

Discussion Points

1a. The Governor's budget incorporates an estimated \$5.183 billion over two fiscal years in federal stimulus funding provided by the American Recovery and Reinvestment Act (ARRA) of 2009. According to a table on page 42 of the Governor's abbreviated budget, the State will use \$3.074 billion (\$854 million in FY 2009 and \$2.220 billion in FY10) from ARRA for budget relief. In addition to these funds which will offset revenue shortfalls, \$2.109 billion will be used for new or expanded programs or initiatives. The ARRA allocates funds to states both by formula and by competitive awards. Most Executive departments anticipate stimulus funding in either FY 2009, FY 2010 or both.

- *Question:* Please itemize the federal stimulus funding, other than portions of the \$3.074 billion allocated for budget relief, included in the department's budget, by fiscal year and federal program, setting forth program goals and eligible uses together with the amount for state administrative expenses and the amount for allocation to local public and private recipients, respectively. Please identify intended and actual recipients and the process by which the department determines recipients and funding awards. Are there ARRA funds that flow through your department for which the State has no discretion? Please also set forth the timetable for obtaining federal approval of funding, obligation and allocation of funding to recipients, and use by recipients. Could any of this funding be used to offset other State appropriations, and if so, what programs and in what amount? What additional positions, if any, have been created and will be filled with these funds? If this money is being used for new or expanded activities, will the new or expanded activities be continued in FY 2011? If so, how will they be funded? N/A
- *Question:* In addition to funding incorporated in the FY 2010 budget, what specific competitive grant opportunities has the department identified that it is eligible to pursue, has applied for, and has been awarded, respectively? N/A

1b. Federal enactments and budget proposals often significantly impact State programs and fiscal resources. The Department of Law and Public Safety anticipates receiving \$239.3 million in federal funds in FY 2010, which is an increase of \$34.3 million or 16.7 percent from the previous fiscal year.

- *Question:* What specific increases or decreases in federal funding, outside of ARRA funding, are anticipated in FY 2010? What specific new or revised federal mandates or matching requirements are expected? What impact would these changes have on the department's resources and activities in FY 2010? Please provide details regarding any local impact from these changes.
N/A

2. Over the past several years, the overall staffing level in the Executive branch has been reduced through restrictions on hiring and an early retirement program. The FY 2010 budget proposal envisions continuation of the hiring restrictions coupled with possible furloughs or further reductions in positions.

- *Question:* How has the reduction in staffing affected your department? What strategies has the department employed to deal with staff reductions? What projects, work products or functions has the department discontinued or deferred because of staffing levels? Will the department be able to accommodate furloughs in FY 2010 without increasing spending for overtime? If not, how does the department plan to

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respond to the Governor's furlough directive, particularly within the Division of State Police.

As a result of the restrictions on hiring, as well as the ERI, the Election Law Enforcement Commission has been unable to fill several critical positions. These key positions include the Deputy Legal Counsel, an Assistant Legal Counsel, and an Information Technology Specialist. As a result, the Commission has had to reprioritize continually functions, the effect of which has been to impact adversely compliance (including treasurer and lobbying training programs), enforcement, and special programs, i.e. pay-to-play. Moreover, because of hiring and restrictions on spending, information and technology initiatives, including those involving electronic filing, have either been delayed or put on hold indefinitely. Additionally, existing staff has taken on more responsibility to make up for the vacancies that exist, placing additional stress on an already strained staff.

Accommodating furloughs in FY 2010 will be extremely difficult for the Commission to undertake. Staff members are already spread thin across all areas. As many of the Commission's functions are time sensitive in nature, a certain amount of overtime will likely be necessary again during FY 2010. However, because of projected reductions in FY 2010, even overtime expenditures may have to be curtailed, making it even more difficult for the Commission to fulfill its core mission of disclosure.

3. The FY 2009 appropriations act anticipated that \$25 million in procurement savings would be achieved by Executive departments. A chart on page 75 of the Budget in Brief categorizes those savings and indicates they will continue into FY 2010. The FY 2010 budget includes another \$25 million from procurement savings (Budget in Brief, Appendix I, page 8).

