

## 5:2A-3

### LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2001 **CHAPTER:** 397  
**NJSA:** 5:2A-3 (State Athletic Control Board Full-Time Chairman)

**BILL NO:** S2742

**SPONSOR(S):** Bennett and Lynch

**DATE INTRODUCED:** November 29, 2001

**COMMITTEE: ASSEMBLY:** Appropriations

**SENATE:** State Government

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE: ASSEMBLY:** January 7, 2002  
**SENATE:** December 17, 2001

**DATE OF APPROVAL:** January 8, 2002

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (Original version of bill enacted)

S2742

**SPONSORS STATEMENT:** (Begins on page 4 of original bill) Yes

**COMMITTEE STATEMENT: ASSEMBLY:** Yes

**SENATE:** Yes

**FLOOR AMENDMENT STATEMENTS:** No

**LEGISLATIVE FISCAL ESTIMATE:** Yes

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

"Athletic control board chair will be full-time," 1-5-02, The Press, p. D4.

**SENATE, No. 2742**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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INTRODUCED NOVEMBER 29, 2001

**Sponsored by:**

**Senator JOHN O. BENNETT**

**District 12 (Monmouth)**

**Senator JOHN A. LYNCH**

**District 17 (Middlesex, Somerset and Union)**

**SYNOPSIS**

Provides that chairmanship of the State Athletic Control Board would be a full-time position.

**CURRENT VERSION OF TEXT**

As introduced.



S2742 BENNETT, LYNCH

2

1 AN ACT concerning the chairman of the State Athletic Control Board  
2 and amending P.L.1985, c.83 and P.L.1974, c.55.

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.1985, c.83 (C.5:2A-3) is amended to read as  
8 follows:

9 3. a. There is created and established within the Department of  
10 Law and Public Safety a State Athletic Control Board. The board  
11 shall consist of three public members appointed by the Governor with  
12 the advice and consent of the Senate for terms of three years, except  
13 that of the three members first appointed, one shall be appointed for  
14 a term of one year, one for a term of two years and one for a term of  
15 three years. One of the members shall be designated by the Governor  
16 as chairman of the board at the time of the member's appointment, and  
17 shall serve as chairman during the member's entire term of office and  
18 until a successor is duly appointed and qualified. The initial chairman  
19 shall be the member appointed to a term of three years. No more than  
20 two of the members shall be of the same political party. Members shall  
21 serve until their successors are appointed and have been qualified. The  
22 terms of their successors shall be calculated from the expiration of the  
23 incumbents' terms. Any vacancy in the membership of the board other  
24 than by expiration of term shall be filled in the same manner as the  
25 original appointment but for the unexpired term only.

26 b. Each member of the board may be removed from office by the  
27 Governor for cause. Each member of the board before entering upon  
28 his duties shall take and subscribe an oath to perform the duties of his  
29 office faithfully, impartially and justly to the best of the member's  
30 ability. A record of these oaths shall be filed in the offices of the  
31 Secretary of State and the Attorney General.

32 c. The chairman of the board shall devote his entire time to the  
33 duties of the board and shall not engage in any occupation, profession  
34 or other gainful employment. The chairman shall be compensated  
35 pursuant to section 2 of P.L.1974, c.55 (C.52:14-15.108). The two  
36 other members of the board shall receive an annual salary of  
37 \$10,000.00 [and], shall be reimbursed for actual expenses incurred  
38 in the performance of their responsibilities[. The members of the  
39 board] and shall not be eligible for membership in any  
40 State-administered retirement system.

41 d. The powers of the board shall be vested in the members thereof  
42 in office from time to time, and two members of the board shall  
43 constitute a quorum at any meeting thereof. Action may be taken and

**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 motions and resolutions adopted by the board at any meeting thereof  
2 by the affirmative vote of at least two members of the board. No  
3 vacancy in the membership of the board shall impair the right of a  
4 quorum to exercise all powers and perform all duties of the board.  
5 (cf: P.L.1985, c.83, s.3)

6

7 2. Section 2 of P.L.1974, c.55 (C.52:14-15.108) is amended to  
8 read as follows:

