

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)

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

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 7/14/2020)

1 AN ACT concerning boards of chosen freeholders and amending
2 R.S.1:1-2 and R.S.40:20-1.

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 county are vested, and
41 designated as a "county commissioner."

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

43 General election. The words "general election" shall be taken to
44 mean the annual election to be held on the first Tuesday after the
45 first Monday in November and in any statute in which it is provided

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 that any public officer shall be elected, or any public question shall
2 be voted upon, at an election at which members of the General
3 Assembly are to be voted for or elected, or words to that effect,
4 shall be taken to mean, and shall be construed to be the equivalent
5 of a provision, that said public officers shall be elected, or that said
6 public question shall be voted upon, "at a general election."

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

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

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

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

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

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

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

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

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

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

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

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

42 Personal property. "Personal property" includes goods and
43 chattels, rights and credits, moneys and effects, evidences of debt,
44 choses in action and all written instruments by which any right to,
45 interest in, or lien or encumbrance upon, property or any debt or
46 financial obligation is created, acknowledged, evidenced,
47 transferred, discharged or defeated, in whole or in part, and

1 everything except real property as herein defined which may be the
2 subject of ownership.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

46

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

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

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

15 Within one year of the effective date of P.L. , c. (pending
16 before the Legislature as this bill), all county letterheads, stationary,
17 and other writings, and the Internet website of a county, shall bear
18 the title of board of county commissioners; provided, however, that
19 any county signs or other writings bearing the former title of board
20 of chosen freeholders, which would require the expenditure of
21 county funds to update or replace, shall be changed to bear the title
22 of board of county commissioners upon the next update or
23 replacement made in the ordinary course of business.

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

25
26 3. This act shall take effect on January 1, 2019.

27
28 STATEMENT

29
30 This bill would require that the title of "chosen freeholder" be
31 changed to "county commissioner." Accordingly, all "boards of
32 chosen freeholders" would be known as "boards of county
33 commissioners" and all individual "freeholders" and "chosen
34 freeholders" would be known as "county commissioners." The bill
35 creates a definition for freeholder to clarify that any reference in the
36 statutes to a "freeholder" or "chosen freeholder" means a "county
37 commissioner."

38 The bill would also require counties to update their letterheads,
39 stationary, and other writings, as well as their Internet websites, to
40 bear the title of county commissioners in place of freeholders or
41 chosen freeholders within one year of the bill's effective date. The
42 bill would not require counties to update or replace signs or other
43 writings to reflect this title change within this timeframe if doing so
44 would require the expenditure of county funds. In such a case, the
45 title would have to be changed whenever the writing is next updated
46 or replaced in the ordinary course of business.

47 The bill would take effect on January 1, 2019.