

40:19A-1

LEGISLATIVE HISTORY CHECKLIST

(County jails-3rd class counties-
permit vacation outside County seat)

NJSA 40:19A-1

LAWS 1982

CHAPTER 12

Bill No. A292

Sponsor(s) Littell and Haytaian

Date Introduced March 1, 1982

Committee: Assembly County Government

Senate _____

Amended during passage Yes No Assembly Committee Substitute enacted

Date of Passage: Assembly March 15, 1982

Senate March 15, 1982

Date of approval March 19, 1982

Following statements are attached if available:

Sponsor statement Yes ~~No~~ on original & ACS

Committee Statement: Assembly Yes ~~No~~

Senate ~~Yes~~ No

Fiscal Note ~~Yes~~ No

Veto Message ~~Yes~~ No

Message on signing Yes ~~No~~

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 292

STATE OF NEW JERSEY

ADOPTED MARCH 1, 1982

By Assemblymen LITTELL and HAYTAIAN

AN ACT concerning the location of county facilities and amending
P. L. 1955, c. 109.

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

1 1. Section 1 of P. L. 1955, c. 109 (C. 40:19A-1) is amended to
2 read as follows:

3 1. The **[board of chosen freeholders]** *governing body* of any
4 county of the third class may, by resolution *or ordinance, as appro-*
5 *priate*, provide for the establishment and maintenance of any of the
6 county offices at any location within the county except that the
7 following shall not be located without the county seat of the county,
8 that is to say:

- 9 The county clerk's office;
- 10 The register's of deeds and mortgages office;
- 11 The sheriff's office;
- 12 The surrogate's office;
- 13 The county prosecutor's office;
- 14 **[The county jail;]** and
- 15 The places for holding the **[County Court and the]** Superior
16 Court within the county;

17 *The governing body of a county may, upon the adoption of a*
18 *resolution or ordinance, as appropriate, and after a public hearing,*
19 *provide for the establishment of a county jail at any location within*
20 *the county.*

1 2. This act shall take effect immediately.

**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.**

STATEMENT

The purpose of this bill is to enable the governing body of a county of the **third class** to locate its county jail outside the county seat after holding a public hearing on the matter.

Only counties of the **third class** have statutory prohibitions on the location of certain facilities outside the county seat. Warren county has a need for flexibility in the legislation in order for it to construct a new **correctional facility** outside the county seat of Belvidere.

Assembly Bill No. 292 of 1982, in its original form, lifted all location restrictions from third class county offices after a public hearing on the issue. The sponsor offers the committee substitute, which only relieves restrictions on the location of jails in third class counties, in order to narrow the focus of the original bill and address the immediate concern with county jails.

ASSEMBLY, No. 292

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1982 SESSION

By Assemblymen LITTELL and HAYTAIAN

AN ACT concerning the location of county facilities and amending
P. L. 1955, c. 109.

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

1 1. Section 1 of P. L. 1955, c. 109 (C. 40:19A-1) is amended to
2 read as follows:

3 1. The **board of chosen freeholders** *governing body* of any
4 county of the third class may, by resolution *or ordinance, as ap-*
5 *propriate*, provide for the establishment and maintenance of any
6 of the county offices at any location within the county except that
7 the following shall not be located without the county seat of the
8 county, *unless the governing body of the county shall determine*
9 *otherwise after a public hearing*, that is to say:

10 The county clerk's office;

11 The register of deeds and mortgages office;

12 The sheriff's office;

13 The surrogate's office;

14 The county prosecutor's office;

15 The county jail; and

16 The places for holding the **County Court and the** Superior
17 Court within the county.

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to enable the governing body of a county of the third class to locate certain county facilities outside the county seat after holding a public hearing on the question.

Only counties of the third class have statutory prohibitions on the location of certain facilities outside the county seat. This bill grants third class counties more flexibility in determining the location of county facilities by authorizing the county's governing body to determine the location of a facility after holding a public hearing on the matter.

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

ASSEMBLY COUNTY GOVERNMENT COMMITTEE
STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 292
STATE OF NEW JERSEY

DATED: MARCH 1, 1982

The Committee Substitute for Assembly Bill No. 292 would allow the governing body of a county of the third class to locate its county jail outside the county seat after a public hearing has been held. At present, only counties of the third class have statutory prohibitions on the location of certain facilities outside the county seat. Immediately, this bill would allow Warren county, which proposes to construct a new correctional facility outside the county seat of Belvidere, to proceed with its plans.

Assembly Bill No. 292, in its original form, removed all location restrictions for third class county offices after a public hearing. The committee substitute has been offered by the sponsors in order to narrow the focus of the original bill and address the immediate concern with the location of county jails.

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATE

CONTACT: DAVID DE MAIO

MARCH 22, 1982

Governor Thomas H. Kean has signed A-292, sponsored by Assemblyman Robert E. Littel (R-Sussex), allowing counties of the third class to construct prison facilities on property outside the county seat of government.

Current law prohibits third class counties --- counties with a population between 50,000 and 200,000 --- from locating certain county facilities, including jails, outside the county seat. This bill amends the current statute to exempt prison facilities from the prohibition.

The bill, co-sponsored by Assemblyman Garabed "Chuck" Haytaian (R-Warren), is primarily aimed at enabling the construction of a new county jail in Warren County.

The state's third class counties include Warren, Sussex, Somerset, Cumberland, Gloucester, Salem and Hunterdon.

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