

54:32C-3

LEGISLATIVE HISTORY CHECKLIST

NJSA: 54:32C-3, 54:32C-3.1; 26:2B-32 to 26:2B-35

(Alcohol Education
Rehabilitation and
Enforcement Fund --
establish)

LAWS OF: 1983

CHAPTER: 531

Bill No: A3468

Sponsor(s): Kavanaugh and others

Date Introduced: April 25, 1983

Committee: Assembly: -----

Senate: Revenue, Finance and Appropriations

Amended during passage: Yes
Amendments during passage denoted by asterisks. Substituted for S3432 (not attached since identical to A3468)

Date of Passage: Assembly: June 27, 1983

Senate: December 15, 1983

Date of Approval: January 17, 1984

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly No

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: No

Hearings: No

See newspaper clipping files in New Jersey Reference section under "New Jersey-Drunken driving-1983 and 1984" and "NJ-Liquor laws-1983".

(Over)

Clipping Attached:

"Assembly panel OK's \$8 Million Booze Tax Boost." Trenton
Times, March 15, 1983.

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 3468

STATE OF NEW JERSEY

INTRODUCED APRIL 25, 1983

By Assemblymen KAVANAUGH, HERMAN and VAN WAGNER

AN ACT providing for the establishment of the Alcohol Education, Rehabilitation and Enforcement Fund, amending and supplementing P. L. 1980, c. 62.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 3 of P. L. 1980, c. 62 (C. 54:32C-3) is amended to read
2 as follows:

3 3. There is imposed a tax of **[6.5%]** *7.3%* upon the receipts from
4 every sale of alcoholic beverages, except draught beer sold by the
5 barrel, by any wholesaler to any retail licensee.

1 2. (New section) The State Treasurer shall annually allocate
2 moneys received under section 3 of P. L. 1980, c. 62 (C. 54:32C-3)
3 in the following manner:

4 a. ***[88%]*** **89.25%** of all moneys shall be deposited in the
4A General Fund.

5 b. ***[12%]*** **10.75%** of all moneys shall be deposited in a
6 special account to be known as the Alcohol Education, Rehabilita-
7 tion and Enforcement Fund established pursuant to section 3 of
7A this act.

8 c. Of the moneys deposited in the first year into the fund, the
9 following dedication shall be made:

10 (1) \$2,000,000.00 for the establishment of Intoxicated Driver
11 Resource Centers, as provided in subsection (f) of R. S. 39:4-50.

12 (2) \$20,000.00 for the establishment of a pilot project of portable
13 roadside breath analyzers as provided in P. L., c. . . . (C.
14) (now pending before the Legislature as Assembly Bill
15 No. 3467 of 1983).

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendments adopted December 12, 1983.

**—Senate amendment adopted December 15, 1983.

16 (3) The moneys remaining in the fund in the first year shall be
17 dedicated as follows:

18 70% for rehabilitation;

19 20% for enforcement; and

20 10% for education.

21 d. The moneys collected in each subsequent year shall be annually
22 dedicated as follows:

23 75% to rehabilitation;

24 15% to enforcement; and

25 10% to education.

1 3. (New section) An Alcohol Education, Rehabilitation and En-
2 forcement Fund is established as a nonlapsing, revolving fund in a
3 separate account in the Department of Health. An advisory com-
4 mission having as its members the Commissioner of Health, the
5 Commissioner of Education, the Chancellor of Higher Education*,
6 *the Attorney General, or their designees,** and a representative
7 of the counties designated by the ***[Attorney General]*** **Gov-*
8 *ernor**, shall be established for the purpose of issuing an annual
9 report to the ***[Attorney General]*** **Governor and the Legislature**
10 to evaluate the expenditures which are made from the fund. The
11 fund shall be credited with ***[12%]*** **10.75%** of the tax revenues
12 collected pursuant to section 3 of P. L. 1980, c. 62 (C. 54:32C-3).
13-14 Interest received on moneys in the fund shall be credited to the
15 fund. Pursuant to the formula set forth in section 5 of this act,
16 moneys **appropriated pursuant to law** shall only be distributed
17 to the counties by the Department of Health, ***[upon the Attorney**
18 **General's approval,]*** without the assessment of administrative
19 costs, to develop and implement a comprehensive plan for the
20 treatment of intoxicated persons and alcoholics and for the expendi-
21 tures established in section 2 of this act.

1 4. (New section) a. Within 180 days of the enactment of this act,
2 the governing body of each county, in conjunction with the county
3 agency, or individual, designated by the county with the responsi-
4 bility for planning services and programs for the care or rehabilita-
5 tion of intoxicated persons and alcoholics, shall submit to the
6 Director of the Division of Alcoholism a comprehensive plan for the
7 provision of community services to meet the needs of intoxicated
8 persons and alcoholics.

9 b. The comprehensive plan shall address the needs of urban
10 areas with a population of 100,000 or over and shall demonstrate
11 linkage with existing resources which serve alcoholics and their
12 families. Special attention in the plan shall be given to alcoholism
13 and youth; drinking drivers; women and alcoholism; alcoholism on

14 the job; alcoholism and crime; public information; and educational
 15 programs as defined in subsection c. of this section. Each county
 16 shall identify, within its comprehensive plan, the Intoxicated Driver
 17 Resource Center which shall service its population, as is required
 18 under subsection (f) of R. S. 39:4-50. The plan may involve the
 19 provision of programs and services by the county, by an agreement
 20 with a State agency, by private organizations, including volunteer
 21 groups, or by some specified combination of the above.

21A ***If the State in any year fails to deposit a minimum of 10.75%*
 21B *of the receipts derived from the tax under section 3 of P. L. 1980,*
 21C *c. 62 (C. 54:32C-3), a county may reduce or eliminate, or both, the*
 21D *operation of existing programs currently being funded from the*
 21E *proceeds deposited in the Alcohol Education, Rehabilitation and*
 21F *Enforcement fund.***

22 c. Programs established with the funding for education as pro-
 23 vided in section 2 of this act shall include all courses in the public
 24 schools required pursuant to N. J. S. 18A:35-4, programs for
 25 students included in the comprehensive plan for each county, and
 26 in-service training programs for teachers and administrative
 27 support staff including nurses, guidance counselors, child study
 28 team members, and librarians. All **moneys dedicated in section 2*
 28A *of this act for education shall be allocated through the designated*
 28B *county alcoholism agency and all** programs shall be consistent
 29 with the comprehensive county plan submitted to the Director of
 30 the Division of Alcoholism pursuant to this section. Moneys
 31 dedicated to education from the fund shall be first allocated in an
 32 amount not to exceed 20% of the annual education allotment for the
 33 in-service training programs, which shall be conducted in each
 34 county through the office of the county **[superintendent of*
 34A *schools]* **alcoholism coordinator** in consultation with **the county*
 35 *superintendent of schools,** local boards of education, local councils
 36 on alcoholism and institutions of higher learning, including the
 37 Rutgers University Center of Alcohol Studies. The remaining
 38 money in the education allotment shall be assigned to offset the
 39 costs of programs such as those which assist employees, provide
 40 intervention for staff members, assist and provide intervention for
 41 students and focus on research and educate about youth and drink-
 42 ing. **These funds shall not replace any funds being currently*
 42A *spent on education and training by the county.**

