

RULE PROPOSALS

INTERESTED PERSONS

The Department of Corrections provides notices of rule proposals in the New Jersey Register (N.J.R.), a semi-monthly official publication of the Office of Administrative Law which contains all State agency rule proposals and adoptions. The following paragraph is quoted from the Proposal section of the New Jersey Register:

Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar requirements of N.J.S.A. 52:14B-3. An extended comment deadline will be noted in the heading of a proposal or appear in a subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-6.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

CORRECTIONS

THE COMMISSIONER

Classification Process

Composition of the Special Classification Review Board (S.C.R.B.)

Proposed Amendment: N.J.A.C. 10A:9-8.2

Authorized By: Gary M. Lanigan, Commissioner, Department of Corrections.

Authority: N.J.S.A. 30:1B-6 and 30:1B-10.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2013-032.

Submit written comments by May 3, 2013 to:

Melissa H. DiGregorio, Acting Supervisor
Administrative Rules Unit
Office of the Commissioner
New Jersey Department of Corrections
PO Box 863
Trenton, New Jersey 08625-0863

The agency proposal follows:

Summary

As the Department of Corrections (Department) has determined that the comment period for this notice of proposal shall be 60 days, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

N.J.A.C. 10A:9-8.2 establishes the composition of the Special Classification Review Board (S.C.R.B.). The Department has determined that six S.C.R.B. members is excessive and no longer necessary; therefore, subsection (a) has been amended to reduce the S.C.R.B. from six to four members. Additionally, new language is proposed to be added to subsection (a) to set forth that an alternate member may be designated by the Commissioner to serve in the absence of a full-time S.C.R.B. member.

The provision at subsection (c) regarding the terms of S.C.R.B. members being staggered, so that no more than four members are replaced or reappointed in any one year, has been deleted. The existing reference to the staggering of terms has been determined by the Department to be excessively restrictive and difficult to manage. The S.C.R.B. has existed for over three decades and, over the years, some members have had to resign during their terms. In some instances, this has resulted in coinciding terms for existing and new appointees. Such coinciding terms have created situations in which the membership terms of several members have expired within the same year. The proposed amendment will not impact, enlarge, or curtail the responsibilities or functions of the members serving on the S.C.R.B.

Social Impact

The proposed amendment will continue to assist administrative staff in the management of inmate populations, so that the security and orderly operation of correctional facilities can be maintained. The proposed new language establishing an alternate fifth member of the S.C.R.B. and the proposed deletion of language regarding the staggering of terms of S.C.R.B. members will continue to sufficiently provide continuity of S.C.R.B. composition and ensure management effectiveness and efficiency within the S.C.R.B.

Economic Impact

Additional funding is not necessary to implement the requirements of the proposed amendment. The cost of meeting and maintaining the requirements of the proposed amendment is met by the Department through the established budget with funds allocated by the State.

Federal Standards Statement

The proposed amendment is promulgated under the authority of the rulemaking requirements of the New Jersey Department of Corrections as established at N.J.S.A. 30:1B-6 and 30:1B-10. The proposed amendment is not subject to any Federal statutes, requirements, or standards; therefore, a Federal standards analysis is not required.

Jobs Impact

The proposed amendment will cause neither the generation nor the loss of any jobs.

Agriculture Industry Impact

The proposed amendment has no impact on the agriculture industry.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposed amendment does not impose reporting, recordkeeping, or other compliance requirements on small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendment affects inmates, the New Jersey Department of Corrections, and governmental entities responsible for the enforcement of the proposed amendment.

Housing Affordability Impact Analysis

The proposed amendment has no impact on housing affordability and there is an extreme unlikelihood that the rule would evoke a change in the average costs associated with housing because the rule concerns the composition of the S.C.R.B. The proposed amendment affects inmates, the New Jersey Department of Corrections, and governmental entities responsible for the enforcement of the proposed amendment.

Smart Growth Development Impact Analysis

The proposed amendment has no impact on smart growth or on new construction in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey since the proposed amendment concerns the composition of the S.C.R.B. The proposed amendment affects inmates, the New Jersey Department of Corrections, and governmental entities responsible for the enforcement of the proposed amendment.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

10A:9-8.2 Composition of the Special Classification Review Board (S.C.R.B.)

(a) The Commissioner shall appoint at least [six] **four** members to serve on the S.C.R.B., two of whom may be Department of Corrections employees. **An alternate member may be designated by the Commissioner to serve in the absence of a full-time S.C.R.B. member.** The S.C.R.B. panels, which conduct in-person interviews, shall be composed of no fewer than two S.C.R.B. members.

(b) (No change.)

(c) Terms of membership shall be three years [and shall be staggered so that no more than four members are replaced or reappointed in any one year].

(d) - (e) (No change.)