

LEGISLATIVE HISTORY CHECKLIST

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LAWS of 1999

CHAPTER: 139

NJSA:30:4-123.47

(Parole Board -- membership)

BILL NO:S1698 (Substituted for A2881)

SPONSOR(S):Gormley and Bryant

DATE INTRODUCED: January 28, 1999

COMMITTEE:

ASSEMBLY:-----

*SENATE:*Judiciary

AMENDED DURING PASSAGE:No

DATE OF PASSAGE:

*ASSEMBLY:*June 24, 1999

*SENATE:*March 22, 1999

DATE OF APPROVAL:June 28, 1999

THE FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: *Yes*Original

(Amendments during passage denoted by superscript numbers)

S1698

SPONSORS STATEMENT: *Yes*(Begins on page 3 of original bill)

COMMITTEE STATEMENT:

ASSEMBLY:Yes

June 7, 1999 (Law & Public Safety)

June 21, 1999 (Appropriations)

SENATE:Yes

February 18, 1999 (Judiciary)

March 18, 1999 (Budget & Appropriations)

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *Yes*

A2881

SPONSORS STATEMENT: *Yes*(Begins on page 3 of original bill)

Bill and Sponsor's Statement identical to S1698

COMMITTEE STATEMENT:

ASSEMBLY: *Yes*

June 7, 1999 (Law and Public Safety)

Identical to Assembly Statement of 6-7-99 for S1698

June 21, 1999 (Appropriations)

Identical to Assembly Statement of 6-21-99 for S1698

SENATE:*No*

FLOOR AMENDMENT STATEMENTS:*No*

LEGISLATIVE FISCAL ESTIMATE: *Yes*

Identical to Legislative Fiscal Estimate for S1698

GOVERNOR'S ACTIONS

VETO MESSAGE: *No*

GOVERNOR'S PRESS RELEASE ON SIGNING: *Yes*

THE FOLLOWING WERE PRINTED:

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(609) 278-2640 ext. 102 or refdesk@njstatelib.org*

REPORTS:*No*

HEARINGS: *No*

NEWSPAPER ARTICLES:*No*

P.L. 1999, CHAPTER 139, *approved June 28, 1999*

Senate, No. 1698

1 AN ACT concerning the State Parole Board and amending P.L. 1979,
2 c.441.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 3 of P.L. 1979, c.441 (C.30:4-123.47) is amended to
8 read as follows:

9 3. a. There is hereby created and established within the Department
10 of Corrections a State Parole Board which shall consist of a chairman,
11 **[eight]** 10 associate members and one alternate board member. The
12 chairman, associate members and alternate board member shall be
13 appointed by the Governor with the advice and consent of the Senate
14 from qualified persons with training or experience in law, sociology,
15 criminal justice, juvenile justice or related branches of the social
16 sciences. Members of the board and the alternate board member shall
17 be appointed for terms of six years and the terms of their successors
18 shall be calculated from the expiration of the incumbent's term.
19 Members shall serve until their successors are appointed and have
20 qualified.

21 The Governor shall designate a vice-chairman from among the
22 associate members. The vice-chairman shall assume the duties of the
23 chairman when the chairman is absent or otherwise incapable of
24 performing his duties, or, in the case of removal or a permanent
25 incapacity, until the qualification of a successor chairman appointed by
26 the Governor.

27 The alternate board member **[shall]** may assume the duties of an
28 associate member **[only]** when the associate member is **[removed,**
29 **incapacitated]** absent or otherwise unable to perform his duties or
30 assumes the duties of the chairman, and shall perform those duties only
31 until the associate resumes his duties, or, in the case of removal or a
32 permanent incapacity, the qualification of a successor appointed by the
33 Governor.

34 b. Any vacancy occurring in the membership of the board,
35 otherwise than by expiration of term, shall be filled in the same manner
36 as one occurring by expiration of term, but for the unexpired term
37 only. In the event that any member of the board shall be rendered
38 incapable of performing his duties and the alternate board member is
39 incapable of performing that associate's duties, either because the
40 alternate board member has assumed the duties of another associate or
41 is otherwise rendered incapable of performing the associate's duties,

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 underlined thus is new matter.

1 the Governor shall appoint a qualified person to act in his stead during
2 the period of his incapacity. Any member of the board , including the
3 alternate board member, may be removed from office by the Governor
4 for cause.

5 c. The members of the board shall devote their full time to the
6 performance of their duties and be compensated pursuant to section 2
7 of P.L.1974, c.55 (C.52:14-15.108). The alternate member shall be
8 entitled to compensation. The amount of such compensation shall be
9 determined by multiplying the rate an associate member would be paid
10 on a per diem basis times the number of days the alternate board
11 member actually performed the duties of an associate member in
12 accordance with the provisions of this section.

