

26:2B-35

LEGISLATIVE HISTORY CHECKLIST

NJSA: 26:2B-35 "Municipal Court Reimbursement Fund--
allow substituted base year for drunk
driving arrests

LAWS OF: 1986 CHAPTER 146

BILL NO: S817

Sponsor(s): Dumont

Date Introduced: Pre-filed

Committee: Assembly: Law, Public Safety and Defense
Senate: Judiciary

Amended during passage: No

Date of Passage: Assembly: September 29, 1986
Senate: April 21, 1986

Date of Approval: November 13, 1986

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes
Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

14 p 86
11-13-86

SENATE, No. 817
STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Senator DUMONT

AN ACT concerning the "Municipal Court Administration Reimbursement Fund" and amending P. L. 1983, c. 531.

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

1 1. Section 6 of P. L. 1983, c. 531 (C. 26:2B-35) is amended to
2 read as follows:

3 6. a. Moneys dedicated for enforcement pursuant to section 2
4 of this act shall be distributed as follows:

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

8 (2) Two thirds shall be distributed in the "Drunk Driving En-
9 forcement Fund" established pursuant to [P. L. 1983, c. . . . (C.
10 . . .) (now pending before the Legislature as Assembly Bill
11 2262 of 1982)] *section 1 of P. L. 1984, c. 4 (C. 39:4-50.8).*

12 b. (1) Each municipality in this State shall present to the
13 Administrative Office of the Courts, before December 31, 1983, the
14 number of drunk driving arrests in the municipality during calendar
15 year 1980. This number shall be the base year number of arrests.
16 *In any municipality in which the number of drunk driving arrests*
17 *for calendar year 1980 exceeds the average of the number of drunk*
18 *driving arrests for calendar years 1979 and 1981, that municipality*
19 *may substitute the lower average figure as the base figure for the*
20 *calculation in this subsection. The municipality shall certify this*
21 *substitution in writing to the Administrative Office of the Courts.*
21A *within 90 days of the effective date of this 1986 amendatory act.*
22 *Once a substituted base year figure is used, it may not thereafter*

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.

23 *be changed.* Beginning January 15, 1984, and each year thereafter
24 the municipality shall report to the Administrative Office of the
25 Courts the number of drunk driving arrests made in its munici-
26 pality during the preceding calendar year.

27 (2) The Administrative Office of the Courts shall certify the
28 amounts submitted by each municipality and shall calculate for
29 each municipality any increase in the number of arrests between
30 the base year and the number of arrests reported for the preceding
31 calendar year. The Administrative Office of the Courts shall then
32 calculate the sum of all increases for all municipalities reporting.

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

35 The increase in drunk driving arrests in the municipality between
36 the base year and the preceding year over the total of increases in
37 drunk driving arrests between the base year and the preceding year
38 in all reporting municipalities in the State.

39 This fraction shall be multiplied by the total amount of the money
40 available in the "Municipal Court Administration Reimbursement
41 Fund" in the preceding calendar year. This amount shall be allo-
42 cated to the municipality for the purpose of maintaining its munici-
43 pal court which may include payments to municipal court judges,
44 municipal prosecutors and other municipal court personnel for
45 work performed in addition to regular employment hours.

1 2. This act shall take effect immediately and shall apply to
2 amounts allocated from the "Municipal Court Administration
3 Reimbursement Fund" to municipalities in 1986.

COURTS

Permits use of a substituted base year for drunk driving arrests
to determine municipal share in the "Municipal Court Reimburse-
ment Fund."

23 *be changed.* Beginning January 15, 1984, and each year thereafter
 24 the municipality shall report to the Administrative Office of the
 25 Courts the number of drunk driving arrests made in its munici-
 26 pality during the preceding calendar year.

