40:20-1.2 et al 3/4/88

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40:20-1.2 et al (County government-- charter and noncharter-- modernize structure)

LAWS OF: 1987 **CHAPTER:** 236

Bill No: A3516

Sponsor(s): Haytaian and others

Date Introduced: December 11, 1986

Committee: **Assembly:** County Government

Senate: County and Municipal Government

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: **Assembly:** February 19, 1987

Senate: June 18, 1987

Date of Approval: August 4, 1987

Following statements are attached if available:

Sponsor statement: Yes Assembly amendments, adopted 2-5-87, Senate amendments adopted 5-18-87 and 6-8-87 (with statements)

Committee statement: **Assembly** Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: Yes

Hearings: No

Report, mentioned in sponsor's statement:

974.90 C857 1986 New Jersey. County and Municipal Government Study Commission. The structure of county government: current status and needs. July 1986. Trenton, 1986.

[THIRD OFFICIAL COPY REPRINT]

ASSEMBLY, No. 3516

STATE OF NEW JERSEY

INTRODUCED DECEMBER 11, 1986

By Assemblymen HAYTAIAN, LITTELL, Frelinghuysen and Girgenti

AN ACT concerning the structure of county government and amending and supplementing parts of the statutory law.

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

1. 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 of the county of ..... (specifying name of county)", **[**except where by law any such powers or duties are imposed upon or vested in another board, committee or department of the county**]** *and the executive and legislative* *****[****, except where by law any specific powers or duties are imposed or vested in a Constitutional officer,****]***** *powers of the county shall be vested in that board of *chosen freeholders** ***, except where by law any specific powers or duties are imposed or vested in a Constitutional officer****.

The board of chosen freeholders 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.

2. N. J. S. 40A:9–42 is amended to read as follows:

40A:9–42. The board of chosen freeholders of any county, other than a county having **[**a county supervisor**]** *adopted a form of*

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Assembly committee amendments adopted January 13, 1987.**

****—Assembly amendments adopted February 5, 1987.**

*****—Senate committee amendments adopted April 27, 1987.**

******—Senate amendments adopted May 18, 1987.**

*******—Senate amendments adopted June 8, 1987.**

government pursuant to the provisions of P. L. 1972, c. 154 (C. 40:41A-1 et seq.), may by resolution create the office of county administrator, to act as the executive *or administrative* officer for the board *and* to have such *executive and administrative* powers, perform such *executive and administrative* duties and to receive such compensation as the resolution creating such office shall provide and as may from time to time otherwise be directed by the board by resolution.

In any county creating the position of county administrator the board by majority vote of all its members shall appoint some suitably qualified person to such office for a term of three years and until appointment and qualification of his successor ***; *provided, however, that a county which changes the term of office of its board of chosen freeholders from three to four years, as provided in section 6 of this amendatory and supplementary act, may appoint a county administrator for a term of four years****.

3. (New section) Chapter 20 of Title 40 of the Revised Statutes is supplemented as follows:

The grant of powers under this amendatory and supplementary act is intended to be as broad as is consistent with the Constitution of the State of New Jersey and with general law relating to local government. The grant of powers shall be construed as liberally as possible in regard to the county's right to reorganize its structure and to alter or abolish its agencies, subject to the general mandate of performing services, whether they be performed by the agency previously established or by a new agency or another department of county government. All county offices, boards, commissions, and authorities authorized or established by statute, other than those boards and offices which are subject to the provisions of subsection b. of section 4 of this amendatory and supplementary act, ****[and]**** *****and***** other than educational institutions authorized or established pursuant to Title 18A of the New Jersey Statutes, *****[****and other than libraries authorized or established pursuant to chapter 33 of Title 40 of the Revised Statutes,****]***** shall be considered to be county agencies for the purposes of this section.