9 2. The salary ranges for the following positions shall be as  
10 established by the Department of Personnel with the approval of the  
11 Director, Division of Budget and Accounting. The salary rate for any  
12 such position shall be the salary step in such range next above the  
13 salary currently being paid; provided, however, that any sums  
14 appropriated for salaries may be made available for salary adjustments  
15 therein arising from various exigencies of the State service and for  
16 normal merit salary increments as the Commissioner of Personnel, the  
17 State Treasurer and the Director of the Division of Budget and  
18 Accounting shall determine; and provided, further, that nothing in this  
19 act shall reduce the salary rate for any such position below that which  
20 is being paid on the effective date of this act:

21 Personnel Department  
22 Chief Examiner and Secretary  
23 Community Affairs Department  
24 Assistant Commissioner of Community Affairs  
25 Director, Division of State and Regional Planning  
26 Director, Division of Local Government Services  
27 Director, Division of Housing and Urban Renewal  
28 Director, Office of Aging Programs  
29 Director, Office on Women  
30 Environmental Protection Department  
31 Director, Division of Water Resources  
32 Director, Division of Parks and Forestry  
33 Director of Fish, Game and Shell Fisheries  
34 Director, Division of Marine Services  
35 Director, Division of Environmental Quality  
36 Health and Senior Services Department  
37 Director, Division, of Narcotic and Drug Abuse Control  
38 Corrections Department  
39 Chairman, State Parole Board  
40 Associate Member, State Parole Board  
41 Chairman, State Athletic Control Board  
42 Public Defender  
43 Labor Department  
44 Director, Workplace Standards  
45 Law and Public Safety Department  
46 Colonel and Superintendent, State Police

**S2742 BENNETT, LYNCH**

4

1 Director, Division of Motor Vehicles  
2 State Medical Examiner  
3 Director, Division of Alcoholic Beverage Control  
4 State Superintendent of Weights and Measures  
5 Public Utilities Department  
6 Director, Office of Cable Television  
7 Executive Director, Public Broadcasting  
8 State Department  
9 Transportation Department  
10 Assistant Commissioner for Highways  
11 Assistant Commissioner for Public Transportation  
12 Treasury Department  
13 Director, Division of Budget and Accounting  
14 Director, Division of Taxation  
15 Director, Division of Purchase and Property  
16 Director, Division of Pensions and Benefits  
17 Director, Division of State Lottery.  
18 (cf: P.L.1999, c.380, s.11)

19

20 3. This act shall take effect immediately.

21

22

23

STATEMENT

24

25 Under current law, the State Athletic Control Board consists of a  
26 chairman and two members, who each receive an annual salary of  
27 \$10,000 for their part-time positions. This bill would make the  
28 chairmanship a full-time position, requiring that the chairman devote  
29 his entire time to the duties of the Board and not engage in any other  
30 gainful employment.

31 The bill provides that the chairman would receive a salary as  
32 established by the Department of Personnel with the approval of the  
33 Director of the Division of Budget and Accounting. The current  
34 salaries and part-time status of the other two members of the Board  
35 would remain unchanged.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

**SENATE, No. 2742**

**STATE OF NEW JERSEY**

DATED: DECEMBER 13, 2001

The Senate State Government Committee reports favorably Senate Bill No. 2742.

Under current law, the State Athletic Control Board consists of a chairman and two members, who each receive an annual salary of \$10,000 for their part-time positions. This bill would make the chairmanship a full-time position, requiring that the chairman devote his entire time to the duties of the board and not engage in any other gainful employment.

The bill provides that the chairman would receive a salary as established by the Department of Personnel with the approval of the Director of the Division of Budget and Accounting. The current salaries and part-time status of the other two board members would remain unchanged.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

**SENATE, No. 2742**

**STATE OF NEW JERSEY**

DATED: JANUARY 3, 2002

The Assembly Appropriations Committee reports favorably Senate Bill No. 2742.

Senate Bill No. 2742 provides that the chairmanship of the State Athletic Control Board shall be a full-time position, requiring the chairman to devote the entire time to the duties of the board and not engage in any other gainful employment, and receive a salary as established by the Department of Personnel with the approval of the Director of the Division of Budget and Accounting. The current salaries and part-time status of the other two board members would remain unchanged.

FISCAL IMPACT

This legislation makes the chairmanship of the State Athletic Control Board a full-time position. The salary amount will be established by the Department of Personnel, with approval by the Director of Budget and Accounting. At this point in time, it is not known what salary amount is being considered.