13 d. At the time of appointment, the Governor shall designate two
14 associate members of the board to serve on a panel on juvenile
15 commitments. The remaining [~~six~~] eight associate members of the
16 board shall be appointed by the Governor to panels on adult sentences.
17 The chairman of the board shall assign [~~four~~] six of the associate
18 members so appointed to [~~two~~] three panels on prison sentences, and
19 the remaining two associate members so appointed to a panel on
20 young adult sentences. The chairman of the board shall be a member
21 of each panel. Nothing provided herein shall prohibit the chairman
22 from reassigning any member appointed to a panel on adult sentences
23 to facilitate the efficient function of the board. Nothing provided
24 herein shall prohibit the chairman from temporarily reassigning any
25 member appointed to a panel on juvenile commitments to a panel on
26 adult sentences either as a member of a panel on prison sentences or
27 a panel on young adult sentences to facilitate the efficient function of
28 the board. The alternate board member may assume, in accordance
29 with the provisions of this section, the duties of any associate member,
30 regardless of whether that associate member serves on a panel on
31 juvenile commitments or panels on adult sentences either as a member
32 of a panel on prison sentences or a panel on young adult sentences.
33 (cf: P.L.1997, c.219.)

34

35 2. This act shall take effect immediately.

36

37

38

STATEMENT

39

40 This bill would increase the membership of the State parole board
41 from nine to eleven, expand the ability of an alternate board member
42 to assume the duties of an associate board member and add an
43 additional panel to the board. Currently, the alternate board member
44 assumes the duties of an associate member only when the associate
45 member is removed, incapacitated or assumes the duties of the
46 chairman. This bill would allow the alternate board member to assume

1 the duties of an associate board member when the associate member
2 is absent or otherwise unable to perform his duties or assumes the
3 duties of the chairman.

4 The bill increases the number of adult panels on prison sentences
5 from two to three, and allows the chairman to temporarily reassign any
6 member appointed to a panel on juvenile commitments to a panel on
7 adult sentences when necessary to facilitate the efficient function of
8 the board.

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12

13 Increases membership of State parole board.

SENATE, No. 1698

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED JANUARY 28, 1999

Sponsored by:

Senator WILLIAM L. GORMLEY

District 2 (Atlantic)

Senator WAYNE R. BRYANT

District 5 (Camden and Gloucester)

Co-Sponsored by:

Assemblyman Holzapfel

SYNOPSIS

Increases membership of State parole board.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/25/1999)

S1698 GORMLEY, BRYANT

2

1 AN ACT concerning the State Parole Board and amending P.L. 1979,
2 c.441.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 3 of P.L. 1979, c.441 (C.30:4-123.47) is amended to
8 read as follows:

9 3. a. There is hereby created and established within the Department
10 of Corrections a State Parole Board which shall consist of a chairman,
11 **[eight]** 10 associate members and one alternate board member. The
12 chairman, associate members and alternate board member shall be
13 appointed by the Governor with the advice and consent of the Senate
14 from qualified persons with training or experience in law, sociology,
15 criminal justice, juvenile justice or related branches of the social
16 sciences. Members of the board and the alternate board member shall
17 be appointed for terms of six years and the terms of their successors
18 shall be calculated from the expiration of the incumbent's term.
19 Members shall serve until their successors are appointed and have
20 qualified.

21 The Governor shall designate a vice-chairman from among the
22 associate members. The vice-chairman shall assume the duties of the
23 chairman when the chairman is absent or otherwise incapable of
24 performing his duties, or, in the case of removal or a permanent
25 incapacity, until the qualification of a successor chairman appointed by
26 the Governor.

27 The alternate board member **[shall]** may assume the duties of an
28 associate member **[only]** when the associate member is **[removed,**
29 **incapacitated]** absent or otherwise unable to perform his duties or
30 assumes the duties of the chairman, and shall perform those duties only
31 until the associate resumes his duties, or, in the case of removal or a
32 permanent incapacity, the qualification of a successor appointed by the
33 Governor.

34 b. Any vacancy occurring in the membership of the board,
35 otherwise than by expiration of term, shall be filled in the same manner
36 as one occurring by expiration of term, but for the unexpired term
37 only. In the event that any member of the board shall be rendered
38 incapable of performing his duties and the alternate board member is
39 incapable of performing that associate's duties, either because the
40 alternate board member has assumed the duties of another associate or
41 is otherwise rendered incapable of performing the associate's duties,
42 the Governor shall appoint a qualified person to act in his stead during
43 the period of his incapacity. Any member of the board , including the

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 underlined thus is new matter.