4. (New section) Chapter 20 of Title 40 of the Revised Statutes is supplemented as follows:

a. The board of chosen freeholders may adopt an administrative code organizing the administration of the county government, setting forth the duties and responsibilities and powers of all county officials and agencies, and the manner of performance needed.

b. The administrative code may require that the county board of taxation, county board of elections, jury commissioners of the county, ******county register of deeds,**** county clerk, surrogate and sheriff be subject to such annual budgetary procedures and requirements as may be specified therein. These procedures and requirements may include, but shall not be limited to, the preparation and submission of an annual budget in accordance with the provisions of the administrative code, and the submission of such periodic budget reports as may be provided therein. The administrative code may further provide that the county board of taxation, county board of elections, jury commissioners of the county, ***[**county hospital board of managers,**]*** ******county register of deeds,**** county clerk, surrogate and sheriff shall be subject to such accounting controls, central purchasing practices, personnel procedures, and central data processing services as are specified in the code, or in administrative orders adopted pursuant thereto; provided, however, that nothing herein shall restrict or limit the authority of the county board of taxation, county board of elections, jury commissioners of the county, ******county register of deeds,**** county clerk, surrogate, and sheriff as the appointing authority of their respective offices.

c. Nothing in the administrative code shall change the duties or powers of county officers whose existence is mandated by the Constitution or shall diminish the duties, responsibilities or powers of those county officers.

d. An administrative code adopted pursuant to this section shall enter into effect 30 days after its adoption, and all theretofore existing agencies shall assume the form, perform the duties, and exercise the power granted them under the administrative code and shall do so in the manner prescribed therein.

5. (New section) Chapter 20 of Title 40 of the Revised Statutes is supplemented as follows:

In addition to the powers set forth in sections 3 and 4 of this amendatory and supplementary act, the board of chosen freeholders is authorized and empowered to make policy and management decisions related to those activities of any independent boards of county government*[,]* **or** State appointed officials of county government, *[or the constitutional officers of the county]* which are duplicative in nature or which duplicate the activities, responsibilities or duties of any other agency or department of county government.

6. (New section) Chapter 20 of Title 40 of the Revised Statutes is supplemented as follows:

Nothwithstanding the provisions of any other law to the contrary, in any county, other than a county having adopted a form of government authorized under the provisions of P. L. 1972, c. 154 (C. 40:41A–1 et seq.), a proposition may be submitted to the voters of the county to change the term of office for the members of the board of chosen freeholders from three to four years, to provide for staggered terms of office for the members of the board of chosen freeholders, and to provide for ***[biannual]*** ****biennial**** elections ***[for the election]*** of members of the board of chosen freeholders.

The proposition shall be submitted either upon the adoption of a resolution of the governing body of the county after public hearing thereon, or upon submission to the county clerk of a petition signed by a number of the legal voters of the county equal in number to at least 15% of the total votes cast in the county at the last election at which members of the General Assembly were elected. The proposition shall not be submitted more than once in any three year period.

A petition submitted pursuant to this section shall be verified, inspected and certified as to the authenticity of the signatures attached thereto by the county clerk within 20 days of submission, and shall be submitted at the next general election occurring at least 40 days after certification.

The question of increasing the term of office of the members of the board of chosen freeholders, providing for staggered terms of office for the members of the board of chosen freeholders, and providing for ***[biannual]*** ****biennial**** elections ***[for the election]*** of members of the board of chosen freeholders shall be submitted to the voters of the election in substantally the following form:

"Shall the term of office of the members of the board of chosen freeholders of ..... be increased from three
(insert name of county)
to four years***[,]*** ****and shall members of the board of chosen freeholders**** serve for staggered terms***[,]*** and be elected at ***[biannual]*** ****biennial**** elections?"

A canvass and return of the vote upon the proposition shall be made by the election officers in the same manner as for officers voted for at the election, and a majority of all the votes cast upon the proposition in favor of the proposition shall be sufficient to make the change.

