

NEW JERSEY ASSOCIATION OF COUNTIES

County Government with a Unified Voice!

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STATE HOUSE NEWS

Lame Duck Edition
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1. Bills Signed Recently into Law

COUNTY REORGANIZATION MEETINGS: On January 8th, Governor Murphy signed into law **S-4081** (*Beach D-6/Diegnan D-18/Atkins D-22/Carter D-22*) as P.L. 2023, c. 226, which authorizes boards of county commissioners to hold annual reorganization meetings at additional locations other than the Superior Court. NJAC is grateful to the sponsors for their leadership in introducing this legislation on behalf of the Association as one of our top priorities to close the 2022/23 legislative session; and, thank you to the clerks of the board for their help and guidance in raising the matter as an issue as this new law will provide county governments with the flexibility to host official reorganization meetings at larger and more convenient venues.

EMT CERTIFICATIONS: Also on January 8th, Governor Murphy signed into law **A-831** (*Jiminez D-32/Rooney R-40*) (*Sacco D-32/Greenstein D-14*) as P.L. 2023, c.229, which permits a person who has obtained an EMT certification from another state, territory, or possession of the United States, the District of Columbia, or Puerto Rico, to obtain a New Jersey EMT certification from the New Jersey Department of Health (DOH). As a condition to recertification, the new law requires DOH to conduct criminal history record background checks at least once every 3 years.

TAX COLLECTOR CERTIFICATION: January 8th was a busy day for the Governor as he also signed into law **S-762** (*Pou D-35/Cruz-Perez D-5*) (*Sumter D-35/Reynolds-Jackson D-15*) as P.L. 2023, c.206, which revises the manner by which tax collectors may become certified in the collection of property taxes in municipalities that operate on the State fiscal year budget cycle rather than on a calendar year budget by allowing candidates to simply take an additional course in order to attain the certification.

LAW ENFORCEMENT FORFEITURE FUNDS: Finally on January 8th, Governor Murphy signed into law **A-649** (*McClellan R-1/McKnight D-31*) (*Testa R-1/Singleton D-7*) as P.L. 2023, 228, which expands the purposes for which civil asset forfeiture funds may be used by law enforcement agencies to include promoting community outreach; providing diversity training for law enforcement officers; and, establishing and implementing minority selection and recruitment programs.

VOTING AT 17: On January 4th, Governor Murphy signed into law **A-3690** (*Moen D-5/Verrelli D-15/Moriarty D-4/Zwicker D-16*) as P.L. 2023, c.202. The “New Voter Empowerment Act” permits any registered voter who is 17 years of age prior to the date on which a primary election for the general election is held to vote in that primary election if the registered voter attains 18 years of age on or before the day of the next succeeding general election. The measure takes effect in January of 2026.

2. *On the Governor’s Desk*

The Legislature passed the following bills within 10 days of the close of the 2022/23 legislative session. As such, the law requires that the Governor either sign these bills into law within 7 days by Noon on January 16th or pocket veto the legislation by taking no action.

- **SALARY INCREASES:** **A-5910** (*Egan D-17/Codey D-27*) would increase the annual salaries of certain public employees and officials beginning in 2024. With respect to county government, the measure would increase the salaries for Presiding Judges of the Superior Court to \$207,166.50, which in turn would increase the minimum annual salary for all elected constitutional officers to \$134,657.90 as P.L. 2001, c.370 requires all elected constitutional officers to earn a minimum of 65% of the annual salary of a Presiding Judge of the Superior Court. *Importantly note that the law as summarized in LFN 2023-20 generally requires the State to reimburse counties for increases required to meet the minimum salaries set by statutory law versus the baseline amounts set in 2001 at \$96,850.* Beginning on January 1st in 2025 and on January 1st for the following 2 years, the amount of the annual salary determined for the prior calendar year would be adjusted annually by the State Treasurer in direct proportion to the percentage change in the Consumer Price Index (CPI). As is the case under current practice, the State Treasurer would determine the amount of the adjustment by December 1st of each year for the following year whereby an adjustment in the annual payment would be made only if the percentage change in the CPI is greater than 0, but in no event would the adjustment be greater than 2%.
- **USEFUL LIFE OF VEHICLES:** **A-5567** (*Torrissi R-8/Calabrese D-36/Bucco R-25/Sarlo D-36*) would amend the “Local Bond Law” to increase the period of usefulness for bonding purposes from 10 years to 20 years, for the purchase of new fire engines, apparatus, and equipment. The measure would also permit the financing for a period of not to exceed 5 years, for the purchase of new cars and station wagons.
- **HAZARD MITIGATION PLANS:** **A-4691** (*Swain D-38/DeAngelo D-14/Greenstein D-14/Zwicker D-16*) would require the State Office of Emergency Management (OEM) and county offices of emergency management to adopt or revise hazard mitigation plans to address the impact of climate change, identify the specific hazards and risks associated with climate change, and include strategies to prevent and mitigate the impacts of climate change on the natural hazards identified through the planning process.