- **Question:** Please indicate the FY 2009 amount of procurement savings achieved by your department, by the categories set forth in the referenced table, and the sources of those savings by department program? What is the annual amount of these savings continued into FY 2010? How have these reductions affected the department? What projects, work products or functions has the department discontinued or deferred in order to achieve these savings?

For FY 2009, the Election Law Enforcement Commission achieved procurement savings of \$21,000 as a general reduction to the Services Other Than Personal Account. This \$21,000 reduction continues into FY 2010. Since this account funds many business necessities such as: the telephone system, postage, data processing, professional services, and OIT expenses; the Commission will have to cover any shortfall in necessary funding in that account by transferring in balances from other accounts. With the operations budget being trimmed significantly, this reduction again amounts to a significant burden.

4. According to testimony by Department of the Treasury officials at an October 20, 2008 Senate State Government Committee's oversight hearing on the State's Motor Pool, the State possesses 10,000 vehicles at an operational cost in excess of \$20 million. Of this amount, the Department of Law and Public Safety was reported to possess 3,000 vehicles, of which 2,100 are assigned to the Division of State Police. Central Motor Pool staff further stated that the

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Department of Law and Public Safety has jurisdiction over which personnel receive cars and which personnel do not. In FY 2009, \$7.274 million was set-aside by the Department of Law and Public Safety for the replacement and purchase of State Police vehicles through a line of credit.

The FY 2010 Governor's Budget Recommendation indicates that there are 15,446 vehicles in the Bureau of Transportation Services (State Central Motor Pool) within the Department of Treasury (page G-5).

- **Question:** For the estimated 900 Department of Law and Public Safety vehicles that are *not* used by the Division of State Police, please provide an accounting by division of the purposes for which these vehicles are used. Please indicate whether or not the department can eliminate any of these vehicles from the fleet and justify your response. Is the department complying with State regulations by providing mileage details on a monthly basis? How is the department tracking and administering EZ Pass for all of its cars, including those utilized by the Division of State Police? N/A
- **Question:** What is the department's FY 2010 spending plan for State Police vehicles? Please provide a time-table and line of credit payment schedule for acquisition of new vehicles, assuming the budget is enacted as recommended. After this proposed acquisition, what would be the size of the State Police patrol fleet? What proportion of the new vehicles acquired in FY 2009 is to replace vehicles retired from the fleet, and what proportion is to expand the fleet? What percentage of the fleet would have been considered consent versus non-consent decree vehicles? How many of these cars would be considered fuel efficient, including hybrid or alternative fuel? If any, what is the criteria used for determining "fuel efficiency?" What level of funding would be needed in FY 2011 for all line of credit payments on vehicles acquired prior to FY 2010? N/A

5. P.L. 2005, c. 311, approved in January 2006, increased motor vehicle registration surcharges by \$3.00, from \$1.00 to \$4.00. Under this enactment, surcharge revenue dedicated to the New Jersey Emergency Medical Service Helicopter Response Program Fund increased from \$1.00 to \$3.00, and the additional \$1.00 surcharge was dedicated to funding new State Police trooper classes. At the time of enactment, the revenue from each \$1.00 surcharge was estimated to generate approximately \$7 million annually.

According to the Governor's FY 2010 budget, total surcharge revenues for the purchase and maintenance of law enforcement and Medevac helicopters are projected to total \$26.867 million in FY 2009 and \$28.382 million in FY 2010 (pages C-14, C-15 and C-16). The Governor's recommended 2010 budget does not appear to provide for an additional State Police recruit class.

As of March 2008, the Department of Law and Public Safety had advertised a Request for Proposal (RFP) to purchase three to five new helicopters to replace an aging air ambulance and law enforcement fleet. In 2007, the fleet of nine helicopters was grounded on average 126 days per craft.