7. (New section) Chapter 20 of Title 40 of the Revised Statutes is supplemented as follows:

In the event of a favorable vote ***[of the voters]*** on a proposition submitted pursuant to the provisions of section 6 of this amendatory and supplementary act, the first election of members of the board of chosen freeholders under that adopted proposition shall take place at the next general election immediately following that adoption.

In November of the first general election following the adoption of the proposition, the terms of all incumbent members of the board of chosen freeholders shall be deemed terminated at noon on the first Monday following the election of the new board of chosen freeholders. On that date, the newly elected freeholders shall take office and the new board shall organize itself accordingly, but their terms of office shall expire as if they had taken office on January 1 in the year following their election and in accordance with the following terms:

a. If there be three members to be elected, two shall be elected for two years and one for four years.

b. If there be five members to be elected, three shall be elected for two years and two for four years.

c. If there be seven members to be elected, four shall be for two years and three for four years.

d. If there be nine members to be elected, five shall be elected for two years and four for four years.

The length of the terms specified in subsections a. through d. of this section shall be determined by a drawing to be conducted by the county clerk 60 days prior to ***[that]*** ***the*** first general election.

In all elections after the first election, all members shall be elected for four year terms beginning on January 1 in the year following their election.

Nothing in this section shall be construed to prevent an incumbent freeholder from becoming a candidate for the new board, even if his present term on the board has not yet expired.

**[8. (New section) P. L. 1972, c. 154 (C. 40:41A-1 et seq.) is supplemented as follows:

In any county which has adopted a form of government authorized under the provisions of P. L. 1972, c. 154 (C. 40:41A-1 et seq.), the governing body of the county may, by ordinance, provide that the official title of the board of chosen freeholders of the county shall be the "county legislature" of the county and that the official

title of a member of the board of chosen freeholders of the county shall be "county legislator" and that henceforth the term "county legislature" shall be substituted in all public documents for the term "board of chosen freeholders" and the term "county legislator" shall be substituted in all public documents for the term "freeholder" when referring to a member of the board of chosen freeholders.

Whenever the governing body of any county shall, pursuant to the provisions of this section, adopt the term "county legislature" as the official title for its board of chosen freeholders and the term "county legislator" as the official title for a member of its board of chosen freeholders, thereinafter, whenever the term "board of chosen freeholders" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the county legislature of the county, and whenever the term "freeholder" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to county legislator.]**

[9.] ***8.*** (New section) P. L. 1972, c. 154 (C. 40:41A-1 et seq.) is supplemented as follows:

Notwithstanding the provisions of any other law to the contrary, in any county which has adopted a form of government authorized under the provisions of P. L. 1972, c. 154 (C. 40:41A-1 et seq.), a proposition may be submitted to the voters of the county to change the term of office for the members of the board of chosen freeholders from three to four years, to provide for staggered terms of office for the members of the board of chosen freeholders, and to provide for ***[biannual]*** ***biennial*** elections ***[for the election]*** of members of the board of chosen freeholders.

The proposition shall be submitted either upon the adoption of an ordinance of the governing body of the county after public hearing thereon, or upon submission to the county clerk of a petition signed by a number of the legal voters of the county equal in number to at least 15% of the total votes cast in the county at the last election at which members of the General Assembly were elected. The proposition shall not be submitted more than once in any three year period.

A petition submitted pursuant to this section shall be verified, inspected and certified as to the authenticity of the signatures attached thereto by the county clerk within 20 days of submission, and shall be submitted at the next general election occurring at least 40 days after certification.

The question of increasing the term of office of the members of the board of chosen freeholders, providing for staggered terms of

office for the members of the board of chosen freeholders, and providing for ***[biannual]*** ***biennial*** elections ***[for the election]*** of members of the board of chosen freeholders shall be submitted to the voters at the election in substantially the following form:

"Shall the term of office of the members of the board of chosen freeholders of ..... be increased from three
(insert name of county)
to four years***[,]*** ***and shall members of the board of chosen freeholders*** serve for staggered terms***[,]*** and be elected at ***[biannual]*** ***biennial*** elections?"