1 alternate board member, may be removed from office by the Governor
2 for cause.

3 c. The members of the board shall devote their full time to the
4 performance of their duties and be compensated pursuant to section 2
5 of P.L.1974, c.55 (C.52:14-15.108). The alternate member shall be
6 entitled to compensation. The amount of such compensation shall be
7 determined by multiplying the rate an associate member would be paid
8 on a per diem basis times the number of days the alternate board
9 member actually performed the duties of an associate member in
10 accordance with the provisions of this section.

11 d. At the time of appointment, the Governor shall designate two
12 associate members of the board to serve on a panel on juvenile
13 commitments. The remaining ~~【six】~~ eight associate members of the
14 board shall be appointed by the Governor to panels on adult sentences.
15 The chairman of the board shall assign ~~【four】~~ six of the associate
16 members so appointed to ~~【two】~~ three panels on prison sentences, and
17 the remaining two associate members so appointed to a panel on
18 young adult sentences. The chairman of the board shall be a member
19 of each panel. Nothing provided herein shall prohibit the chairman
20 from reassigning any member appointed to a panel on adult sentences
21 to facilitate the efficient function of the board. Nothing provided
22 herein shall prohibit the chairman from temporarily reassigning any
23 member appointed to a panel on juvenile commitments to a panel on
24 adult sentences either as a member of a panel on prison sentences or
25 a panel on young adult sentences to facilitate the efficient function of
26 the board. The alternate board member may assume, in accordance
27 with the provisions of this section, the duties of any associate member,
28 regardless of whether that associate member serves on a panel on
29 juvenile commitments or panels on adult sentences either as a member
30 of a panel on prison sentences or a panel on young adult sentences.
31 (cf: P.L.1997, c.219.)

32

33 2. This act shall take effect immediately.

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STATEMENT

37

38 This bill would increase the membership of the State parole board
39 from nine to eleven, expand the ability of an alternate board member
40 to assume the duties of an associate board member and add an
41 additional panel to the board. Currently, the alternate board member
42 assumes the duties of an associate member only when the associate
43 member is removed, incapacitated or assumes the duties of the
44 chairman. This bill would allow the alternate board member to assume
45 the duties of an associate board member when the associate member

S1698 GORMLEY, BRYANT

4

1 is absent or otherwise unable to perform his duties or assumes the
2 duties of the chairman.

3 The bill increases the number of adult panels on prison sentences
4 from two to three, and allows the chairman to temporarily reassign any
5 member appointed to a panel on juvenile commitments to a panel on
6 adult sentences when necessary to facilitate the efficient function of
7 the board.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 1698

STATE OF NEW JERSEY

DATED: JUNE 7, 1999

The Assembly Law and Public Safety Committee reports favorably Senate Bill No. 1698.

Senate Bill No. 1698 increases the number of members of the State Parole Board and modifies certain statutory provisions governing the board's operations.

The Parole Board presently consists of nine members: the chairman and eight associate board members. In addition, a tenth person serves as an alternate board member. This bill creates two additional associate board members. These new board positions will allow for the creation of an additional panel to review prison sentences. Currently, two members serve on a panel on juvenile commitments, two serve on a panel reviewing young adult sentences, and four serve on two panels reviewing prison sentences; the bill provides for the creation of a third prison sentence review panel.

In addition, the bill expands the ability of the alternate board member to assume the duties of an associate board member. Presently, the alternate member may serve if the associate member is removed, is incapacitated or has assumed the duties of the chairman. Under the bill, the alternate member could serve whenever an associate member is absent or otherwise unable to perform that member's duties.

Finally, the bill permits the chairman of the parole board to temporarily assign a member appointed to the panel on juvenile commitment to a parole panel dealing with adult inmates.

This bill is identical to Assembly Bill No. 2881, also reported by the committee on this date.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1698

STATE OF NEW JERSEY

DATED: JUNE 21, 1999

The Assembly Appropriations Committee reports favorably Senate Bill No. 1698.

Senate Bill No. 1698 increases the number of members of the State Parole Board and modifies certain statutory provisions governing the board's operations.

The Parole Board presently consists of nine members: the chairman and eight associate board members. In addition, a tenth person serves as an alternate board member. This bill creates two additional associate board members. These new board positions will allow for the creation of an additional panel to review prison sentences. Currently, two members serve on a panel on juvenile commitments, two serve on a panel reviewing young adult sentences, and four serve on two panels reviewing prison sentences; the bill provides for the creation of a third prison sentence review panel.

