

NEW JERSEY ASSOCIATION OF COUNTIES

County Government with a Unified Voice!

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STATE HOUSE NEWS

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CRIMINAL JUSTICE REFORM

The fiscal year 2017 state budget does not include funding for counties to implement and administer Criminal Justice Reform. With this in mind, NJAC's board of directors took the following action at its meeting on June 24th.

1. NJAC's legal counsel, with input from NJAC and county counsels, will prepare a legal memorandum summarizing the course of action NJAC should take in filing a complaint with the New Jersey Council on Local Mandates. NJAC's board of directors will review the legal memorandum and make a recommendation accordingly at its next meeting on September 23rd.
2. NJAC will collect and summarize current data from all 21 counties to accurately quantify the costs associated with implementing and administering Criminal Justice Reform.
3. NJAC will continue to work with the Administrative Office of the Courts (AOC) and State Legislature to establish initiatives that will streamline court facility operations, such as authorizing county governing bodies to share or regionalize court facilities.

The New Jersey Council on Local Mandates is responsible for resolving disputes on whether a law, rule, or regulation adopted after 1996 constitutes an unfunded mandate. In general, an unfunded mandate upon boards of education, municipalities, and counties is a law, rule, or regulation that does not authorize resources, other than the property tax, to offset additional direct expenditures required to implement said law, rule, or regulation. Please note that the following categories of laws, rules, or regulations are not considered unfunded mandates: (1) those which are required to comply with federal laws or rules or to meet eligibility standards for federal entitlements; (2) those which are imposed on both government and non-government entities in the same or substantially similar circumstance; (3) those which repeal, revise, or ease an existing requirement or mandate or which reapportion the costs of activities between boards of education, counties, and municipalities; (4) those which stem from failure to comply with previously enacted laws or rules or regulations issued pursuant to a law; and, (5) those which implement provisions of the Constitution.

ELECTRONIC FUND TRANSFERS

On June 27th, both houses of the Legislature unanimously passed **ASSEMBLY, No. 3851** (*Quijano D-20/O'Scanlon R-13*) (*Weinberg D-38/Oroho R-24*), which would authorize local governing bodies to pay their bills by using electronic fund technologies.

More specifically, this measure would authorize local units to adopt policies for the payment of certain claims through the use of standard electronic funds transfer technologies. The measure would authorize local units to adopt policies, by ordinance or resolution for the payment of claims through the use of one or more standard electronic funds transfer technologies in lieu of payment through the use of signed checks or warrants. The bill defines "standard electronic funds transfer technologies" to include, but not limited to, wire transfers, automated clearing house transactions, and debit cards.

The bill would further require any policies adopted by local units to explicitly list the forms of standard electronic fund transfer technologies that may be used by that local unit. In addition, the bill would require policies adopted by local units for the payment of claims through standard electronic funds transfer technologies to designate the chief financial officer of the local unit as being responsible for the oversight and administration of the disbursement policy and associated systems. The legislation would also require that electronic fund transfer policies incorporate, at a minimum, internal controls set forth in regulations promulgated by the Local Finance Board. The measure would take effect on the first day of the eight month following the date of enactment, expect that the Local Finance Board may take anticipatory administrative action in advance to implement accordingly.

With this in mind, NJAC, the New Jersey County Finance Officers Association, and the Government Finance Officers Association (GFOA) are working with the Division of Local Government Services to draft and promulgate regulations in a timely manner. Governor Christie is expected to sign the measure into law, which NJAC adopted as one of its top legislative priorities as it will provide local governing bodies with a wide range of contemporary payment alternatives that will streamline the bill paying process and save valuable local property taxpayer dollars.

911 FEES

Earlier this year, NJAC submitted comments to the Federal Communications Commission (FCC) concerning the State of New Jersey's nearly decade long diversion of funds from the 911 System and Emergency Response Trust Fund Account; and is encouraging all 21 counties to adopt the following resolution:

A RESOLUTION urging Governor Chris Christie and the New Jersey State Legislature to properly allocate “911 System and Emergency Trust Fund Account (Fund)” monies to county and municipal 911 centers as required under federal law.