A canvass and return of the vote upon the proposition shall be made by the election officers in the same manner as for officers voted for at the election, and a majority of all the votes cast upon the proposition in favor of the proposition shall be sufficient to make the change.

[10.] **9.** (New section) P. L. 1972, c. 154 (C. 40:41A–1 et seq.) is supplemented as follows:

In the event of a favorable vote ***[of the voters]*** on a proposition submitted pursuant to the provisions of section **[9.]** **8***[.]*** ** of this amendatory and supplementary act, the first election of members of the board of chosen freeholders under that adopted proposition shall take place at the next general election immediately following that adoption, except that in the case of a county which has adopted the ***["County Executive Plan"]*** ***county executive plan*** form of government set forth in Article 3 of P. L. 1972, c. 154 (C. 40:41A–31 et seq.), the first election of members of the board of chosen freeholders under the provisions of the adopted proposition shall take place as follows:

a. In a county where the county executive was first elected in an even calendar year, the first election of members of the board of chosen freeholders under the provisions of the adopted proposition shall take place at the general election occurring in the first even calendar year immediately following the adoption of the proposition.

b. In a county where the county executive was first elected in an odd calendar year, the first election of members of the board of chosen freeholders under the provisions of the adopted proposition shall take place at the general election occurring in the first odd calendar year immediately following the adoption of the proposition.

In November of the general election year in which the first members of the board of chosen freeholders ***under any form of gov-

*ernment adopted pursuant to P. L. 1972, c. 154 (C. 40:41A-1 et seq.)****** are elected pursuant to the provisions of the adopted proposition and this section, the terms of all incumbent members of the board of chosen freeholders shall be deemed terminated at noon on the first Monday following the election of the new board of chosen freeholders. On that date, the newly elected freeholders shall take office and the new board shall organize itself accordingly, but their terms of office shall expire as if they had taken office on January 1 in the year following their election and in accordance with the following terms:

(1) If there be five members to be elected, all at large or all by district, three shall be elected for two years and two for four years.

(2) If there be seven members to be elected, all at large or all by district, four shall be elected for two years and three for four years.

(3) If there be nine members to be elected, all at large or all by district, five shall be elected for two years and four for four years.

(4) If there be five members to be elected, three by district and two at large, three district members shall be elected for two years and two at large members ******shall be elected****** for four years.

(5) If there be seven members to be elected, four by district and three at large, four district members shall be elected for two years and three at large members ******shall be elected****** for four years.

(6) If there be nine members to be elected, five by district and four at large, five district members shall be elected for two years and four at large members ******shall be elected****** for four years.

The length of the terms specified in subsections (1) through (3) of this section shall be determined by a drawing to be conducted by the county clerk 60 days prior to ******[that]****** ******the****** general election at which the first members of the board of chosen freeholders are elected pursuant to the provisions of the adopted proposition.

In all elections after the first election, all members shall be elected for four year terms beginning on January 1 of the year following their election.

Nothing in this section shall be construed to prevent an incumbent freeholder from becoming a candidate for the new board, even if his present term on the board has not yet expired.

****[11.]****** ****10.****** This act shall take effect immediately.

COUNTY GOVERNMENT

Provides charter and non-charter counties with statutory authority to modernize and integrate their governmental structures and systems.

ASSEMBLY, No. 3516

STATE OF NEW JERSEY

INTRODUCED DECEMBER 11, 1986

By Assemblymen HAYTAIAN, LITTELL, Frelinghuysen and Girgenti

AN ACT concerning the structure of county government and amending and supplementing parts of the statutory law.

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

1. 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 of the county of ..... (specifying name of county)", [except where by law any such powers or duties are imposed upon or vested in another board, committee or department of the county] *and the executive and legislative powers of the county shall be vested in that board.*

The board of chosen freeholders 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.

