

[First Reprint]

SENATE, No. 855

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

Senator JOSEPH PENNACCHIO

District 26 (Essex, Morris and Passaic)

Senator VIN GOPAL

District 11 (Monmouth)

Assemblyman ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblywoman BETTYLOU DECROCE

District 26 (Essex, Morris and Passaic)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Co-Sponsored by:

Senator Addiego, Assemblywoman Vainieri, Assemblyman Conaway, Assemblywoman Quijano, Assemblyman Giblin, Assemblywoman Speight, Assemblyman Chiaravalloti, Assemblywomen Timberlake, Carter, Assemblymen Johnson, Moen, Daniels, Assemblywomen Jasey, Lopez, Jimenez and Assemblyman Freiman

SYNOPSIS

Renames “board of chosen freeholders” to “board of county commissioners” and “freeholder” and “chosen freeholder” to “county commissioner”; requires counties to update materials to reflect this title change.

CURRENT VERSION OF TEXT

As reported by the Senate Community and Urban Affairs Committee on July 16, 2020, with amendments.

(Sponsorship Updated As Of: 7/30/2020)

1 AN ACT concerning boards of chosen freeholders and amending
2 R.S.1:1-2 ¹**[and]**,¹ R.S.40:20-1 ¹, and P.L.1972, c.154¹.

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 Certified mail. The words "certified mail" include private
22 express carrier service, provided that the private express carrier
23 service provides confirmation of mailing. For purposes of this
24 definition, confirmation of mailing may be by electronic means, and
25 shall include, at a minimum, confirmation of fact of mail, time of
26 mailing, date and time of delivery, attempted delivery, signature, or
27 other similar information for confirmation or proof associated with
28 the delivery service.

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

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

36 Freeholder; chosen freeholder. The words "freeholder" and
37 "chosen freeholder," when used in relation to county government,
38 mean a member of the board which manages, controls, and governs
39 the property, finances, and affairs of a county, and in which the
40 executive and legislative powers of the county¹ or solely the
41 legislative powers of the county¹ are vested, and designated as a
42 "county commissioner."

43 Gender. See "Number; gender," 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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SCU committee amendments adopted July 16, 2020.

1 General election. The words "general election" shall be taken to
2 mean the annual election to be held on the first Tuesday after the
3 first Monday in November and in any statute in which it is provided
4 that any public officer shall be elected, or any public question shall
5 be voted upon, at an election at which members of the General
6 Assembly are to be voted for or elected, or words to that effect,
7 shall be taken to mean, and shall be construed to be the equivalent
8 of a provision, that said public officers shall be elected, or that said
9 public question shall be voted upon, "at a general election."

10 He. "Number; gender," *infra*, this section.

11 Inhabitants. See "Population; inhabitants," *infra*, this section.

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

13 Magistrate. The word "magistrate" includes any judge, municipal
14 magistrate or officer or other person having the powers of a
15 committing magistrate.

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

17 Month; year. The word "month" means a calendar month, and
18 the word "year" means a calendar year.

19 Municipality; municipal corporation. The words "municipality"
20 and "municipal corporation" include cities, towns, townships,
21 villages and boroughs, and any municipality governed by a board of
22 commissioners or an improvement commission.

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

24 Number; gender. Whenever, in describing or referring to any
25 person, party, matter or thing, any word importing the singular
26 number or masculine gender is used, the same shall be understood
27 to include and to apply to several persons or parties as well as to
28 one person or party and to females as well as males, and to bodies
29 corporate as well as individuals, and to several matters and things as
30 well as one matter or thing.

31 Oath; sworn. The word "oath" includes "affirmation;" and the
32 word "sworn" includes "affirmed."

33 Other property. See "Property; other property," *infra*, this
34 section.

35 Person. The word "person" includes corporations, companies,
36 associations, societies, firms, partnerships and joint stock
37 companies as well as individuals, unless restricted by the context to
38 an individual as distinguished from a corporate entity or specifically
39 restricted to one or some of the above enumerated synonyms and,
40 when used to designate the owner of property which may be the
41 subject of an offense, includes this State, the United States, any
42 other State of the United States as defined *infra* and any foreign
43 country or government lawfully owning or possessing property
44 within this State.

45 Personal property. "Personal property" includes goods and
46 chattels, rights and credits, moneys and effects, evidences of debt,
47 choses in action and all written instruments by which any right to,
48 interest in, or lien or encumbrance upon, property or any debt or

1 financial obligation is created, acknowledged, evidenced,
2 transferred, discharged or defeated, in whole or in part, and
3 everything except real property as herein defined which may be the
4 subject of ownership.

5 Plural. See "Number; gender," supra, this section.

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

10 Property; other property. The words "property" and "other
11 property," unless restricted or limited by the context to either real or
12 personal property, includes both real and personal property.

