

SENATE, No. 985

STATE OF NEW JERSEY

INTRODUCED MARCH 18, 1996

By Senator O'CONNOR

1 AN ACT concerning reimbursement for State use of certain local  
2 facilities and supplementing Title 30 of the Revised Statutes.

3

4 BE IT ENACTED by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. When State inmates are housed in facilities owned and operated  
8 by a local governmental unit, compensation shall be afforded at a per  
9 diem rate to be established in accordance with law. Whenever an  
10 exercise of emergency powers pursuant to P.L.1969, c.22 (C.30:4-  
11 91.2), P.L.1994, c.12 or P.L. , c. (now pending before the  
12 Legislature as Senate Bill No. 804 and Assembly Bill No. 1151 of  
13 1996), entails the use and operation by the State of a facility owned by  
14 a local governmental unit in addition to the placement of State inmates  
15 at a facility operated by that local governmental unit, such  
16 governmental unit shall receive reasonable compensation for the use  
17 of that property or facility. In any instance where the commissioner  
18 exercises or has exercised his emergency powers under P.L. , c.  
19 (now pending before the Legislature as Senate Bill No. 804 and  
20 Assembly Bill No. 1151 of 1996) or its predecessor, P.L.1994, c.12,  
21 by assuming direct control and operation of a facility previously leased  
22 by the State from a local governmental unit, the commissioner shall  
23 compensate the local governmental unit for the State's use, on and  
24 after January 1, 1995, at a rate of not less than 75 percent of the lease  
25 or use rate previously agreed to by the State and the local  
26 governmental unit prior to the commissioner's exercise of emergency  
27 powers.

28

29 2. This act shall take effect immediately.

30

31

32

STATEMENT

33

34 This bill requires that local governments be compensated at a per  
35 diem rate established by law when State prisoners are housed in local  
36 governmental facilities. The bill further establishes a minimum rate  
37 that must be paid by the State when it takes over operation of a facility  
38 owned by a local governmental unit pursuant to the State's statutory

1 emergency powers concerning the housing of prisoners. This  
2 minimum is set at 75 percent of the lease or use rate agreed upon by  
3 the State and the local governmental unit prior to the State's exercise  
4 of its emergency powers.

5

6

7

8

9 Sets minimum rate for State use of certain local correction facilities.