2. N. J. S. 40A:9-42 is amended to read as follows:

40A:9-42. The board of chosen freeholders of any county, other than a county having [a county supervisor] *adopted a form of government pursuant to the provisions of P. L. 1972, c. 154 (C. 40:41A-1 et seq.)*, may by resolution create the office of county administrator, to act as the executive *or administrative* officer for the board *and* to have such *executive and administrative* powers, perform such *executive and administrative* duties and to receive

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 printed in italics *thus* is new matter.

such compensation as the resolution creating such office shall provide and as may from time to time otherwise be directed by the board by resolution.

In any county creating the position of county administrator the board by majority vote of all its members shall appoint some suitably qualified person to such office for a term of three years and until appointment and qualification of his successor.

3. (New section) Chapter 20 of Title 40 of the Revised Statutes is supplemented as follows:

The grant of powers under this amendatory and supplementary act is intended to be as broad as is consistent with the Constitution of the State of New Jersey and with general law relating to local government. The grant of powers shall be construed as liberally as possible in regard to the county's right to reorganize its structure and to alter or abolish its agencies, subject to the general mandate of performing services, whether they be performed by the agency previously established or by a new agency or another department of county government. All county offices, boards, commissions, and authorities authorized or established by statute, other than those boards and offices which are subject to the provisions of subsection b. of section 4 of this amendatory and supplementary act, and other than educational institutions authorized or established pursuant to Title 18A of the New Jersey Statutes, shall be considered to be county agencies for the purposes of this section.

4. (New section) Chapter 20 of Title 40 of the Revised Statutes is supplemented as follows:

a. The board of chosen freeholders may adopt an administrative code organizing the administration of the county government, setting forth the duties and responsibilities and powers of all county officials and agencies, and the manner of performance needed.

b. The administrative code may require that the county board of taxation, county board of elections, jury commissioners of the county, county clerk, surrogate and sheriff be subject to such annual budgetary procedures and requirements as may be specified therein. These procedures and requirements may include, but shall not be limited to, the preparation and submission of an annual budget in accordance with the provisions of the administrative code, and the submission of such periodic budget reports as may be provided therein. The administrative code may further provide that the county board of taxation, county board of elections, jury commissioners of the county, county clerk, surrogate and sheriff shall be

subject to such accounting controls, central purchasing practices, personnel procedures, and central data processing services as are specified in the code, or in administrative orders adopted pursuant thereto; provided, however, that nothing herein shall restrict or limit the authority of the county board of taxation, county board of elections, jury commissioners of the county, county clerk, surrogate, and sheriff as the appointing authority of their respective offices.

c. Nothing in the administrative code shall change the duties or powers of county officers whose existence is mandated by the Constitution or shall diminish the duties, responsibilities or powers of those county officers.

d. An administrative code adopted pursuant to this section shall enter into effect 30 days after its adoption, and all theretofore existing agencies shall assume the form, perform the duties, and exercise the power granted them under the administrative code and shall do so in the manner prescribed therein.

5. (New section) Chapter 20 of Title 40 of the Revised Statutes is supplemented as follows:

In addition to the powers set forth in sections 3 and 4 of this amendatory and supplemntary act, the board of chosen freeholders is authorized and empowered to make policy and management decisions related to those activities or any independent boards of county government, State appointed officials of county government, or the constitutional officers of the county which are duplicative in nature or which duplicate the activities, responsibilities or duties of any other agency or department of county government.

6. (New section) Chapter 20 of Title 40 of the Revised Statutes is supplemented as follows:

Nothwithstanding the provisions of any other law to the contrary, in any county, other than a county having adopted a form of government authorized under the provisions of P. L. 1972, c. 154 (C. 40:41A–1 et seq.), a proposition may be submitted to the voters of the county to change the term of office for the members of the board of chosen freeholders from three to four years, to provide for staggered terms of office for the members of the board of chosen freeholders, and to provide for biannual elections for the election of members of the board of chosen freeholders.