In addition, the bill expands the ability of the alternate board member to assume the duties of an associate board member. Presently, the alternate member may serve if the associate member is removed, incapacitated or has assumed the duties of the chairman. Under the bill, the alternate member could serve whenever an associate member is absent or otherwise unable to perform that member's duties.

Finally, the bill permits the chairman of the parole board to temporarily assign a member appointed to the panel on juvenile commitment to a parole panel dealing with adult inmates.

This bill is identical to Assembly Bill No. 2881, also reported by the committee on this date.

FISCAL IMPACT:

In the legislative fiscal estimate to this bill, the Office of Legislative Services (OLS) estimates that the salary-related costs to the State would be about \$215,000 annually. Salary, fringe benefits, Social Security and Medicaid contributions raise the base salary of \$88,524 to a related benefit cost of \$107,676 for each new member. Two new members would add an additional panel with ancillary costs of approximately \$45,000 to \$50,000 for a total cost of about \$265,000.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1698

STATE OF NEW JERSEY

DATED: FEBRUARY 18, 1999

The Senate Judiciary Committee reports favorably Senate Bill No. 1698.

The Parole Board presently consists of nine members: the chairman, and eight associate board members. In addition, a tenth person serves as an alternate board member. This bill would create two additional associate board members. These new board positions would allow for the creation of an additional board to review prison sentences. Currently, two members serve on a panel on juvenile commitments; two serve on a panel reviewing young adult sentences and four serve on two panels reviewing prison sentences.

The bill would expand the ability of the alternate board member to assume the duties of an associate board member. Presently, the alternate member may serve if the associate member is removed, is incapacitated or has assumed the duties of the chairman. S1698 would allow the alternate member to serve whenever an associate member is absent or otherwise unable to perform his duties.

Additionally, the bill would permit the chairman of the parole board to temporarily assign a member appointed to the panel on juvenile commitment, to a parole panel dealing with adult inmates.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1698

STATE OF NEW JERSEY

DATED: MARCH 18, 1999

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1698.

This bill increases the number of members of the State Parole Board and modifies certain statutory provisions governing the board's operations.

The Parole Board presently consists of nine members: the chairman, and eight associate board members. In addition, a tenth person serves as an alternate board member. This bill would create two additional associate board members. These new board positions would allow for the creation of an additional panel to review prison sentences. Currently, two members serve on a panel on juvenile commitments, two serve on a panel reviewing young adult sentences, and four serve on two panels reviewing prison sentences; the bill provides for the creation of a third prison sentence review panel.

In addition, the bill would expand the ability of the alternate board member to assume the duties of an associate board member. Presently, the alternate member may serve if the associate member is removed, is incapacitated or has assumed the duties of the chairman. Under the bill, the alternate member could serve whenever an associate member is absent or otherwise unable to perform that member's duties.

Finally, the bill would permit the chairman of the parole board to temporarily assign a member appointed to the panel on juvenile commitment to a parole panel dealing with adult inmates.

FISCAL IMPACT

The Office of Legislative Services (OLS) estimates that the salary-related cost to the State of the two additional associate board members would be around \$215,000 annually. Currently, the salary for an associate Parole Board member is \$88,524. Fringe benefits add another 15.1 percent, or \$13,367. The employer's share of Social Security and Medicare contributions (7.65 percent up to the Social Security wage base of \$72,600; 1.45 percent above that) equals \$5,785 for each new board member. Thus the total salary plus related benefit costs for each associate member is \$107,676.

Since the two additional board members would create an additional hearing panel, there could be ancillary costs associated with the bill, including clerical assistance and related expenses. It would be

reasonable to assume an additional \$45,000 to \$50,000 for such costs, bringing the total to around \$260,000 to \$265,000.

The OLS notes that the Governor's Fiscal Year 2000 budget includes \$265,000 for this purpose in the State Parole Board's overall budget display. Should this recommendation be adopted in the annual appropriations act, the funding would be in place for the additional board members, assuming this bill is enacted into law.

LEGISLATIVE FISCAL ESTIMATE

SENATE, No. 1698

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: MAY 4, 1999

BILL SUMMARY

Senate Bill No. 1698 of 1999 creates two additional associate board members on the Parole Board. The Parole Board presently consists of nine members; the chairman, and eight associate board members. In addition, a tenth person serves as an alternate board member. This bill would increase the eight associate board members to ten. These two new board positions would allow for the creation of an additional panel to review prison sentences. Currently, two members serve on a panel on juvenile commitments; two serve on a panel reviewing young adult sentences and four serve on two panels reviewing prison sentences.