WHEREAS, the State of New Jersey collects annually from consumers approximately \$120.0 million in telecommunication surcharges as “911 System & Emergency Response Fees (Fees)” and deposits those monies into the Fund; and,

WHEREAS, the State of New Jersey has collected over \$1.25 billion in fees since 2006 with only 11% of Fund monies being spent on eligible expenses under “NET 911 Act of 2008 (H.R. 3403)” as reported by the State to the Federal Communications Commission (FCC); and,

WHEREAS, since 2009 the State of New Jersey has failed to provide funding for eligible expenses to local 911 centers operated by counties and municipalities across of the State and has instead diverted Fund dollars for ineligible expenses such as funding for the State’s Department of Law and Public Safety; and

WHEREAS, counties and municipalities handle the vast majority of 911 service requests through local “Public Safety Answering Points (PSAP)” and have come to inequitably rely on the collection of local property taxpayer dollars to improve, operate, and maintain 911 systems; and,

WHEREAS, the State of New Jersey should comply with federal law and restore critical Fund monies to county and municipal 911 centers to operate, maintain, and construct effective, efficient and contemporary 911 systems.

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 properly allocate 911 System and Emergency Trust Fund Account (Fund) monies to county and municipal 911 centers as required under federal law.

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 clerks of the board of chosen freeholders in all twenty-one counties in the State of New Jersey.

PROCUREMENT PARITY

On June 16th, NJAC noted its support before the Senate Community and Urban Affairs Committee of **SENATE, No. 728** (*Cruz-Perez D-5/Beach D-6*), which would apply the local public contract bid threshold amounts to local pay to play and prevailing wage laws.

NJAC supports this common sense measure as it will promote consistency in the law and provide new opportunities for local and small businesses that struggle with the existing procurement process. Current law requires local governing bodies and businesses to comply with three separate and conflicting public procurement statutes. In general, the “Local Public Contracts Law” requires counties and municipalities to award a contract through a fair and open competitive bidding process if the anticipated goods and services exceed \$40,000.00. Additionally, the “Pay-to-Play Law” requires counties and municipalities to award a contract through a fair and open competitive bidding process if the contractor awarded said contract makes certain reportable political contributions for as a little as \$300.00. Finally, the “Prevailing Wage Law” requires contractors to register with the State and pay specific wages to its employees if the contract is expected to exceed \$2,000.00 for counties and \$15,444.00 for municipalities.

County governments have long struggled with reconciling these three conflicting laws, while local and small businesses have been impacted by its cumbersome process as they typically lack the necessary resources to comply its many requirements. The Committee second referenced the measure to the Senate Budget and Appropriations Committee; and, **ASSEMBLY, No. 1118** (*Oliver D-34/Pintor-Marin D-2*) is in the Assembly State and Local Government Committee awaiting consideration.

PRESCRIPTION MEDICATIONS FOR INMATES

On June 30th, both houses passed **SENATE, No. 384** (*Barnes D-18/Greenstein D-14*) (Johnson D-37), which as introduced would have required correctional facilities to provide inmates with prescription medication that was prescribed for chronic conditions existing prior to incarceration.

Earlier this year, the Senate Law and Public Safety Committee addressed the concerns of NJAC and the New Jersey County Jail Wardens Association (NJCJWA) to authorize county correctional facilities to administer generic prescription drugs “to the extent possible” as is the current practice. Although difficult to quantify, the amendment retains an effective cost containment strategy used by correctional facilities throughout the State. The Committee also amended the measure to provide correctional facilities with the continued discretion to administer synthetic opioids such as Methadone, Suboxone, and Buprenorphine as drug addiction detoxifiers as follows: “the requirement to administer medication pursuant to this section shall not apply to synthetic opioid drug addiction detoxifiers, unless the facility employees a medical professional who is trained to administer this type of medication.”

