

# SENATE, No. 402

## STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Senator JOSEPH PENNACCHIO**

**District 26 (Essex, Morris and Passaic)**

**Senator JEFF VAN DREW**

**District 1 (Atlantic, Cape May and Cumberland)**

**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.



**(Sponsorship Updated As Of: 3/27/2018)**

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."

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.

47       The board of chosen freeholders of any county which has created  
48 the office of county administrator, pursuant to the provisions of

1 N.J.S.40A:9-42, may, by resolution, delegate to that office such  
2 executive and administrative powers, duties, functions and  
3 responsibilities as the board may deem appropriate.

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

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

20

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

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

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

46 On or after the effective date of P.L. , c. (C. ) (pending  
47 before the Legislature as this bill), the term “board of chosen  
48 freeholders” may, by resolution, be replaced by the term “board of

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

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

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15 4. This act shall take effect immediately.

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#### STATEMENT

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