

NEW JERSEY ASSOCIATION OF COUNTIES

County Government with a Unified Voice!

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STATE HOUSE NEWS

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OPIOID SETTLEMENT MONIES * H.R.1 * COURT FACILITY EXPENSES

Thank you to Burlington County Administrator Eve Cullinan, Cumberland County Director of the Department of Social Services Cheryl Golden, Somerset County Administrator Colleen Mahr, and Warren County Administrator Alex Lazorisak for making the trip to Trenton on October 22nd to address court facility expenses, opioid settlement monies, and the impact of H.R.1.

- Colleen did a fantastic job testifying before the Assembly Oversight, Reform, and Federal Relations Committee on what Somerset County has accomplished with its opioid settlement monies. The Committee took testimony for nearly 4 hours to address recently released annual reports that detail how certain local governments have misused the funding intended to repair the damage caused by the opioid crisis. Stay tuned for additional guidance on how to spend this funding moving forward.
- Cheryl was outstanding as well testifying before the Senate Health, Human Services and Senior Citizens Committee concerning the implementation of H.R.1 and solutions for helping individuals access health care in the State. Cheryl is also a panelist at NJAC's Year End Summit on "H.R.1 and Countywide Solutions," so make sure to reserve your seat before they're all gone.
- Eve and Alex were terrific in our meeting with AOC Director Michael Blee to discuss the costs associated with the operation and maintenance of county court facilities. NJAC made several recommendations on how to mitigate these costs, and we had a very productive discussion on how to enhance communication and collaboration. Stay tuned for additional details here as well.

JUVENILE DETENTION FACILITIES

NJAC's Juvenile Detention Facility Working Group met on October 14th to report that unfortunately not much has changed since Judge Blee's decision in 2024, which held, in part, that the Youth Justice Commission (YJC) *"is solely responsible for the placement and assignment of detained juveniles within the State of New Jersey."* With only one-third of the State's twenty-one counties currently operating juvenile detention facilities, county officials across the State continue to struggle with securing and maintaining adequate housing and providing vital support services for juveniles taken into custody. County law enforcement officials, juvenile detention

officers, social service professionals, and management submit that the current system for housing juveniles in the State of New Jersey is not working for a number of alarming reasons that include:

- The housing of adults in juvenile detention facilities where facilities may house 22-year-old men with 15-year-old teenagers.
- Lengthy case processing times with several counties reporting lengths of stay from 638 to county reporting current lengths of stay for two individuals of 638 to 1,395 days and counting.
- The lack of appropriate bed space that forces county administrators in counties that don't operate juvenile detention facilities to locate and secure a facility willing to house a juvenile taken into custody.
- Inadequate staffing and training opportunities for counties that operate juvenile detention facilities, which create safety and operational concerns that force facilities to reach maximum capacity despite documented bed space.

To remedy these long-standing challenges, NJAC's Working Group recommended taking the following actions: 1) having the State Legislature establish a Task Force to review the current juvenile detention facility structure and make recommendations on whether the YJC or existing county facilities should be selected to house juvenile detainees in three to four regional locations; 2) prohibiting juvenile detention facilities from housing adults over the age of eighteen; 3) streamlining the intake, remand, and placement process as the average statewide length of stay for youth in a secure detention facility is nearly six months and well over one year in some cases as noted above; and 4) establishing additional resources and venues for the recruitment, retention, and training of juvenile detention officers to help address critical staffing needs.

With these recommendations in mind and pursuant to a public hearing of the Senate Law and Public Safety Committee on the matter conducted under the leadership of Senator Linda Greenstein, the Senate unanimously passed **S-1279** (*Greenstein D-14*) earlier this year. In summary, this legislation would establish a Youth Detention Task Force to assess the current condition of youth detention in the State of New Jersey and recommend a system that best serves this population. The measure would require the Task Force to recommend whether existing county youth detention facilities, facilities managed by the Youth Justice Commission, or an alternative system of detention would best serve the youth of this State. The bill would further permit the Task force to examine factors including, but not limited to, available resources, logistical considerations, safety protocols, staff training, rehabilitation opportunities, and security requirements. NJAC is urging the Assembly Public Safety and Preparedness Committee to consider **A-4680** (*Walker D-31*) at one of its upcoming meetings.