OFFICE OF LEGISLATIVE SERVICES COMMENTS

The Office of Legislative Services (OLS) estimates that the salary-related cost to the State of the two additional associate board members would be around \$215,000 annually. Currently, the salary for an associate Parole Board member is \$88,524. Fringe benefits add another 15.1 percent, or \$13,367. The employer's share of Social Security and Medicare contributions (7.65 percent up to the Social Security wage base of \$72,600; 1.45 percent above that) equals \$5,785 for each new board member. Thus the total salary plus related benefit costs for each associate member is \$107,676.

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The OLS notes that the Governor's Fiscal Year 2000 budget includes \$265,000 for this purpose in the State Parole Board's overall budget display. Should this recommendation be adopted in the annual appropriations act, the funding would be in place for the additional board members, assuming this bill is enacted into law.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

ASSEMBLY, No. 2881

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED FEBRUARY 18, 1999

Sponsored by:

Assemblyman JAMES W. HOLZAPFEL

District 10 (Monmouth and Ocean)

SYNOPSIS

Increases membership of State parole board.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the State Parole Board and amending P.L.1979,
2 c.441.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 3 of P.L.1979, c.441 (C.30:4-123.47) is amended to
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11 a chairman, **[eight]** 10 associate members and one alternate board
12 member. The chairman, associate members and alternate board
13 member shall be appointed by the Governor with the advice and
14 consent of the Senate from qualified persons with training or
15 experience in law, sociology, criminal justice, juvenile justice or
16 related branches of the social sciences. Members of the board and the
17 alternate board member shall be appointed for terms of six years and
18 the terms of their successors shall be calculated from the expiration of
19 the incumbent's term. Members shall serve until their successors are
20 appointed and have qualified.

21 The Governor shall designate a vice-chairman from among the
22 associate members. The vice-chairman shall assume the duties of the
23 chairman when the chairman is absent or otherwise incapable of
24 performing his duties, or, in the case of removal or a permanent
25 incapacity, until the qualification of a successor chairman appointed by
26 the Governor.

27 The alternate board member **[shall]** may assume the duties of an
28 associate member **[only]** when the associate member is **[removed,**
29 **incapacitated]** absent or otherwise unable to perform his duties or
30 assumes the duties of the chairman, and shall perform those duties only
31 until the associate resumes his duties, or, in the case of removal or a
32 permanent incapacity, the qualification of a successor appointed by the
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36 as one occurring by expiration of term, but for the unexpired term
37 only. In the event that any member of the board shall be rendered
38 incapable of performing his duties and the alternate board member is
39 incapable of performing that associate's duties, either because the
40 alternate board member has assumed the duties of another associate or
41 is otherwise rendered incapable of performing the associate's duties,
42 the Governor shall appoint a qualified person to act in his stead during
43 the period of his incapacity. Any member of the board , including the

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 underlined thus is new matter.

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2 for cause.

3 c. The members of the board shall devote their full time to the
4 performance of their duties and be compensated pursuant to section 2
5 of P.L.1974, c.55 (C.52:14-15.108). The alternate member shall be
6 entitled to compensation. The amount of such compensation shall be
7 determined by multiplying the rate an associate member would be paid
8 on a per diem basis times the number of days the alternate board
9 member actually performed the duties of an associate member in
10 accordance with the provisions of this section.

11 d. At the time of appointment, the Governor shall designate two
12 associate members of the board to serve on a panel on juvenile
13 commitments. The remaining ~~【six】~~ eight associate members of the
14 board shall be appointed by the Governor to panels on adult sentences.
15 The chairman of the board shall assign ~~【four】~~ six of the associate
16 members so appointed to ~~【two】~~ three panels on prison sentences, and
17 the remaining two associate members so appointed to a panel on
18 young adult sentences. The chairman of the board shall be a member
19 of each panel. Nothing provided herein shall prohibit the chairman
20 from reassigning any member appointed to a panel on adult sentences
21 to facilitate the efficient function of the board. Nothing provided
22 herein shall prohibit the chairman from temporarily reassigning any
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24 adult sentences either as a member of a panel on prison sentences or
25 a panel on young adult sentences to facilitate the efficient function of
26 the board. The alternate board member may assume, in accordance
27 with the provisions of this section, the duties of any associate member,
28 regardless of whether that associate member serves on a panel on
29 juvenile commitments or panels on adult sentences either as a member
30 of a panel on prison sentences or a panel on young adult sentences.
31 (cf: P.L.1997, c.219.)

32

33 2. This act shall take effect immediately.

