

10:5-14.2 + 10:5-14.3

LEGISLATIVE HISTORY CHECKLIST

NJSA 10:5-14.2 and 10:5-14.3

Laws of 1977 Chapter 121 (Civil rights--municipal offices & commissions)

Bill No. S1606

Sponsor(s) Lipman & Wiley

Date Introduced July 22, 1976

Committee: Assembly Judiciary, Law, Public Safety & Defense

Senate County & Municipal Gov't

Amended during passage Yes ~~xxx~~ Amendments during passage denoted by asterisks

Date of passage: Assembly April 28, 1977

Senate January 17, 1977

Date of approval June 6, 1977

Following statements are attached if available:

Sponsor statement Yes ~~xxx~~

Committee Statement: Assembly Yes ~~xxx~~

Senate Yes ~~xxx~~

Fiscal Note ~~xxx~~ No

Veto message ~~xxx~~ No

Message on signing Yes ~~xxx~~

Following were printed:

Reports ~~xxx~~ No

Hearings ~~xxx~~ No

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CHAPTER 121 / LEGISLATIVE ACT 1977  
6/6/77

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SENATE, No. 1606

# STATE OF NEW JERSEY

INTRODUCED JULY 22, 1976

By Senators LIPMAN and WILEY

Referred to Committee on County and Municipal Government

\*[AN ACT to amend and supplement]\* *\*A Supplement to\** the  
"Law Against Discrimination," approved April 16, 1945 (P. L.  
1945, c. 169).

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

1 1. **[(New section)** A county by resolution or ordinance or a  
2 municipality having a population of 100,000 or more according to  
3 the 1970 Federal census, by ordinance] *\*Any municipality with*  
4 *a population of at least 200,000 in a county of the first class,\** may,  
5 upon approval of the Attorney General, create and establish *\*, by*  
6 *ordinance,\** an office of civil rights to be administered by a **[county**  
7 **or]** *\* municipal director of civil rights who shall be appointed by*  
8 *the appointing authority of the [county or] municipality [with*  
9 *the approval of the governing body where applicable]\*.* In addi-  
10 tion, the governing body may provide for the employment of such  
11 other officers including hearing examiners and attorneys, and  
12 employees as may be necessary or desirable for the proper conduct  
13 of the affairs of the office. The qualifications of the director,  
14 hearing examiner and attorneys shall be subject to approval by  
15 the Attorney General. A **[county or]** *\* municipal office thus*  
16 established shall have and exercise those powers to enforce the Law  
16A Against Discrimination as may be delegated to it as provided in  
16B section 2 of this act.

17 **[In addition,** a county by resolution or ordinance or any mu-  
18 nicipality by ordinance may create and establish a commission on  
19 civil rights, to be composed of representative citizens serving  
20 without compensation. Such a commission shall attempt to foster  
21 through community effort or otherwise, goodwill, cooperation and  
22 conciliation within the community, and are empowered to make  
23 recommendations for the development of policies and procedures

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

24 in general and for programs of formal and informal education  
 25 that will aid in eliminating all types of discrimination based on  
 26 race, creed, color, national origin, ancestry, age, marital status,  
 27 or sex.]\*

1 2. \*[(New section)]\* Upon a finding that the public interest may  
 2 be better served thereby, the Attorney General may delegate to  
 3 \*[a county or]\* *such* municipal office of civil rights the power  
 4 to investigate complaints and conduct conciliation conferences, in ac-  
 5 cordance with the provisions of P. L. 1945, c. 169, § 13 (C. 10:5-14),  
 6 and to proceed in a summary manner in accordance with the  
 7 provisions of P. L. 1966, c. 17, § 6 (C. 10:5-14.1). In addition,  
 8 the Attorney General may delegate to \*[a county or]\* *such*  
 9 municipal office of civil rights the power to conduct hearings  
 10 and in connection therewith, the power to subpoena witnesses,  
 11 administer oaths, take testimony and conduct discovery pro-  
 12 cedures including the taking of interrogatories and oral deposi-  
 12A tions. The findings and conclusions of a \*[county or]\*  
 13 municipal office resulting from an exercise of the foregoing powers  
 14 shall not constitute a final administrative decision, but shall be  
 15 submitted to the director of the Division on Civil Rights who may  
 16 rely and act thereupon in accordance with the provisions of P. L.  
 17 1945, c. 169, § 16 (C. 10:5-17). The Attorney General shall establish  
 18 rules of practice to govern, expedite and effectuate the utilization  
 19 of the foregoing powers by *such* municipal \*[and county offices]\*  
 20 *office*.

