

SENATE, No. 299

STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Senator JOSEPH PENNACCHIO

District 26 (Essex, Morris and Passaic)

SYNOPSIS

Permits board of chosen freeholders to change title to “board of county commissioners” and “freeholder” and “chosen freeholder” to “county commissioner”; requires county that changes terms to update website.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



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2

1 AN ACT concerning boards of chosen freeholders and amending
2 R.S.1:1-2, R.S.40:20-1, and P.L.1972, c.154.

3

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

6

7 1. R.S.1:1-2 is amended to read as follows:

8 1:1-2. Unless it be otherwise expressly provided or there is
9 something in the subject or context repugnant to such construction,
10 the following words and phrases, when used in any statute and in
11 the Revised Statutes, shall have the meaning herein given to them.

12 Affirmation; affirmed. See "Oath; sworn," infra, this section.

13 Assessor. The word "assessor," when used in relation to the
14 assessment of taxes or water rents or other public assessments,
15 includes all officers, boards or commissions charged with the duty
16 of making such assessments, unless a particular officer, board or
17 commission is specified.

18 Census. When used with reference to the population of this
19 State, or of any subdivision thereof, the word "census" means the
20 latest Federal census effective within this State.

21 Collector. The word "collector," when used in relation to the
22 collection of taxes or water rents or other public assessments,
23 includes all officers charged with the duty of collecting such taxes,
24 water rents or assessments, unless a particular officer is specified.

25 Folio; sheet. A sheet or folio shall consist of 100 words, and in
26 all cases where an entry of any writing or copy is to be paid for, the
27 sheet or folio shall consist of 100 words.

28 Freeholder; county freeholder. The words "freeholder" and
29 "county freeholder," when used in relation to county government,
30 mean a member of the board which manages, controls, and governs
31 a county, and in which the executive and legislative powers of the
32 county are vested; also referred to as "commissioner" or "county
33 commissioner."

34 Gender. See "Number; gender," infra, this section.

35 General election. The words "general election" shall be taken
36 to mean the annual election to be held on the first Tuesday after the
37 first Monday in November and in any statute in which it is provided
38 that any public officer shall be elected, or any public question shall
39 be voted upon, at an election at which members of the General
40 Assembly are to be voted for or elected, or words to that effect,
41 shall be taken to mean, and shall be construed to be the equivalent
42 of a provision, that said public officers shall be elected, or that said
43 public question shall be voted upon, "at a general election."

44 He. "Number; gender," infra, this section.

45 Inhabitants. See "Population; inhabitants," infra, this section.

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 underlined thus is new matter.

1 It. See "Number; gender," *infra*, this section.

2 Magistrate. The word "magistrate" includes any judge,
3 municipal magistrate or officer or other person having the powers
4 of a committing magistrate.

5 Masculine. See "Number; gender," *infra*, this section.

6 Month; year. The word "month" means a calendar month, and
7 the word "year" means a calendar year.

8 Municipality: municipal corporation. The words "municipality"
9 and "municipal corporation" include cities, towns, townships,
10 villages and boroughs, and any municipality governed by a board of
11 commissioners or an improvement commission.

12 Neuter. See "Number; gender," *infra*, this section.

13 Number; gender. Whenever, in describing or referring to any
14 person, party, matter or thing, any word importing the singular
15 number or masculine gender is used, the same shall be understood
16 to include and to apply to several persons or parties as well as to 1
17 person or party and to females as well as males, and to bodies
18 corporate as well as individuals, and to several matters and things
19 as well as 1 matter or thing.

20 Oath; sworn. The word "oath" includes "affirmation" ; and
21 the word "sworn" includes "affirmed."

22 Other property. See "Property; other property," *infra*, this
23 section.

24 Person. The word "person" includes corporations, companies,
25 associations, societies, firms, partnerships and joint stock
26 companies as well as individuals, unless restricted by the context to
27 an individual as distinguished from a corporate entity or
28 specifically restricted to 1 or some of the above enumerated
29 synonyms and, when used to designate the owner of property which
30 may be the subject of an offense, includes this State, the United
31 States, any other State of the United States as defined *infra* and any
32 foreign country or government lawfully owning or possessing
33 property within this State.

34 Personal property. "Personal property" includes goods and
35 chattels, rights and credits, moneys and effects, evidences of debt,
36 choses in action and all written instruments by which any right to,
37 interest in, or lien or encumbrance upon, property or any debt or
38 financial obligation is created, acknowledged, evidenced,
39 transferred, discharged or defeated, in whole or in part, and
40 everything except real property as herein defined which may be the
41 subject of ownership.

42 Plural. See "Number; gender," *supra*, this section.

43 Population; inhabitants. The word "population," when used in
44 any statute, shall be taken to mean the population as shown by the
45 latest Federal census effective within this State, and shall be
46 construed as synonymous with "inhabitants."

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1 Property; other property. The words "property" and "other
2 property," unless restricted or limited by the context to either real or
3 personal property, includes both real and personal property.

4 Real estate; real property. The words "real estate" and "real
5 property," include lands, tenements and hereditaments and all
6 rights thereto and interests therein.

7 Registered mail. The words "registered mail" include
8 "certified mail."

9 Revised Statutes. The words "Revised Statutes" mean the
10 Revised Statutes of 1937, unless some other revision is expressly
11 indicated or referred to.