The proposition shall be submitted either upon the adoption of a resolution of the governing body of the county after public hearing thereon, or upon submission to the county clerk of a petition signed by a number of the legal voters of the county equal in num-

ber to at least 15% of the total votes cast in the county at the last election at which members of the General Assembly were elected. The proposition shall not be submitted more than once in any three year period.

A petition submitted pursuant to this section shall be verified, inspected and certified as to the authenticity of the signatures attached thereto by the county clerk within 20 days of submission, and shall be submitted at the next general election occurring at least 40 days after certification.

The question of increasing the term of office of the members of the board of chosen freeholders, providing for staggered terms of office for the members of the board of chosen freeholders, and providing for biannual elections for the election of members of the board of chosen freeholders shall be submitted to the voters at the election in substantially the following form:

"Shall the term of office of the members of the board of chosen freeholders of ..... be increased from three
(insert name of county)
to four years, serve for staggered terms, and be elected at biannual elections?"

A canvass and return of the vote upon the proposition shall be made by the election officers in the same manner as for officers voted for at the election, and a majority of all the votes cast upon the proposition in favor of the proposition shall be sufficient to make the change.

7. (New section) Chapter 20 of Title 40 of the Revised Statutes is supplemented as follows:

In the event of a favorable vote of the voters on a proposition submitted pursuant to the provisions of section 6 of this amendatory and supplementary act, the first election of members of the board of chosen freeholders under that adopted proposition shall take place at the next general election immediately following that adoption.

In November of the first general election following the adoption of the proposition, the terms of all incumbent members of the board of chosen freeholders shall be deemed terminated at noon on the first Monday following the election of the new board of chosen freeholders. On that date, the newly elected freeholders shall take office and the new board shall organize itself accordingly, but their terms of office shall expire as if they had taken office on January 1 in the year following their election and in accordance with the following terms:

a. If there be three members to be elected, two shall be elected for two years and one for four years.

b. If there be five members to be elected, three shall be elected for two years and two for four years.

c. If there be seven members to be elected, four shall be for two years and three for four years.

d. If there be nine members to be elected, five shall be elected for two years and four for four years.

The length of the terms specified in subsections a. through d. of this section shall be determined by a drawing to be conducted by the county clerk 60 days prior to that first general election.

In all elections after the first election, all members shall be elected for four year terms beginning on January 1 in the year following their election.

Nothing in this section shall be construed to prevent an incumbent freeholder from becoming a candidate for the new board, even if his present term on the board has not yet expired.

8. (New section) P. L. 1972, c. 154 (C. 40:41A-1 et seq.) is supplemented as follows:

In any county which has adopted a form of government authorized under the provisions of P. L. 1972, c. 154 (C. 40:41A-1 et seq.), the governing body of the county may, by ordinance, provide that the official title of the board of chosen freeholders of the county shall be the "county legislature" of the county and that the official title of a member of the board of chosen freeholders of the county shall be "county legislator" and that henceforth the term "county legislature" shall be substituted in all public documents for the term "board of chosen freeholders" and the term "county legislator" shall be substituted in all public documents for the term "freeholder" when referring to a member of the board of chosen freeholders.

Whenever the governing body of any county shall, pursuant to the provisions of this section, adopt the term "county legislature" as the official title for its board of chosen freeholders and the term "county legislator" as the official title for a member of its board of chosen freeholders, thereinafter, whenever the term "board of chosen freeholders" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the county legislature of the county, and whenever the term "freeholder" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to county legislator.

