

NEW JERSEY ASSOCIATION OF COUNTIES

County Government with a Unified Voice!

JEFFREY DUBLIN
NJAC President
Hudson County Freeholder

JOHN G. DONNADIO
Executive Director

STATE HOUSE NEWS

February 7, 2013

PUBLIC MEETINGS AND RECORDS

Earlier this afternoon, the full Senate was set to consider two new bills introduced on January 14th by Senator Weinberg that would provide greater access to public meetings and records. However, the bills were removed from the board list before the start of the voting session and the Senate will not consider them today.

Open Public Meetings - SENATE, NO. 2511 replaces *SENATE, NO. 1451* and would provide the public with greater access to meetings of public bodies and information about the meetings. As you know, NJAC's primary concern with the original bill is that it did not contain an appropriation to address the costs associated with providing adequate notice and preparing accurate meeting minutes for subcommittees meetings, which the bill defined as any subordinate committee of a public body. As you may recall, Hudson County noted that it holds approximately 115 committee meetings each year that total 100 hours. The County pays a transcribing service of \$275.00 per meeting appearance; and, \$5.50 per transcribed page. The transcriber typically completes 90 double-spaced transcribed pages per hour. Based on these figures, the County estimates that it would cost approximately \$49,500.00 per year to comply with this legislation [$\$5.50 \text{ per transcribed page} * 90 \text{ transcribed pages per hour} * 100 \text{ hours} = \$49,500$].

Section 7 of S-2511 appears to make the preparing of meeting minutes by subcommittees more palatable for local governments by instead requiring subcommittees "to file at least one report with the public body. A report shall include a statement of the number of meetings of the subcommittee held since its last report, the names of the members of the subcommittee, and a concise statement of the matters discussed. A report of a subcommittee shall be available for public access in the same manner, and subject to the same limitations on access, as minutes of a meeting of a public body." Although this process may still unnecessarily burden local governing bodies, it appears less intrusive and costly to manage. Thank you again to Hudson County for taking the time to

provide a comprehensive analysis that played a significant role in the new language contained in S-2511.

Open Public Records - **SENATE, NO. 2512** replaces **SENATE NO. 1452** and would provide greater access to government records. NJAC's primary concern with the original bill is that it would, in part, require a custodian of records to provide a requestor with comprehensive written notice on redacted information; and, with an index that describes certain available government records. At a time in which 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 staff, time, and resources to carry out these added job functions and responsibilities. In addition to this concern, the original bill did not seem to provide guidance for local governments on what constitutes "voluminous" with respect to prohibited special service charges for requests on budgets, bills, vouchers, contracts, and public employee salary information.

Sections 4 and 5 of S-2512 include identical language that was contained in S-1452 concerning redacted information and on what constitutes "voluminous" with respect to special service charges. Although section 5 attempts to streamline the indexing process when a local governing body assesses a special service charge as compared to the original bill, it would remain overly burdensome as it would require "the public agency to provide the requestor, without charge, a detailed breakdown of how the special service charge was assessed" Although we're still in the process of reviewing the bill, we recommend opposing the measure as it does not contain an appropriation or other funding mechanism to address its fiscal impact on local governing bodies.

The General Assembly has yet to consider either the original bills or new ones introduced by Assembly Gordon Johnson (*D-Bergen*) as **ASSEMBLY, NOS. 3712** and 3713. Both measures are currently in the Assembly State Government Committee awaiting consideration.

CHAPTER 78 REGULATIONS

Thank you to Hunterdon County Freeholder John King and Burlington County Director of Human Resources Dan Hornickel for taking the time out of their busy schedules to meet last week with Amy Melick in the Governor's office. The purpose of this meeting was to discuss NJAC's recommendations concerning the proposed new rules to implement P.L. 2011, c. 78. The meeting went very well and we expect to hear back from both DCA and the Governor's office shortly. We'll make sure to keep you posted on any new developments and have copied below our initial recommendations:

1. As opposed to calculating, comparing, and approving aggregate employer savings for each collective bargaining unit when a local entity is using the P.L. 2011 c.78 contribution table under the proposed new rules, the Division of Local Government Services should consider comparing and approving the annual premium cost of a plan under a plan other than the SHBP to the annual premium cost of a comparable plan under the SHBP; or
2. As opposed to calculating, comparing, and approving aggregate employer savings for each collective bargaining unit when a local entity is using the P.L. 2011 c.78 contribution table, the Division of Local Government Services should consider comparing the aggregate annual cost of employee health benefits (*each employee's plan premium less what they contribute*) incurred by local government employers offering a plan other than the SHBP to the aggregate annual cost of providing employee health benefits under the SHBP (*SHBP premium less P.L. c.78 contributions*). The Moreover, if the two amounts are within 10 percent of each other no further modifications to the plans would be required.
3. The Division of Local Government Services should consider exempting local government employers from certifying aggregate employer savings when the local government employer utilizes a professional health care broker to solicit healthcare plans and the professional health care broker is compensated by using a flat fee and not a commission.
4. The Division of Local Government Services should consider removing retirees from the equation as the cost to active employees would be substantial if active employees are forced to absorb the net cost of retirees who do not contribute toward the cost of insurance.

