

NEW JERSEY ASSOCIATION OF COUNTIES

County Government with a Unified Voice!

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STATE HOUSE NEWS

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ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM

On August 25th, Governor Chris Christie signed into law as P.L. 2015, c.106, legislation that makes some positive changes to the Environmental Infrastructure Trust Financing Program (EIFP).

In summary, this new law extends the possible term of bonds, notes, or other obligations of the EIFP from 20 years from the effective date to 30 years from the effective date or a shorter period of time as may be applicable pursuant to federal law or regulation. The measure makes several changes to the short-term loan financing programs as it permits funds for the short-term financing programs to be drawn by the EIFP from a revolving line of credit or other similar financial vehicle pursuant to a competitive or negotiated process. The law now enables the EIFP to draw from the revolving line of credit or other similar financial vehicle, for deposit into the Interim Financing Program Fund, Emergency Loan Fund, Planning and Design Fund, Supplemental Loan Fund, Disaster Relief Emergency Financing Program Fund, or Equipment Loan Fund as, in the judgment of the EIFP, is necessary to provide sufficient funds to finance or refinance short-term or temporary loans. The law further allows short-term or temporary loans to bear interest at a variable rate; and, allows short-term or temporary loans made pursuant to the Planning and Design Financing Program for Combined Sewer Overflow Abatement Projects to mature no later than the last day of the tenth succeeding fiscal year following the closing date on which the Planning and Design loan was made.

The law expands the potential use of the amounts in the Loan Origination Fee Fund. Current law requires application of these funds solely for use by the Department of Environmental Protection for administrative and operating expenses incurred by the department in administering the EIFP. The measure allows amounts in the Loan Origination Fee Fund to be applied by the Department for State matching funds or loans to local government units for the cost of wastewater treatment system or water supply projects. The law also changes the submission requirements for the EIFP's Interim Financing Program

Eligibility List. Current law requires that the plan be submitted when both houses of the Legislature are meeting on or before June 30. The law further authorizes the EIFP to submit the plan instead to the Secretary of the Senate and the Clerk of the General Assembly at least once a year, on or before June 30th. Finally, the new law changes the submission requirements for the EIFP's priority system and project priority list. Current law requires that the priority system and project priority list for the ensuing fiscal year be submitted when both Houses of the Legislature are meeting on or before January 15th of each year. The measure authorizes the EIFP to submit the priority system and project priority list instead to the Secretary of the Senate and the Clerk of the General Assembly on or before January 15th.

AGGRAVATED ASSAULT ON LAW ENFORCEMENT OFFICERS

On August 10th, Governor Christie signed into as P.L. 2016. C. 100, legislation that upgrades the crime of simple assault to aggravated assault if the assault is committed against a law enforcement official under circumstances. Current law upgrades the offense of simple assault to aggravated assault when committed against a Department of Corrections employee, county corrections officer, juvenile corrections officer, State juvenile facility employee, juvenile detention staff member, juvenile detention officer, probation officer, or any sheriff, undersheriff, or sheriff's officer acting in the performance of his duties while in uniform, or while exhibiting evidence of his authority. The law upgrades the offense of simple assault to aggravated assault if the assault is committed against any of the above employees because of their status as a law enforcement professional. NJAC supported this measure as it made its way through the Legislature as means to provide an additional layer of protection for our county corrections officers and sheriff's officers.

COUNTY VETERAN IDENTIFICATION CARDS

Also on August 10th, Governor Christie signed into law as P.L. 2015, c.97, legislation that authorizes a county veteran identification card to serve as satisfactory proof of veteran status for issuance of a veteran designation on a driver's license or identification card issued by the New Jersey Motor Vehicle Commission, but only if issuance of the county veteran identification card requires a copy of DD-214 discharge papers or approved separation forms as outlined by all branches of the military and recorded by the county clerk's office accordingly.

JUVENILE JUSTICE REFORMS

The Governor was very busy on August 10th and also signed into law as P.L., c.89, legislation that makes various changes to the State's juvenile justice system.

This new law revises the State's law governing waiver of juveniles to adult criminal court and increases certain extended sentences for juveniles; requires due process before a juvenile can be transferred to an adult correctional facility; and, places limitations on the use of room restriction to discipline incarcerated juveniles. Under this State's current juvenile waiver statute, a juvenile's case may be transferred to adult criminal court under certain circumstances. Whether a juvenile's case is waived depends on the age of the juvenile and whether probable cause is established that the juvenile committed the offense charged. In some instances, waiver depends upon whether it can be shown that the interests of the public require waiver and whether the juvenile can establish that the probability of rehabilitation through the use of court services by the time the juvenile is 19 years old outweighs the reasons for waiver.