1 \*[(3. (New section) The Attorney General may adopt, promulgate,  
 2 amend and rescind rules and regulations suitable to carry out the  
 3 provisions of this amendatory and supplementary act, so as in  
 4 all cases to avoid duplication of effort and conflicts of jurisdiction  
 5 among county and municipal offices. Such rules and regulations  
 6 shall be binding upon county and local offices notwithstanding any  
 7 resolution or ordinance to the contrary. The Attorney General  
 8 may investigate the conduct of or intervene in any proceedings  
 9 pending before such offices, and where the public interest in a  
 10 particular case so requires, may direct that such case be removed  
 11 to the State Division on Civil Rights, and the jurisdiction of such  
 12 division be substituted therein.]\*

1 \*[(4. Section 9 of P. L. 1945, c. 169 (C. 10:5-10) is amended to  
 2 read as follows:

3 9. The commission shall:

4 a. Consult with and advise the Attorney General with respect to  
 5 the work of the division.

6 b. Survey and study the operations of the division.

7 c. Report to the Governor and the Legislature with respect to  
8 such matters relating to the work of the division and at such times  
9 as it may deem in the public interest.

10 **【**The mayors or chief executive officers of the municipalities in  
11 the State may appoint local commissions on civil rights to aid in  
12 effectuating the purposes of this act. Such local commissions shall  
13 be composed of representative citizens serving without compensa-  
14 tion. Such commissions shall attempt to foster through community  
15 effort or otherwise, good will, cooperation and conciliation among  
16 the groups and elements of the inhabitants of the community, and  
17 they may be empowered by the local governing bodies to make  
18 recommendations to them for the development of policies and pro-  
19 cedures in general and for programs of formal and informal educa-  
20 tion that will aid in eliminating all types of discrimination based  
21 on race, creed, color, national origin, ancestry, age, marital status  
22 or sex. **】**\*

1 \***【5.】**\* \*3.\* This act shall take effect immediately.

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13 be composed of representative citizens serving without compensa-  
14 tion. Such commissions shall attempt to foster through community  
15 effort or otherwise, good will, cooperation and conciliation among  
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18 recommendations to them for the development of policies and pro-  
19 cedures in general and for programs of formal and informal educa-  
20 tion that will aid in eliminating all types of discrimination based  
21 on race, creed, color, national origin, ancestry, age, marital status  
22 or sex.]

1 5. This act shall take effect immediately.

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#### STATEMENT

This bill would supplement the efforts of the State Division on Civil Rights in enforcing the laws against discrimination. It permits counties and certain municipalities to establish Civil Rights offices to which the Attorney General may delegate enforcement powers under certain circumstances. These county and municipality offices would be subject to the Attorney General's supervision in the same fashion as county prosecutors currently are, and would effectively extend the State's enforcement effort in jurisdictions desiring to do so.

REFERENCE USE ONLY

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY  
AND DEFENSE COMMITTEE

STATEMENT TO

**SENATE, No. 1606**

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**STATE OF NEW JERSEY**

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DATED: FEBRUARY 17, 1977

This bill is permissive legislation which would permit Newark and Jersey City to establish municipal offices of civil rights. These offices would, upon delegation of authority by the Attorney General, have the power to investigate complaints, conduct conciliation conferences, and compel compliance with or attempts to violate the provisions of the Law Against Discrimination (P. L. 1947, c. 169; C. 10:5-1 et seq.).

REFERENCE USE ONLY

SENATE COUNTY AND MUNICIPAL GOVERNMENT  
COMMITTEE

STATEMENT TO  
SENATE, No. 1606

STATE OF NEW JERSEY

DATED: NOVEMBER 8, 1976

Senate Bill No. 1606 authorizes and establishes procedures for the creation of county and, in certain instances, municipal offices of civil rights and commissions on civil rights. The purpose of this bill is to facilitate the processing of complaints of discrimination by authorizing the State Attorney General to delegate, in certain circumstances the powers of investigation and some of the powers of enforcement of the Division on Civil Rights to locally created offices.

