

# NEW JERSEY ASSOCIATION OF COUNTIES

*County Government with a Unified Voice!*

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## STATE HOUSE NEWS

*March 4, 2016*

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### CRIMINAL JUSTICE REFORM

NJAC and its twenty-one county members are committed to implementing Criminal Justice Reform as good public policy and as a means for reducing long-term operating expenses at county jails. However, as summarized in the tables and text below, county governments across the State face significant costs with implementing and administering the new law that will impact the delivery of critical services and the use of valuable property taxpayer dollars. With this in mind, NJAC is respectfully requesting State leaders for the following fair and equitable relief that will assist counties with executing this important and timely initiative:

1. An increase in certain court filing fees of approximately \$21.0 million dedicated to offsetting the costs associated with hiring new County Prosecutor and County Sheriff staff necessary to implement and administer Criminal Justice Reform.
2. An appropriation in State fiscal year 2017 of \$1.0 million per county dedicated for courtroom facility and security improvements necessary to implement and administer Criminal Justice Reform.

NJAC is in the process of drafting and finding sponsors for legislation that would increase certain court filing fees and establish a separate, non-lapsing, dedicated "County Government Criminal Justice Reform Administration Fund." In summary, the legislation would require the State Treasurer to distribute monies in the Fund to county governing bodies as the county share, which shall equal the total number of complaint-warrants generated in each county pursuant to C.2A:162-16(C), divided by the total number of statewide complaint warrants generated pursuant to C.2A:162-14(C), and multiplied by the total revenues deposited in the "County Government Criminal Justice Reform Administration Fund" in the prior State fiscal year.

Moneys distributed under the measure would be used to offset county governing body funding for implementing and administering Criminal Justice Reform including, but not limited to: salaries and wages, health and pension benefits, operation and maintenance expenses, court security enhancements, court facility improvements, and other capital expenses, as recommended by a county governing body's Assignment Judge, Prosecutor, or Sheriff and as approved by the county governing body. The legislation

would defined county governing body” to mean the board of chosen freeholders, or in the case of those counties organized pursuant to the provisions of the Optional County Charter Law, the board of chosen freeholders and the county executive, the county supervisor, or the county manager, as appropriate. NJAC also plans to meet again with legislative leadership to discuss including an appropriation in State fiscal year 2017 of \$1.0 million per county dedicated for courtroom facility and security improvements necessary to implement and administer Criminal Justice Reform.

## **CODE BLUE PROGRAMS**

Special thanks to Monmouth County Counsel Andrea Bazer and Monmouth County Emergency Management Coordinator Michael Oppegaard for taking the time out of their busy schedules to join NJAC at our meeting with assemblymen Land (*D-1*) and Andrzejczak (*D-1*) and with testifying before the Assemblyman Homeland Security and State Preparedness Committee on **ASSEMBLY, No. 815**. NJAC would also like to thank the assemblymen for meeting with us, and looks forward to working with the sponsors on making this legislation more palatable for county governments while preserving its original intent.

In summary, this legislation would require county emergency management coordinators to establish a code blue program to shelter at-risk individuals during severe weather events. The bill defines at-risk individuals as an individual living outside, or in a building not meant for human habitation or which the person has no legal right to occupy. The phrase "severe weather event" is defined to include a snow emergency, excessive cold or heat, storms or other weather-related conditions, which may include temperatures equal to or below 40 degrees Fahrenheit. Under the bill, county emergency management coordinators would be required to declare a code blue alert within 24 hours prior to the onset of a severe weather event. Upon the declaration of a code blue alert, the county emergency management coordinator must inform each municipal law enforcement agency in that county as well as the county police department, if appropriate, of the need to identify and locate at-risk individuals who may be in need of shelter. Municipal law enforcement agencies and county police departments would then conduct patrols to locate at-risk individuals, and transport or arrange for the transportation of those individuals to an appropriate shelter.

The bill would also require county emergency management coordinators to inform each county and municipal welfare agency responsible for placing homeless families and persons in shelters of the need to increase the shelter bed capacity. The bill further requires counties to establish emergency shelters for the homeless, which have been authorized by a public officer of the municipality or the Department of Community Affairs, to provide shelter, or food and shelter, to a specified number of individuals in excess of its licensed capacity because of emergency conditions. Finally, the bill would require each county office of emergency management to conduct a public awareness campaign, utilizing the Internet and any other available resources, to inform the general

public of the code blue program and the importance of identifying at-risk individuals prior to a severe weather event so that appropriate shelter preparations may be made.

Although NJAC commends the sponsors for recognizing the need to provide adequate shelter for at-risk individuals during a severe weather event, this legislation does not contain a funding mechanism or appropriation to offset the costs associated with requiring county and municipal law enforcement officers to locate and transport at-risk individuals to county established emergency shelters for the homeless when temperatures reach 40 degrees Fahrenheit or less as called for under the bill.