43 d. The governing body of each county, in conjunction with the
 44 county agency, or individual, designated by the county with respon-
 45 sibility for services and programs for the care or rehabilitation of
 46 intoxicated persons and alcoholics, shall establish a citizens

47 advisory committee to assist the governing body in development of
 48 the comprehensive plan. The advisory committee shall consist of
 49 no less than 10 nor more than 16 members and shall be appointed by
 50 the governing body. At least two of the members shall be recovering
 51 alcoholics. The committee shall include representatives from among
 52 the judges assigned to the county, the county prosecutor or his
 53 designee, a wide range of public and private organizations involved
 54 in the treatment of alcohol-related problems and other individuals
 55 with interest or experience in issues concerning alcohol abuse. Each
 56 committee shall, to the maximum extent feasible, represent the
 57 various socioeconomic, racial and ethnic groups of the county in
 58 which it serves.

59 e. The Director of the Division of Alcoholism shall review a plan
 60 pursuant to a procedure developed by the director in conjunction
 61 with the Advisory Council on Alcoholism established pursuant to
 62 section 4 of P. L. 1975, c. 305 (C. 26:2B-10). In determining whether
 63 to approve a comprehensive plan under this act, the director shall
 64 consider whether the plan is designed to meet the goals and objec-
 65 tives of the "Alcoholism Treatment and Rehabilitation Act", P. L.
 66 1975, c. 305 (C. 26:2B-7 et seq.) and whether implementation of the
 67 plan is feasible. Each county plan submitted to the director shall
 68 be presumed valid provided it is in substantial compliance with the
 69 provisions of this act. Where the department fails to approve a
 70 county plan, the county may request a court hearing on that deter-
 71 mination.

1 5. (New section) a. Allotments to each county whose compre-
 2 hensive plan is approved pursuant to the provisions of section 4
 3 of this act shall be made on the basis of the following formula:

$$\begin{aligned}
 & \text{County Allotment} = \frac{\text{Population of County}}{\text{Total Funds Appropriated}} \\
 & \times \frac{\text{Population of State}}{\left[.5 \times \frac{\text{Per Capita Income of State (3 yr. average)}}{\text{Per Capita Income of County (3 yr. average)}} \right.} \\
 & \left. + .5 \times \frac{\text{Need in County}}{\text{Need in State}} \right]
 \end{aligned}$$

7 in which Need in County and Need in State are estimates of the
 8 prevalence of alcoholism according to the current New Jersey
 9 Behavioral Health Services Plan. The funds dedicated for the pro-
 10 vision of educational programs pursuant to section 2 of this act
 11 shall be allocated to the counties on the basis of this formula.

12 b. As a condition for receiving the allotment calculated in sub-
 13 section a. of this section, a county shall contribute a sum not less
 14 than 25% of that county's allotment to fund community services
 15 for intoxicated persons and alcoholics pursuant to the county's
 16 comprehensive plan. Those alcoholism education and treatment pro-
 17 grams already existing in a county may be combined under the
 18 county plan which establishes the comprehensive plan to be
 19 approved by the Director of the Division of Alcoholism in the
 20 Department of Health. In determining the sum of money to be
 21 contributed by each county, the required 25% minimum county
 22 contribution may include any moneys currently appropriated by the
 23 county to meet the needs of the alcoholism programs.

1 6. (New section) a. Moneys dedicated for enforcement pursuant
 2 to section 2 of this act shall be distributed as follows:

3 (1) One third shall be distributed to the "Municipal Court
 4 Administration Reimbursement Fund" pursuant to subsection b.
 5 of this section.

6 (2) Two thirds shall be distributed in the "Drunk Driving En-
 7 forcement Fund" established pursuant to P. L. 1983, c. ... (C.
 8) (now pending before the Legislature as Assembly Bill
 9 2262 of 1982).

10 b. (1) Each municipality in this State shall present to the
 11 Administrative Office of the Courts, before December 31, 1983, the
 12 number of drunk driving arrests in the municipality during calendar
 13 year 1980. This number shall be the base year number of arrests.
 14 Beginning January 15, 1984, and each year thereafter the muni-
 15 cipality shall report to the Administrative Office of the Courts the
 16 number of drunk driving arrests made in its municipality during
 17 the preceding calendar year.

18 (2) The Administrative Office of the Courts shall certify the
 19 amounts submitted by each municipality and shall calculate for each
 20 municipality any increase in the number of arrests between the base
 21 year and the number of arrests reported for the preceding calendar
 22 year. The Administrative Office of the Courts shall then calculate
 23 the sum of all increases for all municipalities reporting.

24 (3) Beginning for calendar year 1983, the following fraction
 25 shall be calculated for each municipality:

26 The increase in drunk driving arrests in the municipality between
 27 the base year and the preceding year over the total of increases in
 28 drunk driving arrests between the base year and the preceding year
 29 in all reporting municipalities in the State.

30 This fraction shall be multiplied by the total amount of the money
 31 available in the "Municipal Court Administration Reimbursement

32 Fund" in the preceding calendar year. This amount shall be allo-
33 cated to the municipality for the purpose of maintaining its munici-
34 pal court which may include payments to municipal court judges,
35 municipal prosecutors and other municipal court personnel for work
36 performed in addition to regular employment hours.

1 7. This act shall take effect immediately but shall remain in-
2 operative until the following bills, now pending before the Legisla-
3 ture as Assembly Bill No. 2262 of 1982 and Senate Bill No. 1042 of
4 1982 are enacted into law **and no monies shall be deposited in the*
5 *Alcohol Education, Rehabilitation and Enforcement Fund created*
6 *in section 3. of this act during the fiscal year ending June 30, 1984*
7 *in excess of an amount equal to the amount of additional revenue*
8 *realized in that fiscal year as a result of the increase in the tax*
9 *rate imposed in section 1. of this act**. This act shall apply to
10 alcoholic beverages delivered to retail licensees on and after the
11 first day of the second month following enactment even though
12 rendered under a contract entered into prior to that date.

ASSEMBLY, No. 3468

STATE OF NEW JERSEY

INTRODUCED APRIL 25, 1983

By Assemblymen KAVANAUGH, HERMAN and VAN WAGNER

AN ACT providing for the establishment of the Alcohol Education, Rehabilitation and Enforcement Fund, amending and supplementing P. L. 1980, c. 62.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 3 of P. L. 1980, c. 62 (C. 54:32C-3) is amended to read
2 as follows:

3 3. There is imposed a tax of **[6.5%]** *7.3%* upon the receipts from
4 every sale of alcoholic beverages, except draught beer sold by the
5 barrel, by any wholesaler to any retail licensee.

1 2. (New section) The State Treasurer shall annually allocate
2 moneys received under section 3 of P. L. 1980, c. 62 (C. 54:32C-3)
3 in the following manner:

4 a. 88% of all moneys shall be deposited in the General Fund.