13 Real estate; real property. The words "real estate" and "real
14 property," include lands, tenements and hereditaments and all rights
15 thereto and interests therein.

16 Registered mail. The words "registered mail" include "certified
17 mail".

18 Revised Statutes. The words "Revised Statutes" mean the
19 Revised Statutes of 1937, unless some other revision is expressly
20 indicated or referred to.

21 Revision law. The words "Revision law" mean any statute which
22 is expressed in its title or body to be a revision of any part of the
23 statutory law.

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

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

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

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

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

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

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

40 Territory. The word "territory" extends to and includes any
41 territory or possession of the United States, the District of Columbia
42 and the Canal Zone.

43 United States. The words "United States" extend to and include
44 every State, territory and possession of the United States, the
45 District of Columbia and the Canal Zone.

46 Year. See "Month; year," supra, this section.

47 (cf: P.L.2015, c.251, s.1)

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

2 40:20-1. The property, finances, and affairs of every county
3 shall be managed, controlled, and governed by a board elected
4 therein, to be known as "the board of **chosen freeholders** county
5 commissioners of the county of (specifying name of
6 county)", and the executive and legislative powers of the county
7 shall be vested in that board of **chosen freeholders** county
8 commissioners, except where by law any specific powers or duties
9 are imposed or vested in a Constitutional officer.

10 The board of **chosen freeholders** county commissioners of any
11 county which has created the office of county administrator,
12 pursuant to the provisions of N.J.S.40A:9-42, may, by resolution,
13 delegate to that office such executive and administrative powers,
14 duties, functions, and responsibilities as the board may deem
15 appropriate.

16 ¹Within one year of ~~After~~¹ the effective date of P.L. _____,
17 c. (pending before the Legislature as this bill), ¹~~all~~ the¹ county
18 letterheads, stationary, and other writings, ¹and once exhausted,
19 shall be replaced with new letterheads, stationary, and other
20 writings with the title of board of county commissioners. No later
21 than one year following the effective date of P.L. _____, c. (pending
22 before the Legislature as this bill),¹ the Internet website of a county,
23 shall bear the title of board of county commissioners ¹; provided,
24 however, that any . Any¹ county signs or other writings bearing
25 the former title of board of chosen freeholders, which would require
26 the expenditure of county funds to update or replace, shall be
27 changed to bear the title of board of county commissioners upon the
28 next update or replacement made in the ordinary course of business.
29 (cf: P.L.1987, c.236, s.1)

30

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

33 1. a. Whenever authorized by resolution of the board of
34 freeholders or on petition of the registered voters of any county, an
35 election shall be held in the county upon the question, "Shall a
36 charter study commission be created to study the present
37 governmental structure of . . . county, to consider and make
38 findings concerning the form of county government and to make
39 recommendations thereon?" A petition calling for such an election
40 shall bear the signatures of a number of persons registered to vote in
41 the county equal to or exceeding in number **10%** ten percent of
42 the persons registered to vote in the county on the **fortieth** 40th
43 day preceding the most recent previous primary or general election.
44 Whenever such resolution or petition shall be filed with him, the
45 county clerk shall provide for submission of the question at the next
46 general election occurring not less than 60 days after the date of

1 such filing. At the election, the question shall be submitted in the
2 same manner as other public questions.

3 When a resolution or petition for the creation of a charter study
4 commission has been duly filed with the county clerk, no other such
5 resolution or petition and no other proceedings for the adoption of
6 any other charter or form of government available to the county
7 may be filed unless the voters shall decide the aforesaid question in
8 the negative or until the charter study commission created by the
9 voters shall have been discharged.

10 b. On and after the effective date of P.L. , c. (C.)
11 (pending before the Legislature as this bill), for the purposes of
12 P.L.1972, c.154 (C.40:41A-1 et seq.), the term "board of chosen
13 freeholders" shall be replaced by the term "board of county
14 commissioners" and the terms "freeholder" and "chosen freeholder"
15 shall be replaced by the term "county commissioner." After the
16 effective date of P.L. , c. (pending before the Legislature as this
17 bill), the county letterheads, stationary, and other writings, once
18 exhausted, shall be replaced with new letterheads, stationary, and
19 other writings with the title of board of county commissioners. No
20 later than one year following the effective date of
21 P.L. ,c. (pending before the Legislature as this bill), the Internet
22 website of a county, shall bear the title of board of county
23 commissioners. Any county signs or other writings bearing the
24 former title of board of chosen freeholders, which would require the
25 expenditure of county funds to update or replace, shall be changed
26 to bear the title of board of county commissioners upon the next
27 update or replacement made in the ordinary course of business.¹

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

29

30 ¹**[3.] 4.**¹ This act shall take effect on January 1, ¹**[2019]**
31 2021¹.