**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE, No. 2742**  
**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

DATED: JANUARY 18, 2002

**SUMMARY**

**Synopsis:** Provides that chairmanship of the State Athletic Control Board would be a full-time position.

**Type of Impact:** Expenditure increase, General Fund.

**Agencies Affected:** Department of Law and Public Safety.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost</b>	Indeterminate	Indeterminate	Indeterminate

- ! Upgrades the chairmanship of the State Athletic Control Board in the Department of Law and Public Safety from a part-time position to a full-time position.
- ! Requires the chairman to devote his entire time to the duties of the board and not engage in any other gainful employment.
- ! Provides that the chairman would receive a salary as established by the Department of Personnel with the approval of the Director of the Division of Budget and Accounting.
- ! No appropriation is made by the bill.

**BILL DESCRIPTION**

Senate Bill No. 2742 of 2001 upgrades the chairmanship of the State Athletic Control Board (SACB) to a full-time position, requiring that the chairman devote his entire time to the duties of the board and not engage in any other gainful employment. The chairman would receive a salary as established by the Department of Personnel with the approval of the Director of the Division of Budget and Accounting.

Under current law, the SACB consists of a chairman and two members, all of whom receive an annual salary of \$10,000 for their part-time positions. Under the provisions of the bill, the current salaries and part-time status of the other two board members would remain unchanged.

The SACB was established, pursuant to P.L.1985, c.83 (N.J.S.A.5:2A et.seq.,) to ensure that all public boxing and other combative sports exhibitions, events, performances and contests are



subject to an effective and efficient system of strict control and regulation. The board is funded by taxes, penalties and other revenues it collects. N.J.S.A.5:2A-19 requires that any such revenues collected in excess of the amount needed for operation of the board be deposited in the General Fund. Conversely, when board revenues fall short of operating costs, the General Fund is required to make up the difference.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services (OLS) estimates that State costs would increase under the provisions of this bill. This increase would include the amount needed to raise the State Athletic Control Board (SACB) chairman's annual salary from \$10,000 to the full-time amount determined by the Department of Personnel. Fringe benefit costs for this position also would increase.

The amount of that increase cannot be determined because the full-time salary for the position will not be established until this bill is enacted.

OLS notes if the salary amount for the full-time position is compared with those received by directors of similar boards, the additional salary amount incurred under this bill could be in the range of \$80,000 per year. For example, the chairman of the State Parole Board earns \$92,750 and the chairman of the Victims of Crime Compensation Board earns \$100,562. OLS also notes that current law prohibits SACB members from membership in the State retirement system. This bill removes that prohibition from the position of SACB chairman. Enrollment of the chairman in the retirement system would increase system costs.

Sufficient information is lacking to permit an estimate of State costs under this bill.

Section: *Law and Public Safety*

Analyst: *Kristen A. Fischer*  
*Associate Fiscal Analyst*

Approved: *Alan R. Kooney*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

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

P.L. 2001, CHAPTER 397, *approved January 8, 2002*

Senate, No. 2742

1 AN ACT concerning the chairman of the State Athletic Control Board  
2 and amending P.L.1985, c.83 and P.L.1974, c.55.

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
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8 follows:

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12 the advice and consent of the Senate for terms of three years, except  
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14 a term of one year, one for a term of two years and one for a term of  
15 three years. One of the members shall be designated by the Governor  
16 as chairman of the board at the time of the member's appointment, and  
17 shall serve as chairman during the member's entire term of office and  
18 until a successor is duly appointed and qualified. The initial chairman  
19 shall be the member appointed to a term of three years. No more than  
20 two of the members shall be of the same political party. Members shall  
21 serve until their successors are appointed and have been qualified. The  
22 terms of their successors shall be calculated from the expiration of the  
23 incumbents' terms. Any vacancy in the membership of the board other  
24 than by expiration of term shall be filled in the same manner as the  
25 original appointment but for the unexpired term only.

26 b. Each member of the board may be removed from office by the  
27 Governor for cause. Each member of the board before entering upon  
28 his duties shall take and subscribe an oath to perform the duties of his  
29 office faithfully, impartially and justly to the best of the member's  
30 ability. A record of these oaths shall be filed in the offices of the  
31 Secretary of State and the Attorney General.

