

NEW JERSEY ASSOCIATION OF COUNTIES

County Government with a Unified Voice!

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STATE HOUSE NEWS

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PRE-ADJUDICATED INMATES IN COUNTY JAILS

NJAC and the New Jersey County Jail Wardens Association (NJCJWA) are meeting on February 28th with the Director of Medicaid Services in the Department of Human Services to discuss Medicaid eligibility and the health insurance exchange for pre-adjudicated inmates housed in county jails. NJAC and the New Jersey Association of County Administrators and Managers (NJACAM) are also meeting on February 18th with Speaker Vincent Prieto to discuss this and several other issues.

As noted in the last edition of State House News, we're advocating for the State to extend the 24-hour hospital stay exception to pre-adjudicated inmates housed in county jails. These inmates make up 90% of the statewide county prison population, and including them under the exception would yield significant cost savings for county governments struggling to make ends meet. In general, federal regulations prohibit Medicaid coverage for care provided to incarcerated individuals. However, a 1997 ruling provides an exception for Medicaid eligible inmates who become inpatients of a hospital or nursing home upon the recommendation of a physician; and, then receive room, board, and professional services in the hospital or nursing home for a 24-hour period or longer. Although we certainly support the Department's efforts to capture state inmates and state inmates housed in county jails under the above-noted exception, the Department should also include pre-adjudicated inmates housed in county jails as it would save valuable county taxpayer dollars.

It also appears that certain pre-adjudicated inmates housed in county jails may be eligible to purchase health insurance through a health insurance exchange pursuant to the Patient Protection and Affordable Care Act (ACA). In summary, the ACA authorizes eligible individuals in custody and pending disposition of charges to enroll in a health insurance plan offered through an exchange prior to conviction or to maintain coverage if already enrolled. As you know, the vast majority of individuals that enter into county jails have serious medical and behavioral health needs and would benefit a great deal from treatment to

address these conditions. Moreover, county governments through their county jails are responsible for providing primary healthcare services for the overwhelming majority of inmates that lack any type of health insurance coverage at a substantial cost to local taxpayers. With a capacity to hold 18,500 inmates in county jails statewide, we're seeking some much needed guidance or best practices from the Department on how to identify and enroll eligible inmates for healthcare coverage under a health insurance exchange.

INTEREST ARBITRATION

NJAC and NJACAM will also discuss with Speaker Prieto the significance of permanently linking the 2.0% cap on interest arbitration awards set to expire in April of 2014 to the 2.0% property tax cap levy. We're encouraging all twenty-one county to adopt the following resolution:

A RESOLUTION urging Governor Chris Christie and the New Jersey State Legislature to enact legislation that will permanently extend the 2% cap on interest arbitration awards before April 1, 2014.

WHEREAS, pursuant to the sunset provision contained in P.L. 2010, c. 105 the 2% cap on interest arbitration awards is set to expire on April 1, 2014; and,

WHEREAS, this law empowers county governments throughout the State to effectively control public safety employment salaries and personnel costs by capping interest arbitration awards at 2% for base salaries, which includes step increments and longevity pay; and,

WHEREAS, county governments dedicate a substantial portion of their overall annual operating budgets for employee salaries, wages, health benefits, and other personnel costs; and,

WHEREAS, county governments face a restrictive 2% property tax cap levy where counties must prepare two comprehensive cap calculations and use the more restrictive one; and,

WHEREAS, failure to extend the 2% cap on interest arbitration awards will force county governments to further reduce or even eliminate essential services, critical personnel, and long-overdue infrastructure improvement projects; and,

WHEREAS, it is in the best interest of county governments and property taxpayers throughout the State struggling to make ends meet to permanently extend the 2% cap on interest arbitration awards.

NOW, THEREFORE, BE IT RESOLVED that the New Jersey Association of Counties does in fact hereby urge Governor Chris Christie and the New Jersey State Legislature to enact legislation that will permanently extend the 2% cap on interest arbitration awards before April 1, 2014; and,

BE IT FURTHER RESOLVED that certified copies of this Resolution are forwarded to the Governor of the State of New Jersey Chris Christie, the President of the New Jersey State Senate Steve Sweeney, the Speaker of the General Assembly Vincent Prieto, and the New Jersey Association of Counties

COUNTY LOCAL AID ALLOCATIONS

An additional issue that NJAC and NJACAM will discuss with speaker Prieto is increasing the fiscal year 2015 State budget appropriation for County Local Aid allocations to replace the loss of \$5.79 million in critical transportation funding for the State's most urban and populated counties. As has been well documented, Bergen, Camden, Essex, Hudson, Mercer, Middlesex, Monmouth, Morris, Passaic, and Union counties will lose over \$5.79 million per year in transportation funding for a total loss of \$23.16 million through State fiscal year 2017 when the State must once again reauthorize the Transportation Trust Fund (TTF). To compound matters, the State Department of Transportation (DOT) recently reduced Local Aid allocations by \$10.0 million per year under the Commissioner's discretionary funding for a total loss of \$50.0 million through State fiscal year 2017.