5 b. 12% of all moneys shall be deposited in a special account to be
6 known as the Alcohol Education, Rehabilitation and Enforcement
7 Fund established pursuant to section 3 of this act.

8 c. Of the moneys deposited in the first year into the fund, the
9 following dedication shall be made:

10 (1) \$2,000,000.00 for the establishment of Intoxicated Driver
11 Resource Centers, as provided in subsection (f) of R. S. 39:4-50.

12 (2) \$20,000.00 for the establishment of a pilot project of portable
13 roadside breath analyzers as provided in P. L., c. (C.
14) (now pending before the Legislature as Assembly Bill
15 No. 3467 of 1983).

16 (3) The moneys remaining in the fund in the first year shall be
17 dedicated as follows:

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.
Matter printed in italics thus is new matter.

18 under subsection (f) of R. S. 39:4-50. The plan may involve the
19 provision of programs and services by the county, by an agreement
20 with a State agency, by private organizations, including volunteer
21 groups, or by some specified combination of the above.

22 c. Programs established with the funding for education as pro-
23 vided in section 2 of this act shall include all courses in the public
24 schools required pursuant to N. J. S. 18A:35-4, programs for
25 students included in the comprehensive plan for each county, and
26 in-service training programs for teachers and administrative
27 support staff including nurses, guidance counselors, child study
28 team members, and librarians. All programs shall be consistent
29 with the comprehensive county plan submitted to the Director of
30 the Division of Alcoholism pursuant to this section. Moneys
31 dedicated to education from the fund shall be first allocated in an
32 amount not to exceed 20% of the annual education allotment for the
33 inservice training programs, which shall be conducted in each
34 county through the office of the county superintendent of schools in
35 consultation with local boards of education, local councils on
36 alcoholism and institutions of higher learning, including the
37 Rutgers University Center of Alcohol Studies. The remaining
38 money in the education allotment shall be assigned to offset the
39 costs of programs such as those which assist employees, provide
40 intervention for staff members, assist and provide intervention for
41 students and focus on research and educate about youth and drink-
42 ing.

43 d. The governing body of each county, in conjunction with the
44 county agency, or individual, designated by the county with respon-
45 sibility for services and programs for the care or rehabilitation of
46 intoxicated persons and alcoholics, shall establish a citizens
47 advisory committee to assist the governing body in development of
48 the comprehensive plan. The advisory committee shall consist of
49 no less than 10 nor more than 16 members and shall be appointed by
50 the governing body. At least two of the members shall be recovering
51 alcoholics. The committee shall include representatives from among
52 the judges assigned to the county, the county prosecutor or his
53 designee, a wide range of public and private organizations involved
54 in the treatment of alcohol-related problems and other individuals
55 with interest or experience in issues concerning alcohol abuse. Each
56 committee shall, to the maximum extent feasible, represent the
57 various socioeconomic, racial and ethnic groups of the county in
58 which it serves.

59 e. The Director of the Division of Alcoholism shall review a plan
60 pursuant to a procedure developed by the director in conjunction

61 with the Advisory Council on Alcoholism established pursuant to
 62 section 4 of P. L. 1975, c. 305 (C. 26:2B-10). In determining whether
 63 to approve a comprehensive plan under this act, the director shall
 64 consider whether the plan is designed to meet the goals and objec-
 65 tives of the "Alcoholism Treatment and Rehabilitation Act", P. L.
 66 1975, c. 305 (C. 26:2B-7 et seq.) and whether implementation of the
 67 plan is feasible. Each county plan submitted to the director shall
 68 be presumed valid provided it is in substantial compliance with the
 69 provisions of this act. Where the department fails to approve a
 70 county plan, the county may request a court hearing on that deter-
 71 mination.

1 5. (New section) a. Allotments to each county whose compre-
 2 hensive plan is approved pursuant to the provisions of section 4
 3 of this act shall be made on the basis of the following formula:

$$\begin{aligned}
 & \text{County Allotment} = \frac{\text{Population of County}}{\text{Total Funds Appropriated}} \\
 & \times \frac{\text{Population of State}}{\text{Per Capita Income of State (3 yr. average)}} \\
 & \times \left[.5 \times \frac{\text{Per Capita Income of State (3 yr. average)}}{\text{Per Capita Income of County (3 yr. average)}} \right. \\
 & \left. + .5 \times \frac{\text{Need in County}}{\text{Need in State}} \right]
 \end{aligned}$$

7 in which Need in County and Need in State are estimates of the
 8 prevalence of alcoholism according to the current New Jersey
 9 Behavioral Health Services Plan. The funds dedicated for the pro-
 10 vision of educational programs pursuant to section 2 of this act
 11 shall be allocated to the counties on the basis of this formula.

12 b. As a condition for receiving the allotment calculated in sub-
 13 section a. of this section, a county shall contribute a sum not less
 14 than 25% of that county's allotment to fund community services
 15 for intoxicated persons and alcoholics pursuant to the county's
 16 comprehensive plan. Those alcoholism education and treatment pro-
 17 grams already existing in a county may be combined under the
 18 county plan which establishes the comprehensive plan to be
 19 approved by the Director of the Division of Alcoholism in the
 20 Department of Health. In determining the sum of money to be
 21 contributed by each county, the required 25% minimum county
 22 contribution may include any moneys currently appropriated by the
 23 county to meet the needs of the alcoholism programs.

1 6. (New section) a. Moneys dedicated for enforcement pursuant
 2 to section 2 of this act shall be distributed as follows:

3 (1) One third shall be distributed to the "Municipal Court
4 Administration Reimbursement Fund" pursuant to subsection b.
5 of this section.

6 (2) Two thirds shall be distributed in the "Drunk Driving En-
7 forcement Fund" established pursuant to P. L. 1983, c. ... (C.
8) (now pending before the Legislature as Assembly Bill
9 2262 of 1982).

10 b. (1) Each municipality in this State shall present to the
11 Administrative Office of the Courts, before December 31, 1983, the
12 number of drunk driving arrests in the municipality during calendar
13 year 1980. This number shall be the base year number of arrests.
14 Beginning January 15, 1984, and each year thereafter the munici-
15 pality shall report to the Administrative Office of the Courts the
16 number of drunk driving arrests made in its municipality during
17 the preceding calendar year.

18 (2) The Administrative Office of the Courts shall certify the
19 amounts submitted by each municipality and shall calculate for each
20 municipality any increase in the number of arrests between the base
21 year and the number of arrests reported for the preceding calendar
22 year. The Administrative Office of the Courts shall then calculate
23 the sum of all increases for all municipalities reporting.

24 (3) Beginning for calendar year 1983, the following fraction
25 shall be calculated for each municipality:

26 The increase in drunk driving arrests in the municipality between
27 the base year and the preceding year over the total of increases in
28 drunk driving arrests between the base year and the preceding year
29 in all reporting municipalities in the State.