Churches, faith-based organizations, non-profits, and municipalities currently operate such programs with community volunteers in collaboration with county and municipal emergency management coordinators. During a severe weather event and declared code blue emergency, community volunteers will locate at-risk individuals and transport them to a designated warming center such as a church, civic center, court house, or municipal complex. A warming center is generally open for a limited period of time, 6:00 p.m. until 6:00 a.m. for example, and at a minimum must contain heat, restrooms and seating. A severe weather event and code blue emergency is typically declared when the National Weather Service forecasts that temperatures will reach 25 degrees Fahrenheit or less without precipitation, or 32 degrees Fahrenheit or less with precipitation.

In light of the fact that this legislation would require local law enforcement officers to locate and transport at-risk individuals to county established emergency shelters during a severe weather event instead of using community volunteers and warming centers as noted above, NJAC respectfully requested the Assembly Homeland Security and State Preparedness Committee to second reference the measure to the Assembly Appropriations Committee for consideration. That request was granted and the Senate companion version **SENATE, No. 1088** (*Van Drew D-1*) is currently in the Senate Community and Urban Affairs Committee awaiting consideration.

#### **STATE PSYCHIATRIC PATIENT BILLING PRACTICES**

Additional thanks to Department of Human Services Commissioner Elizabeth Connolly, Middlesex County Adjuster Sandra Coleman, and Monmouth County Adjuster William Bucco for meeting with NJAC on February 24<sup>th</sup> to discuss the State's billing practices for psychiatric patients. The meeting went very well and we look forward to working with the Department on developing viable solutions for addressing the practice outline below. According to the 2014 white paper published by county adjusters in Bergen, Middlesex, Monmouth, Morris, Sussex, and Warren counties, State law provides persons suffering from a mental illness and present an immediate danger to themselves that or others, may be involuntarily committed for treatment in a psychiatric facility until such time as they no longer constitute a danger. Such patients often qualify for

charity care and the State and counties share treatment costs for patients with legal residency (*settlement*) in a particular county.

The State pays for the treatment costs of charity care patients without county settlement. State law further provides that involuntarily committed patients with income and assets that exceed charity care eligibility thresholds and with county settlement are responsible for the costs of their own treatment. Once a patient is involuntarily committed, a county adjuster will investigate the patient’s assets, income, and residential history. Pursuant to the adjuster’s recommendation, a judge will then execute a settlement order on whether the patient, a county, or the State is responsible for treatment costs. In summary, it appears that the State is not recognizing the settlement orders, and is billing counties for the costs of treating patients who have been determined by a court of law to be responsible for their own care. Although patient numbers fluctuate each year, preliminary data suggests that the State is billing counties approximately \$1.5 to \$2.0 million annually. *The table and footnotes below summarize the data collected from a random sampling of counties concerning the State’s practice of billing counties for the costs of treating psychiatric patients who have been determined by a court to be responsible for the costs of their own care.*

COUNTY	OFFICE <sup>1</sup>	BILLING STATEMENT <sup>2</sup>	ESTIMATED PAYMENTS <sup>3</sup>	SETTLEMENT PATIENTS <sup>4</sup>	PATIENTS CHARGED <sup>5</sup>	SETTLEMENT CHARGES <sup>6</sup>
Atlantic <sup>7</sup>	Adjuster	\$8,904,615.00	\$9,092,699.00	4	4	\$213,187.70
Cape May <sup>8</sup>	Adjuster	\$677,188	\$677,188.00	0	0	0
Gloucester <sup>9</sup>	Adjuster	\$595,606.00	\$595,606.00	0	0	0
Monmouth <sup>10</sup>	Adjuster	\$3,409,141.50	\$2,780,163.00	2	1	\$28,645.62
Morris <sup>11</sup>	Adjuster	\$5,973,904.00	\$1,760,114.00	12	4	\$27,652.95
Ocean	Adjuster	\$3,930,250.00	\$3,459,001.00	6	6	\$129,047.00
Sussex <sup>12</sup>	Adjuster	\$1,318,662.00	\$1,666,490.00	5	5	\$395,598.00
Union <sup>13</sup>	Adjuster	\$4,836,013.38	\$3,297,466.00	13	3	\$113,448.00
Warren <sup>14</sup>	Adjuster	\$2,756,948.00	\$1,827,150.00	0	1	\$27,227.52

FOOTNOTES

(1) This column summarizes whether a county maintains an office of the county adjuster or are such functions carried out by county counsel or county solicitor. (2) This column summarizes the dollar amount of the 2013 billing statement a county received from the State for anticipated patient treatment costs. (3) This column summarizes the dollar amount of the 2013 estimated payment a county made to the State for anticipated patient treatment costs. (4) This column summarizes the number of patients in 2013 that were determined by the court to be responsible for the costs of their own care and with settlement in a county. (5) This column summarizes the data of the patients referenced in Footnote 4 that the State included in its 2013 billing statement and charged a county for the cost of care. (6) This column summarizes the total dollar amount the State charged a county in 2013 for patients that were determined by the

court to be responsible for the costs of their own care and with settlement in the County.