NJAC also plans on working with the New Jersey State Association of County Engineers (NJSACE) to comment on DOT's proposed regulations concerning County Local Aid allocations that will impact all twenty-one counties. In summary, NJAC is concerned with the fact that the proposed regulations will require each county to award contracts for 100% of its allotment within three years or lose the funding, but fails to take into consideration the permitting process of the New Jersey Department of Environmental Protection (DEP) or other commissions charged with protecting the State's environment and natural resources. Although this new requirement appears reasonable on its face, NJAC recommends tolling the three-year spend down period from beginning until the relevant State departments or commissions approve all project permits accordingly. Finally, NJAC is concerned that the proposed regulations may eliminate DOT's long-standing practice of awarding up-front allotments to county governments as this new procedure would create an additional and unnecessary layer of bureaucracy.

EARLY VOTING

On January 30th, NJAC's Legislative Director Allen Weston testified before the Senate State Government, Wagering, Tourism, and Historic Preservation Committee (SSG) in opposition to **SENATE, NO. 536** (*Gill D-Essex/Whelan D-Atlantic*). In summary, this legislation would establish an in-person early voting procedure to allow voters to cast their votes at specially designated polling places, starting on the 15th day before a general election and ending of the second calendar day before the election.

As was the case last legislative session, NJAC is concerned that the measure does not contain an appropriation to pay for the costs associated with establishing and maintaining an in-person early voting procedure. Although the bill would require the State to reimburse counties for certain election related expenses that it deems necessary, NJAC is concerned that the actual costs of establishing and maintaining an early voting procedure will prove far greater than what the State may determine at its discretion. Undoubtedly, this process will lead to an annual budget battle for limited State resources; and, ultimately force county governments to fund early voting operations. Importantly note that the State Treasurer and Office of Legislative Services concur that early voting would cost approximately \$46.0 million in fiscal year 2015, and \$20.4 million in subsequent years.

Special thanks to Hunterdon County Clerk Mary Melfi that testified with NJAC on behalf of the Constitutional Officers Association of New Jersey (COANJ). In summary, COANJ testified that the "Vote by Mail Law" already permits voters to vote as early as 45 days before an election; and, provides important checks and balances designed to prevent voter fraud, disenchantment, and confusion omitted from this legislation. Moreover, the "Vote by Mail Law" clearly defines the roles and responsibilities of the county clerks and county boards of elections, while this legislation is vague and ambiguous. The SSG reported S-536 along partisan lines and second referenced the bill to the Senate Budget and Appropriations Committee for consideration. The companion version in the General Assembly **ASSEMBLY, NO. 2230** (*Wisniewski D-Middlesex*) is currently in the Assembly Judiciary Committee awaiting consideration.

GOVERNOR CHRIS CHRISTIE'S BUDGET ADDRESS

On February 25th, Governor Chris Christie will deliver his budget address for State fiscal year 2015. NJAC plans on attending the address, and will provide you with the text of the Governor's speech and additional details as they become available. NJAC also plans on testifying at the upcoming budget hearings on several issues that may include: Medicaid reimbursement rates for county

operated nursing homes, Medicaid expansion for pre-adjudicated inmates in county jails, and Local Aid allocations under the Transportation Trust Fund (TTF). Please do not hesitate to contact us if you believe we should focus on any additional county related budget matters.

NJAC'S ANNUAL CELEBRATION OF COUNTY GOVERNMENT

NJAC conference registration, hosting opportunities, and the action packed schedule of events are now available online at www.njac.org. Don't miss the opportunity to be a part of our 64th annual celebration of county government scheduled to take place from May 7th through May 9th at Caesar's in Atlantic City and includes: the nation's only county vocational-technical school cook-off challenge; all major events and workshops hosted in the main exhibit hall; informative workshops approved for continuing education credits; a timely legislative leadership panel discussion and county awards presentation; and, unique networking opportunities to share resources and ideas.

STATE HOUSE TRIVIA

Did you know that New Jersey was the first colony to ratify the Bill of Rights?

"Whatever you are, be a good one." Abraham Lincoln