NJAC is also advocating for the Senate Budget and Appropriations Committee to consider **S-1280** (*Greenstein D-14*), which would make various revisions to the statutes governing juvenile justice and is grateful to Senator Greenstein for introducing the measure as one of the recommendations made by NJAC's Working Group. In summary, this legislation would require

the court to conduct an “In the Interest of Justice Hearing” to determine whether an individual over the age of 18 should continue to be detained in a county juvenile detention facility awaiting trial or transferred to an adult county jail or a secure facility operated by the Youth Justice Commission. This fair and reasonable change to the current process could serve to protect younger juveniles from being housed with adults who may have committed serious crimes as juveniles but remain in a juvenile detention facility pending trial. NJAC also supports the fact that this legislation would streamline the intake, remand and placement process for juveniles taken into custody as the average statewide length of stay is nearly 6 months and over 1-2 years in many cases. In fact, the new process under the bill would follow the adult Criminal Justice Reform timelines with final disposition or trial to take place within 2 years following the initial intake and screening of a juvenile taken into custody. **S-1280** is currently in the Senate Budget and Appropriations Committee awaiting consideration and NJAC is working to secure a sponsor for the companion version in the General Assembly.

CREMATION SERVICES

Last month, NJAC testified before the Assembly Regulated Professions Committee of its support for **A-3260**, which would permit the cremation of unclaimed bodies by counties under certain circumstances. NJAC supports this legislation as it would provide county governments with the authority to cremate the remains of unclaimed bodies in a dignified and respectful manner while saving valuable time, money, and resources. In 2023 alone, county governments spent approximately \$2.5 million on the burial of unclaimed bodies. Importantly, this legislation could reduce that number by approximately 75% as the cost of cremation is substantially less expensive. As the Committee is well aware, county governments are responsible for the burial of unclaimed bodies under current law.

According to the National Funeral Directors Association (NFDA), cremation is growing increasingly more popular than traditional burial services with nationwide cremation rates at an estimated 62%. Moreover, this legislation would allow New Jersey to join an estimated forty other states that authorize the use of cremation certificates for the remains of unclaimed bodies. Please also note that precedent for this legislative change already exists with respect to juveniles under N.J.A.C. 13:95-17.12, where regulations stipulate that the “Youth Justice Commission shall arrange for the burial or cremation of unclaimed bodies of juveniles,” and that “an unclaimed body shall be cremated where it is reasonably believed that it would not violate the religious tenets of the deceased juvenile.” The Committee favorably reported and second referenced an amended version of the measure to the Assembly State and Local Government Committee, and the companion version **S-2155** (*Moriarty D-4*) is in the Senate Commerce Committee awaiting consideration.

In light of the of the fact that the hospitals and State medical examiner’s office are not on the same page with respect to the storage of unclaimed bodies under certain circumstances, NJAC is recommending the following changes to limit the scope of the measure to simply authorize the cremation of unclaimed bodies along with providing important religious protections against

cremation. In general, NJAC submits that the legislation should state: *“if a body remains unclaimed after 30 days, the body may be buried by the morgue keeper at the expense of the county, or cremated at the expense of the county. Cremains shall be retained by a medical examiner’s office for at least one year from the date of the cremation. After one year, the cremains may be interred. If an individual makes a valid claim to a body or cremains already buried, the individual shall incur the cost of disinterment. If the medical examiner is to conduct an investigation on a body, any disinterment shall be paid for by the medical examiner. Notwithstanding any provision of this section to the contrary, an unclaimed dead body shall not be cremated if a member of the decedent’s immediate family or, in the absence thereof, a friend of the decedent objects to the cremation on the grounds that cremation is contrary to the religious beliefs of the decedent, or if there is an obvious reason to believe that cremation is contrary to the decedent’s religious beliefs. Nothing in this subsection shall require a county or intercounty medical examiner to conduct an independent investigation into the religious beliefs of an unclaimed decedent in the absence of information or circumstances reasonably indicating that cremation would be contrary to the decedent’s religious beliefs. If cremation is prohibited pursuant to this subsection and the body remains unclaimed, the body shall be buried at the expense of the county in accordance with this section.*

LAW ENFORCEMENT RETIREMENT ALLOWANCE ENHANCEMENTS

On October 16th, NJAC testified in opposition to **A-5296** (*Angelozzi D-8*), which would provide for enhanced law enforcement officer benefits for certain public employees enrolled in the Public Employees’ Retirement System (PERS) and would prohibit the State or local governments from hiring individuals after the age of 35 in positions eligible for enrollment in the Police and Firemen’s Retirement System (PFRS).

