

NEW JERSEY ASSOCIATION OF COUNTIES

County Government with a Unified Voice!

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STATE HOUSE NEWS

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COUNTY REENTRY COORDINATOR

On August 24th, NJAC testified before the Assembly Community Development and Affairs Committee in opposition to **ASSEMBLY, No. 844** (*Reynolds-Jackson D-15/Verrelli D-15*), which would require each county to appoint a county reentry coordinator to help navigate treatment services to inmates in a county jail who have been sentenced to a term of incarceration or are ordered detained pending trial following a pretrial detention hearing.

Although NJAC certainly endorses the concept of A-844 as it reflects the recommendations and proposed legislation of NJAC, the NJ County Jail Wardens Association (NJCJWA), and the NJ Association of County Welfare Directors (NJACWD) collectively proposed to the initial sponsors in both houses earlier this year, the Association opposes the measure in its current form because it does not include a funding mechanism or appropriation as recommended and required by the State's Constitution in these matters. In general, Article VIII, Section II, Paragraph 5 of the Constitution and N.J.S.A. 52:13H-1(1)(b) prohibit State government from imposing unfunded mandates on local governing bodies.

More specifically, NJAC submits that A-844 would in fact impose an unfunded mandate on county governments because it would require the use of direct expenditures in appointing a county reentry coordinator with substantial new roles and responsibilities; would not authorize resources other than property taxes to offset direct expenditures; and, would not fall within one of the limited and narrow exemptions. Additionally, NJAC maintains that making available critical reentry services as prescribed under the bill would provide individuals transitioning from a county jail with the resources necessary for a successful reentry into the community and that the State should make the investment accordingly. The Committee favorable reported the measure along partisan lines and the General Assembly passed A-844 by a vote of 52-25-1 on August 28th and the companion version **SENATE, No. 374** (*Cyran D-20/Vitale D-19*) is currently in the Senate Budget and Appropriations Committee awaiting consideration. NJAC looks forward to working with the sponsors on establishing a State grant funded program that would help inmates navigate available social services, mental health programs, job training, and other resources upon release from a county jail under certain circumstances.

PFRS PENSION ENHANCEMENTS

On August 24th, the Senate Budget and Appropriation Committee was set to consider but instead held **SENATE, No. 1017** (*Gopal D-11/Lagana D-38*), which would provide for an additional category of service retirement for a member of the Police and Firemen's Retirement System (PFRS).

NJAC joined the New Jersey State League of Municipalities (NJLM) and the Government Finance Officers Association of New Jersey (GFOA) in opposing measure because it would enhance member benefits, accelerate pension payments to members, and increase the unfunded accrued liability of PFRS. Under S-1017, a member of PFRS who is enrolled before or after the effective date of this bill may retire after the effective date, regardless of age, upon attaining 20 or more years of service credit and receive a retirement allowance equal to 50 percent of the member's final compensation. As such, a police officer hired at the age of 20 could retire at the age of 40. Conservatively assuming this police officer retires as a patrolman at a salary of \$120,000.00 per year and lives until the age of 80, taxpayers would be responsible for paying this police officer in retirement \$2,400,000.00 ($\$120,000.00/50\% = \$60,000.00 * 40 \text{ years}$) with \$300,000.00 in accelerated payments by taking retirement 5 years earlier than required under current law.

At a time in which the Legislature should be focusing on how to relieve the ever-growing burden on the State's beleaguered taxpayers, this legislation would impose a new and untimely liability. Importantly note that funded entirely by property taxpayer dollars, county and municipal governments across the State will spend nearly \$1,000,000,000.00 in 2020 to subsidize PFRS, an amount that equals approximately 71.0% of the total annual contributions to the fund. Moreover, as a defined benefit plan, property taxpayers bear the risk of loss for poor investments, a decline in the stock market as is currently the case, a decrease in the assumed rate of return for long-term investments as is the case in 2020, and benefit enhancements as is the case under S-1017. The companion version **ASSEMBLY, No. 2562** (*DeAngelo D-14/Dancer R-12*) is currently in the Assembly Budget Committee awaiting consideration.