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- **Question:** What is the department's spending plan for the New Jersey Emergency Medical Service Helicopter Response Program Fund in both FY 2009 and FY 2010? Please provide an update of the State's helicopter fleet purchases. Please include the number of days in FY 2008, and thus far in FY 2009, each aircraft in the fleet was grounded for maintenance and repair. What is the estimated annual cost of fleet maintenance for FY 2008 and FY 2009? Please provide the average cost per flight. N/A
- **Question:** What is the department's FY 2010 spending plan for new State Police recruit classes? Please provide an assessment of the State Police total force strength if no new recruit classes are conducted in FY 2010. Will the Division of State Police be able to meet its force strength goals? Please provide a statistical breakdown by gender and ethnicity of the FY 2008 and FY 2009 trooper recruit classes. N/A

6a. According to the Administrative Office of the Courts, in 2007 there were 24,911 drunk driving convictions in this State, including first, second, and third time offenses, down from 25,296 in 2006. Hoping to further curtail drunk driving, the New Jersey Division of Alcoholic Beverage Control (ABC) established a Statewide database in 2007 containing information on where drunk drivers consumed their last drink. The purpose of the database is to identify licensed liquor establishments that have been repeatedly named so that investigators can determine whether violations are taking place in those establishments.

- **Question:** Please provide information on this database, including the start-up and ongoing maintenance expenditures. Please describe how ABC is using the information gathered in the database to track offending licensed liquor establishments. How many businesses were fined as the result of the information gathered? N/A

6b. P.L.2007, c.351 (C.33:1-24.1) provided for the creation of special licenses to serve alcoholic beverages in certain "smart growth" communities.

- **Question:** How many, if any, applications been submitted to the division for the special licenses? How many, if any, special licenses have been issued under this statute? What has been the fiscal impact to the ABC division? N/A

7. New Jersey enacted P.L.2003, c.183, to expand the crimes for which DNA is collected under the DNA Database and Databank Act of 1994.

- **Question:** Has the backlog of unanalyzed cases stabilized as a result of P.L.2003, c.183? What steps, such as contracting out cases, have been taken to eliminate the backlog? What legal ramifications, if any, are caused by this backlog? What staffing changes need to be made, if any, to keep up with DNA processing? For each year since enactment, please indicate the average number of days required to process a DNA sample. Are there any specific areas, such as juvenile crime, that require a more expedited DNA process? N/A

8. In FY 2007, the Department of Corrections received \$8 million to replace the high temperature hot water underground distribution system at South Woods State Prison which was installed ten years ago. The Department of Corrections received another \$6 million in FY 2008

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to continue repairs. As of May 2008, the Office of the Attorney General, in conjunction with the Treasury, was pursuing litigation to recover damages as a result of this system failure.

- **Question:** Please provide an update on this litigation. N/A

9. The New Jersey Division of Consumer Affairs' mission is to protect New Jersey citizens from consumer fraud and ensure consumers are educated about their rights. The division supervises the activities of 43 boards and committees, regulating more than 80 professions and occupations. Approximately 600,000 New Jerseyans are licensed by these boards or committees.

Currently, legislation is pending which would require the Division of Consumer Affairs to: license fitness professionals (A3356/S2164), genetic counselors (A269)/ S1226), barbering (A3181/S1240), dietitians and nutritionists (A2933/S1941); register chimney sweeps (S352) and jewelers (A3337); establish a three-year Nurse Educator Pilot Program (A207); develop an informational brochure regarding dental amalgam (A2925); provide photographic identification cards issued for certain health care professionals (A321); establish a New Jersey Athlete Agent Regulatory Board (A1624); and create a directory of telemarketers (A1812) just to cite a few potential new duties. According to the evaluation data included in the Governor's FY 2010 Budget (page D-278), the number of Consumer Affairs positions has gone from 445 (actual) to 366. Similarly, staff supporting Operation of State Professional Boards for FY 2007 was 245 positions (actual) whereas in FY 2010 the number of positions budgeted for this purpose is 210.