Under current law, certain individuals holding specified titles are eligible to receive enhanced benefits through the law enforcement officer category of PERS, known as PERS-LEO (county prosecutor detectives and investigators, sheriff officers and investigators, and certain police officers. This bill would amend the definition of “law enforcement officer” to include additional titles, which have not been identified but would include county correctional police officers and other Class Two Special Law Enforcement Officers. Under the bill, any person employed on the bill’s effective date by the State, a county, fire district, school district, or a municipality, who holds a position as a “law enforcement officer” and who was enrolled in PERS prior to the bill’s effective date would be enrolled as a participant in the law enforcement officer category of PERS within 90 days of that effective date, unless the member signs a waiver of participation.

Under the bill, any member who is enrolled as a participant of the law enforcement officer category of the system would be eligible for all the benefits and subject to all the requirements for members of that category from the date the member is made a participant. All service credit earned by the member in a position eligible for participation in the law enforcement category would be considered service credit as a law enforcement

officer in that category when the member is enrolled as a participant of the law enforcement officer category. The bill would further provide that, in the event that the PERS actuary determines that a liability has been incurred by the provisions of this bill, the employee will be responsible for the amount equal to the difference between the value of their prior service and their transfer to the law enforcement section of the system. The payment may be made in a lump sum or in regular monthly installments equal to at least fifty percent of the employee's normal contribution to the retirement system over a period not to exceed 10 years, as the employee may elect, pursuant to rules and regulations as may be promulgated by the board of trustees. The bill would also prohibit the State or counties from appointing any individual over the age of 35 to a position that is eligible for enrollment in Police and Firemen's Retirement System (PFRS). However, where civil service laws apply, any person who meets the age requirements at the announced closing date of a civil service examination will be considered within the age requirement while the civil service list promulgated as a result of that examination is in effect.

NJAC appreciates the fact that the bill's sponsor Assemblyman Angelozzi took the time to meet with us before the hearing to discuss the Association's concerns and that the Office of Legislative Services (OLS) will conduct a fiscal estimate on the measure to determine its overall impact on PERS. NJAC has long been an advocate for maintaining the long-term health and viability of the pension system and is concerned that although **A-5296** would require an employee to pay the actuarially determined additional liability, this amount would not offset the total cost to the pension system as the retirement benefit for a PERS LEO retiree is greater than the retirement benefit for a regular PERS retiree. Moreover, the Local Portion of PERS is currently funded at an estimated 71.3% with the Unfunded Actuarial Accrued Liability (UAAL) projected at \$12.0 billion, which constitutes approximately 80% of an employer's annual PERS contribution. With these staggering numbers in mind, along with unsustainable increases in health benefits and the cost of goods and services, NJAC contends that State leaders should instead focus on paying down the PERS' massive unfunded liability. NJAC shared the following footnotes with both the sponsors and Committee.

1. *PERS Formula Generally:* $N/55 * \text{Final Average Salary}$ [$20/55 * \$100,000 = \underline{\$36,363 \text{ Annual Benefit}}$]. Please note that this example is used for illustrative purposes only as the PERS formula varies depending on the Tier. For example, and for the purposes of this legislation, a 35-year-old hired as a county correctional police officer in 2026 would be enrolled in Tier 5 under PERS and wouldn't be eligible for retirement until the age of 65.
2. *PERS LEO Generally:* Service Retirement is permitted at age 55 after 20 years of PERS LEO service. The annual retirement allowance is equal to 2% of the Final Average Salary * the number of years of LEO service for which contributions were made, up to 25 years, plus 1% for each year of LEO service over 25 years. [$2\% * \$100,000 * 20 = \underline{\$40,000 \text{ Annual Benefit}}$]. Under this bill, that same officer used in footnote 1, would be enrolled in PERS LEO and eligible for retirement at the age of 55.

