

10: 5-14.2 and 10:5-14.3

LEGISLATIVE HISTORY CHECKLIST

WISA 10:5-14.2 and 10:5-14.3 (Civil rights offices--counties permitted to set up)

LAWS OF 1980 CHAPTER 87

Bill No. A465

Sponsor(s) Kern and Edwards

Date Introduced Pre-filed

Committee: Assembly County Government

Senate Law, Public Safety and Defense

Amended during passage Yes  Amendments during passage denoted by asterisks

Date of Passage: Assembly June 9, 1980

Senate July 28, 1980

Date of approval August 21, 1980

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

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**ASSEMBLY, No. 465**

**STATE OF NEW JERSEY**

PRE-FILED FOR INTRODUCTION IN THE 1980 SESSION

By Assemblymen KERN and EDWARDS

AN ACT concerning county civil rights offices and amending "A supplement to the 'Law Against Discrimination,' approved April 16, 1945 (P. L. 1945, c. 169)," approved June 6, 1977 (P. L. 1977, c. 121).

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

1 1. Section 1 of P. L. 1977, c. 121 (C. 10:5-14.2) is amended to  
 2 read as follows:

3 1. Any *county, \*except as hereinafter provided\* or any* municipi-  
 4 *pality with a population of at least 200,000 in a county of the first*  
 5 *class, may, upon approval of the Attorney General, create and*  
 6 *establish, by ordinance or by resolution in counties not authorized*  
 7 *to act by ordinance, an office of civil rights to be administered by a*  
 8 *county or municipal director of civil rights who shall be appointed*  
 9 *by the appointing authority of the county or municipality. \*No*  
 10 *county in which a municipality has established an office of civil*  
 11 *rights prior to the effective date of this amendatory act shall here-*  
 12 *after establish a civil rights office pursuant to this amendatory act.\**  
 13 In addition, the governing body may provide for the employment  
 14 of such other officers including hearing examiners and attorneys,  
 15 and employees as may be necessary or desirable for the proper  
 16 conduct of the affairs of the office. The qualifications of the director,  
 17 hearing examiner and attorneys shall be subject to approval by  
 18 the Attorney General. A *county or municipal office thus established*  
 19 *shall have and exercise those powers to enforce the Law Against*  
 20 *Discrimination as may be delegated to it as provided in section 2*  
 21 *of this act.*

1 2. Section 2 of P. L. 1977, c. 121 (C. 10:5-14.3) is amended to  
 2 read as follows:

3 2. Upon a finding that the public interest may be better served  
 4 thereby, the Attorney General may delegate to such *county or*

5 municipal office of civil rights the power to investigate complaints  
6 and conduct conciliation conferences, in accordance with the pro-  
7 visions of P. L. 1945, c. 169, § 13 (C. 10:5-14), and to proceed in a  
8 summary manner in accordance with the provisions of P. L. 1966,  
9 c. 17, § 6 (C. 10:5-14.1). In addition, the Attorney General may  
10 delegate to such *county or* municipal office of civil rights the power  
11 to conduct hearings and in connection therewith, the power to sub-  
12 pena witnesses, administer oaths, take testimony and conduct dis-  
13 covery procedures including the taking of interrogatories and oral  
14 depositions. The findings and conclusions of a *county or* municipal  
15 office resulting from an exercise of the foregoing powers shall not  
16 constitute a final administrative decision, but shall be submitted to  
17 the Director of the Division on Civil Rights who may rely and act  
18 thereupon in accordance with the provisions of P. L. 1945, c. 169,  
19 § 16 (C. 10:5-17). The Attorney General shall establish rules of  
20 practice to govern, expedite and effectuate the utilization of the  
21 foregoing powers by such *county or* municipal office.

1 3. This act shall take effect immediately.

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9 c. 17, § 6 (C. 10:5-14.1). In addition, the Attorney General may  
10 delegate to such *county or* municipal office of civil rights the power  
11 to conduct hearings and in connection therewith, the power to sub-  
12 pena witnesses, administer oaths, take testimony and conduct dis-  
13 covery procedures including the taking of interrogatories and oral  
14 depositions. The findings and conclusions of a *county or* municipal  
15 office resulting from an exercise of the foregoing powers shall not  
16 constitute a final administrative decision, but shall be submitted to  
17 the Director of the Division on Civil Rights who may rely and act  
18 thereupon in accordance with the provisions of P. L. 1945, c. 169,  
19 § 16 (C. 10:5-17). The Attorney General shall establish rules of  
20 practice to govern, expedite and effectuate the utilization of the  
21 foregoing powers by such *county or* municipal office.

1 3. This act shall take effect immediately.

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#### STATEMENT

This bill would allow counties to set up civil rights offices in the same manner currently allowed selected municipalities. It allows them authority to factfind, conciliate, and make recommendations, but reserves any final decision-making power to the State civil rights office.

The purpose of the bill is to set up a mechanism to help relieve the tremendous backlog of complaints in the State civil rights office.

A465 (1980)

ASSEMBLY COUNTY GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 465

STATE OF NEW JERSEY

DATED: MAY 19, 1980

The purpose of this bill is to permit counties to establish and staff a county civil rights office. Under present law, only a municipality in a county of the first class with a population of at least 200,000 is permitted to establish such an office.

A county civil rights office established pursuant to this bill would, if the State Attorney General granted it the authority, be permitted to factfind, conciliate, and make recommendations, but all actual and final decision-making powers would be reserved for and maintained by the State civil rights office.

The committee at the sponsor's request, amended the bill to prohibit any county in which a municipality has already established a civil rights office from establishing a county civil rights office.

SENATE LAW, PUBLIC SAFETY AND DEFENSE  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 465**

with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 23, 1980

This bill would permit counties to establish and staff county civil rights offices. Under present law, only a municipality in a county of the first class with a population of at least 200,000 is permitted to establish such an office.

A county civil rights office established pursuant to this bill would, if the State Attorney General granted it the authority, be permitted to factfind, conciliate, and make recommendations, but all actual and final decision-making powers would be reserved for and maintained by the State civil rights office.

The bill had been amended in the Assembly at the sponsor's request, to prohibit any county in which a municipality has already established a civil rights office from establishing a county civil rights office.

The purpose of the bill is to establish a mechanism to help relieve the tremendous backlog of complaints which have built up in the State civil rights offices.