34

35

36

STATEMENT

37

38 This bill would increase the membership of the State parole board
39 from nine to eleven, expand the ability of an alternate board member
40 to assume the duties of an associate board member and add an
41 additional panel to the board. Currently, the alternate board member
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43 member is removed, incapacitated or assumes the duties of the
44 chairman. This bill would allow the alternate board member to assume
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1 duties of the chairman.

2 The bill increases the number of adult panels on prison sentences
3 from two to three, and allows the chairman to temporarily reassign any
4 member appointed to a panel on juvenile commitments to a panel on
5 adult sentences when necessary to facilitate the efficient function of
6 the board.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2881

STATE OF NEW JERSEY

DATED: JUNE 7, 1999

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 2881.

Assembly Bill No. 2881 increases the number of members of the State Parole Board and modifies certain statutory provisions governing the board's operations.

The Parole Board presently consists of nine members: the chairman and eight associate board members. In addition, a tenth person serves as an alternate board member. This bill creates two additional associate board members. These new board positions will allow for the creation of an additional panel to review prison sentences. Currently, two members serve on a panel on juvenile commitments, two serve on a panel reviewing young adult sentences, and four serve on two panels reviewing prison sentences; the bill provides for the creation of a third prison sentence review panel.

In addition, the bill expands the ability of the alternate board member to assume the duties of an associate board member. Presently, the alternate member may serve if the associate member is removed, is incapacitated or has assumed the duties of the chairman. Under the bill, the alternate member could serve whenever an associate member is absent or otherwise unable to perform that member's duties.

Finally, the bill permits the chairman of the parole board to temporarily assign a member appointed to the panel on juvenile commitment to a parole panel dealing with adult inmates.

This bill is identical to Senate Bill No. 1698, also reported by the committee on this date.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2881

STATE OF NEW JERSEY

DATED: JUNE 21, 1999

The Assembly Appropriations Committee reports favorably Assembly Bill No. 2881.

Assembly Bill No. 2881 increases the number of members of the State Parole Board and modifies certain statutory provisions governing the board's operations.

The Parole Board presently consists of nine members: the chairman and eight associate board members. In addition, a tenth person serves as an alternate board member. This bill creates two additional associate board members. These new board positions will allow for the creation of an additional panel to review prison sentences. Currently, two members serve on a panel on juvenile commitments, two serve on a panel reviewing young adult sentences, and four serve on two panels reviewing prison sentences; the bill provides for the creation of a third prison sentence review panel.

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Finally, the bill permits the chairman of the parole board to temporarily assign a member appointed to the panel on juvenile commitment to a parole panel dealing with adult inmates.

This bill is identical to Senate Bill No. 1698, also reported by the committee on this date.

FISCAL IMPACT:

In the legislative fiscal estimate to this bill, the Office of Legislative Services (OLS) estimates that the salary-related costs to the State would be about \$215,000 annually. Salary, fringe benefits, Social Security and Medicaid contributions raise the base salary of \$88,524 to a related benefit cost of \$107,676 for each new member. Two new members would add an additional panel with ancillary costs of approximately \$45,000 to \$50,000 for a total cost of about \$265,000.

LEGISLATIVE FISCAL ESTIMATE

ASSEMBLY, No. 2881

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: MAY 4, 1999

BILL SUMMARY

Assembly Bill No. 2881 of 1999 creates two additional associate board members on the Parole Board. The Parole Board presently consists of nine members; the chairman, and eight associate board members. In addition, a tenth person serves as an alternate board member. This bill would increase the eight associate board members to ten. These two new board positions would allow for the creation of an additional panel to review prison sentences. Currently, two members serve on a panel on juvenile commitments; two serve on a panel reviewing young adult sentences and four serve on two panels reviewing prison sentences.

OFFICE OF LEGISLATIVE SERVICES COMMENTS

The Office of Legislative Services (OLS) estimates that the salary-related cost to the State of the two additional associate board members would be around \$215,000 annually. Currently, the salary for an associate Parole Board member is \$88,524. Fringe benefits add another 15.1 percent, or \$13,367. The employer's share of Social Security and Medicare contributions (7.65 percent up to the Social Security wage base of \$72,600; 1.45 percent above that) equals \$5,785 for each new board member. Thus the total salary plus related benefit costs for each associate member is \$107,676.

Since the two additional board members would create an additional hearing panel, there could be ancillary costs associated with the bill, including clerical assistance and related expenses. It would be reasonable to assume an additional \$45,000 to \$50,000 for such costs, bringing the total to around \$260,000 to \$265,000.