3. PERS LEO employer contributions are calculated with PERS regular employee contributions, which will decrease in 2027 from 16.36% to 15.88%. Unfortunately, PERS employer contributions will increase from 36.25% to 40.82% in 2027. A separate but certainly related problem.

The Committee favorably reported the measure to the Assembly Appropriations Committee for consideration, and a companion version does not exist in the Senate at this time.

HEALTH BENEFITS

NJAC is grateful for the opportunity to have been selected to participate in the Governor's State Health Benefit's Plan (SHBP) Working Group, which is in the process of undertaking a sustained review of the structural challenges facing the SHBP and develop concrete, evidence-backed recommendations for making high-quality health benefits more affordable and sustainable. The Working Group met for the first time on Friday 10/16 and NJAC has been assigned to serve on three subcommittees with subcommittee meetings set to begin during the first week in November. The full Working Group will meet again in January to consider the recommendations of the subcommittees with the goal of implementing the recommended changes for 2028.

- *SHBP Local Government Subgroup* will examine the challenges facing the local government program and assess how potential reforms could support its affordability and long-term sustainability.
- *Benefit Design, Pricing, and Member Incentives Subcommittee* will examine the benefits and plan options offered, how they are priced, and how contributions and incentives affect affordability and members' choices. We'll also bring in subject matter experts to share insights and help inform the Subcommittee's discussions and recommendations.
- *Group Participation Subcommittee* will examine how employer participation rules and premium-setting approaches affect the stability of the local government and education programs, and evaluate options for a sustainable path forward for each. We'll also bring in subject matter experts to share insights and help inform the Subcommittee's discussions and recommendations.

Despite innovative cost containment measures taken by county and municipal officials to make available affordable and quality healthcare for valued employees and their families, public sector health benefit plans are far too costly and time is of the essence to enact long-term structural reforms that should include eliminating costly plan designs; modifying co-pays for specialists and urgent care, restricting the use of out-of-network healthcare coverage and GLP-1 drugs; implementing a Reference Based Pricing system; streamlining the use of Health Savings Accounts and Flexible Spending Accounts; and, enhancing medical transparency and the collection of data. Failure to make these long-term structural reforms will leave local officials with no choice but to impose hiring freezes, eliminate budgeted vacancies, and increase taxes.

FIRE ACADEMY TRUST FUNDS

On October 22nd, the Senate unanimously passed **S-3526** (*Beach D-6/Bucco R-25*), which would authorize any county to establish a “Fire Academy Trust Fund” into which it would deposit all fees paid by individuals registering for courses at the county fire academy and from which expenditures would be disbursed exclusively for the procurement of equipment, ongoing maintenance and supplies, and associated services necessary to operate and maintain the county fire academy. Based on the feedback from our county finance officers, NJAC supports the measure as it would allow counties to establish a trust fund for revenue generated from individuals paying a course registration fee at county fire academies, this bill permits these revenues to be dedicated to covering the costs of the fire academies beyond the one-year budget cycle otherwise provided for in the “Local Budget Law.” A companion version of the bill does not exist in the General Assembly as this time.

UPCOMING NJAC EVENTS: Make sure to join us on December 18th at the historic Trenton Country Club for NJAC’s Year-End Summit on H.R.1 and Countywide Regional Services an all-star line-up. This event is free for public officials, but you must register at www.njac.org to reserve your seat as space is limited.

The top 7 greatest Halloween action figures of all-time, which don’t get enough credit for solving so many mysteries and saving countless lives from zombies, vampires, aliens, demons, and other supernatural creatures that will haunt your neighborhood all weekend long.

7. Ash Williams, *The Evil Dead*
6. Abott & Costello, *Abott & Costello meet Frankenstein*
5. Buffy the Vampire Slayer, *Buffy the Vampire Slayer*
4. Abraham Van Helsing, *Dracula*
3. Scully & Mulder, *The X-Files*
2. Sam & Dean Winchester, *Supernatural*
1. Scooby-Doo & Shaggy, *Scooby-Doo, Where Are You!*

“Some people are born for Halloween, and some are just counting the days until Christmas,”
Stephen Graham Jones