- **Question:** How is staffing allocated among boards within the division? How has the reduction in staffing affected the boards and other division responsibilities? What strategies has this division employed to cope with staff reductions? What projects, work products or functions has the division discontinued or deferred because of decreased staffing levels? How does the division plan to manage its responsibilities given that regulated professions are constantly changing and evolving? Is there a minimum cost to the division to newly license and regulate a profession, regardless of the number of licensees? Please elaborate on cost components. Does the division foresee that any currently licensed profession will require less oversight than was necessary in previous years? Are the fees collected by each board sufficient to cover the cost for each respective license area? If not, please explain. N/A

10. The FY 2010 budget appropriates \$1.9 million for the Juvenile Detention Alternative Initiative (JDAI) in the Juvenile Justice Commission, a reduction of \$2.1 million over the actual FY 2008 and adjusted FY 2009 appropriation levels. According to the *FY 2008 Budget in Brief*, the goals of the initiative were to continue to reduce the number of youth held in secure detention without diminishing public safety; and to improve conditions in secure detention for those youth requiring that level of supervision. Strategies to be employed to accomplish these goals included: effective admission policies; enhancement of alternatives to secure detention; reduction of racial disparities in secure detention; and reduction in case processing delays.

As of 2008, the JDAI programs were in place in 10 counties (Atlantic, Camden, Essex, Hudson, Monmouth, Bergen, Burlington, Mercer, Ocean, and Union).

- **Question:** With a recommended FY 2010 decrease of \$2.1 million in State funding for JDAI, to which additional counties, if any, will JDAI be extended in FY

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2010, and on what basis were these counties chosen? Are any additional county-source funds required as a condition of State JDAI funding, and if so, what is the match ratio? If expansion of JDAI occurs as planned, what State funding would be required in FY 2011 to sustain the initiative in all participating counties? How much State funding would be necessary to extend the program to every county in New Jersey on an annual basis? What is the average daily and annual population in each JDAI site? What is the current daily and annual cost per child in each facility compared to a child in a secure site? N/A

11a. In October 2007, Governor Corzine released a three part public safety strategy which addressed “. . . enforcement, prevention and re-entry with an emphasis on a reduction of gang violence, violent crime and recidivism.”

According to the Executive's press release the strategy included the following principles:

[F]irst, every component will use data and analysis to both identify problems and eliminate them. Second, the state will serve in a support role to help identify problems and assist communities in applying appropriate solutions. Third, involved parties must communicate fully with one another in the development, delivery and assessment of strategies and programs. Finally, all programs will be critically evaluated through data driven analysis and adjusted appropriately to ensure maximum effectiveness. The enforcement aspect of the plan . . . will target and prosecute those who engage in gang violence and carry illegal weapons.

Specifically, the State planned to assist law enforcement agencies in implementing intelligence-led policing prevention initiatives and to require locals to submit crime data to the State in hopes to monitor overall crime trends and offenders.

- **Question:** Please provide a program update of the Governor's public safety initiative. Please provide the spending plan for this public safety initiative. Please identify all funding to date directed toward accomplishing this initiative. What new capital funding in FY 2009, if any, was allocated to support this initiative, such as video technology? What training, if any, was provided to locals to assist in this initiative? N/A

11b. Gun reduction strategies are part of the Governor's public safety initiative. To achieve this goal, response teams were established to investigate shootings quickly and strategies were devised to increase coordination with the Bureau of Alcohol Tobacco and Firearms national eTrace database to more effectively trace the sources of illegal firearms.

- **Question:** How many guns have been tested and entered into the eTrace database? How many of the tested guns have resulted in a criminal arrest? Which communities, if any, are not participating in this program to date? If there are communities that are not participating in the program, please explain why you think these communities are choosing not to participate. N/A

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11c. Community participation is also a part of the Governor's public safety initiatives. The October press release noted that ". . . the Attorney General will ask law enforcement professionals to assess current protection programs and develop a new model protection program. Furthermore, the Department of Community Affairs (DCA) . . . agreed to provide housing vouchers, redeemable around the country, for witnesses and victims of violent crime."

In FY 2009, the department responded that this component was still in the planning stages due to a shortage of funding.