Any county or any municipality with a population of at least 100,000 according to the 1970 Federal census may create, with the approval of the Attorney General an office of civil rights. The office shall be headed by a county or municipal director of civil rights. The director shall be appointed by the appointive authority of the county or municipality, with the approval of the governing body. The governing body may provide for such other officers as it may deem necessary for the conduct of the affairs of the office, including hearing examiners, attorneys and employees. The qualifications of the director, hearing examiners and attorneys shall be subject to the approval of the Attorney General.

Upon an appropriate finding by the Attorney General, he may delegate to a county or municipal office of civil rights the power to investigate complaints, conduct conciliation conferences and proceed in a summary manner in Superior Court to compel compliance with or prevent attempts to violate the provisions of the Law Against Discrimination (P. L. 1947, c. 169; C. 10:5-1 et seq.). Such powers shall be exercised in accordance with the appropriate provisions of said law. The Attorney General may also delegate to such offices, the power to conduct hearings in connection therewith, and all of the powers necessary therefor, including the power of subpoena, the taking of testimony under oath and conducting discovery procedures. The findings and conclusions of a local office shall not be a final administrative decision, nor shall such office have the power to take administrative action pursuant to section 16 of P. L. 1945, c. 169 (C. 10:5-17). Such findings and conclusions shall instead be submitted to the director of the Division on Civil Rights for a final decision and disposition. Upon a filing of a complaint, the local

office may, however, initiate summary proceedings in the Superior Court pursuant to section 6 of P. L. 1966, c. 17 (C. 10:5-14.1).

The Attorney General shall establish rules of practice for the utilization of the foregoing powers by local offices. The Attorney General may also adopt and promulgate any rules and regulations suitable to the implementation of the provisions of Senate Bill No. 1606, and may also adopt such rules and regulations as may be necessary to avoid duplication of effort and jurisdictional conflicts. Such rules and regulations shall be binding on local offices. The Attorney General may intervene in any local proceedings, and may, whenever the public interest requires, transfer jurisdiction over any case to the State Division on Civil Rights.

Additionally, Senate Bill No. 1606 authorizes any county or any municipality to establish a commission on civil rights with much the same powers as presently exercised by existing local commissions on civil rights (see paragraph repealed by section 4 of Senate Bill No. 1606); except that the powers of such commissions shall henceforth be statutory rather than prescribed by enabling ordinance.



FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

JUNE 6, 1977

BEN BOROWSKY

Governor Brendan Byrne today signed two more civil rights bills into law. The Governor signed S-1606 and S-1608 this morning in the office of Newark Mayor Kenneth A. Gibson.

S-1606 permits any municipality with a population of at least 200,000 in a county of the first class to establish, by ordinance, an office of civil rights. However, this action must be approved by the Attorney General.

The director of such a municipal office would be appointed by the municipality but the qualifications of the director, hearings examiners and attorneys for such an office would be subject to the approval of the Attorney General.

At the present time, Newark and Jersey City would be eligible to establish civil rights offices.

The Attorney General may also delegate to these offices the power to conduct hearings to subpoena witnesses, administer oaths, take testimony and conduct discovery procedures. Findings and conclusions must be submitted to the Director of the Division of Civil Rights for final decision and disposition.

S-1608 deletes from the definition of "employer" in the Law Against Discrimination, the language which currently excludes from the definition social, fraternal, charitable, educational or religious associations or corporations not organized for profit.

The term "employer" is further specifically defined to include "the State, any political or civil subdivision thereof, and all public officers, agencies, boards of bodies."

-more-

Under this bill, club membership is permitted as an employment qualification where the club is exclusively social or fraternal.

The bill also permits religious associations to use religious affiliation as a qualification where required by religious tenets.

Governor Byrne said that these two new laws will "help New Jersey in the battle against discrimination."

Both bills were sponsored by Senators Wynona M. Lipman (D-Essex) and Stephen B. Wiley (D-Morris).

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