12 Revision law. The words "Revision law" means any statute
13 which is expressed in its title or body to be a revision of any part of
14 the statutory law.

15 She. See "Number; gender," supra, this section.

16 Sheet. See "Folio," supra, this section.

17 Ship. The word "Ship" includes vessels, steamers, canal boats
18 and every boat or structure adapted to navigation or movement from
19 place to place, upon the ocean, lakes, rivers or artificial waterways,
20 either by its own power or otherwise.

21 Singular. See "Number; gender," supra, this section.

22 State. The word "State" extends to and includes any State,
23 territory or possession of the United States, the District of Columbia
24 and the Canal Zone.

25 Sworn. See "Oath; sworn," supra, this section.

26 Taxing district. The words "taxing district," when used in a law
27 relating to the assessment or collection of taxes, assessments or
28 water rates or water rents, include every political division of the
29 State, less than a county, whose inhabitants, governing body or
30 officers have the power to levy taxes, assessments or rates.

31 Territory. The word "territory" extends to and includes any
32 territory or possession of the United States, the District of
33 Columbia and the Canal Zone.

34 United States. The words "United States" extend to and include
35 every State, territory and possession of the United States, the
36 District of Columbia and the Canal Zone.

37 (cf: P.L.1960, c.187, s.1)

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39 2. R.S.40:20-1 is amended to read as follows:

40 40:20-1. The property, finances and affairs of every county shall
41 be managed, controlled and governed by a board elected therein, to
42 be known as "the board of chosen freeholders of the county of
43 (specifying name of county)", and the executive and
44 legislative powers of the county shall be vested in that board of
45 chosen freeholders, except where by law any specific powers or
46 duties are imposed or vested in a Constitutional officer.

1 The board of chosen freeholders of any county which has created
2 the office of county administrator, pursuant to the provisions of
3 N.J.S.40A:9-42, may, by resolution, delegate to that office such
4 executive and administrative powers, duties, functions and
5 responsibilities as the board may deem appropriate.

6 On or after the effective date of P.L. , c. (C.) (pending
7 before the Legislature as this bill), the term "board of chosen
8 freeholders" may, by resolution, be replaced by the term "board of
9 county commissioners." If that resolution is adopted, the term
10 "board of chosen freeholders" shall be replaced by the term "board
11 of county commissioners," and the terms "freeholder" and "chosen
12 freeholder" shall be replaced by the term "county commissioner," in
13 all new resolutions adopted by the board, and on all letterhead and
14 other supplies used by the board for its correspondence and any
15 other transactions, but shall not be required to retroactively change
16 these terms in resolutions adopted prior to the adoption of the
17 resolution authorized under this paragraph. A board which makes
18 these title changes shall post the changes on the county Internet
19 website within 45 days of the adoption of the resolution authorized
20 under this paragraph.

21 (cf: P.L.1987, c.236, s.1)

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23 3. Section 1 of P.L.1972, c.154 (C.40:41A-1) is amended to read
24 as follows:

25 1. Whenever authorized by resolution of the board of
26 freeholders or on petition of the registered voters of any county, an
27 election shall be held in the county upon the question, "Shall a
28 charter study commission be created to study the present
29 governmental structure of . . . county, to consider and make
30 findings concerning the form of county government and to make
31 recommendations thereon?" A petition calling for such an election
32 shall bear the signatures of a number of persons registered to vote
33 in the county equal to or exceeding in number 10% of the persons
34 registered to vote in the county on the fortieth day preceding the
35 most recent previous primary or general election. Whenever such
36 resolution or petition shall be filed with him, the county clerk shall
37 provide for submission of the question at the next general election
38 occurring not less than 60 days after the date of such filing. At the
39 election, the question shall be submitted in the same manner as
40 other public questions.

41 When a resolution or petition for the creation of a charter study
42 commission has been duly filed with the county clerk, no other
43 such resolution or petition and no other proceedings for the
44 adoption of any other charter or form of government available to
45 the county may be filed unless the voters shall decide the aforesaid
46 question in the negative or until the charter study commission
47 created by the voters shall have been discharged.

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4 county commissioners.” If that resolution is adopted, the term
5 “board of chosen freeholders” shall be replaced by the term “board
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7 freeholder” shall be replaced by the term “county commissioner,” in
8 all new resolutions adopted by the board, and on all letterhead and
9 other supplies used by the board for its correspondence and any
10 other transactions, but shall not be required to retroactively change
11 these terms in resolutions adopted prior to the adoption of the
12 resolution authorized under this paragraph. A board which makes
13 these title changes shall post the changes on the county Internet
14 website within 45 days of the adoption of the resolution authorized
15 under this paragraph.

16 (cf: P.L.1975, c.84, s.1)

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18 4. This act shall take effect immediately.

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STATEMENT

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23 This bill provides that county boards of chosen freeholders may
24 adopt a resolution to replace the terms “freeholder” and “chosen
25 freeholder” with “commissioner” and “county commissioner,” and
26 the term “board of chosen freeholders” with “board of county
27 commissioners,” in all new resolutions, and on all letterhead and
28 other supplies used by the board for its correspondence and any
29 other transactions, but shall not be required to retroactively change
30 these terms in resolutions adopted prior to the adoption of the
31 resolution authorized under this bill. A board which makes these
32 title changes shall post the changes on the county Internet website,
33 if one exists, within 45 days of the adoption of the resolution.