- **UNAFFILIATED VOTERS: S-3758** (*Cryan D-20/Karabinchak D-18*) would allow unaffiliated voters to vote using a mail-in ballot in primary elections if the voter submits a political party affiliation declaration form to the municipal clerk or the county commissioner of registration, and has requested or requests a mail-in ballot from the county clerk by deadlines imposed under current law.
- **SHARED SERVICES: A-4183** (*Haider D-37/Singleton D-7*) would require that local governing bodies entering into shared service agreements under the “Uniform Shared Services and Consolidation Act,” file such agreements along with an estimate of the cost savings anticipated to be achieved by the local governing bodies with the Division of Local Government Services (DLGS) in the Department of Community Affairs (DCA).
- **LIABILITY COVERAGE: S-2841** (*Scutari D-22/Bramnick D-21/Carter D-22*) would in part, require owners or registered owners of commercial motor vehicles with a gross vehicle weight rating of 10,001 or more pounds, but less than 26,001 pounds, to maintain motor vehicle liability insurance coverage of at least \$500,000 to insure against loss resulting from liability imposed by law for bodily injury, death, and property damage.
- **REGIONAL REHABILITATION AND REENTRY CENTERS: A-5835** (*Greenwald D-6/Lampitt D-6/Beach D-6/Turner D-15*) would authorize one or more county governments to establish by resolution or ordinance, a regional rehabilitation and reentry center authority to develop and operate a regional rehabilitation and reentry center as an initiative led by Camden County.
- **REGIONAL MUNICIPAL COURTS: S-4040** (*Polistina R-2/Lagana D-38/Tully D-38/Guardian R-2*) would clarify the jurisdiction of a regional municipal court established pursuant to a 2021 pilot program, where Atlantic County, in cooperation with 5 or more municipalities and the Administrative Office of the Courts (AOC), established such a court operated by the County.
- **COUNTY HOSPITAL OPTION FEE: A-5748** (*Spearman D-5/Moen D-5/Cruz Perez D-5/Madden D-4*) would amend the definition of participation county under the “County Option Hospital Fee Program” to include Gloucester County along with Atlantic, Bergen, Burlington, Camden, Cumberland, Essex, Hudson, Mercer, Middlesex, Monmouth, Ocean, and Passaic counties. This Program was established in November of 2018 to support local hospitals in designated high-need areas to ensure continued access to critical healthcare services for vulnerable populations. To effectuate this goal, the program authorizes participating counties, and hospitals within those counties, to partner with the State through a provider assessment mechanism that enhances financial support through the Medicaid program.

3. Other Matters

PRIVATIZATION CONTRACTS: Although **A-5430** (*Reynolds-Jackson D-15/Wimberly D-35*) was scheduled for a vote on December 18th, the General Assembly did not consider the matter, which would have effectively prohibited the use of privatization agreements by counties, municipalities, school districts, authorities, and more. Thank you to NJAC board members and county administrators who contacted their legislative delegations in opposition to the bill of which NJAC, the New Jersey School Boards Association (NJSBA), the New Jersey State League of Municipalities (NJLM), the New Jersey Business and Industry Association (NJBIA), and the New Jersey Chamber of Commerce respectively oppose.

As previously reported, NJAC is primarily concerned with the fact that this legislation would effectively prohibit the use of privatization contracts by requiring county governments to pay new employees' wages and benefits at a rate not less than the wages and benefits paid to displaced employees. As noted below, counties enter into privatization contracts to recognize important cost savings in salary, wage, pension, and health benefit costs that comprise nearly 65% of overall operating budgets and as one of the only few available resources to manage the ever-increasing property tax burden. NJAC is also concerned that this legislation would create an overly burdensome and unnecessary level of bureaucracy by requiring the Office of the State Comptroller (OSC) to review and approve privatization contracts. Moreover, elected county officials and management should retain the autonomy to enter into privatization contracts that they believe are in the best interest of local residents. As a means to deliver often mandated services in a more cost effective and creative manner, and without impacting the level of service provided, counties throughout the State have carefully chosen to privatize various services and functions that may include dietary and laundry services at county jails and juvenile detention facilities; maintenance services at county administrative, judicial, and prosecutorial facilities; home health services; risk management services; and, much more. Importantly note that several counties have considered privatizing welfare services and transportation services for the aged and disabled, but ultimately decided against it after conducting comprehensive feasibility studies. NJAC expects the Legislature to revisit the measure again in 2024.

WORKERS COMPENSATION CLAIM INCREASES: Although the Legislature was set to vote on **A-5659** (*Verrelli D-14/Mukherji D-33* and **S-4059** (*Lagana D-38*) during voting sessions in late December, neither house considered the measure, which would increase attorney fees in workers' compensation cases from an amount not to exceed 20% of a judgement to an amount not to exceed 25%.

