

NEW JERSEY ASSOCIATION OF COUNTIES

County Government with a Unified Voice!

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STATE HOUSE NEWS

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FISCAL YEAR 2015 STATE BUDGET

Governor Christie signed into law last night as P.L. 2014, c.14 **SENATE, NO. 2015** (*Sarlo D-Bergen/Schaer D-Bergen/Passiaic*), which appropriates \$34,133,290,000.00 in State funds and \$13,427,159.00 in federal funds for the State budget in Fiscal Year 2015. We'll make sure to provide you with a more comprehensive analysis of the budget within the next few days after we've had an opportunity to review it more detail as the Governor exercised a line-item veto on several measures included in the above budget bill. However, it appears that the Governor included in the budget additional monies for supplementary county highway aid and nursing homes. We'll have more details for you shortly, and will also evaluate additional budget issues that may include language or monies for managed long term care services and supports and pre-adjudicated inmates housed in county jails.

BAIL REFORM

For the time being, **SENATE, NO, 946/ASSEMBLY NO. 1910** (*Norcross D-Camden/Scutari D-Union*)(*Burzichelli D-Gloucester/Watson-Coleman D-Mercer*), has stalled on Second Reading in both houses. In summary, this legislation would establish speedy trial deadlines; reform the way in which bail and pretrial release determinations are made; provide courts with the authority to deny pretrial release; and, authorize the Judiciary to revise fees to help fund certain programs and legal services for low-income residents.

The bill would establish a Statewide Pretrial Services Program under which a risk assessment would be conducted on any person committed to jail after being arrested on a warrant for an initial charge involving an indictable offense or disorderly person's offense. This assessment would occur within 48 hours of the person's commitment to jail in order to make recommendations to the court on an appropriate pretrial release determination, including whether the person should be released: on their own recognizance or on with an unsecured appearance bond; on a non-monetary condition, such as avoiding contact with an

alleged victim or witness, or reporting on a regular basis to a designated law enforcement agency; upon the execution of a bail bond; or, on a combination of all of the above conditions.

The bill would require that the court make a pretrial release decision "without unnecessary delay," but no later than 48 hours after the commitment to jail. If the court disapproved of a recommended condition of release made in the risk assessment, it would be required to provide an explanation for such in the document authorizing the person's release. A person out of jail on pretrial release could have the conditions of the release modified or revoked by a court, upon motion by a prosecutor, for violating a restraining order or condition of release, or upon a finding of probable cause that the person committed a new crime while on release.

The bill would also establish a preventative detention mechanism wherein a prosecutor could file a motion, before or after a person secures pretrial release, seeking the pretrial detention of a person. This option would only be available for a person charged with the following: 1) a crime of the first or second degree subject to the State's "No Early Release Act"; 2) a crime for which the maximum sentence is life imprisonment; 3) any crime, if the person has previously been convicted of two or more crimes described in categories 1) or 2); 4) any sex offenses or human trafficking offenses involving a victim who is a minor or crimes involving endangering the welfare of a minor; 5) certain domestic violence offenders; and, 5) any crime that imposes a mandatory minimum term of imprisonment and parole ineligibility due to the use or possession of a firearm while in the course of committing or attempting to commit the crime, as set in the Graves Act.

The measure would require that a person who has been charged with a crime and for whom pretrial detention is ordered could not remain detained in jail for more than 90 days on that charge prior to the return of an indictment. If the person is not indicted within the specified 90 days, the person would be released from jail upon motion of the person or on the court's own motion. The court would release the person on the person's own recognizance or set appropriate non-monetary conditions for the person's release. A person who has been indicted and for whom pretrial detention is ordered could not remain detained in jail for more than 180 days on that charge following the return or unsealing of the indictment, whichever is later, before commencement of the trial.

To help pay for the bill's new pretrial assessments and monitoring, as well as additional court-related programs and services, the bill allows the Supreme Court to revise or supplement filing and other statutory fees for the sole purpose of funding: 1) the development, maintenance, and administration of the

Statewide Pretrial Services Program; 2) the development, maintenance, and administration of a statewide digital e-court information system; and, 3) the provision of legal assistance to the poor in civil matters by Legal Services of New Jersey. The bill would establish a dedicated, non-lapsing fund to be known as the "21st Century Justice Improvement Fund" to collect these fees and appropriate funding to the aforementioned programs. Furthermore, as a limit on the court's authority, all existing filing and statutory fees could not be increased or supplemented more than \$50 in the aggregate for each such fee.

MADE IN AMERICA

On June 25th, the Assembly Budget Committee was scheduled to deliberate **ASSEMBLY, NO. 3059** (*Egan D-Middlesex*)(*Rible R-Monmouth*), but did not consider the measure and it remains in Committee at this time. In summary, this legislation would require the use of goods made in the United States for all public contracts. Although NJAC supports the legislation's intent to promote the use of American made products, we proposed three recommendations to address our general concerns that this legislation would impact county procurement operations and increase the cost of doing business with local governments.