30 This fraction shall be multiplied by the total amount of the money
31 available in the "Municipal Court Administration Reimbursement
32 Fund" in the preceding calendar year. This amount shall be allo-
33 cated to the municipality for the purpose of maintaining its munici-
34 pal court which may include payments to municipal court judges,
35 municipal prosecutors and other municipal court personnel for work
36 performed in addition to regular employment hours.

1 7. This act shall take effect immediately but shall remain in-
2 operative until the following bills, now pending before the Legisla-
3 ture as Assembly Bill No. 2262 of 1982 and Senate Bill No. 1042 of
4 1982 are enacted into law. This act shall apply to alcoholic bever-
5 ages delivered to retail licensees on and after the first day of the
6 second month following enactment even though rendered under a
7 contract entered into prior to that date.

STATEMENT

This bill establishes an Alcohol Education, Rehabilitation and Enforcement Fund. This bill increases the tax on wholesale sales of alcoholic beverages from 6.5% to 7.3% and dedicates the revenue to the Alcohol Education, Rehabilitation and Enforcement Fund for the support of alcoholism services and programs. A portion of the revenue generated from the tax and all of the revenue which is generated from the imposition of a surcharge on drunk drivers, as provided in Assembly Bill No. 2262, are to be used for enforcement by the establishment of a Drunk Driving Enforcement Fund and a Municipal Court Administration Reimbursement Fund.

An advisory council is provided in the bill for the purpose of issuing an annual report to the Attorney General and to evaluate the expenditures which are made from the Alcohol Education, Rehabilitation and Enforcement Fund. In the first year specific allotments are to be made from this fund for the establishment of Intoxicated Driver Resource Centers and for a pilot project of portable roadside breath analyzers. All revenue remaining in the fund in the first year and all revenue generated by the tax in subsequent years is dedicated to education, rehabilitation and enforcement. The revenue from the fund is to be distributed to the counties by the Department of Health upon approval of the Attorney General.

In order to receive funding counties are to submit a comprehensive plan of services available for the care or rehabilitation of intoxicated persons and alcoholics. A citizens advisory council is to be established to assist the governing body in development of the comprehensive plan. Particular attention in the plan is to be given to various types of alcohol problems, including alcohol and crime, necessitating the establishment of a system for early diversion and programs in county jails. Also, there are to be public information programs on alcoholism and youth, alcoholism and women and alcoholism in employment. In addition, it is specifically required that each county in its plan identify the Intoxicated Driver Resource Center which is to service its population. All county plans are to be submitted to the Director of the Division of Alcoholism for approval and must meet the goals and objectives of the "Alcoholism Treatment and Rehabilitation Act." P. L. 1975, c. 305 (C. 26:2B-7 et seq.).

Funding from the Alcohol Education, Rehabilitation and Enforcement Fund to the counties is to be through a formula based on county population, income and need. As a condition for receiving any funding, a county is required to contribute a sum of not less

than 25% of that county's allotment which is to fund education and rehabilitation services for intoxicated persons and alcoholics as provided in the county's comprehensive plan. Existing education or rehabilitation services may be combined under the county comprehensive plan that is submitted for approval. Funding from the Drunk Driving Enforcement Fund and the Municipal Court Reimbursement Fund is to be through formulas based upon the municipality's increase in drunk driving arrests in relation to the increase in drunk driving arrests throughout the State.

For fiscal year 1984 it is estimated that the Alcohol Education, Rehabilitation and Enforcement Fund will yield approximately \$11,000,000.00. A \$100.00 surcharge imposed on persons convicted of drunk driving, as provided in Assembly Bill No. 2262, will result in approximately \$3,000,000.00. It is intended that all funding provided under this bill, Assembly Bill No. 2262, or the per diem cost provided in Senate Bill No. 1042, are supplemental to the present level budgeted to the Division of Alcoholism in the Department of Health and that no decrease in that level of funding is to result as a consequence of the enactment of this bill into law.

SENATE REVENUE, FINANCE AND APPROPRIATIONS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 3468

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 8, 1983

Assembly Bill No. 3468 with committee amendments establishes the Alcohol Education, Rehabilitation and Enforcement Fund. The bill increases the wholesale tax on alcohol from 6.5% to 7.3%. Of the total funds generated by the tax, 89.25% is to be deposited in the general fund and 10.75% in the Alcohol Education, Rehabilitation and Enforcement Fund.

For the first year of the fund, \$2,000,000.00 is to be used for the establishment of Intoxicated Driver Resource Centers and \$20,000.00 for the establishment of a pilot project of portable roadside breath analyzers. The balance of the fund in the first year is to be used for rehabilitation (70%), enforcement (20%), and education (10%) and each year thereafter of the total sum available to the fund 75% shall be used for rehabilitation, 15% for enforcement, and 10% for education.

In Fiscal Year 1984 there would be the following full year revenue effects:

	\$ Millions FY 1984
Current Statute Revenue	\$83.0
Revenue Increase: this bill	10.0
	<hr/>
Total Revenue	\$93.0
	<hr/> <hr/>
Distribution: 89.25% General Fund	\$83.0
10.75% AR Fund	10.0
	<hr/>
Reconciliation	\$93.0
	<hr/> <hr/>
Current General Fund Revenue	\$83.0
89.25% General Fund Revenue (this bill)	83.0

The committee amended the bill to save the general fund harmless from any potential revenue loss. As originally drafted, 88% of the funds generated by the alcoholic beverage wholesale tax would have been retained by the general fund. Based on estimates for the entire

fiscal year 1983-84, the general fund would have had a net loss of about \$1.2 million had that distribution factor been retained. By increasing the factor to 89.25%, the general fund will not realize a revenue loss as a result of this bill.

Additionally, an amendment was made to ensure that for the remainder of fiscal year 1983-84, the Alcohol Education, Rehabilitation and Enforcement Fund will be credited with no more than that increased amount of revenue generated by the alcoholic beverage wholesale tax increase in that year.

Other amendments to the bill insert the direction that the moneys dedicated for education should be allocated through the designated county alcoholism agency. The training programs are to be conducted in each county through the office of the county alcoholism coordinator, in consultation with school officials, local councils on alcoholism, and institutions of higher education.

The Attorney General was added as a member of the Advisory Council. The council must report annually to the Governor and the Legislature. Lastly, allocation of the funds are subject to an appropriation made by law.

[SENATE REPRINT]

ASSEMBLY, No. 3468

STATE OF NEW JERSEY

INTRODUCED APRIL 25, 1983

By Assemblymen KAVANAUGH, HERMAN and VAN WAGNER

AN ACT providing for the establishment of the Alcohol Education, Rehabilitation and Enforcement Fund, amending and supplementing P. L. 1980, c. 62.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 3 of P. L. 1980, c. 62 (C. 54:32C-3) is amended to read
2 as follows:

3 3. There is imposed a tax of **[6.5%]** *7.3%* upon the receipts from
4 every sale of alcoholic beverages, except draught beer sold by the
5 barrel, by any wholesaler to any retail licensee.

1 2. (New section) The State Treasurer shall annually allocate
2 moneys received under section 3 of P. L. 1980, c. 62 (C. 54:32C-3)
3 in the following manner:

4 a. ***[88%]*** **89.25%** of all moneys shall be deposited in the
4A General Fund.