32 c. The chairman of the board shall devote his entire time to the  
33 duties of the board and shall not engage in any occupation, profession  
34 or other gainful employment. The chairman shall be compensated  
35 pursuant to section 2 of P.L.1974, c.55 (C.52:14-15.108). The two  
36 other members of the board shall receive an annual salary of  
37 \$10,000.00 [and], shall be reimbursed for actual expenses incurred  
38 in the performance of their responsibilities[. The members of the  
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40 State-administered retirement system.

**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 d. The powers of the board shall be vested in the members thereof  
2 in office from time to time, and two members of the board shall  
3 constitute a quorum at any meeting thereof. Action may be taken and  
4 motions and resolutions adopted by the board at any meeting thereof  
5 by the affirmative vote of at least two members of the board. No  
6 vacancy in the membership of the board shall impair the right of a  
7 quorum to exercise all powers and perform all duties of the board.  
8 (cf: P.L.1985, c.83, s.3)

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10 2. Section 2 of P.L.1974, c.55 (C.52:14-15.108) is amended to  
11 read as follows:

12 2. The salary ranges for the following positions shall be as  
13 established by the Department of Personnel with the approval of the  
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15 such position shall be the salary step in such range next above the  
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18 therein arising from various exigencies of the State service and for  
19 normal merit salary increments as the Commissioner of Personnel, the  
20 State Treasurer and the Director of the Division of Budget and  
21 Accounting shall determine; and provided, further, that nothing in this  
22 act shall reduce the salary rate for any such position below that which  
23 is being paid on the effective date of this act:

24 Personnel Department  
25 Chief Examiner and Secretary  
26 Community Affairs Department  
27 Assistant Commissioner of Community Affairs  
28 Director, Division of State and Regional Planning  
29 Director, Division of Local Government Services  
30 Director, Division of Housing and Urban Renewal  
31 Director, Office of Aging Programs  
32 Director, Office on Women  
33 Environmental Protection Department  
34 Director, Division of Water Resources  
35 Director, Division of Parks and Forestry  
36 Director of Fish, Game and Shell Fisheries  
37 Director, Division of Marine Services  
38 Director, Division of Environmental Quality  
39 Health and Senior Services Department  
40 Director, Division, of Narcotic and Drug Abuse Control  
41 Corrections Department  
42 Chairman, State Parole Board  
43 Associate Member, State Parole Board  
44 Chairman, State Athletic Control Board  
45 Public Defender  
46 Labor Department

1 Director, Workplace Standards  
2 Law and Public Safety Department  
3 Colonel and Superintendent, State Police  
4 Director, Division of Motor Vehicles  
5 State Medical Examiner  
6 Director, Division of Alcoholic Beverage Control  
7 State Superintendent of Weights and Measures  
8 Public Utilities Department  
9 Director, Office of Cable Television  
10 Executive Director, Public Broadcasting  
11 State Department  
12 Transportation Department  
13 Assistant Commissioner for Highways  
14 Assistant Commissioner for Public Transportation  
15 Treasury Department  
16 Director, Division of Budget and Accounting  
17 Director, Division of Taxation  
18 Director, Division of Purchase and Property  
19 Director, Division of Pensions and Benefits  
20 Director, Division of State Lottery.  
21 (cf: P.L.1999, c.380, s.11)

22  
23 3. This act shall take effect immediately.  
24  
25

26 STATEMENT  
27

28 Under current law, the State Athletic Control Board consists of a  
29 chairman and two members, who each receive an annual salary of  
30 \$10,000 for their part-time positions. This bill would make the  
31 chairmanship a full-time position, requiring that the chairman devote  
32 his entire time to the duties of the Board and not engage in any other  
33 gainful employment.

34 The bill provides that the chairman would receive a salary as  
35 established by the Department of Personnel with the approval of the  
36 Director of the Division of Budget and Accounting. The current  
37 salaries and part-time status of the other two members of the Board  
38 would remain unchanged.  
39  
40  
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42  
43 \_\_\_\_\_  
44 Provides that chairmanship of the State Athletic Control Board would  
be a full-time position.

## CHAPTER 397

AN ACT concerning the chairman of the State Athletic Control Board and amending P.L.1985, c.83 and P.L.1974, c.55.

