

NEW JERSEY ASSOCIATION OF COUNTIES

County Government with a Unified Voice!

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STATE HOUSE NEWS

July 3, 2015

Although we're still in the process of reviewing the 282 page document for its impact on county government, Governor Chris Christie signed into law on June 26th as P.L. 2015, c.63 **SENATE, NO. 2016** (*Sarlo D-Bergen/Schaer D-Bergen/Passaic*), which appropriates \$33.8 billion in State funds and \$17.3 billion in federal funds for the State budget in fiscal year 2016.

Of note and as was the case last fiscal year, the Governor included in the budget an additional \$4.0 million as supplemental County Aid to mitigate the reduction in funding to Bergen, Camden, Essex, Hudson, Mercer, Middlesex, Monmouth, Morris, Passaic, and Union counties, which lost \$5.79 million in monies when the State eliminating the Federal Aid Urban System (FAUS) minimum allotment from the County Aid distribution formula in 2012. Also of note, both house passed on June 25th **SENATE, NO. 3106** (*Ruiz D-29/Cunningham D-31*), which would make a \$6.0 million supplemental appropriation from the General Fund to the Senior Citizens and Disabled Residents Transportation Assistance Program (SCDRTAP) in State fiscal year 2016 to make the total support for the program \$24,264,000.00. The Governor has not acted on the measure as of this writing, and we're urging him to sign this important and timely funding into law to help restore critical transportation services for aged, the disabled, veterans, dialysis patients, and many others that have come to rely on the 21 county coordinated transportation systems. You may visit www.njleg.state.nj.us to review the budget in its entirety, but be forewarned that it includes no pictures, lots of numbers, and very fine print.

VOTING REGISTRATION AND PROCEDURES

On June 29th, both houses passed legislation that would revise various voter registration and voting procedures; and, would require the availability of an in-person early voting period for certain elections.

As was the case with similar legislation considered during previous sessions, NJAC is concerned with both the reimbursement mechanism used in the bill as well as the overall cost of the proposal. Rather than a specific appropriation, the

language contained in the measure would grant the State Treasurer the discretion to appropriate such sums “as he or she deems necessary” to reimburse county governing bodies for additional expenses incurred in complying with the new requirements. Last session, the Office of Legislative Services (OLS) estimated this cost at approximately \$12.5 million in the first year and \$10.0 million in subsequent years.

NJAC is primarily concerned that discrepancies between the actual cost for counties to conduct reformed voting procedures and polling activities, and what the State recognizes or “deems necessary” during the reimbursement process, would result in an annual budget battle for limited State resources; and ultimately, in counties funding early voting operations. Unfortunately, the Legislature passed **ASSEMBLY, NO. 4574** (*Prieto D-32/Greenwald D-6*) without NJAC’s proposed amendments that would have required the State to pay counties for all additional postage costs and the actual expenses incurred as a result of conducting early voting as required under the bill. Governor Christie is expected to veto the measure.

COUNTY IMPROVEMENT AUTHORITY FINANCING

On June 30th, Governor Christie signed into law as P.L. 2015, c.68 **ASSEMBLY BILL NO. 3970** (*Prieto D-32*), which would allow a county vocational school district to request that a county improvement authority construct and finance a county vocational school district school facilities project that has been approved by the Commissioner of Education.

As previously reported, this new law authorizes a county improvement authority to issue its bonds to finance either the local share of a project that will receive an up-front grant for the State share of the project under the Educational Facilities Construction & Financing Act (EFCFA) or the total costs of a project that is eligible to receive State debt service aid. The law provides that bonds issued by a county improvement authority to finance the total costs would be eligible for State debt service aid in accordance with the provisions of the Act. The law further provides that a county vocational school district may lease its lands or facilities to the county improvement authority which would construct the project through a design-build contract. The measure stipulates that the provisions of the “Public School Contracts Law,” and the “Local Public Contracts Law,” are not applicable to a county vocational school district school facilities project that is constructed by a county improvement authority. NJAC supported the measure as it made its way through the Legislature as a means to provide county governments with an innovative financing mechanism that will streamline school facilities projects and save valuable taxpayer dollars.

ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM

Do not fear county finance officers. **ASSEMBLY, NO. 4527** (*Pintor-Marin D-29/Fuentes D-5*) moved through the Legislature very quickly, but is a measure that we believe you'll support as it makes some positive changes to the Environmental Infrastructure Trust Financing Program (EIFP).

