

# NEW JERSEY ASSOCIATION OF COUNTIES

*County Government with a Unified Voice!*

JOHN W. KING  
NJAC President  
Hunterdon County Freeholder

JOHN G. DONNADIO  
Executive Director

## STATE HOUSE NEWS

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### CODE BLUE EMERGENCIES

On April 4<sup>th</sup>, the Assembly Appropriations Committee amended and favorably reported **ASSEMBLY, No. 815** (*Land D-1/Andrzejczak D-1*), which would require county office of emergency management coordinators to develop Code Blue Emergency notifications.

More specifically, the measure would require a county governing body, through its office of emergency management, to establish a procedure for issuing a Code Blue alert to provide notice to municipalities, social service agencies, and non-profit organizations that provide services to at-risk individuals and are located within the county's borders. The bill would further require, the county office of emergency management to coordinate with municipal emergency management coordinators in municipalities with a documented homeless population of at least 10 as noted in the most recent Annual Point In Time Count in developing consistent Code Blue alert plans throughout the county that provide for emergency warming centers during implementation of a Code Blue alert plan, which may be carried out by designated volunteer organizations. Volunteer-organized Code Blue efforts shall receive cooperation and logistical support from the coordinator, but shall operate autonomously, provided that they operate when in response to an alert and pursuant to the Code Blue alert plan.

The legislation would further provide that a volunteer organization and its members and volunteers who during implementation of a Code Blue alert plan provide in good faith the services of an emergency warming center to an at-risk individual, or transport an at-risk individual to an emergency warming center, shall not be liable for any civil damages as a result of any acts or omissions by those members or volunteers rendering the services. This would require coordinator to declare a Code Blue alert after evaluating weather forecasts and advisories produced by the National Weather Service that predict the following weather conditions in the county within 24 to 48 hours: a) temperatures will reach 25 degrees Fahrenheit or lower without precipitation; b) temperatures will reach 32 degrees Fahrenheit or lower with precipitation; or the National Weather Service wind chill temperature will be zero degrees Fahrenheit or less for a period of two hours or more. Finally, the legislation would require the coordinator, or the coordinator's designee, to review weather forecasts from the National Weather Service on a regular and consistent basis to determine when a Code Blue alert is necessary.

NJAC would like to thank assemblymen Land and Andrzejczak for working with us over the past several weeks to develop legislation that is more palatable for county governments than what was called for under the original bill. We look forward to continuing to work with the sponsors to address the fact that the measure still mandates counties to issue Code Blue Emergency notifications and would hold harmless from liability certain non-profit organizations. NJAC has proposed amendments that would limit the liability and expense of local governing bodies, preserve the current Code Blue process that works in most places, and establish a uniform and minimum standard for when a county may declare a Code Blue emergency. A-815 is currently on Second Reading in the General Assembly; and, the Senate companion version **SENATE, No. 1088** (*Van Drew D-1/Kean R-21*) is currently in the Senate Health, Human Services, and Senior Citizens Committee awaiting consideration. Special thanks to our county office of emergency management coordinators and welfare directors for their help on this bill.

#### **SNOW PLOW OPERATORS**

On April 4<sup>th</sup>, the Assembly Appropriations Committee also favorably reported Assembly, No. 2361 (*Vainieri-Huttle D-37/Benson D-14*), which would prohibit the depositing of snow in front of certain access ramps, curb cuts, special parking spaces, and other improvements.

NJAC testified before the Committee that although we commend Assemblywoman Vainieri-Huttle and Assemblyman Benson for their laudable intentions, the measure would cost county governments an estimated \$28.0 million to implement, and requested a State appropriation or dedicated funding mechanism to address such costs accordingly. Sussex County for example, has determined that it would cost the County approximately \$1.4 million to manually remove accumulated snow from its 226 handicapped curb ramps. ( $226 \text{ ramps} * \$200.00 \text{ per ramp} * 30 \text{ storms per year} = \$1.4 \text{ million}$ ), while Mercer County estimates it would cost the County approximately \$852,000.00 for each snow event with 2-3 inches or more of accumulated snow.

County public works departments are charged with making sure that roadways are free of ice and snow in a timely fashion following a snowstorm, so that the public may travel safely and reliably, and so that first responders may quickly access roads during an emergency situation. It appears that the requirements of A-2361 would make this critical objective, and statutory requirement to plow snow “curb to curb” from roadways pursuant to N.J.S.A. 27:16-8, difficult to accomplish in an efficient and effective manner. A-2361 is currently on Second Reading in the General Assembly; and, a companion version does not exist in the Senate at this time. Special thanks to our county engineers and road supervisors for their input on this matter.