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

1. Section 3 of P.L.1985, c.83 (C.5:2A-3) is amended to read as follows:

C.5:2A-3 State Athletic Control Board.

3. a. There is created and established within the Department of Law and Public Safety a State Athletic Control Board. The board shall consist of three public members appointed by the Governor with the advice and consent of the Senate for terms of three years, except that of the three members first appointed, one shall be appointed for a term of one year, one for a term of two years and one for a term of three years. One of the members shall be designated by the Governor as chairman of the board at the time of the member's appointment, and shall serve as chairman during the member's entire term of office and until a successor is duly appointed and qualified. The initial chairman shall be the member appointed to a term of three years. No more than two of the members shall be of the same political party. Members shall serve until their successors are appointed and have been qualified. The terms of their successors shall be calculated from the expiration of the incumbents' terms. Any vacancy in the membership of the board other than by expiration of term shall be filled in the same manner as the original appointment but for the unexpired term only.

b. Each member of the board may be removed from office by the Governor for cause. Each member of the board before entering upon his duties shall take and subscribe an oath to perform the duties of his office faithfully, impartially and justly to the best of the member's ability. A record of these oaths shall be filed in the offices of the Secretary of State and the Attorney General.

c. The chairman of the board shall devote his entire time to the duties of the board and shall not engage in any occupation, profession or other gainful employment. The chairman shall be compensated pursuant to section 2 of P.L.1974, c.55 (C.52:14-15.108). The two other members of the board shall receive an annual salary of \$10,000.00, shall be reimbursed for actual expenses incurred in the performance of their responsibilities and shall not be eligible for membership in any State-administered retirement system.

d. The powers of the board shall be vested in the members thereof in office from time to time, and two members of the board shall constitute a quorum at any meeting thereof. Action may be taken and motions and resolutions adopted by the board at any meeting thereof by the affirmative vote of at least two members of the board. No vacancy in the membership of the board shall impair the right of a quorum to exercise all powers and perform all duties of the board.

2. Section 2 of P.L.1974, c.55 (C.52:14-15.108) is amended to read as follows:

C.52:14-15.108 Salary ranges for departmental officers, directors.

2. The salary ranges for the following positions shall be as established by the Department of Personnel with the approval of the Director, Division of Budget and Accounting. The salary rate for any such position shall be the salary step in such range next above the salary currently being paid; provided, however, that any sums appropriated for salaries may be made available for salary adjustments therein arising from various exigencies of the State service and for normal merit salary increments as the Commissioner of Personnel, the State Treasurer and the Director of the Division of Budget and Accounting shall determine; and provided, further, that nothing in this act shall reduce the salary rate for any such position below that which is being paid on the effective date of this act:

Personnel Department  
Chief Examiner and Secretary  
Community Affairs Department  
Assistant Commissioner of Community Affairs  
Director, Division of State and Regional Planning  
Director, Division of Local Government Services

Director, Division of Housing and Urban Renewal  
Director, Office of Aging Programs  
Director, Office on Women  
Environmental Protection Department  
Director, Division of Water Resources  
Director, Division of Parks and Forestry  
Director of Fish, Game and Shell Fisheries  
Director, Division of Marine Services  
Director, Division of Environmental Quality  
Health and Senior Services Department  
Director, Division, of Narcotic and Drug Abuse Control  
Corrections Department  
Chairman, State Parole Board  
Associate Member, State Parole Board  
Chairman, State Athletic Control Board  
Public Defender  
Labor Department  
Director, Workplace Standards  
Law and Public Safety Department  
Colonel and Superintendent, State Police  
Director, Division of Motor Vehicles  
State Medical Examiner  
Director, Division of Alcoholic Beverage Control  
State Superintendent of Weights and Measures  
Public Utilities Department  
Director, Office of Cable Television  
Executive Director, Public Broadcasting  
State Department  
Transportation Department  
Assistant Commissioner for Highways  
Assistant Commissioner for Public Transportation  
Treasury Department  
Director, Division of Budget and Accounting  
Director, Division of Taxation  
Director, Division of Purchase and Property  
Director, Division of Pensions and Benefits  
Director, Division of State Lottery.

3. This act shall take effect immediately.

Approved January 8, 2002.