As previously reported, NJAC and the New Jersey State League of Municipalities (NJSLOM) recommended expanding the waiver provision for purchasing products manufactured in the United States to include a presumption of unreasonableness defined as a cost of 20% above the fair market value for such products. The sponsors accepted this language as it will make the legislation's applicability to county governments consistent with the requirements imposed on State agencies and public institutions of higher education as included in other relevant sections of the bill. We also recommended deleting language that would have required counties to work with other affected contracting units to ensure the domestic supply of American made products under certain circumstances. The sponsors accepted this recommendation as well as this requirement would have imposed a process and procedure that is beyond the scope of county governments. We finally recommended changing the notice and public comment period on proposed waivers from 30 to seven days to avoid delays in awarding contracts and to minimize potential administrative costs, but did not secure this amendment. The Senate companion version **SENATE, NO. 1811** (*Sweeney D-Gloucester/O'Toole D-Bergen, Essex, Morris, Passaic*) passed the Senate on June 16th, but remains in the Assembly Budget Committee with A-3059.

PRIVATIZATION CONTRACTS

If you haven't done so already, please let Governor Christie know that your county opposes **SENATE, NO. 770/ASSEMBLY NO. 2873** (*Weinberg D-Bergen*)(*Vainieri-Huttle D-Bergen*), which would which would establish procedures and standards concerning public services privatization contracts. Governor Christie may be reached at the following address: *Office of the Governor, PO Box 001, State House, Trenton, NJ 08625*

NJAC is primarily concerned with the fact that this legislation would effectively prohibit the use of privatization contracts by requiring counties to pay new employees' wages and benefits at a rate not less than the wages and benefits paid to displaced employees. As noted below, counties enter into privatization contracts to recognize substantial cost savings in salary, wage, and health benefit costs that comprise up to 60% of overall operating budgets. NJAC is also concerned that this legislation would create an overly burdensome and unnecessary level of bureaucracy by requiring the Office of the State Ombudsman to review and approve privatization contracts. Moreover, elected county officials should retain the autonomy to enter into privatization contracts that they believe are in the best interest of their local constituents.

COUNTY PLANNING BOARDS

On June 30th, both houses passed **SENATE, NO. 1689/ASSEMBLY, NO. 1471** (*Smith D-Middlesex/Van Drew D-Cape May*)(*Diegnan D-Middlesex*), which would permit certain alternate members of county planning boards to vote in place of any absent public member. In summary, this legislation would amend the County Planning Act at N.J.S.A. 40:27-1.1 to allow alternate freeholder and county engineer planning board members who regularly attend hearings to vote in place of citizen members who have been absent or otherwise disqualified from the meetings. Current law is more restrictive in that it permits alternate members who have attended hearings to participate in a planning board's decision during the absence or disqualification of a regular member for whom they are an alternate. NJAC generally supports this measure as it would provide greater flexibility for county planning boards to secure a quorum. Governor Christie is expected to sign the measure into law.

COUNTY MOSQUITO CONTROL RESERVE FUNDS

On June 30th, the Senate unanimously passed **SENATE, NO. 2115** (*Van Drew D-Cape May/Oroho R-Sussex*), which would authorize a county by resolution to establish a mosquito control reserve fund. On June 25th, NJAC testified before the Senate Community and Urban Affairs Committee in support of the measure as

one of our top legislative priorities as establishing such a fund would stabilize the mosquito control budgeting process and enhance fiscal planning for mosquito control activities. NJAC is optimistic that the Assembly Environment and Solid Waste Committee will consider the companion version in General Assembly **ASSEMBLY, NO. 3320**, (*Schaer D-Bergen, Passaic/Garcia D-Hudson*) when the Legislature returns from its summer recess in September.

FINANCIAL DISCLOSURE STATEMENTS

On June 30th, both houses passed **SENATE, NO. 1048/ASSEMBLY, NO. 1794** (*Bateman R-Somerset/Van Drew D-Cape May*)(*O'Donnell R-Hudson/Clifton R-Monmouth*), which would prohibit the practice of requiring bidders to submit financial disclosure statements in order to bid on local public contracts if such bidders are also required to furnish a guarantee bond or surety company certificate. This legislation would provide an exception for cases in which a law, rule, or regulation of the federal government imposes a condition upon the awarding of a monetary grant to be used for the purchase, contract, or agreement if the condition requires the submission of a financial disclosure statement. NJAC generally supports the measure as requiring bidders to submit both a financial disclosure statement and surety bond is redundant, costly, and time consuming. Governor Christie is expected to sign the measure into law.

MARK YOUR CALENDARS FOR THESE UPCOMING EVENTS

- PERS Retirement Planning Workshop – *July 10th*
- NJAC Night at the Ballpark – *July 24th*

The Retirement Planning Workshop and Night at the Ballpark are free for county officials, but space is limited so please visit our website at www.njac.org or contact our office at (609) 394-3467 for additional details.

STATE HOUSE TRIVIA

Did you know John Adams and Thomas Jefferson, both of whom signed the Declaration of Independence and served as President of the United States, died on the same day on July 4th, 1826; and, that James Monroe, another founding father that became President, died on July 4th, 1831 becoming the third President in a row to die on Independence Day.

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator, with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.” The Declaration of Independence July 4, 1776