## RECYCLING OF FOOD WASTE

NJAC recently sent letters to senators Smith and Bateman as sponsors of **SENATE, No. 771** that requested a meeting to discuss potential changes to the measure that would make the legislation more palatable for county governments that have committed considerable resources to cutting edge recycling and solid waste management activities.

In summary, this bill would require certain generators of solid waste to separate and recycle food waste, and amend the definition of "Class I renewable energy." More specifically, beginning January 1, 2017, every large food waste generator that is located within 35 miles of an authorized recycling facility and that generates an average projected volume of 104 or more tons per year of food waste would be required to: (1) source separate that food waste; and (2) send the source separated food waste to an authorized recycling facility that has available capacity and will accept it. Beginning January 1, 2020, large food waste generators that produce an average projected volume of 52 or more tons per year of food waste would have to comply with these requirements.

Under the bill, if a large food waste generator is not located within 35 miles of an authorized recycling facility, or the facility will not accept the generator's food waste, the generator may send the food waste for final disposal at a solid waste management facility. In addition, a large food waste generator would be deemed to be in compliance with the bill if the generator: (1) performs enclosed, on-site composting or anaerobic digestion of its source separated food waste; or (2) sends its solid waste to a facility that source separates food waste and provides for the recycling of that food waste and the proper recycling or disposal of the remainder of the solid waste.

The Department of Environmental Protection (DEP) would be required to adopt regulations concerning: (1) record keeping and reporting requirements; (2) guidelines for businesses to follow to determine whether they are subject to the bill; (3) a list of food waste products that must be source separated and recycled; (4) standards for the enclosed, on-site composting or anaerobic digestion of food waste; and (5) a list of actions businesses may take to reduce the amount of food waste they generate. The DEP would publish on its Internet website the name, location, and contact information for each authorized food waste recycling facility in the State. Finally, the bill would amend the definition of Class I renewable energy to include electric energy produced from methane gas from a composting or anaerobic digestion facility that converts food waste or other organic waste to energy.

NJAC is seeking additional input from our county subject matter experts; and, has noted that Atlantic, Burlington, Cape May, Cumberland, Gloucester, Middlesex, Ocean, Monmouth, Salem, and Warren counties have invested substantial taxpayer dollars into state of the art Landfill Gas to Energy (LGTE) facilities that utilize methane gas produced from decomposing organic food waste to generate renewable Class One electricity

under the “Electric Discount and Energy Competition Act.” NJAC is concerned that mandating the source separation of food waste from other streams of waste would divert large volumes of critical material from these facilities, which in turn, would adversely affect the quantity and quality of gas relied upon by LGTE facilities, and jeopardize their economic viability.

The LGTE process eliminates harmful methane gas from the environment, and food waste decomposes quickly leaving valuable landfill space for other matter. Importantly, county governments have invested substantial taxpayer dollars on the development and implementation of comprehensive solid waste management plans that serve their communities well, and should retain the autonomy to manage food waste in a manner consistent with their respective solid waste management systems. NJAC and several other stakeholders are meeting with the sponsors on April 20<sup>th</sup> to discuss, in part, amendments that would exempt county facilities from S-771 under certain circumstances. S-771 is currently in the Senate Environment Committee; and, the companion version **ASSEMBLY, No. 2417** (*Eustace D-38/Zwicker D16*) is currently in the Assembly Environment and Solid Waste Committee awaiting consideration.

#### **ELECTRONIC WASTE RECYCLING**

Also on April 4<sup>th</sup>, the Assembly Appropriations Committee favorably reported **ASSEMBLY, No. 4763** (*McKeon D-27/Gusciora*) and **SENATE, No. 981** (*Smith D-17/Bateman R-16*), which would make various changes to the State's electronic waste recycling laws as it would require each manufacturer of “covered electronic devices” to provide for the collection, transportation, and recycling of its market share in weight of all covered electronic devices collected in a program year. This requirement would replace the current law's mandate that each manufacturer provide for the collection, transportation, and recycling of its "return share in weight" as estimated by the Department of Environmental Protection (DEP).

The measure would further authorize DEP to adjust the market share in weight obligation based upon the total weight in pounds actually collected in each program year. The bill would change the definition of "consumer" to include State entities, school districts, and local government units; and, would include fax machines and printers in the definition of "covered electronic device." Additionally, the legislation would allow DEP to establish a statewide standard program to collect, transport, and recycle covered electronic devices. The bill would also require each manufacturer to provide for the convenient collection of covered electronic devices, especially used televisions in densely populated areas. The bill would streamline the DEP's planning and reporting requirements by requiring an annual report with a complete listing of all collection locations for covered electronic devices including televisions, the parties that operate them, the amount of material by weight collected at each site, and a complete listing of all recyclers that recycle covered electronic devices, together with the amount of material by weight recycled annually.