5 b. ***[12%]*** **10.75%** of all moneys shall be deposited in a
6 special account to be known as the Alcohol Education, Rehabilita-
7 tion and Enforcement Fund established pursuant to section 3 of
7A this act.

8 c. Of the moneys deposited in the first year into the fund, the
9 following dedication shall be made:

10 (1) \$2,000,000.00 for the establishment of Intoxicated Driver
11 Resource Centers, as provided in subsection (f) of R. S. 39:4-50.

12 (2) \$20,000.00 for the establishment of a pilot project of portable
13 roadside breath analyzers as provided in P. L., c. . . . (C.
14) (now pending before the Legislature as Assembly Bill
15 No. 3467 of 1983).

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendments adopted December 12, 1983.

16 (3) The moneys remaining in the fund in the first year shall be
17 dedicated as follows:

18 70% for rehabilitation;
19 20% for enforcement; and
20 10% for education.

21 d. The moneys collected in each subsequent year shall be annually
22 dedicated as follows:

23 75% to rehabilitation;
24 15% to enforcement; and
25 10% to education.

1 3. (New section) An Alcohol Education, Rehabilitation and En-
2 forcement Fund is established as a nonlapsing, revolving fund in a
3 separate account in the Department of Health. An advisory com-
4 mission having as its members the Commissioner of Health, the
5 Commissioner of Education, the Chancellor of Higher Education*,
6 *the Attorney General, or their designees,** and a representative
7 of the counties designated by the **[Attorney General]* *Gov-*
8 *ernor**, shall be established for the purpose of issuing an annual
9 report to the **[Attorney General]* *Governor and the Legislature**
10 to evaluate the expenditures which are made from the fund. The
11 fund shall be credited with **[12%]* *10.75%** of the tax revenues
12 collected pursuant to section 3 of P. L. 1980, c. 62 (C. 54:32C-3).
13-14 Interest received on moneys in the fund shall be credited to the
15 fund. Pursuant to the formula set forth in section 5 of this act,
16 moneys **appropriated pursuant to law** shall only be distributed
17 to the counties by the Department of Health, **[upon the Attorney*
18 *General's approval,]** without the assessment of administrative
19 costs, to develop and implement a comprehensive plan for the
20 treatment of intoxicated persons and alcoholics and for the expendi-
21 tures established in section 2 of this act.

1 4. (New section) a. Within 180 days of the enactment of this act,
2 the governing body of each county, in conjunction with the county
3 agency, or individual, designated by the county with the responsi-
4 bility for planning services and programs for the care or rehabilita-
5 tion of intoxicated persons and alcoholics, shall submit to the
6 Director of the Division of Alcoholism a comprehensive plan for the
7 provision of community services to meet the needs of intoxicated
8 persons and alcoholics.

9 b. The comprehensive plan shall address the needs of urban
10 areas with a population of 100,000 or over and shall demonstrate
11 linkage with existing resources which serve alcoholics and their
12 families. Special attention in the plan shall be given to alcoholism
13 and youth; drinking drivers; women and alcoholism; alcoholism on

14 the job; alcoholism and crime; public information; and educational
15 programs as defined in subsection c. of this section. Each county
16 shall identify, within its comprehensive plan, the Intoxicated Driver
17 Resource Center which shall service its population, as is required
18 under subsection (f) of R. S. 39:4-50. The plan may involve the
19 provision of programs and services by the county, by an agreement
20 with a State agency, by private organizations, including volunteer
21 groups, or by some specified combination of the above.

22 c. Programs established with the funding for education as pro-
23 vided in section 2 of this act shall include all courses in the public
24 schools required pursuant to N. J. S. 18A:35-4, programs for
25 students included in the comprehensive plan for each county, and
26 in-service training programs for teachers and administrative
27 support staff including nurses, guidance counselors, child study
28 team members, and librarians. All **moneys dedicated in section 2*
28A *of this act for education shall be allocated through the designated*
28B *county alcoholism agency and all** programs shall be consistent
29 with the comprehensive county plan submitted to the Director of
30 the Division of Alcoholism pursuant to this section. Moneys
31 dedicated to education from the fund shall be first allocated in an
32 amount not to exceed 20% of the annual education allotment for the
33 in-service training programs, which shall be conducted in each
34 county through the office of the county **[superintendent of*
34A *schools]* *alcoholism coordinator** in consultation with **the county*
35 *superintendent of schools,** local boards of education, local councils
36 on alcoholism and institutions of higher learning, including the
37 Rutgers University Center of Alcohol Studies. The remaining
38 money in the education allotment shall be assigned to offset the
39 costs of programs such as those which assist employees, provide
40 intervention for staff members, assist and provide intervention for
41 students and focus on research and educate about youth and drink-
42 ing. **These funds shall not replace any funds being currently*
42A *spent on education and training by the county.**

43 d. The governing body of each county, in conjunction with the
44 county agency, or individual, designated by the county with respon-
45 sibility for services and programs for the care or rehabilitation of
46 intoxicated persons and alcoholics, shall establish a citizens
47 advisory committee to assist the governing body in development of
48 the comprehensive plan. The advisory committee shall consist of
49 no less than 10 nor more than 16 members and shall be appointed by
50 the governing body. At least two of the members shall be recovering
51 alcoholics. The committee shall include representatives from among
52 the judges assigned to the county, the county prosecutor or his

53 designee, a wide range of public and private organizations involved
 54 in the treatment of alcohol-related problems and other individuals
 55 with interest or experience in issues concerning alcohol abuse. Each
 56 committee shall, to the maximum extent feasible, represent the
 57 various socioeconomic, racial and ethnic groups of the county in
 58 which it serves.

59 e. The Director of the Division of Alcoholism shall review a plan
 60 pursuant to a procedure developed by the director in conjunction
 61 with the Advisory Council on Alcoholism established pursuant to
 62 section 4 of P. L. 1975, c. 305 (C. 26:2B-10). In determining whether
 63 to approve a comprehensive plan under this act, the director shall
 64 consider whether the plan is designed to meet the goals and objec-
 65 tives of the "Alcoholism Treatment and Rehabilitation Act", P. L.
 66 1975, c. 305 (C. 26:2B-7 et seq.) and whether implementation of the
 67 plan is feasible. Each county plan submitted to the director shall
 68 be presumed valid provided it is in substantial compliance with the
 69 provisions of this act. Where the department fails to approve a
 70 county plan, the county may request a court hearing on that deter-
 71 mination.

1 5. (New section) a. Allotments to each county whose compre-
 2 hensive plan is approved pursuant to the provisions of section 4
 3 of this act shall be made on the basis of the following formula:

$$\begin{aligned}
 & \text{County Allotment} = \frac{\text{Population of County}}{\text{Total Funds Appropriated}} \\
 & \times \frac{\text{Population of State}}{\text{Per Capita Income of State (3 yr. average)}} \\
 & \times \left[.5 \times \frac{\text{Per Capita Income of State (3 yr. average)}}{\text{Per Capita Income of County (3 yr. average)}} \right. \\
 & \left. + .5 \times \frac{\text{Need in County}}{\text{Need in State}} \right]
 \end{aligned}$$

7 in which Need in County and Need in State are estimates of the
 8 prevalence of alcoholism according to the current New Jersey
 9 Behavioral Health Services Plan. The funds dedicated for the pro-
 10 vision of educational programs pursuant to section 2 of this act
 11 shall be allocated to the counties on the basis of this formula.