The OLS notes that the Governor's Fiscal Year 2000 budget includes \$265,000 for this purpose in the State Parole Board's overall budget display. Should this recommendation be adopted in the annual appropriations act, the funding would be in place for the additional board members, assuming this bill is enacted into law.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

Office of the Governor
NEWS RELEASE

CONTACT: Jayne O'Connor
Wendi Patella
609-777-2600

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Governor Whitman Signs Bills into Law

Gov. Christie Whitman today signed 12 bills into law, including legislation to increase parental involvement in a minor's decision to have an abortion, to allow towns to regulate or prohibit nudity on state-owned land within their borders, and to fund the state's contribution toward a memorial to recognize World War II veterans.

On the parental notification bill, Gov. Whitman said, "This legislation strikes a common-sense balance that recognizes the rights of parents to know when a medical procedure will be performed on their minor children, while preserving a young woman's legal right to choose whether or not to have an abortion."

A-44, sponsored by Assembly Members Paul DiGaetano (R-Bergen/Essex/Passaic) and Joseph Doria (D-Hudson) and Senators Ronald Rice (D-Essex) and Joseph Palaia (R-Monmouth), appropriates \$14.8 million to the Department of Community Affairs to demolish and dispose of unsafe buildings. The money would be used as loans to 17 municipalities to demolish buildings in urban and rural areas. The loans were awarded pursuant to the "Urban and Rural Centers Unsafe Buildings Demolition Bond Act." Loans will be granted to Camden, Passaic, Elizabeth, Bridgeton, Jersey City, Asbury Park, Bayonne, East Orange, Hampton, Long Branch, Orange, Paterson, Penns Grove, Perth Amboy, Pleasantville, Union City, and Vineland.

ACS for A-527/S-813, sponsored by Assembly Members John E. Rooney (R-Bergen) and Marion Crecco (R-Essex/Passaic), seeks to increase parental involvement in a minor's decision to have an abortion. Specifically, the bill requires a physician, prior to performing an abortion upon a female under the age of 18, to notify a parent at least 48 hours prior to the procedure, subject to certain exemptions. If the parent has no custodial rights or if there is no parent with care and control, the bill provides for notification of a foster parent, guardian or person standing in loco parentis.

The bill establishes an exception to the notification requirement if, in the attending physician's good faith clinical judgment, a medical emergency exists. The bill also allows a pregnant minor to petition a judge of the Superior Court for a judicial order waiving the notification requirement. A judge must waive the notification requirement if he finds, by clear and convincing evidence, that either the pregnant minor is mature enough to decide whether to have an abortion; the notification of the parent is not in the best interests of the minor; or there is evidence of physical, sexual or emotional abuse by the parent, guardian or legal custodian.

A-631, sponsored by Assembly Members Joseph Roberts (D-Camden/Gloucester) and Arline Friscia (D-Middlesex), designates a portion of the revenue collected from vending machine sales under contract

with the Commission for the Blind and Visually Impaired to be used for vision screening and prevention services. Since 1994, the vending machine revenue has been redirected through the appropriations act, which resulted in a disincentive to increase sales. The revenue sharing program grants the Commissioner of the Department of Human Services the authority to share a portion of the sales with department institutions only when enough funds have been collected to support Project Prevention.

S-1698, sponsored by Senators William L. Gormley (R-Atlantic) and Wayne R. Bryant (D-Camden/Gloucester) and Assembly Member James W. Holzapfel (R-Monmouth/ Ocean), enhances the flexibility of the State Parole Board. The legislation increases the membership of the board from nine members to eleven and adds a third adult panel on prison sentences which will enable the board to conduct an estimated 288 additional panel hearings each month.

The legislation also expands the ability of an alternate board member to assume the duties of an associate member. Currently, the board has an alternate member who can assume the duties of an associate member only when the associate is removed, incapacitated or assumes the duties of the chairman. The legislation will allow an alternate member to step in for an associate member when the member is absent or otherwise unable to perform his or her duties, or assumes the duties of the chairman. Finally, the bill expands the powers of the chairman to temporarily reassign an associate member appointed to a panel on juvenile commitments to a panel on adult sentences. Currently, the chairman can only reassign members appointed to a panel on adult sentences.

S-1709/A-3115, sponsored by Senator Robert Singer (R-Burlington/Monmouth/Ocean) and Assembly Members Carol J. Murphy (R-Essex/Morris/Passaic) and Nicholas Felice (R-Bergen/Passaic), clarifies that the corporation business tax benefit transfer program applies only to emerging technology and biotechnology companies in this state. As currently written, the bill could allow large "Fortune 500" companies to obtain CBT tax credits.