9. (New section) P. L. 1972, c. 154 (C. 40:41A-1 et seq.) is supplemented as follows:

3 Notwithstanding the provisions of any other law to the contrary,
4 in any county which has adopted a form of government authorized
5 under the provisions of P. L. 1972, c. 154 (C. 40:41A–1 et seq.), a
6 proposition may be submitted to the voters of the county to change
7 the term of office for the members of the board of chosen freeholders
8 from three to four years, to provide for staggered terms of office
9 for the members of the board of chosen freeholders, and to provide
10 for biannual elections for the election of members of the board of
11 chosen freeholders.

12 The proposition shall be submitted either upon the adoption of
13 an ordinance of the governing body of the county after public hear-
14 ing thereon, or upon submission to the county clerk of a petition
15 signed by a number of the legal voters of the county equal in num-
16 ber to at least 15% of the total votes cast in the county at the last
17 election at which members of the General Assembly were elected.
18 The proposition shall not be submitted more than once in any three
19 year period.

20 A petition submitted pursuant to this section shall be verified,
21 inspected and certified as to the authenticity of the signatures
22 attached thereto by the county clerk within 20 days of submission,
23 and shall be submitted at the next general election occurring at
24 least 40 days after certification.

25 The question of increasing the term of office of the members of
26 the board of chosen freeholders, providing for staggered terms of
27 office for the members of the board of chosen freeholders, and pro-
28 viding for biannual elections for the election of members of the
29 board of chosen freeholders shall be submitted to the voters at the
30 election in substantially the following form:

31 "Shall the term of office of the members of the board of chosen
32 freeholders of ..... be increased from three
(insert name of county)
33 to four years, serve for staggered terms, and be elected at biannual
34 elections?"

35 A canvass and return of the vote upon the proposition shall be
36 made by the election officers in the same manner as for officers
37 voted for at the election, and a majority of all the votes cast upon
38 the proposition in favor of the proposition shall be sufficient to
39 make the change.

1 10. (New section) P. L. 1972, c. 154 (C. 40:41A–1 et seq.) is
2 supplemented as follows:

3 In the event of a favorable vote of the voters on a proposition
4 submitted pursuant to the provisions of section 9 of this amenda-

5 tory and supplementary act, the first election of members of the
6 board of chosen freeholders under that adopted proposition shall
7 take place at the next general election immediately following that
8 adoption, except that in the case of a county which has adopted the
9 "County Executive Plan" form of government set forth in Article 3
10 of P. L. 1972, c. 154 (C. 40:41A-31 et seq.), the first election of
11 members of the board of chosen freeholders under the provisions
12 of the adopted proposition shall take place as follows:
13 a. In a county where the county executive was first elected in an
14 even calendar year, the first election of members of the board of
15 chosen freeholders under the provisions of the adopted proposition
16 shall take place at the general election occurring in the first even
17 calendar year immediately following the adoption of the proposi-
18 tion.
19 b. In a county where the county executive was first elected in an
20 odd calendar year, the first election of members of the board of
21 chosen freeholders under the provisions of the adopted proposition
22 shall take place at the general election occurring in the first odd
23 calendar year immediately following the adoption of the proposi-
24 tion.
25 In November of the general election year in which the first mem-
26 bers of the board of chosen freeholders are elected pursuant to the
27 provisions of the adopted proposition and this section, the terms
28 of all incumbent members of the board of chosen freeholders shall
29 be deemed terminated at noon on the first Monday following the
30 election of the new board of chosen freeholders. On that date, the
31 newly elected freeholders shall take office and the new board shall
32 organize itself accordingly, but their terms of office shall expire as
33 if they had taken office on January 1 in the year following their
34 election and in accordance with the following terms:
35 (1) If there be five members to be elected, all at large or all by
36 district, three shall be elected for two years and two for four years.
37 (2) If there be seven members to be elected, all at large or all
38 by district, four shall be elected for two years and three for four
39 years.
40 (3) If there be nine members to be elected, all at large or all by
41 district, five shall be elected for two years and four for four years.
42 (4) If there be five members to be elected, three by district and
43 two at large, three district members shall be elected for two years
44 and two at large members for four years.
45 (5) If there be seven members to be elected, four by district and
46 three at large, four district members shall be elected for two years
47 and three at large members for four years.