Most county correctional facilities do not recognize prescriptions for synthetic opioids as drug addiction detoxifiers unless the prisoner is an expectant mother or the prescription is otherwise medically necessary to keep a prisoner alive. Please note that in order to prescribe and dispense Methadone, a facility must apply for State and federal licensure and a physician must have appropriate training, certification, and experience. In order

to prescribe Suboxone, a physician must complete training, register, and receive a special license from the federal Drug Enforcement Agency (DEA). Additionally, treatment with Suboxone is expensive and should include comprehensive drug and psychosocial counseling and monitoring. It's unclear if Governor Christie will sign the measure into law.

PRISONER RE-ENTRY

Special thanks to Retired Hudson County Jail Director Oscar Aviles for meeting with Senator Shirley Turner (*D-15*) and testifying before the Senate Law and Public Safety Committee concerning legislation that would require county correctional facilities to provide inmates, at least 10 days prior to their release, certain information, documents, and other assistance to facilitate their reentry into the community.

More specifically, **SENATE, No. 2284** would require county correctional facilities to provide inmates with the following information: a copy of their criminal history record and written information on the right to have criminal records expunged; general written information on their right to vote; general written information on the availability of programs, including faith-based and secular programs, that would assist in removing barriers to their employment or participation in vocational or educational rehabilitative programs; a detailed written record of their participation in educational, training, employment, and medical or other treatment programs while incarcerated; a written accounting of the fines, assessments, surcharges, restitution, penalties, child support arrearages, and any other obligations due and payable upon their release; a non-driver identification card; a copy of their birth certificate; assistance in obtaining a Social Security card; general written information concerning child support, including child support payments they owe, information on how to obtain child support payments, and information on where to seek services regarding child support, child custody, and establishing parentage; and a copy of their full medical record.

Although certainly well intentioned, NJAC and NJCJWA are concerned with the implementing the measure as approximately 80% of inmates housed in county jails are pre-adjudicated and released within a short period of time. We're also concerned with the practicality of providing inmates with several of the required items, and plan to propose amendments that would make the measure more palatable for our county jails, while maintaining the legislation's original intent. The Committee reported the measure, without recommendation, to the Senate Budget and Appropriations Committee for consideration; and, we plan to meet with the Assemblywoman Elizabeth Muoio (*D-15*), who is the sponsor of the companion version in the General Assembly over the summer.

CLASS 3 POLICE OFFICERS

On June 27th, both houses unanimously passed **SENATE, No. 86** (*Bucco R-25/Sweeney D-3*)

(Bucco R-Morris/Ciattarelli R-16), which would establish a new category of Class 3 special law enforcement officers under the Special Law Enforcement Officers Act. Class 3 officers would be comprised of retired law enforcement officers, who would be authorized to provide security in the State's public schools, nonpublic schools, and county colleges. Under current law, Class 1 special law enforcement officers are authorized to perform routine traffic detail, spectator control, and similar duties. They may also issue summonses for disorderly person offenses, but are not authorized to carry a firearm while on duty. Class 2 special law enforcement officers are empowered to exercise full police powers and perform the duties of a permanent, regularly appointed full-time police officer. They are authorized to carry a firearm.

Class 3 officers would also be authorized to respond to offenses or emergencies off school grounds occurring in the officer's presence while traveling to a school or college, but they may not be dispatched to any other assignment off school or college property. They would be authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer while providing this security. Class 3 law enforcement officers would not be authorized to carry a firearm while off duty under the bill. Importantly, Class 3 special law enforcement officers would not be subject to the 20 hour per week limit currently applicable to Class 1 and Class 2 special law enforcement officers, and would not be eligible for pension or health care benefits NJ supports this legislation as it will allow our county colleges and county vocational-technical schools to provide enhanced security while saving valuable taxpayer dollars. Governor Christie is expected to sign the measure into law.

SEC DISCLOSURES

Also on June 27th, both houses unanimously passed **SENATE, NO. 2301** *(Diegnan D-18/Oroho R-24) (Holley D-20/Schaer D-36)*, which would authorize certain corporations bidding for public contracts to submit federal Securities and Exchange Commission filings to comply with requirements to disclose certain interest holders.