The measure would require collection locations to report semiannually. The reports would include the total weight or volume of covered electronic devices collected, the date, time, and volume of covered electronic devices transported from the collection location, and the name and identifying information of the authorized recycler transporting the covered electronic devices. Every authorized recycler would be required to identify the address of each collection location, and the total weight of covered electronic devices delivered or collected from each collection location, the weight of each type of covered electronic device collected from each collection location, the address of any facility where covered electronic devices are handled, and the disposition of all components of covered electronic devices. Each manufacturer would be required to report semiannually its progress towards achieving its market share in weight obligation.

The bill would further allow DEP to assess a per pound fee of \$0.50 multiplied by a manufacturer's market share in weight obligation for a manufacturer that fails to collect, transport, and recycle covered electronic devices under the law. Finally, the bill would establish the "Electronic Waste Management Fund" whereby all program revenues and penalties would be deposited in the fund for administration and enforcement and other costs of the program. NJAC supports this legislation as it would ensure that manufacturers provide free and convenient electronic waste recycling programs for all covered and collected electronic devices as county governments across the State are weighing whether to absorb electronic waste recycling costs or eliminate the popular programs entirely. A-2375/S-981 is currently on Second Reading in the General Assembly. Thank you to our county recycling coordinators for their continued advocacy on this important and timely measure.

#### **CRIMINAL JUSTICE REFORM**

NJAC is pleased to report that Assemblyman Benjie Wimberly (*D-34*) has proposed for introduction **ASSEMBLY, NO. 3491** on behalf of the Association. In summary, this legislation would establish the "County Government Criminal Justice Reform Administration Fund." The intent of this important and timely initiative for all 21 counties is to help offset the costs associated with implementing and administering Criminal Justice Reform by modestly increasing certain criminal and civil court fees for individuals and businesses, and dedicating the increases to county governing bodies struggling to make ends meet. The measure would distribute these monies to county governing bodies for salaries and wages, health and pension benefits, operation and maintenance expenses, court security enhancements, court facility improvements, and other capital expenses related to implementing and administering criminal justice reform. Importantly, the bill would also contain a waiver provision for those having a difficult time making ends meet, and of which would address a source of contention for legislators in Essex, Hudson, and Union counties. *Please note that this legislation is a work in progress, and may include prisoner re-entry programs as a permissible expense,*

*and may also add jail wardens to the list of county professionals charged implementing and administering Criminal Justice Reform.*

We're expecting to secure a sponsor in the Senate shortly, and will need a strong grassroots effort from our counties to get the measure to the finish line. With this mind, NJAC is encouraging all 21 counties to pass a resolution urging the Governor and State Legislature to enact A-3491. It would also be very helpful our county officials to meet with their legislative delegations to discuss the importance of passing this legislation that should generate approximately \$21.0 million, and with securing a budget appropriation of \$21.0 million or \$1.0 million per county, as implementing Criminal Justice Reform will cost county governments approximately \$40.0 million. Please note that the Office of Legislative Services concluded in its 2014 fiscal analysis of Criminal Justice Reform that county governments should recognize a long-term cost savings of approximately \$45.0 million from a reduced prison population and operating expenses. We're not sure at what point counties will begin realizing these cost savings, and in the meantime, need relief from State leaders.

#### **COUNTY COURTHOUSE SHARE FACILITY BRAINSTORMING SESSION**

We're pleased to announce that NJAC is hosting a brainstorming session of county officials to discuss potential shared services and regionalization opportunities for county court facilities and operations. *Space is limited, so please contact Kim Nolan at [knolan@njac.org](mailto:knolan@njac.org) to reserve your seat for this important and timely meeting scheduled for 11:00 a.m. on May 6<sup>th</sup> at NJAC's office in Trenton*

#### **ANNUAL CELEBRATION OF COUNTY GOVERNMENT**

NJAC's 66<sup>th</sup> annual celebration of county government is approaching fast, so make sure to check out our website at [www.njac.org](http://www.njac.org) for registration details, hosting opportunities, and the action-packed schedule of events. We're expecting to host an outstanding event this year with the 5<sup>th</sup> annual county vocational-technical school cook-off challenge, our first county college Acapella sing-off, an insightful reporters roundtable, over two-dozen professional development workshops approved for continuing education credits, our county service and freeholder of the year awards, and the unique opportunity to network with community and business leaders from across the State.

#### **STATE HOUSE TRIVIA**

*Did you know* that the U.S. imposed the first income tax through the Revenue Act of 1861 to fund the Civil War?

*"The difference between death and taxes is death doesn't get worse every time congress meets." - Will Rogers*