COVID-19 RELIEF BONDS

On August 28th, both houses concurred with Governor Phil Murphy's condition veto of **ASSEMBLY, No. 3971** (*Benson D-14/Coughlin D-19*)(*Singleton D-7/Gopal D-11*)(*Benson D-14/Coughlin D-19*), which would allow counties and municipalities to borrow moneys through the issuance of bonds and notes to cover unanticipated emergency expenses and revenue shortfalls attributable to the COVID-19 public health crisis.

In conditionally vetoing the measure, the Governor issued the following statement: *"I commend the bill's sponsors for their efforts to provide local governments with an essential tool to help them maintain fiscal solvency during and in the aftermath of the COVID-19 pandemic. However, the better pathway to accomplish this result is to build*

upon the well-established local budgetary and debt structures in facilitating this critical relief, rather than to create a new, additional financing mechanism for this singular purpose. By incorporating into our existing local borrowing framework certain tailored modifications designed to meet local units' emergent needs, we will be able to accomplish the goal of helping address local fiscal needs resulting from the COVID-19 pandemic while maintaining the protections of existing safeguards, which will help ensure that local borrowing is conducted efficiently and responsibly.

Accordingly, my recommendations amend local borrowing laws to enable counties and towns to issue five-year special emergency notes for a broad swath of COVID-19 related costs. In addition, and to meet ongoing operational needs, I am recommending that the special emergency mechanism be expanded to permit adoption of a special emergency to address certified COVID-19 related deficits in operations. This will permit local units that verify the existence of COVID-19 related operational shortfalls to raise the associated costs in their budget over five years, or up to ten years if they can demonstrate to the Local Finance Board that repayment in five years would present a significant financial hardship. Importantly, once a special emergency is adopted, the local unit also obtains access to related short-term borrowing, which avoids excessive long-term debt but provides stable cash flow while the local unit recovers from the fiscal impacts realized during the COVID-19 crisis. These recommended changes provide both budgetary and cash flow relief using existing and conventional mechanisms that have been adapted to meet the unique local needs emerging during this anomalous period, while empowering local units to respond to and recover from the fiscal repercussions of this unprecedented global crisis.” Governor Murphy is expected to sign the measure into law and we'll make sure to distribute the final version as soon as a clean copy becomes available.

RETIRED POLICE OFFICERS

On August 28th, both houses passed and sent to the **GOVERNOR ASSEMBLY, NO. 3914 (Taliaferro D-3/Moen D-5)(Greenstein D-14/Bucco R-25)**, which would provide for the temporary employment of former public employees under certain circumstances.

In general, this legislation would provide for the temporary employment of former public employees who retired from the Public Employees' Retirement System (PERS), the Police and Firemen's Retirement System (PFRS), or the State Police Retirement System (SPRS) during the Public Health Emergency or State of Emergency declared by the Governor in Executive Order No. 103 of 2020. The measure would also allow a public employee to be eligible for participation in the State Health Benefits Program (SHBP) immediately upon hire, provided such person was hired on or after February 3, 2020 to provide services directly related to the COVID-19 public health crisis. The legislation would further eliminate the limitation on the number of class 2 special law enforcement officers a local governing body may hire during the Public Health Emergency or State of Emergency. Additionally, the bill would provide that during the COVID-19 public health

crisis, any person who has completed the Alternate Route Training would be eligible for appointment as a class 2 special law enforcement officer. Governor Murphy is expected to sign this legislation into law.

BALLOT EXPANSION

On August 27th, both houses passed and sent to the Governor **ASSEMBLY, No. 4259** (*Chiaravallotti D-31/Pinkin D-18*)(*Sarlo D-36*) which would extend the ballot receipt and election certification deadlines and would increase messenger and bearer ballot limits under certain circumstances.