In summary, this legislation would extend the possible term of bonds, notes, or other obligations of the EIFP issued by the Trust 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 would also make several changes to the short-term loan financing programs as it would permit funds for the short-term financing programs to be drawn by the Trust from a revolving line of credit or other similar financial vehicle pursuant to a competitive or negotiated process. The bill would also expand 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 EIFP. The bill would allow 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 systems or water supply projects. NJAC supported this measure as it made its way through the Legislature that both houses unanimously passed on June 25th and of which Governor Christie is expected to sign the bill into law.

SHERIFFS AS EMERGENCY MANAGEMENT COORDINATORS

On June 25th, both houses unanimously passed **SENATE, NO. 2109** (*Oroho R-24/O'Toole R-4*), which would clarify that a county sheriff may simultaneously hold the position of emergency management coordinator under certain circumstances. Current law permits a county sheriff to simultaneously hold the position of "county disaster control coordinator" provided that the Sheriff does not receive additional compensation or benefits for holding such office. Although the Legislature updated most of the statutory references to county disaster control coordinator under the revised title of "emergency management coordinator" nearly 25 years ago, N.J.S.A. 40A:9-108 retains the former title and position as an exemption to the general rule that prohibits sheriffs as constitutional officers from holding other civil service positions or offices. NJAC supported this measure as it made its way through the Legislature as it would simply update the current law and practice. Governor Christie is expected to sign the bill into law.

AGGRAVATED ASSAULT ON LAW ENFORCEMENT OFFICERS

On June 11th, both houses passed **SENATE, NO. 2583** (*Allen R-7/Bateman R-16*), which would upgrade 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. This bill would upgrade 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. Governor Christie is expected to sign this measure into law as well.

RELEASE OF BID NAMES

On June 25th, both houses passed **ASSEMBLY, NO. 947** (*Singleton D-7/Lagana D-38*), which would amend the "Local Public Contracts Law" to provide that once three or more parties have received bid documents, the local contracting unit would be required to release the names of all parties who have received the documents upon request. The bill would further require a local contracting unit to make the information available in a timely manner. If the contracting unit maintains its own website, the contracting unit may post the information on that site as an additional means of making the information available to the public. Failure to release the information would prevent the contracting unit from accepting bids and would require the re-advertisement of bids. NJAC did not take a position on this legislation as several counties indicated that they already release the names of all parties who receive bid documents upon request. Although the measure passed both houses by comfortable margins, it's unclear at this time if the Governor plans to sign the bill into law.

EDUCATIONAL RESEARCH AND SERVICES PROCUREMENT

On June 25th, both houses unanimously passed **ASSEMBLY, NO. 3807** (*Eustace D-38/Greenwald D-6*), which would permit an educational research and services corporation to act as the lead agency or lead contracting unit for the procurement of certain goods and services used by: entities comprising that corporation, municipalities, fire districts, counties, certain local authorities, school districts, county colleges, State colleges, public research universities, and nonprofit

independent institutions of higher education that receive direct State aid. The bill defines an “educational research and services corporation” as a non-profit corporation whose voting membership is comprised of public research universities, State colleges, county colleges, public institutions of higher education institutions primarily located in the State of New Jersey, and nonprofit independent institutions of higher education that receive direct State aid. The governing board of a public research university or a State college may join with other institutions of higher education to form an educational research and services corporation. NJAC did not take a position on this legislation and Governor Christie is expected to sign the measure into law.

UPCOMING NJAC EVENTS

Don't miss NJAC's 5th annual “Night at the Ballpark” at 7:00 p.m. on July 23rd where you'll have the opportunity to see the Binghamton Mets take on the Trenton Thunder at Arm and Hammer Waterfront Park in Trenton. This event is free for county officials, but space is limited, so please visit our website at www.njac.org for additional details. And mark your calendars for 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.

STATE HOUSE TRIVIA - JULY 4TH EDITION

Did you know that Americans spend over \$211.0 million each year on fireworks that you may purchase in Pennsylvania if you're from New Jersey but not Pennsylvania, but that you may not use those fireworks in New Jersey and may only use them in Pennsylvania if you purchase them from some other state - except for New Jersey where you may not purchase them either?

“Let every nation know, whether it wishes us well or ill, we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, to assure the survival and success of liberty.” John F. Kennedy