Since county governments across the State employ over 30,000 public sector employees and will endure double digit increases in their property and casualty insurance premiums in 2024, NJAC is concerned that this legislation would unnecessarily increase workers' compensation awards by at least 25%. Additionally, the measure would also nullify the steps county governments as employers have taken to effectively manage workers' compensation claims. Additionally, NJAC is concerned this legislation would effectively eliminate a judge's discretion

to carefully consider the reasonableness of both an attorney's rate of pay and the number of hours the attorney expended on a matter before making awards in workers' compensation cases. Instead, this legislation would appear to summarily grant enhanced judgements to prevailing parties without requiring a comprehensive analysis as required under current law. Moreover, the measure would not appear to serve as an incentive for attorneys to zealously represent injured workers and their families as its stated intent, since the bill would no longer hold lawyers accountable for carefully itemizing the reasonableness of their fees. NJAC expects the Legislature to introduce a variation of this bill in 2024.

ARPA DEADLINES: NJAC recently corresponded with the State's congressional delegation respectfully requesting support for an initiative led by senators Cornyn and Padilla to extend the funding obligation deadline of the State and Local Fiscal Recovery Fund (SLFRF) under the American Rescue Plan Act (ARPA) from December 31, 2024 to December 31, 2025.

Although our members have worked diligently to spend down SLFRF monies as required under the law and in accordance with U.S. Department of Treasury guidelines, county governments across the State are advocating for the extension, so they may more effectively invest crucial fund dollars in preparing for future public health emergencies, completing large scale infrastructure improvement projects, and complying with federal procurement rules and environmental regulations. Moreover, as a result of the COVID-19 pandemic, county governments are also struggling with unanticipated contractor delays, pervasive workforce and supply chain shortages, and substantial increases in the cost of goods and services. All of which have made it increasingly difficult to complete projects in a timely manner. As such, an extension to the SLFRF funding obligation deadline would afford county governments with the opportunity to utilize the resources and flexibility necessary to protect the public health, safety, and welfare of residents as contemplated by ARPA.

WORKING TEST PERIOD: The Civil Service Commission (CSC) recently approved an NJAC and Atlantic County request to establish a pilot program that would extend the Working Test Period (WTP) from 3 months to 4 months to provide the County with a greater opportunity to fully assess the potential of future employees. In general, the CSC defines WTP as the period of time following a regular appointment from a certified list or appointment to a non-competitive title.

The Commission considers the WTP as a continuation of the examination process and as an opportunity for local governments to properly evaluate employees. The current WTP for local governments is 3 months with no extensions unless the position is an entry level law enforcement or firefighter title. County officials have found that this relatively short time frame inhibits human resources personnel from properly evaluating employees and making accurate recommendations accordingly. NJAC is respectfully requesting additional guidance from the CSC, so Atlantic County may move forward with the pilot program and very much appreciates the County's support and leadership with this endeavor.

Separate, but related, NJAC is urging State leaders to establish a Civil Service Modernization Task Force (Task Force) to make recommendations that would streamline and modernize the State's civil service system. The Task Force may be enacted by legislation signed into law and shall be comprised of the following seven members: Two members shall be representatives from the New Jersey Association of Counties (NJAC) appointed by the Senate President based on recommendations made by NJAC, two members shall be representatives from the New Jersey State League of Municipalities (NJLM) appointed by the Speaker of the General Assembly based on recommendations made by NJLM, three members shall be from the public sector labor unions that represent State and local government employees in New Jersey with one appointed by the Governor, one appointed by the Senate President, and one appointed by the Speaker of the General Assembly.

The Chairperson of the Civil Service Commission shall assign Commission staff to assist the Task Force with making recommendations to streamline and modernize the State's civil service system in the following, but not limited to areas: conducting regional and localized testing; improving the open competitive and promotional process; extending appointments for temporary seasonal employees; expanding the working test period; modifying disciplinary review appeals and special reemployment lists; and, eliminating reconciliation plans and bumping rights. The Task Force shall also consider whether county and municipal governments should have the ability to opt-out of civil service and the provisions of Title 11A provided that the governing body in a county or municipality passes a resolution to opt-out accordingly and the decision is supported by the majority of the voters in the county or municipality as a binding referendum question at a General Election.

UPCOMING EVENTS: We hope to see you at the swearing-in of NJAC's 2024 board of directors, executive officers, and Hunterdon County Commissioner Shaun Van Doren as the Association's 83rd President. The reorganization meeting begins at 11:00 a.m. on January 26th in the Senate Chambers of the State House in Trenton with a terrific lunch at historic Masonic Temple to follow at Noon.

**THE TOP 5 MOST ACHIEVABLE NEW YEAR'S RESOLUTIONS THAT SHOULD LAST THE ENTIRE YEAR
AND EVEN PUT YOU IN A BETTER MOOD.**

5. Eat more pork roll, egg, and cheese sandwiches for breakfast.
4. Make more homemade pizzas on Friday nights.
3. Stop listening to radio talk show hosts on the morning drive to work.
2. Give your dog extra treats just because.
1. Learn new jokes that your uncle will love but can't tell in public.

"To succeed in life, succeed at being yourself." Napolean Hill