, or improvement of any public infrastructure within the county, including, but not limited to public highways, bridges, utilities, water, and sewer systems.

6. In consultation with the State Treasurer and Department of Community Affairs, a county shall administer the collection and allocation of a voter approved infrastructure construction fee. Moreover, the State Treasurer and DCA shall promulgate rules and regulations to effectuate the provisions of this Act. <sup>A</sup>(NJAC recommends that although it is appropriate for the State Treasurer and DCA to promulgate rules and regulations, a county should retain the autonomy to administer the collection and allocation of a voter approved infrastructure construction fee without consulting either body. As such, this section of the bill should be amended accordingly.)

### *Comments*

1. The bill is officially entitled the "County Self-Help Act," which the sponsor should consider changing for no other reason than it simply doesn't sound right. <sup>B</sup>(NJAC recommends amending the title read to the "County Infrastructure Improvement Act.")
2. The bill is an initiative of the Utility Transportation and Construction Association (UTCA). UTCA has asked for NJAC's support of the bill as a new mechanism to help finance important infrastructure construction projects.
3. Alabama, Arkansas, California, Florida, Hawaii, Illinois, Mississippi, Montana, Nevada, New Mexico, Oregon, South Dakota, Tennessee, and Washington permit counties to use similar dedicated fees.
4. The bill amends the 1977 property tax cap levy law to exempt from a county's property tax cap levy calculation, any amount approved as an infrastructure construction fee. However, the bill does not appear to amend the 2010 property tax cap levy law; and it may need to as counties must use both formulas to determine its tax levy. <sup>C</sup>(NJAC recommends reviewing and comparing the capital construction cap exemption authorized by the 2010 property tax cap levy law to make sure that the provision is consistent with this legislation's proposed change to the 1977 law)
5. The Administration has previously noted that it does not support local option taxes - even when dedicated for a specific purpose. The Administration is also opposed to adding exemptions under the property tax cap laws. However, both the sponsor and UTCA are motivated to move the bill.

## *Recommendation*

NJAC appreciates the fact that UTCA is taking the initiative to introduce a measure that will allow counties to proactively address critical infrastructure improvement needs through the use of a dedicated tax. We also appreciate the fact that UTCA is seeking our support as more often than not we are at odds with the organization on legislative matters. Additionally, NJAC is committed to advocating for legislation that provides counties with the opportunity to deliver essential services more effectively and facilitate the construction of much needed capital improvement projects. On the other hand, several counties have previously noted their general opposition to the use of local option taxes and recommend that NJAC instead focus its efforts on increasing State and federal aid. With this in mind, NJAC's Legislative Affairs Committee is encouraged to make both technical and substantive recommendations on the bill, while NJAC's Board of Directors must make a policy decision on whether it supports the use of county local option taxes as a means to address specified local and regional needs.

## **PUBLISH ORDINANCES BY TITLE AND SUMMARY**

We're optimistic that the Senate Community and Urban Affairs Committee will consider **SENATE, NO. 316** (*Whelan D-Atlantic*) at one of its upcoming meetings. In summary, this legislation would permit certain county boards of chosen freeholders to publish notices of proposed or amended ordinances by title and summary.

NJAC supports this legislation as it will save significant taxpayer dollars for county governments established pursuant to the "Optional County Charter Law." These counties include Atlantic, Bergen, Essex, Hudson, Mercer, and Union. Although current law under N.J.S.A. 40:49-2 authorizes municipalities to publish ordinances in a newspaper in their entirety or by title and summary, N.J.S.A. 41A-1-101 mandates charter counties to publish ordinances in their entirety at a substantially higher cost. Please note that except for certain bond, capital expenditure, or health ordinances as required by specific statute, non-charter counties typically adopt resolutions at a much lower cost to publish. Although this bill passed in the Senate last legislative session, it stalled in the General Assembly. With this in mind, we're looking for a sponsor in General Assembly, preferably from one of the five charter counties, to proactively move the bill on our behalf.

## **SEX OFFENDER REGISTRATION INFORMATION**

On September 24<sup>th</sup> the Assembly Law and Public Safety Committee will consider **ASSEMBLY, NO. 2131** (*Burzichelli D-Gloucester/Fuentes D-Camden*), which would authorize the release of sex offender registration information to the Department of Human Services and county welfare agencies.

NJAC and the County Welfare Directors Association of New Jersey support this legislation as it would make certain sex offender registration information available to county welfare agencies for the purpose of appropriately placing homeless families in emergency shelters. Current law requires county prosecutors to assess a sex offender's risk of re-offense and categorize the offender as low risk (Tier 1), moderate risk (Tier II), or high risk (Tier III). The records and files containing the information and documentation used to make this assessment are available only to law enforcement agencies and the Division of Youth and Family Services in the Department of Children and Families. The Senate counterpart, **SENATE, NO. 1946** (*Greenstein D-Mercer*) is currently in the Senate Law and Public Safety Committee awaiting consideration.

## **LEAVE FOR DOMESTIC VIOLENCE AND SEXUAL ASSAULT**

On September 24<sup>th</sup>, the Assembly Appropriations Committee will consider **ASSEMBLY, NO. 2919** (*Fuentes D-Camden/Mosquera D-Camden*), which would establish the "New Jersey Financial Empowerment Act" to assist victims of domestic violence of and sexual assault. In summary, the bill would provide 20 days of leave time for an employee who is the victim of domestic violence or sexual assault, or whose family or household member was the victim, within one year of the incident.

The leave time is provided to allow the employee to: seek medical attention for physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member; obtain services from a victim services organization for the employee or the employee's family or household member; obtain psychological or other counseling for the employee or the employee's family or household member; participate in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic or sexual violence or ensure economic security; seek legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic or sexual violence; or attend, participate in, or prepare for a criminal or civil court proceeding relating to an incident of domestic or sexual violence of

which the individual, or the family or household member of the individual, was a victim. The Senate version **SENATE, NO. 2177** (*Madden D-Camden*) is currently in the Senate Health, Human Services, and Senior Citizens Committee awaiting consideration.

*You may also be interested in the following bills that Governor Christie signed into law on September 21, 2012:*

**SENATE, NO. 743/ASSEMBLY, NO. 1338** (*Sarlo D-Bergen/Oroho R-Sussex*)(*Greenwald D-Camden/DeCroce R-Morris*), which extends the expiration date of certain permits under the “Permit Extension Act of 2008.”

**SENATE, NO. 1879/ASSEMBLY, NO. 1400** (*Norcross D-Camden/Allen R-Burlington*)(*Wilson D-Camden/Coutinho D-Essex*), which concerns adding names of certain veterans to certain civil service eligibility lists.

**SENATE, NO. 1753/ASSEMBLY, NO. 2313** (*Sarlo D-Bergen*)(*Chivukula D-Middlesex/Singleton D-Burlington*), which clarifies request for proposals of public entities implementing energy savings improvement contracts.

**SENATE, 318, NO. 318/ASSEMBLY, NO. 2741** (*Whelan D-Atlantic/Oroho R-Sussex*)(*Burzichelli D-Salem/Bramnick R-Union*), which provides that subcontractors who furnish non-specialty trade work shall not be named in local bid documents.

*“Whatever you are, be a good one.” Abraham Lincoln*