12 b. As a condition for receiving the allotment calculated in sub-
 13 section a. of this section, a county shall contribute a sum not less
 14 than 25% of that county's allotment to fund community services
 15 for intoxicated persons and alcoholics pursuant to the county's
 16 comprehensive plan. Those alcoholism education and treatment pro-
 17 grams already existing in a county may be combined under the

18 county plan which establishes the comprehensive plan to be
 19 approved by the Director of the Division of Alcoholism in the
 20 Department of Health. In determining the sum of money to be
 21 contributed by each county, the required 25% minimum county
 22 contribution may include any moneys currently appropriated by the
 23 county to meet the needs of the alcoholism programs.

1 6. (New section) a. Moneys dedicated for enforcement pursuant
 2 to section 2 of this act shall be distributed as follows:

3 (1) One third shall be distributed to the "Municipal Court
 4 Administration Reimbursement Fund" pursuant to subsection b.
 5 of this section.

6 (2) Two thirds shall be distributed in the "Drunk Driving En-
 7 forcement Fund" established pursuant to P. L. 1983, c. ... (C.
 8) (now pending before the Legislature as Assembly Bill
 9 2262 of 1982).

10 b. (1) Each municipality in this State shall present to the
 11 Administrative Office of the Courts, before December 31, 1983, the
 12 number of drunk driving arrests in the municipality during calendar
 13 year 1980. This number shall be the base year number of arrests.
 14 Beginning January 15, 1984, and each year thereafter the munici-
 15 pality shall report to the Administrative Office of the Courts the
 16 number of drunk driving arrests made in its municipality during
 17 the preceding calendar year.

18 (2) The Administrative Office of the Courts shall certify the
 19 amounts submitted by each municipality and shall calculate for each
 20 municipality any increase in the number of arrests between the base
 21 year and the number of arrests reported for the preceding calendar
 22 year. The Administrative Office of the Courts shall then calculate
 23 the sum of all increases for all municipalities reporting.

24 (3) Beginning for calendar year 1983, the following fraction
 25 shall be calculated for each municipality:

26 The increase in drunk driving arrests in the municipality between
 27 the base year and the preceding year over the total of increases in
 28 drunk driving arrests between the base year and the preceding year
 29 in all reporting municipalities in the State.

30 This fraction shall be multiplied by the total amount of the money
 31 available in the "Municipal Court Administration Reimbursement
 32 Fund" in the preceding calendar year. This amount shall be allo-
 33 cated to the municipality for the purpose of maintaining its munici-
 34 pal court which may include payments to municipal court judges,
 35 municipal prosecutors and other municipal court personnel for work
 36 performed in addition to regular employment hours.

1 7. This act shall take effect immediately but shall remain in-

2 operative until the following bills, now pending before the Legisla-
3 ture as Assembly Bill No. 2262 of 1982 and Senate Bill No. 1042 of
4 1982 are enacted into law **and no monies shall be deposited in the*
5 *Alcohol Education, Rehabilitation and Enforcement Fund created*
6 *in section 3. of this act during the fiscal year ending June 30, 1984*
7 *in excess of an amount equal to the amount of additional revenue*
8 *realized in that fiscal year as a result of the increase in the tax*
9 *rate imposed in section 1. of this act**. This act shall apply to
10 alcoholic beverages delivered to retail licensees on and after the
11 first day of the second month following enactment even though
12 rendered under a contract entered into prior to that date.

[SECOND SENATE REPRINT]
ASSEMBLY, No. 3468

STATE OF NEW JERSEY

INTRODUCED APRIL 25, 1983

By Assemblymen KAVANAUGH, HERMAN and VAN WAGNER

AN ACT providing for the establishment of the Alcohol Education, Rehabilitation and Enforcement Fund, amending and supplementing P. L. 1980, c. 62.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 3 of P. L. 1980, c. 62 (C. 54:32C-3) is amended to read
2 as follows:

3 3. There is imposed a tax of **[6.5%]** 7.3% upon the receipts from
4 every sale of alcoholic beverages, except draught beer sold by the
5 barrel, by any wholesaler to any retail licensee.

1 2. (New section) The State Treasurer shall annually allocate
2 moneys received under section 3 of P. L. 1980, c. 62 (C. 54:32C-3)
3 in the following manner:

4 a. ***[88%]*** *89.25%* of all moneys shall be deposited in the
4A General Fund.

5 b. ***[12%]*** *10.75%* of all moneys shall be deposited in a
6 special account to be known as the Alcohol Education, Rehabilita-
7 tion and Enforcement Fund established pursuant to section 3 of
7A this act.

8 c. Of the moneys deposited in the first year into the fund, the
9 following dedication shall be made:

10 (1) \$2,000,000.00 for the establishment of Intoxicated Driver
11 Resource Centers, as provided in subsection (f) of R. S. 39:4-50.

12 (2) \$20,000.00 for the establishment of a pilot project of portable
13 roadside breath analyzers as provided in P. L., c. . . . (C.
14) (now pending before the Legislature as Assembly Bill
15 No. 3467 of 1983).

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendments adopted December 12, 1983.

**—Senate amendment adopted December 15, 1983.

16 (3) The moneys remaining in the fund in the first year shall be
17 dedicated as follows:

- 18 70% for rehabilitation;
- 19 20% for enforcement; and
- 20 10% for education.

21 d. The moneys collected in each subsequent year shall be annually
22 dedicated as follows:

- 23 75% to rehabilitation;
- 24 15% to enforcement; and
- 25 10% to education.

1 3. (New section) An Alcohol Education, Rehabilitation and En-
2 forcement Fund is established as a nonlapsing, revolving fund in a
3 separate account in the Department of Health. An advisory com-
4 mission having as its members the Commissioner of Health, the
5 Commissioner of Education, the Chancellor of Higher Education*,
6 *the Attorney General, or their designees,** and a representative
7 of the counties designated by the ***[Attorney General]*** **Gov-*
8 *ernor**, shall be established for the purpose of issuing an annual
9 report to the ***[Attorney General]*** **Governor and the Legislature**
10 to evaluate the expenditures which are made from the fund. The
11 fund shall be credited with ***[12%]*** **10.75%** of the tax revenues
12 collected pursuant to section 3 of P. L. 1980, c. 62 (C. 54:32C-3).
13-14 Interest received on moneys in the fund shall be credited to the
15 fund. Pursuant to the formula set forth in section 5 of this act,
16 moneys **appropriated pursuant to law** shall only be distributed
17 to the counties by the Department of Health, ***[upon the Attorney**
18 **General's approval,]*** without the assessment of administrative
19 costs, to develop and implement a comprehensive plan for the
20 treatment of intoxicated persons and alcoholics and for the expendi-
21 tures established in section 2 of this act.