27 (2) The Administrative Office of the Courts shall certify the
 28 amounts submitted by each municipality and shall calculate for
 29 each municipality any increase in the number of arrests between
 30 the base year and the number of arrests reported for the preceding
 31 calendar year. The Administrative Office of the Courts shall then
 32 calculate the sum of all increases for all municipalities reporting.

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

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 36 the base year and the preceding year over the total of increases in
 37 drunk driving arrests between the base year and the preceding year
 38 in all reporting municipalities in the State.

39 This fraction shall be multiplied by the total amount of the money
 40 available in the "Municipal Court Administration Reimbursement
 41 Fund" in the preceding calendar year. This amount shall be allo-
 42 cated to the municipality for the purpose of maintaining its munici-
 43 pal court which may include payments to municipal court judges,
 44 municipal prosecutors and other municipal court personnel for
 45 work performed in addition to regular employment hours.

1 2. This act shall take effect immediately and shall apply to
 2 amounts allocated from the "Municipal Court Administration
 3 Reimbursement Fund" to municipalities in 1985.

STATEMENT

This bill permits a municipality to use a substituted base year figure for the purpose of calculating the municipality's share of the money available in the "Municipal Court Administration Reimbursement Fund".

A municipality may substitute the average number of drunk driving arrests made in 1979 and 1981 as the base figure rather than the number made in 1980. This provision makes the allotment more equitable for municipalities in which calendar year 1980 arrests were disproportionate to the years preceding and following. Once the substituted base figure is used, it may not be changed but will remain the base figure for all future calculations.

ASSEMBLY LAW, PUBLIC SAFETY, DEFENSE AND
CORRECTIONS COMMITTEE

STATEMENT TO

SENATE, No. 817

STATE OF NEW JERSEY

DATED: SEPTEMBER 11, 1986

The Assembly Law, Public Safety, Defense and Corrections Committee favorably reports Senate Bill No. 817.

In 1984, P. L. 1983, c. 531 (C. 26:2B-32 et seq.) created the Alcohol Education, Rehabilitation, and Enforcement Fund. One third of the money dedicated for enforcement from this fund is distributed through the Municipal Court Administration Fund which allocates money to each municipality pursuant to a formula based on the increase in drunk driving arrests in that municipality. The base year for this formula is set by statute at 1980.

This bill would permit a municipality in which the average number of drunk driving arrests for 1979 and 1981 was less than the number for 1980 to substitute the lower figure for the calculations to be made under the Municipal Court Administration Fund. A municipality which wants to use the substituted base year would have to notify the Administrative Office of the Courts within 90 days of the bill's enactment into law.

SENATE JUDICIARY COMMITTEE
STATEMENT TO
SENATE, No. 817

STATE OF NEW JERSEY

DATED: MARCH 24, 1986

The Senate Judiciary Committee reports favorably Senate Bill No. 817.

P. L. 1983, c. 531 created the Alcohol Education Rehabilitation and Enforcement Fund. One-third of the moneys dedicated for enforcement from this fund are to be distributed through the "Municipal Court Administration Fund" which allocates money to each municipality pursuant to a formula which is based on an increase in drunk driving arrests in the municipality.

The base year for this formula is 1980. The designation of 1980 as the base year has worked to the disadvantage of Phillipsburg, a municipality in the sponsor's district. In 1980, there were 209 arrests for drunk driving in Phillipsburg as compared to 110 in 1979 and 93 in 1981. The abnormally large number of arrests in 1980 is attributable to the fact that a State Police Tact Team worked in Phillipsburg during 1980.

In order to address this situation, this bill would permit a municipality whose drunk driving arrests for 1979 and 1981 average less than the number of 1980 arrests to substitute the lower average figure as its base number for purposes of allocation under the "Municipal Court Administration Fund." If a municipality wishes to use a substitute figure, it must certify that figure to the Administrative Office of the Courts within 90 days of the bill's enactment.

This bill was pre-filed for introduction in the 1986 session pending technical review. As reported the bill includes the changes required by technical review which has been performed.