The new law repeals the current juvenile waiver statute and replaces it with a streamlined process for determining whether a juvenile case should be transferred to an adult criminal court. Under the new law, only juveniles who are 15 years of age and older and who are charged with certain chart 1 offenses as enumerated in the bill would be eligible for waiver. The law also increases the time allotted to the prosecutor to file a waiver motion from 30 to 60 days after receiving the complaint. The law requires the waiver motion to be accompanied by a written statement from the prosecutor clearly setting forth the facts used in assessing the waiver factors together with an explanation as to how evaluation of those facts support waiver for each particular juvenile. The measure further directs the court to review during a hearing whether the prosecution considered the waiver factors. The court may deny the prosecutor's waiver motion if the court is clearly convinced that the prosecutor abused the prosecutor's discretion in considering those factors.

The law also provides that a juvenile whose case was waived would serve the juvenile's sentence in a juvenile facility rather than an adult facility. The measure directs that the juvenile's case is to proceed in the adult criminal court as if the case originated there, including through sentencing, but there is a presumption that the juvenile will serve a custodial sentence in a juvenile facility until the juvenile reaches the age of 21. Juveniles under 21 years of age may be required to serve the sentence in a State correctional facility if the Juvenile Justice Commission finds the juvenile's continued presence in the facility threatens the public safety, the safety of juvenile offenders, or the operations of the commission. Also, a juvenile may continue to serve a sentence in a juvenile

facility after reaching the age of 21 in the discretion of the commission and if the juvenile consents.

Also under the law, certain juvenile cases waived to an adult criminal court will be remanded to the juvenile court for sentencing, which is referred to as “disposition under the juvenile code.” Specifically, if a juvenile was not convicted of the offense on which the waiver was based, but was convicted of another offense, the bill directs that offense be deemed a juvenile adjudication and be remanded to the juvenile court for a disposition, which may include incarceration. The juvenile therefore would be subject to the penalties under the juvenile code, rather than those under the adult criminal code. In addition to revamping the current juvenile waiver statute, the law establishes a presumption that a juvenile whose case has been waived is to be detained in a juvenile facility pending resolution of the case and pending sentencing.

STATE PERMIT REVIEWS

This is the last one. On August 10th, Governor Christie signed into law as P.L. 2015, c. 88, legislation that requires each State agency to periodically review the permits it issues in order to further streamline State permitting procedures and requirements. The new law refines the current review requirements that are designed to identify permits that can be administered through an expedited process and permits that are obsolete, are no longer necessary, or cost more to administer than the benefits they provide, and thus should be eliminated. The measure requires State agency reviews to identify: permits that can have their period of validity extended beyond the scheduled termination date without significant disruption to the efficiency or work of the State agency, so long as the public health, safety, or general welfare is not endangered; and, permitting procedures that can be better facilitated through the increased incorporation of computer-based technology, such as the Internet, or that can be completed online.

The law specifically requires the head of each State agency to include, as part of each comprehensive written review: a description of the permits; a description of recent actions it has taken to: (1) eliminate obsolete permits; (2) extend the period of validity associated with non-obsolete permits; expedite the State agency’s permitting procedures; facilitate the enhanced use of computer-based and Internet technology in such procedures; and, reduce the number of permits that are backlogged; (3) recommendations and explanations as to which of the State agency’s remaining permitting procedures should be revised or eliminated in order to further expedite the issuance of permits by the State agency and increase the use of computer-based technology, such as the Internet, in the State agency’s permitting procedures; and, (4) identification of rules, regulations, and

statutes administered by the State agency that need to be revised or eliminated in order to effectuate the recommended changes.

The law also revises the reporting requirements set forth in current law; and, requires the Secretary of State, or other State officer or employee designated by the Governor pursuant to law, to report to the Governor and the Legislature, no less than biennially, summarizing the information set forth in each State agency review. Current law requires annual reports. Finally, the law amends current law by authorizing, rather than directing, the Governor to take certain actions concerning the report where the Governor may now direct the head of each State agency to make any changes to the State agency's permitting systems as may be appropriate, pursuant to current rules, regulations, and statutes, and seek from the Legislature changes in the statutory law, in order to effectuate those parts of the report the Governor deems necessary

UPCOMING NJAC EVENTS

Don't miss NJAC's next board of directors meeting scheduled for 9:30 a.m. on September 25th in Committee Room 4 of the State House Annex in Trenton. And, make sure to visit our website at www.njac.org for important details about this year's "County Administrators Program" scheduled for October 23rd and October 30th at the Rutgers Center for Local Government Services in New Brunswick.

STATE HOUSE TRIVIA

Did you know that in 1894, Grover Cleveland, the only New Jersey native to become President of the United States, signed into law legislation making Labor Day a national holiday?

"Labor Day is a glorious holiday because your child will be going back to school the next day. It would have been called Independence Day, but that name was already taken." –

Bill Dodds