In general current law requires a corporation or partnership that is awarded a public contract to submit the names and addresses of all stockholders in the corporation who own 10% or more of the stock, or of all individual partners in a partnership who own a 10% or greater interest. To comply with this requirement, this bill would permit a bidder whose direct or indirect parent entity is publicly traded to submit the name and address of the publicly traded entity and the name and address of each person that holds a 10% or greater beneficial interest in the publicly traded entity as of the last annual filing with the federal Securities and Exchange Commission. NJAC supports the measure as proponents of the bill addressed our initial concerns before introducing the legislation as it will allow publicly traded companies to more effectively comply with the Local Public Contracts Law. Governor Christie is expected to sign the measure into law.

INMATE TELEPHONE CALLS

On June 27th, both houses passed **SENATE NO. 1880** (*Turner D-15*) (*Johnson D-37*), which would impose certain requirements on telephone service contracts for inmates in State and county correctional facilities.

In summary, the bill would require the State Treasurer or county or private correctional facility to contract with a bidder whose rate for inmate telephone calls does not exceed 11 cents per minute for domestic debit, prepaid, and collect calls. Additionally, the legislation would prohibit a bidder to impose a service charge or additional fee exceeding the per minute rate, including a per call surcharge, account set up fee, bill statement fee, monthly account maintenance charge or refund fee. The bill would further prohibit a State department, county, or private correctional facility from accepting or receiving a commission or imposing a surcharge for telephone usage by inmates. The bill defines a “commission” as any form of monetary payment, in-kind payment requirement, gift, exchange of services or goods, fee, technology allowance, product, or the like that is not related to the completion of voice-only calls, inmate telephone service maintenance, or the analysis of telephone records and related financial data for investigative or other purposes, or security enhancements, including, but not limited, to voice recognition software, text analytics, or aggregate data analytical software.

The bill would require the DOC, counties, and private correctional facilities to make available a prepaid or collect call system, or a combination of the two, for telephone services for inmates. Under a prepaid or “debit” system, funds may be deposited into an inmate account to pay for telephone calls, as long as the DOC, county, or private correctional facility is not required to provide for or administer that prepaid system. The bill requires the provider of the inmate telephone service, as an additional means of payment, to permit the recipient of inmate collect calls to establish an account with that provider to deposit funds for advance payment of those calls. The bill requires the DOC to establish rules and regulations or departmental procedures to ensure that any inmate telephone call system provides reasonable security measures to preserve the safety and security of State and county correctional facilities, staff members, and those outside a facility who may receive inmate telephone calls. It’s unclear if Governor Christie will sign this bill into law.

OPEN SPACE FUNDING

On June 27th, both houses passed **SENATE, NO. 2456** (*Smith D-17/Bateman R-16*) (*Andrzejcack D-1/McKeon D-27*), which would revise the State’s open space, farmland, and historic preservation programs; and, would implement the 2014 constitutional dedication of Corporation Business Tax (CBT) revenues for certain environmental purposes.

In summary, the measure would implement, for State fiscal year 2017 through State fiscal year 2019, the constitutional dedication of CBT revenues for open space, farmland, and historic preservation. Voters amended the State's Constitution in 2014 to dedicate 4% of CBT revenues for open space, farmland and historic preservation, water programs, public and private site remediation, and underground storage tank programs for fiscal years 2016 through 2019; and, further increased the annual dedication to 6% in fiscal year 2020 and thereafter. This legislation would allocate CBT dedicated revenues through State fiscal year 2019 as follows: 60% for acquiring and developing lands for public recreation and conservation purposes, including lands that protect water supplies under the Green Acres Program; 31% for farmland preservation purposes; 5% for historic preservation purposes; and 4% under the Blue Acres program. Governor Christie is expected to sign the measure into law. You may review this and all bills at www.njleg.state.nj.us.

NIGHT AT THE BALLPARK

Make sure to join us on July 28th for NJAC's Annual Night at the Ballpark to watch the Altoona Curve take on the Trenton Thunder at Arm & Hammer Park in Trenton. Check out our website at www.njac.org for additional details.

STATE HOUSE TRIVIA

Did you know that 56 Patriots signed the Declaration of Independence officially adopted by the Second Continental Congress on July 4th, 1776 and that only 2.5 million people lived in the Thirteen Colonies at the time?

"When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation." - Declaration of Independence