1 4. (New section) a. Within 180 days of the enactment of this act,
2 the governing body of each county, in conjunction with the county
3 agency, or individual, designated by the county with the responsi-
4 bility for planning services and programs for the care or rehabilita-
5 tion of intoxicated persons and alcoholics, shall submit to the
6 Director of the Division of Alcoholism a comprehensive plan for the
7 provision of community services to meet the needs of intoxicated
8 persons and alcoholics.

9 b. The comprehensive plan shall address the needs of urban
10 areas with a population of 100,000 or over and shall demonstrate
11 linkage with existing resources which serve alcoholics and their
12 families. Special attention in the plan shall be given to alcoholism
13 and youth; drinking drivers; women and alcoholism; alcoholism on

14 the job; alcoholism and crime; public information; and educational
 15 programs as defined in subsection c. of this section. Each county
 16 shall identify, within its comprehensive plan, the Intoxicated Driver
 17 Resource Center which shall service its population, as is required
 18 under subsection (f) of R. S. 39:4-50. The plan may involve the
 19 provision of programs and services by the county, by an agreement
 20 with a State agency, by private organizations, including volunteer
 21 groups, or by some specified combination of the above.

21A ***If the State in any year fails to deposit a minimum of 10.75%*
 21B *of the receipts derived from the tax under section 3 of P. L. 1980,*
 21C *c. 62 (C. 54:32C-3), a county may reduce or eliminate, or both, the*
 21D *operation of existing programs currently being funded from the*
 21E *proceeds deposited in the Alcohol Education, Rehabilitation and*
 21F *Enforcement fund.***

22 c. Programs established with the funding for education as pro-
 23 vided in section 2 of this act shall include all courses in the public
 24 schools required pursuant to N. J. S. 18A:35-4, programs for
 25 students included in the comprehensive plan for each county, and
 26 in-service training programs for teachers and administrative
 27 support staff including nurses, guidance counselors, child study
 28 team members, and librarians. All **moneys dedicated in section 2*
 28A *of this act for education shall be allocated through the designated*
 28B *county alcoholism agency and all** programs shall be consistent
 29 with the comprehensive county plan submitted to the Director of
 30 the Division of Alcoholism pursuant to this section. Moneys
 31 dedicated to education from the fund shall be first allocated in an
 32 amount not to exceed 20% of the annual education allotment for the
 33 in-service training programs, which shall be conducted in each
 34 county through the office of the county **[superintendent of*
 34A *schools]** **alcoholism coordinator** in consultation with **the county*
 35 *superintendent of schools,** local boards of education, local councils
 36 on alcoholism and institutions of higher learning, including the
 37 Rutgers University Center of Alcohol Studies. The remaining
 38 money in the education allotment shall be assigned to offset the
 39 costs of programs such as those which assist employees, provide
 40 intervention for staff members, assist and provide intervention for
 41 students and focus on research and educate about youth and drink-
 42 ing. **These funds shall not replace any funds being currently*
 42A *spent on education and training by the county.**

43 d. The governing body of each county, in conjunction with the
 44 county agency, or individual, designated by the county with respon-
 45 sibility for services and programs for the care or rehabilitation of
 46 intoxicated persons and alcoholics, shall establish a citizens

47 advisory committee to assist the governing body in development of
 48 the comprehensive plan. The advisory committee shall consist of
 49 no less than 10 nor more than 16 members and shall be appointed by
 50 the governing body. At least two of the members shall be recovering
 51 alcoholics. The committee shall include representatives from among
 52 the judges assigned to the county, the county prosecutor or his
 53 designee, a wide range of public and private organizations involved
 54 in the treatment of alcohol-related problems and other individuals
 55 with interest or experience in issues concerning alcohol abuse. Each
 56 committee shall, to the maximum extent feasible, represent the
 57 various socioeconomic, racial and ethnic groups of the county in
 58 which it serves.

59 e. The Director of the Division of Alcoholism shall review a plan
 60 pursuant to a procedure developed by the director in conjunction
 61 with the Advisory Council on Alcoholism established pursuant to
 62 section 4 of P. L. 1975, c. 305 (C. 26:2B-10). In determining whether
 63 to approve a comprehensive plan under this act, the director shall
 64 consider whether the plan is designed to meet the goals and objec-
 65 tives of the "Alcoholism Treatment and Rehabilitation Act", P. L.
 66 1975, c. 305 (C. 26:2B-7 et seq.) and whether implementation of the
 67 plan is feasible. Each county plan submitted to the director shall
 68 be presumed valid provided it is in substantial compliance with the
 69 provisions of this act. Where the department fails to approve a
 70 county plan, the county may request a court hearing on that deter-
 71 mination.

1 5. (New section) a. Allotments to each county whose compre-
 2 hensive plan is approved pursuant to the provisions of section 4
 3 of this act shall be made on the basis of the following formula:

$$\begin{aligned}
 & \text{County Allotment} = \frac{\text{Population of County}}{\text{Total Funds Appropriated}} \\
 & \times \frac{\text{Population of State}}{\text{Per Capita Income of State (3 yr. average)}} \\
 & \times \left[.5 \times \frac{\text{Per Capita Income of County (3 yr. average)}}{\text{Per Capita Income of State (3 yr. average)}} \right. \\
 & \left. + .5 \times \frac{\text{Need in County}}{\text{Need in State}} \right]
 \end{aligned}$$

7 in which Need in County and Need in State are estimates of the
 8 prevalence of alcoholism according to the current New Jersey
 9 Behavioral Health Services Plan. The funds dedicated for the pro-
 10 vision of educational programs pursuant to section 2 of this act
 11 shall be allocated to the counties on the basis of this formula.

12 b. As a condition for receiving the allotment calculated in sub-
 13 section a. of this section, a county shall contribute a sum not less
 14 than 25% of that county's allotment to fund community services
 15 for intoxicated persons and alcoholics pursuant to the county's
 16 comprehensive plan. Those alcoholism education and treatment pro-
 17 grams already existing in a county may be combined under the
 18 county plan which establishes the comprehensive plan to be
 19 approved by the Director of the Division of Alcoholism in the
 20 Department of Health. In determining the sum of money to be
 21 contributed by each county, the required 25% minimum county
 22 contribution may include any moneys currently appropriated by the
 23 county to meet the needs of the alcoholism programs.

1 6. (New section) a. Moneys dedicated for enforcement pursuant
 2 to section 2 of this act shall be distributed as follows:

3 (1) One third shall be distributed to the "Municipal Court
 4 Administration Reimbursement Fund" pursuant to subsection b.
 5 of this section.

6 (2) Two thirds shall be distributed in the "Drunk Driving En-
 7 forcement Fund" established pursuant to P. L. 1983, c. ... (C.
 8) (now pending before the Legislature as Assembly Bill
 9 2262 of 1982).