In general, this legislation would permit a person to serve as an authorized messenger or bearer for up to five qualified voters who are immediate family members residing in the same household as the messenger or bearer. The bill would also establish an alternative way to cure signature defects on applications for a mail-in ballot by requiring notification to the applicant within 24 hours following a determination of disapproval. Under the bill, the notice must state the specific reasons for the disapproval and inform the applicant of the opportunity to challenge the disapproval by contacting the office of the county clerk. The bill would further require that the county clerk be responsible for preparing and furnishing ballots for municipal elections.

Additionally, the bill would extend certain deadlines for the certification of election results by the municipal clerk, the meeting of the board of county canvassers, and the transmission of the statement of the canvass or other statements to the Secretary of State. This bill would also extend the deadline by which mail-in ballots bearing a post mark of the day of the election must be received by the county board of elections in order to be canvassed from 48 hours after the closing of the polls to 144 hours after the closing of the polls. Finally, the bill would eliminate the requirement that a mail-in ballot bear a post mark, provided the ballot is delivered within 48 hours after the closing of the polls. Governor Murphy is expected to sign this legislation into law.

BALLOT CURING

Also, on August 27th, both houses passed **ASSEMBLY, No. 4276** (*Zwicker D-16/Benson D-14*)(*Gopal D-11/Sarlo D-36*), which would allow voters the ability to provide a cure for certain mail-in ballots that have been rejected under certain circumstances.

In summary, this legislation would provide that mail-in ballots would not be rejected when the defect is attributable to a physical defect in the inner envelope, outer envelope, certificate, or ballot outside the control of the voter. The bill would also require the county board of elections to undertake the following procedures and requirements concerning the rejection or acceptance of each mail-in ballot: record in the Statewide registration system; issue a cure letter to the voter whose ballot was tentatively rejected or rejected; instruct the voter that they may cure the deficiency by completing the cure form; mail the voter the cure form and a postage-page return

envelope addressed to the county board of elections; and, inform the voter that they would not be required to submit any form of hard-copy identification document or copy thereof in order cure a signature deficiency provided the voter declares that they previously submitted their provisional ballot or mail-in ballot by providing a valid NJ driver's license number or other, the last four digits of their social security number, or a copy of their sample ballot.

The measure would also provide that if a voter whose mail-in or provisional ballot was tentatively rejected or rejected based solely on a signature deficiency returns a completed cure form in a timely manner and the information provided verifies the voter's identity, their otherwise valid mail-in or provisional ballot will be counted in the final election results irrespective of any signature deficiency previously identified and, under those circumstances, the cure form may not be verified or authenticated using signature matching. If a voter whose mail-in or provisional ballot was tentatively rejected or rejected based solely on a signature deficiency returns a completed cure form in a timely manner and provides a copy of an identification document, the address listed on the identification document would not be required to match the voter registration address, provided the identification document verifies the voter's identity. Governor Murphy is expected to sign this bill into law.

MAIL-IN BALLOT DROP BOXES

Finally, on August 27th, both houses passed and sent to the Governor **ASSEMBLY, No. 4475** (*Reynolds-Jackson D-15/Verreilli D-15*)(*Singleton D-7/Sarlo D-36*), which would require county boards of elections to establish mail-in ballot drop boxes in each county at least 45 days before the election.

