

NEW JERSEY ASSOCIATION OF COUNTIES

County Government with a Unified Voice!

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STATE HOUSE NEWS

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9-1-1 FEE DIVERSION

NJAC is pleased to report that Assemblyman William Spearman (*D-5*) and Senator Kristen Corrado (*R-40*) have introduced bi-partisan legislation on our behalf that would permit funds from the "9-1-1 System and Emergency Response Trust Fund Account (Fund)" to be appropriated for the purposes of paying certain costs incurred by counties and municipalities for the provision and maintenance of 9-1-1 emergency services; and, would further require the funds to be distributed on a prioritized basis to county, regionalized, or centralized public safety answering points.

NJAC strongly supports this important and timely initiative as it would provide a realistic funding mechanism intended to restore critical Fund dollars with an incentive for local governing bodies to share valuable resources and services. Special thanks to Assemblyman Spearman and Senator Corrado for their hard work and leadership on championing this long-standing objective of the Association of which we're encouraging all 21 counties to adopt a resolution in support of **A-5962** and **S-5041** accordingly. As a recap, the State of New Jersey has once again earned the unfortunate distinction of being the worst offender of diverting 9-1-1 fees in the entire nation. As has been well documented, the State collects annually from consumers approximately \$122,905,000.00 million in telecommunication surcharges as 9-1-1 System and Emergency Response Fees (Fees) and deposits these monies into the 9-1-1 System and Emergency Trust Fund Account (Fund). In fact, the Garden State has collected approximately \$1.5 billion in Fees since 2006 with only 11% of Fund monies being spent on eligible expenses.

Moreover, the State has failed to provide any funding for eligible expenses to local 9-1-1 centers operated by counties and municipalities and is the only state in the nation that doesn't share 9-1-1 monies. Instead, the State has diverted Fund dollars to cover general operating expenses in the Department of Law and Public Safety. As previously reported, the Federal Communications Commission (FCC) concluded in its recent "Annual Report on the Collection and Use of 9-1-1 Fees," that New Jersey diverted \$92,083,000.00 of the \$122,905,000.00 it collected in 911 fees. As a direct result of this longstanding misallocation of funds, the FCC adopted rules in 2018 that now prohibit

New Jersey, and its counties and municipalities, from applying for millions of dollars in federal grant monies to upgrade 9-1-1 centers with Next Generation 9-1-1 (NG9-1-1) capabilities. Additionally, the FCC is in the process of establishing the "Ending 9-1-1 Fee Diversion Now Strike Force" (9-1-1 Strike Force), which will focus on ending the diversion of 9-1-1 fees by States like New Jersey, Nevada, New York, Rhode Island, and West Virginia.

For the record, local governments as first responders, handle the vast majority of the State's 911 calls through local public safety answering points (PSAPs) and have come to inequitably rely on the collection of local property taxpayer dollars to improve, operate, and maintain 911 systems. County governments alone spent an estimated \$175.0 million over the last several years on capital improvements for facility upgrades, telephone systems, computer aided dispatch, location mapping technology, voice recording technology, data analytics, and NG911 upgrades. Counties also spend an estimated \$96.0 million per year on general operating expenses for salaries, staff training, system maintenance, network security, and IT consulting services.

INMATE RE-ENTRY SERVICES

NJAC is also pleased to announce that after several years of hard work with our friends at the New Jersey County Jail Wardens Association (NJCJWA) and County Welfare Directors Association of New Jersey (CWDANJ), the final version of **S-2953** (*Sweeney D-3/Cunningham D-31*) includes several of our recommendations: the most important of which authorizes each county to establish a county reentry coordinator position with grant funding of \$100,000.00 allocated for each county in the fiscal year 2022 state budget. Also pursuant to S-2953, the budget includes new monies for Medication Assisted Treatment (MAT) services and a supply of medication to individuals struggling with opioid addiction and other medical issues. Governor Murphy is expected to sign the measure into law.