10 b. (1) Each municipality in this State shall present to the
 11 Administrative Office of the Courts, before December 31, 1983, the
 12 number of drunk driving arrests in the municipality during calendar
 13 year 1980. This number shall be the base year number of arrests.
 14 Beginning January 15, 1984, and each year thereafter the munici-
 15 pality shall report to the Administrative Office of the Courts the
 16 number of drunk driving arrests made in its municipality during
 17 the preceding calendar year.

18 (2) The Administrative Office of the Courts shall certify the
 19 amounts submitted by each municipality and shall calculate for each
 20 municipality any increase in the number of arrests between the base
 21 year and the number of arrests reported for the preceding calendar
 22 year. The Administrative Office of the Courts shall then calculate
 23 the sum of all increases for all municipalities reporting.

24 (3) Beginning for calendar year 1983, the following fraction
 25 shall be calculated for each municipality:

26 The increase in drunk driving arrests in the municipality between
 27 the base year and the preceding year over the total of increases in
 28 drunk driving arrests between the base year and the preceding year
 29 in all reporting municipalities in the State.

30 This fraction shall be multiplied by the total amount of the money
 31 available in the "Municipal Court Administration Reimbursement

32 Fund" in the preceding calendar year. This amount shall be allo-
33 cated to the municipality for the purpose of maintaining its municipi-
34 pal court which may include payments to municipal court judges,
35 municipal prosecutors and other municipal court personnel for work
36 performed in addition to regular employment hours.

1 7. This act shall take effect immediately but shall remain in-
2 operative until the following bills, now pending before the Legisla-
3 ture as Assembly Bill No. 2262 of 1982 and Senate Bill No. 1042 of
4 1982 are enacted into law **and no monies shall be deposited in the*
5 *Alcohol Education, Rehabilitation and Enforcement Fund created*
6 *in section 3. of this act during the fiscal year ending June 30, 1984*
7 *in excess of an amount equal to the amount of additional revenue*
8 *realized in that fiscal year as a result of the increase in the tax*
9 *rate imposed in section 1. of this act**. This act shall apply to
10 alcoholic beverages delivered to retail licensees on and after the
11 first day of the second month following enactment even though
12 rendered under a contract entered into prior to that date.

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATE

CONTACT: CARL GOLDEN

TUESDAY, JANUARY 17, 1984

Governor Thomas H. Kean today signed legislation to increase the tax on the wholesale price of alcoholic beverages to raise \$10 million to support an alcohol education, rehabilitation and enforcement fund.

The Governor's signature on the bill signals the effectiveness of two other bills in the anti-drunk driving package --- the intoxicated driver resource center program and the drunk driving enforcement fund for stepped-up police patrols.

The bill, A-3468, sponsored by Assemblyman Walter Kavanaugh, R-Somerset, increases the tax from 6.5 percent to 7.3 percent.

The legislation provides that \$2 million be allocated for the establishment of Intoxicated Driver Resource Centers, \$20,000 for a pilot project involving roadside breath analyzers, and, of the remainder, 75 percent will be for rehabilitation programs, 15 percent for enforcement, and 10 percent for education.

"With this legislation now law, New Jersey will have one of the most comprehensive alcohol enforcement, rehabilitation and education programs in the nation," Kean said. "Enforcing the law against drunken driving and providing help to those in need are matters of the highest priority in this Administration."

The Governor noted that traffic deaths over the Christmas and New Year's Day holidays were reduced by 43 percent, largely as a result of stepped-up police patrols and sobriety checkpoints.

- more -

A-3468 SIGNED, ET AL.

PAGE TWO

JANUARY 17, 1984

"The drunk driver has become a menace of increasing dimensions," Kean said. "With this new package in place and with stricter enforcement and penalties, New Jersey can lead the nation in sweeping its roads and highways of the drunken driver."

Kean also signed A-1430, sponsored by Assemblyman David Schwartz, D-Middlesex, which creates an 18-member Public Employees Occupational Safety and Health Advisory Board to develop safety and health standards to be applied to public employers and employees.

State and local governments are exempt from Federal OSHA requirements and this legislation is a step toward assuring the health and safety of those employed in government buildings.

The bill is effective immediately, although the OSHA board has 180 days to promulgate its rules for the State. Counties, municipalities and school districts are not affected for two years from the date of enactment.

The Governor also signed A-3463, sponsored by Assemblyman David Schwartz, D-Middlesex, to merge the Housing Finance Agency and the Mortgage Finance Agency into a new panel with expanded powers to promote the financing of low and moderate income housing.

The bill, a Kean Administration initiative, empowers the new Agency to make loans for operating, maintaining, constructing, acquiring, rehabilitating or improving housing property. Its powers extend to all types of housing, including single family, multi-family, congregate housing, single room occupancy housing and mobile homes.

Assembly panel OKs \$8M booze tax boost

Associated Press

Drinkers in New Jersey would pay a higher tax on beer, wine and liquor to underwrite expanded programs to fight alcoholism, under a bill readied for Assembly action yesterday.

The bill released by the Assembly Revenue Finance and Appropriations Committee would increase the wholesale tax on liquor from 6.5 percent to 7.3 percent and generate an estimated \$8 million that will go toward alcoholism programs.

Assemblyman Walter Kavanaugh, R-Somerset, the bill's sponsor, said price increases triggered by the tax hike would be "two cents on a six-pack of beer, four cents on a quart of wine and 10 cents on a bottle of hard liquor that now costs \$10."

Assembly committee members released the bill for future floor action by a 9-0 vote while Assemblyman Joseph Chinnici, R-Cumberland, abstained.

The state Senate Institutions, Health and Welfare Committee released an identical bill on March 7.

UNDER LEGISLATIVE procedures, tax bills must be approved by the full Assembly before the upper house votes on the revenue raisers.

The identical bills sponsored by Kavanaugh and Sen. John Ewing, R-Somerset, a former tavern owner, would dedicate all of the increased revenue to fighting alcoholism.

"The general treasury would get what it would always get from the tax," Kavanaugh said.

The \$3.8 billion budget proposed by Gov. Thomas H. Kean estimates that \$83 million would be collected without the tax increase.

Riley Regan, director of the state Division on Alcoholism, said increased funding was needed because New Jersey has an estimated 500,000 problem drinkers, but only 25,000 sought help last year.

REGAN CLAIMED that the 9 percent of the state's drinking-age population who have alcohol-related problems buy 45 percent of the alcoholic beverages sold in liquor stores and bars.

Current funding for the alcoholism program is \$1.7 million, Regan said. The tax increase would raise the amount to \$8 million for the fiscal year that begins next July 1, Kavanaugh said.

Liquor industry officials, who have privately opposed the bill on grounds it would kill business, did not appear at the committee hearing to lobby against the bill.

"It's not going to change the buying habits of anyone who chooses to drink," Ewing told committee members.

Regan noted that the bill contains an automatic expiration in five years, unless a continuation is voted.

"This five-year sunset deal is baloney," Chinnici said. "Once a tax is enacted, it's here to stay."

Chinnici abstained from voting after claiming that that measure would hurt employment in the liquor industry and would force distributors to pay more in wholesale taxes before they could recoup from retailers.