S-1744/A-2886, sponsored by Senators Norman M. Robertson (R-Essex/Passaic) and Louis Bassano (R-Essex/Union) and Assembly Members Kenneth LeFevre (R-Atlantic) and Joseph Azzolina (R-Middlesex and Monmouth), makes a supplemental appropriation of \$580,000 from the General Fund to the Department of Military and Veterans' Affairs for a grant to the World War II Memorial Fund. The fund is to be used to construct and maintain the first national memorial dedicated to all who served in the armed forces and the merchant marines during World War II.

Former Senator Bob Dole is leading efforts to raise \$100 million toward the memorial, which is to be built on the Mall in Washington, D.C. States have been asked to make donations to the fund, suggested at \$1 for each resident who served in WWII. The \$580,000 supplemental appropriation represents New Jersey's contribution for its approximately 580,000 veterans who served in the war. Of those 580,000 veterans, it is estimated that approximately 200,000 World War II veterans are still living in the state.

S-1912, sponsored by Senator James S. Cafiero and Assembly Members John C. Gibson and Nicholas Asselta (all R-Cape May/Atlantic/Cumberland), authorizes municipalities to regulate or prohibit nudity on any state-owned land.

S-1985, sponsored by Senators William E. Schluter (R-Warren/Hunterdon/Mercer) and Shirley K. Turner (D-Mercer) and Assembly Members Bonnie Watson Coleman (D-Mercer) and Reed Gusciora (D-Mercer), authorizes the Department of the Treasury to sell as surplus real property all of the state's interest in the Lafayette Yard property in Trenton to the City of Trenton. The terms and conditions of the sale must be approved by the State House Commission. The purpose of the bill is to allow the City of Trenton to build a hotel on the site. The sale of the Lafayette Yard and the City of Trenton Hotel and Conference Center will be financed by a \$5 million loan from the state.

S-1986, sponsored by Senators William E. Schluter (R-Warren/Hunterdon/Mercer) and Shirley K. Turner (D-Mercer) and Assembly Members Bonnie Watson Coleman (D-Mercer) and Reed Gusciora (D-Mercer), makes a supplemental appropriation of \$5 million from the Fiscal Year 1999 Appropriations Act to the Department of the Treasury to make a loan to the City of Trenton to construct a hotel/conference center and parking garage on the Lafayette Yard site next to the War Memorial in Trenton.

S-2009, sponsored by Senator Gerald Cardinale (R-Bergen) and Assembly Member Claire M. Farragher (R-Monmouth), revises the manner in which the Department of Banking and Insurance (DBI) may assess the insurance industry for the cost of operations of the Division of Insurance and the Office of Insurance Fraud Prosecutor (OIP). The present amount of assessment is approximately \$41 million per year. The assessment is calculated by adding the previous year's spending by the DBI and OIP to the percentage increases (if any) in net written premiums by the insurance industry. Thus, the division must calculate the premium increase for the insurance industry from the previous calendar year and then set its budget for the following year. The assessment growth is limited to the percentage growth in net written premiums from the prior calendar year. Annual statements containing net written premium information are not due from the companies until March following the close of the calendar year and this information is not compiled until May. Consequently, the maximum assessment for the preceding fiscal year is not known until May of the current year, which leaves inadequate time to adjust spending.

To rectify these problems, the bill revises the fiscal cap by removing the present limitation that the assessment may not increase, as a percentage, by more than the percentage increase in net written premiums received by all companies for the prior calendar year. Instead, it sets the cap at 0.20 percent of the combined net written premiums received during the prior calendar year. The bill applies the revised cap to the 1999 fiscal year and every succeeding fiscal year. The cap will now have a fixed ceiling, instead of a variable ceiling.

ACS for A-2738 and A-2343, sponsored by Assembly Members Alex DeCroce (R-Essex/Morris/Passaic), Anthony Impreveduto (D-Bergen/Hudson), Francis Bodine (R-Atlantic/Burlington/Camden) and Joseph Charles (D-Hudson) and Senators Andrew Ciesla (R-Monmouth/Ocean) and Walter Kavanaugh (R-Morris/Somerset), increases from \$700 million to \$900 million the amount of debt that the State Transportation Trust Fund Authority may incur. The bill also increases the same amount that may be appropriated for transportation projects. Any savings realized by refinancing debt must be used for funding transportation projects.

ACS for A-3269, sponsored by Assembly Members Rose Marie Heck (R-Bergen), Joel M. Weingarten (D-Bergen) and Loretta Weinberg (D-Bergen), authorizes the Division of Motor Vehicles

(DMV) to process motor vehicle transactions submitted through any electronic or digital means, including by the Internet or telephone. Individuals will continue to have the option of conducting business with DMV in person or through the mail.