In general, S-2953 would require county jails provide to inmates, upon release after being incarcerated for 90 days or longer, with a 30-day supply of prescription medication with 2 additional refills and a 3-month supply of long acting injectables. As noted above, the measure would authorize counties to appoint a county reentry coordinator to evaluate the needs of inmates and assist them in accessing necessary reentry services. The bill would further require county reentry coordinators to assist inmates in obtaining a non-driver identification card; ensure that inmates are released during regular business hours; and, provide inmates with the required prescription medication. The measure would also require the coordinator to collect and analyze data related to the services provided; develop peer counseling programs; meet with community stakeholders to establish best practices in preparing inmates for release and identifying available county services; and, make recommendations for successful reentry. *Special thanks to Gloucester County Jail Warden Eugene Caldwell, Ocean*

County Jail Sandra Mueller, Salem County Welfare Director Kathy Lockbaum, Hudson County Deputy County Administrator Oscar Aviles, and Director of the Hudson County Community Reintegration Program Frank Mazza for their hard work, help, and patience on making sure this legislation would not impose a costly burden on or been impractical to implement for county jails.

As NJAC and NJCJWA have worked together on several prison reform bills over the years, we've found it important to address the distinction between State prisons and county jails. In general, State prisons house inmates convicted of crimes following a trial, while approximately 85% - 90% of the statewide county jail population is comprised of inmates awaiting trial or their first appearance after being issued a warrant for their arrest. County jails process and house an estimated 10,000 to 12,000 inmates on any given day with an average length of stay between 5 – 15 days depending on the county. Additionally, between 25% - 40% of the above noted county jail population is now comprised of defendants awaiting their first appearance, which is a hearing held between 24-48 hours of a defendant being taken into custody at a county jail. At this hearing, the court determines to either release the defendant with certain pretrial conditions or detain the defendant pending trial. Under Criminal Justice Reform, most defendants fall into the latter category and are released from a county jail within 48 hours after confinement.

REGIONAL MUNICIPAL COURT PILOT PROGRAM

On August 5th, Governor Murphy signed into law **S-3049** (*Sweeney D-3/Beach D-6*)(*Taliaferro D-3/Mukherji D-33*) as P.L. 2021 c.191, which creates a pilot program to establish regional municipal courts by consolidating certain municipal courts.

In general, the pilot program would be established in no fewer than three counties and no fewer than five municipalities in each county. The pilot program would take place only in municipalities and counties that apply to the Administrative Office of the Courts (AOC) to participate. The selection of the appropriate counties and municipalities for the pilot program would be made by the Administrative Director of the Courts in consultation with the assignment judges. In order to qualify for the pilot program, a county would be required to have a population of less than 300,000 and a population density of less than 500 people per square mile according to the 2010 decennial census. If one county in a multi-county vicinage qualifies, all the counties in the vicinage qualify. Additionally, any county that has considered municipal court consolidation prior to the enactment of the bill could submit information on that prior consideration to the Director, and that county would be included in the pilot program.

A regional municipal court would have jurisdiction over all matters falling within the jurisdiction of the municipal courts that are part of the pilot program. All complaints issued in the county by the State Police or any statewide law enforcement agency, or by

any county law enforcement agency, any county code enforcement entity, or by any other non-municipal law enforcement agency within the jurisdiction of the municipal courts would also fall within the jurisdiction of the regional municipal courts. The nomination and appointment of judges of a regional municipal court would be done in accordance with the provisions of the State Constitution, which provides that the Governor nominates and appoints any judges of “inferior courts” having jurisdiction over more than one municipality with the advice and consent of the Senate. The assignment judge of the vicinage would have the authority to make a temporary appointment in the event of a vacancy.

All fines and costs collected by a regional municipal court would be the same as currently provided by law for municipal courts. The regional municipal court would retain these monies on a pro rata basis equal to the costs incurred associated with the operations of the court. The remainder of the fines and costs collected by the regional municipal court would be distributed in accordance with existing law. In support of consolidated court operations, a county participating in the pilot program could consider determining budgets for participating municipalities in that county by way of an assessment based on each participating municipality’s equalized value as determined by the appropriate county board of taxation. The measure takes effect 60 days after enactment, except the Administrative Director of the Courts may take any anticipatory action in advance as the Director deems necessary.

NOTARIAL ACTS

On July 22nd, Governor Murphy signed in to law **A-4250** (*Downey D-11/Mukherji D-3*)(*Gopal D-11/Greenstein D-14*) as P.L. 2021, c.179, which revises the law concerning the qualifications and duties of a notary public and notarial acts. The measure further authorizes the use of electronic signatures for notarial acts as well as various notarial acts to be performed remotely.