- **Question:** Please provide an update on this protection program. Please provide an updated spending plan for the program. What effect, if any, will the increase in federal assistance programs have on the victim witness assistance program? N/A

12. The New Jersey Division of Consumer Affairs' Bureau of Securities, within the Department of Law and Public Safety, is the State's securities regulatory agency, registering and regulating firms and persons selling securities in the State. The bureau regulates brokerage firms, stockbrokers, investment advisers and their representatives, agents of securities issuers, securities registrations and exemptions, mutual funds and unit investment advisers. All penalties and fines from State securities enforcement action are placed into the Securities Enforcement Fund.

- **Question:** Please provide the number of licenses that were issued by the bureau, by type, in FY 2007 and FY 2008? How many cases annually does the bureau investigate? How many of those cases result in conviction? What role, if any, does the bureau have in protecting New Jersey investors from fraudulent schemes such as Bernard Madoff's hedge fund, Ascot Partners? N/A

13. In 1997, the New Jersey Tidal Telemetry System was designed and installed by the United States Geological Survey (USGS) in cooperation with the New Jersey Department of Transportation (NJDOT). Since then, this system supplies the State with real-time tide level and meteorological data for the most flood-prone areas. The system is used as an electronic notification system by emergency management coordinators to monitor flooding throughout the State and to forecast flooding in coastal areas.

The operation of this Tidal Telemetry System is partially funded by the federal government (USGS); however, the remaining costs of the operation (\$250,000) is required to be paid by the State. Originally, the New Jersey Department of Transportation partnered with USGS to provide the State's share, however due to the State's fiscal constraints, the DOT was unable to continue that funding. In FY 2008, the New Jersey Office of Homeland Security and Preparedness provided one-time temporary funding.

The Tidal Telemetry System appears to be a critical resource to emergency management coordinators in New Jersey, however it does not appear that funding will be continued through the Office of Homeland Security and Preparedness.

- **Question:** Does the department plan to provide the match to fund the Tidal Telemetry System? If so, how does the Department of Law and Public Safety envision establishing a permanent source of funding for this system? N/A

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14. The State operates the Northern and Southern Regional State Medical Examiner labs 24 hours a day, 365 days a year. The Medicolegal Death Investigations Section specifically conducts investigations in the counties of Essex, Hudson, Passaic, Somerset, Cumberland and Cape May.

At one point, the department was researching the possibility of building a Central New Jersey State Medical Examiner Lab to meet the additional needs of the State as well as possibly encouraging the consolidation of existing county medical facilities.

- **Question:** What is the status of planning to build a Central New Jersey facility to consolidate other county medical labs? N/A

15. The Office of Homeland Security and Preparedness (OHSP) is a cabinet level agency tasked with administering, coordinating, leading, and supervising New Jersey's counter-terrorism and preparedness efforts.

In FY 2010, the OHSP is recommended to receive total State funding of \$6.2 million which is a decrease of \$7.3 million from the \$13.5 million FY 2009 appropriation. The reductions are reflected in cuts to the Domestic Security Task Force (\$600,000), Direct State Services (\$2.4 million) and State Aid for Capital for Homeland Security and Critical Infrastructure (\$4.25 million).

- **Question:** Please provide an overview of how these recommended State budget cuts will affect the overall OHSP budget and mission? How will federal funds, including the American Recovery and Reinvestment Act funding, provide temporary assistance to the State? Please provide an update on the accomplishments of the OSHP. N/A

- **Question:** For the FY 2009 State Aid amount, please list the projects, recipients, and amounts allocated from all appropriations to date. Please provide the spending plan for the allocation of uncommitted appropriations and FY 2010 funding, respectively. What percentage of funds expended or committed to date was directed to local governments, and what percentage to State critical infrastructure projects? Has the Office of Homeland Security and Preparedness developed a multi-year funding plan and project priority list that supports the FY 2010 budget recommendation, and will this guide the use of these funds and serve as a basis for future budget recommendations? If so, please provide a copy or summary of that document. N/A