In summary, this legislation would require the county board of elections in each county to establish ballot drop boxes throughout the county and would entitle mail-in voters to deposit their ballot in a ballot drop box before the time designated for the closing of the polls on election day. The bill would require drop boxes to be available for use by a voter 24 hours a day; placed at locations equipped with security cameras that allow for surveillance of the ballot drop box; and, must be accessible to voters with disabilities. The measure would require at least one ballot drop box to be placed at each of the following locations: any county government building in which the main office of the county clerk is located; any municipal government building in which the main office of the municipal clerk is located in municipalities with populations larger than 5,000 residents; the main campus of each county community college; the main campus of each State college or university; and the main campus of each independent four-year college or university with enrollments larger than 5,000 students. If upon establishing the drop boxes at each of these locations the county has fewer than 10 ballot drop boxes, the board of elections would be required to establish additional locations until there are at least 10 ballot drop boxes in the county. The additional drop boxes are to be placed at county or municipal government buildings, including, but not limited to, courthouses, offices, town halls, police stations, fire stations, and libraries.

The bill would require the Secretary of State, in consultation with county clerks and municipal clerks, to establish the rules and regulations necessary to ensure the secure and successful implementation of the mail-in ballot drop boxes. Importantly, the bill also provides for an appropriation from the State General Fund to the Department of State of the sums necessary to reimburse counties and municipalities for the costs of implementing its provisions. Governor Murphy is expected to sign this bill into law.

STATE CARES ACT FUNDING FOR COUNTIES

At a press conference with Governor Phil Murphy on August 20th, NJAC) commended the Governor his leadership in providing nearly \$15.0 million in much needed relief to the 12 counties (*Atlantic, Burlington, Cape May, Cumberland, Gloucester, Hunterdon, Mercer, Morris, Salem, Somerset, Sussex, and Warren*) that did not receive direct federal monies from the Coronavirus Relief Fund (CRF) under the Coronavirus Aid, Relief, and Economic Security (CARES) for the extraordinary expenses incurred in combating the COVID-19 public health crisis. *“NJAC applauds Governor Murphy for providing State CARES Act monies to the 12 counties that incurred substantial costs in responding to this once in a generation pandemic by operating test centers, purchasing and distributing personal protective equipment, sheltering homeless and at-risk individuals, managing correctional facilities, administering social service programs, conducting elections, and more”* said NJAC President and Cape May County Freeholder Marie Hayes.

Importantly, the Administration is also making directly available to the 12 counties, an additional \$21.0 million in combined CRF monies and grant funding from the Epidemiology and Laboratory Capacity for the Prevention and Control of Emerging Infectious Diseases cooperative agreement (ELC) between the New Jersey Department of Health (NJDOH) and the Centers for Disease Control and Prevention (CDC) to support expanded COVID-19 testing. *“This critical funding will substantially increase COVID-19 testing of the State’s most vulnerable populations along with the testing of first responders, healthcare workers, social service workers, correction officers and more, and is necessary to help control the spread of this terrible virus as we slowly and cautiously reopen.”* stated Hayes.

Special thanks to John Bonanni, Morris County Administrator; Mike Delamater, Director of Intergovernmental Affairs for Governor Phil Murphy; and, each of the 12 counties for their hard work and patience in securing the \$37.0 million in funding.

UPCOMING EVENTS

Please make sure to visit our website at www.njac.org for additional details about NJAC’s outstanding lineup of virtual workshops for the fall of 2020 where we’ll host (7) 60-minute long sessions focused on COVID-19 related matters such as emergency management, procurement, public health, human and social services, budgeting, labor, and general crisis management.

STATE HOUSE TRIVIA: Did you know that the top 10 things people are looking forward to doing next summer include:

- 10) Attending a free concert in the park
- 9) Hosting a block party with most of the neighbors
- 8) Enjoying everything at a greasy food truck festival
- 7) Spending \$20 to win a \$2 stuffed animal at a fair
- 6) Drinking beer at a minor league baseball game
- 5) Floating down the Delaware River in an inner tube on the Jersey side
- 4) Walking down the street at a classic car show on a Friday night
- 3) Being covered with powdered sugar from zeppole an Italian festival
- 2) Devouring a sausage and peppers sandwich and then some waffles and ice cream on the boardwalk
- 1) Watching fireworks anywhere

“Don’t find fault, find a remedy.” Henry Ford