A person seeking an appointment and commission as a notary public must apply to the State Treasurer on a form endorsed by a member of the Legislature and may submit the application electronically. In order to be commissioned as a notary public, a person must be at least 18; must not be disqualified to receive a commission pursuant to other provisions of the bill; or must be a legal resident of the State, have a place of employment or practice in the State, or be an employee of a business with its domicile or primary place of business in this State and perform the duties of employment remotely from a home office or a co-working space. The new law provides that the State Treasurer may deny an application, refuse to renew a commission, or suspend, revoke, or otherwise limit the commission of a notary public for any certain acts or omissions demonstrating that the individual lacks the honesty, integrity, competence, or reliability necessary to act as a notary public.

The measure requires the State Treasurer to maintain an on-line manual setting forth the functions, duties, and responsibilities of a notary public, including the statutes, rules, regulations, and ethical requirements. The measure sets various requirements concerning a notary public's official stamp, including a provision for an official stamp for a notarial act regarding an electronic record. For a notarial act performed by a notary public involving a tangible record, an official stamp would be affixed to or embossed on a certificate evidencing details of the act near the signature of the notary public. For a notarial act involving an electronic record, the stamp would be attached to or logically associated with the certificate, so long as this certificate indicates the notary public's name and commission expiration date, and the title "Notary Public, State of New Jersey."

The new law provides that a notarial officer may perform a notarial act using communications technology for a person who is not in the notarial officer's physical presence if the notarial officer has personal knowledge or satisfactory evidence of the individual's identity and if the notarial officer creates an audio-visual recording of the performance of the notarial act. The notarial officer would be required to retain the recording, personally or through a designated repository, for a period of at least 10 years, unless a different period was required by any rule, regulation, or provision published by the State Treasurer. The law further requires, a notary public is required to maintain a journal of all notarial acts performed, either in a tangible medium or electronic format. For each notarial act, the notary public must record the date and time, the type of notarial act, the name and address of each individual for whom the notarial act is performed, information concerning evidence of identity of the individual, and a list of all fees charged for the notarial act.

HIRING COUNTY CORRECTIONAL POLICE OFFICERS

On June 24th both houses unanimously passed **SENATE, No. 3672** (*Singleton D-7*), which would require the Civil Service Commission (CSC) to exempt from the civil service examination, any person for an entry-level county correctional police officer position provided the person successfully completes a full basic police officer training course approved by the New Jersey Police Training Commission.

The measure would further permit a county correctional facility to hire such a person if the county governing body adopts a resolution authorizing the hiring and enacts both conflict of interest and nepotism policies accordingly. NJAC and NJCJWA support this important and timely legislation as it would streamline an antiquated hiring process that has created double digit job vacancy rates a county correctional facilities across the State. In addition to placing county correctional police officers in harm's way as they must work longer hours or face being short staffed, the CSC's outdated hiring process forces county jails into paying substantial overtime costs at an estimated \$23.5 million in

2019 alone. S-3672 is on Second Reading in the Senate and we expect to secure a sponsor for a companion version of the bill in the General Assembly shortly.

Special thanks to Senator Troy Singleton for his leadership and support in introducing this legislation on behalf of the Association, and to Camden County Commissioner Jon Young, Gloucester County Jail Warden Eugene Caldwell, Camden County Jail Warden Karen Taylor, and Hudson County Deputy County Administrator Oscar Aviles for their advocacy, advice, and counsel.

UPCOMING NJAC EVENTS: Make sure to visit our website at www.njac.org for registration and other important details about our outstanding annual celebration of county government set for October 12th through October 14th at Caesars in Atlantic City.

THE TOP 5 CREEPIEST PLACES TO VISIT IN NEW JERSEY AT MIDNIGHT ON FRIDAY THE 13TH.

5. The 13 Witches buried under Johnston Drive in Watchung
4. Dead Man's Curve on Clinton Road in West Milford
3. Camp NoBeBoSco (Chrystal) Lake in Blairstown
2. The Devil's Tree in Bernards Township
1. The Deserted Village and Enchanted Forest in Watchung

"It's never too late to be what you might have been." George Elliot