(7) Atlantic County commented that the outstanding balance owed for patients responsible for the costs of their own care and with settlement in the County in 2013 was \$300,208.00. (8) Cape May County noted that the County has 3 patients that have been determined to be responsible for the costs of a percentage of their own care and with settlement in the County in 2013. (9) Gloucester County reported that the County did not have any clients responsible for the costs of their own care and with settlement in the County in 2013. (10) Monmouth County noted that its 2 patients had admissions in 2013, which included \$11,770.23 for 1 patient and \$16,875.39 for the second one. (11) Morris County calculated responses to columns 3 & 4 based on NJDHS estimated impact on county CY 2013 budget report; and, columns 5, 6, & 7 on NJDHS county billing system for Morris published on February 17, 2015. The February 17<sup>th</sup> bill included 2 patient transfers to Bergen County, which should have been charged to Bergen at \$21,281.50. (12) Sussex County commented that the most recent year it had meaningful figures was 2011 and that the State had billed \$395,598.00 in that year. (13) Union County commented that 2013 is the first year that the State psychiatric billing practice took place by a web based application. Before 2013, the December billing for a calendar year was typically completed by April of the following year, which would provide the County's real unadjusted billing total. Any late charges would be considered a prior year's bill. The process of adjusting a calendar year charges took place during the reconciliation process. Union County reported that it does not track settlement patients unless the State charges the County accordingly. (14) Warren County reported that the County did not have any clients responsible for the costs of their own care and with settlement in the County in 2013; however, 6 clients were determined 100% due to non-cooperation and 1 was an out-of-state determination. Warren County added that the dollar amounts vary from year to year and that the State should cease its practice of billing counties for the costs of treating patients who have been determined by court to be responsible for the costs of their own care.

#### **HEALTH BENEFITS COVERAGE**

On March 7<sup>th</sup>, the Senate Budget and Appropriations Committee will consider **SENATE, No. 979** (*Weinberg D-37/Kean R-21*), which would limit a public employee from receiving health care benefits coverage from only one public employer of the State or local government, if the employee holds more than one public position simultaneously. If the employee has a spouse who is also a public employee eligible for health care benefits coverage from a public employer of this State, the employee and spouse would be required to select coverage together under one plan or program. The bill would also prohibit a public employee so limited from continuing to receive any payment from the employee's public employer for waiving the health care benefits coverage provided by the employer. NJAC plans to support the measure on Monday as a means to help county governments manage health benefit expenses.

## SNAPSHOT OF STATE FISCAL YEAR 2017 BUDGET

On February 16<sup>th</sup>, NJAC President John King attended Governor Chris Christie's State fiscal year 2017 budget address. NJAC is in the process of analyzing the \$34.8 billion spending plan and you may review the Governor's budget summary on our website at [www.njac.org](http://www.njac.org). Some highlights include:

- 2.2% increase over State's fiscal year 2016 adjusted budget
- 3.1% increase in revenue projections valued at \$1.03 billion
- \$790.0 million in surplus funds
- \$1.9 billion for State pension systems
- \$3.8 billion for active employee and retiree health benefit costs
- \$4.2 billion for NJ Family Care Program
- \$13.3 billion for general school aid
- \$1.5 billion of general municipal aid
- \$1.38 billion in municipal property tax relief aid and energy tax receipts
- \$107.4 million in transitional aid for distressed cities
- \$22.0 million for statewide pretrial services program
- \$10.0 million for statewide digital e-court information system
- \$17.2 million for Homeless Prevention Program

## UPCOMING NJAC EVENTS

Mark your calendars NJAC's next Board of Directors meeting scheduled for 9:30 on March 11<sup>th</sup> in Committee Room 6 of the State House Annex where you'll have the opportunity to hear from the Commissioner of the Department of Human Service Elizabeth Connolly. And, make sure to check out our website at [www.njac.org](http://www.njac.org) for NJAC conference registration, hosting opportunities, and the action packed schedule of events. Don't miss the opportunity to be a part of our 66<sup>th</sup> annual celebration of county government scheduled to take place from May 18<sup>th</sup> through May 20<sup>th</sup> at Caesar's in Atlantic City.

## STATE HOUSE TRIVIA

*Did you know* that although March is the third month of the year in the Gregorian calendar, it was the first month in the early Roman calendar with March 1<sup>st</sup> designated as the beginning of the New Year?

*"Politics is the art of looking for trouble, finding it everywhere, diagnosing it incorrectly, and applying the wrong remedies." Groucho Marks*