EARLY VOTING

On January 28th, NJAC's Legislative Director Allen Weston testified before the Senate State Government, Wagering, Tourism, and Historic Preservation Committee in opposition to **SENATE, NO. 2364** (*Gill D-Essex*).

In summary, this bill would establish an early voting procedure that would allow registered voters to vote in person at a designated polling station beginning on the 15th day before each primary and general election and ending on the second day before each election. Although the measure contains language that attempts to address its potential fiscal impact on local governing bodies, NJAC is concerned that the language is not strong enough; and more

importantly, does include an appropriation to address the substantial costs associated with early voting as prescribed under the bill.

“There is appropriated from the General Fund as State aid to each county governing body ... such sums as the State Treasurer and the Director of the Division of Budget and Accounting in the Department of the Treasury deem necessary to effectuate the purpose of section 6 of this act.”

NJAC’s primary concern with this vague and ambiguous language is that it circumvents the State’s prohibition against unfunded mandates, which will lead to an annual budget battle for limited State resources and ultimately force counties to fund early voting operations. NJAC requested and the Committee reported the measure to the Senate Budget and Appropriations Committee for consideration of its overall fiscal impact and potential State appropriation. A companion version of this legislation does not exist in the General Assembly at this time.

SEX OFFENDER REGISTRATION INFORMATION

At its voting session today, the Senate will consider and likely pass **ASSEMBLY, NO. 2131/SENATE, NO. 1946** (*Burzichelli D-Gloucester/Fuentes D-Camden*)(*Greenstein D-Mercer*), 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.

INTERNET GAMING

Earlier today, Governor Christie conditionally vetoed **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 Casino Revenue Fund monies that

provide much needed financial support for county-based programs and initiatives for the aged and disabled. We have yet to review the conditional veto, but will make sure to provide you with the language once it's available electronically. The measure heads back to the house of origin in the Senate, which may amend the bill in accordance with the Governor's recommendations and send to the General Assembly for consideration as well. If the bill along Governor's recommendations pass both houses my majority vote, will become law if the Governor signs it within 10 days after presentation.

BURIAL OF INDIGENT VETERANS

At its meeting today, the Assembly Appropriations Committee will consider **ASSEMBLY, NO. 1898** (*Milam D-Cape May/Vainieri-Huttle D-Bergen*), which would expand the burial rights of indigent veterans.

Under current law, if a war veteran dies without sufficient means to pay for funeral expenses, the veteran's county of residence is responsible for burial costs up to \$250.00. This bill would expand the counties' burial responsibilities to include veterans that did not serve at a time of war; and, would increase the \$250.00 threshold to \$1,500.00 to cover cremation or burial expenses. However, it appears that the State would be responsible for reimbursing counties for any expenses incurred by a county over \$250.00. The bill would require the a county medical examiner or the supervisor of veterans' interment to contact the Department of Military and Veteran's Affairs upon receipt of an unidentified or unclaimed indigent deceased person to ascertain whether that person was in fact a veteran. The Department would subsequently notify the county medical examiner or interment supervisor after determining the veteran status. The county medical examiner or interment supervisor would then have 72 hours to bury or cremate the veteran.

NJAC does not have a position on the measure at this time as the fiscal impact on county governments is indeterminate; and, the measure contains language that would appear to protect counties from incurring any additional expenses. The companion version in the Senate **SENATE, NO 1075** (*Van Drew D-Cape May*) is currently in the Senate Military and Veterans' Affairs Committee awaiting consideration as well.

REAL PROPERTY ASSESSMENT DEMONSTRATION PROGRAM

Earlier this week, Governor Christie signed into law as P.L. 2013, c.15 legislation that establishes a real property assessment demonstration program to demonstrate a more cost-effective and accurate process of real property assessment administration.

NJAC supported this new law as it made its way through the Legislature and onto the Governor's Desk. In summary, the measure authorizes not more than four counties to participate in the demonstration program as demonstration counties; not more than two in the first two full tax years after the bill's enactment, and not more than two more in the third and fourth full tax years after the bill's enactment. The law also sets strict criteria that a county must meet, and information a county must provide to the Director of the Division of Local Government Services in the Department of Community Affairs and to the Director of the Division of Taxation in the Department of the Treasury, in order to implement the demonstration program as a demonstration county. The real property assessment demonstration program is intended to address the systemic costs which result from the losses due to successful assessment appeals. It is anticipated that by addressing the cost of lost assessment appeals will offer potential saving many times greater than the proposed savings resulting from consolidated county-based assessment. *Please let me know by email if you're interested in receiving a copy of the new law.*

DIRECT DEPOSIT

ASSEMBLY, NO. 720/SENATE, NO. 2090 (*Ramos D-Hudson*)(*Gordon D-Bergen*) is on the Governor's Desk awaiting his signature. As you know, this legislation 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 best executive is the one who has the sense enough to pick good men to do what he wants done, and self-restraint to keep from meddling with them while they do it."

Theodore Roosevelt

