P.L. 2020, CHAPTER 67, ***approved August 21, 2020***
Senate, No. 855 ***(First Reprint)***

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

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

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

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

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

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

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

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

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

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

Freeholder; chosen freeholder. The words “freeholder” and “chosen freeholder,” when used in relation to county government, mean a member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county [1]or solely the

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:
[1]Senate SCU committee amendments adopted July 16, 2020.

legislative powers of the county[1] are vested, and designated as a "county commissioner."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[1]⟦Within one year of⟧ After[1] the effective date of P.L. , c. (pending before the Legislature as this bill), [1]⟦all⟧ the[1] county letterheads, stationary, and other writings, [1]⟦and⟧ once exhausted, shall be replaced with new letterheads, stationary, and other writings with the title of board of county commissioners. No later than one year following the effective date of P.L. ,c. (pending before the Legislature as this bill),[1] the Internet website of a county, shall bear the title of board of county commissioners [1]⟦; provided, however, that any⟧ . Any[1] county signs or other writings bearing the former title of board of chosen freeholders, which would require the expenditure of county funds to update or replace, shall be changed to bear the title of board of county commissioners upon the next update or replacement made in the ordinary course of business.

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

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

1. a. Whenever authorized by resolution of the board of freeholders or on petition of the registered voters of any county, an election shall be held in the county upon the question, "Shall a charter study commission be created to study the present governmental structure of . . . county, to consider and make findings concerning the form of county government and to make recommendations thereon?" A petition calling for such an election shall bear the signatures of a number of persons registered to vote in the county equal to or exceeding in number ⟦10%⟧ ten percent of

the persons registered to vote in the county on the ⟦fortieth⟧ 40th day preceding the most recent previous primary or general election. Whenever such resolution or petition shall be filed with him, the county clerk shall provide for submission of the question at the next general election occurring not less than 60 days after the date of such filing. At the election, the question shall be submitted in the same manner as other public questions.

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

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

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

[1]⟦3.⟧ 4.[1] This act shall take effect on January 1, [1]⟦2019⟧ 2021[1].

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.