(6) If there be nine members to be elected, five by district and four at large, five district members shall be elected for two years and four at large members for four years.

The length of the terms specified in subsections (1) through (3) of this section shall be determined by a drawing to be conducted by the county clerk 60 days prior to that general election at which the first members of the board of chosen freeholders are elected pursuant to the provisions of the adopted proposition.

In all elections after the first election, all members shall be elected for four year terms beginning on January 1 of the year following their election.

Nothing in this section shall be construed to prevent an incumbent freeholder from becoming a candidate for the new board, even if his present term on the board has not yet expired.

11. This act shall take effect immediately.

STATEMENT

In its 33rd report, *The Structure of County Government: Current Status and Needs,* the County and Municipal Government Study Commission recommended a series of statutory changes which would enable New Jersey's counties, both charter and non-charter, to improve, enhance and strengthen their ability to manage their affairs more efficiently and effectively.

The commission's recommended statutory changes are, in the truest sense, "recommendations." They neither mandate nor direct any county or county governing body to adopt and follow a prescribed path to moderize their governmental operations, integrate the various component parts of their internal organizational structures, or unify their managerial practices to enhance their capabilities as regional service providers, the recommendations set forth in this bill merely provide each county and each county governing body with the statutory authority to undertake and implement those structural changes each determines is most appropriate to address its particular needs in order to modernize, improve, enhance, and strengthen its operations and capacity to deliver services efficiently and effectively to their residents.

COUNTY GOVERNMENT

Provides charter and non-charter counties with statutory authority to modernize and integrate their governmental structures and systems.

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 3516

STATE OF NEW JERSEY

INTRODUCED DECEMBER 11, 1986

By Assemblymen HAYTAIAN, LITTELL, Frelinghuysen and Girgenti

AN ACT concerning the structure of county government and amending and supplementing parts of the statutory law.

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

1. 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 of the county of ..... (specifying name of county)", [except where by law any such powers or duties are imposed upon or vested in another board, committee or department of the county] *and the executive and legislative*, except where by law any specific powers or duties are imposed or vested in a Constitutional officer,* powers of the county shall be vested in that board *of chosen freeholders**.

The board of chosen freeholders 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.

2. N. J. S. 40A:9-42 is amended to read as follows:

40A:9-42. The board of chosen freeholders of any county, other than a county having [a county supervisor] *adopted a form of government pursuant to the provisions of P. L. 1972, c. 154 (C. 40:41A-1 et seq.)*, may by resolution create the office of county administrator, to act as the executive *or administrative* officer for the board *and* to have such *executive and administrative* powers, perform such *executive and administrative* duties and to receive

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendments adopted January 13, 1987.

9 such compensation as the resolution creating such office shall pro-
10 vide and as may from time to time otherwise be directed by the
11 board by resolution.
12 In any county creating the position of county administrator the
13 board by majority vote of all its members shall appoint some suit-
14 ably qualified person to such office for a term of three years and
15 until appointment and qualification of his successor.
1 3. (New section) Chapter 20 of Title 40 of the Revised Statutes
2 is supplemented as follows:
3 The grant of powers under this amendatory and supplementary
4 act is intended to be as broad as is consistent with the Constitution
5 of the State of New Jersey and with general law relating to local
6 government. The grant of powers shall be construed as liberally as
7 possible in regard to the county's right to reorganize its structure
8 and to alter or abolish its agencies, subject to the general mandate
9 of performing services, whether they be performed by the agency
10 previously established or by a new agency or another department
11 of county government. All county offices, boards, commissions, and
12 authorities authorized or established by statute, other than those
13 boards and offices which are subject to the provisions of subsection
14 b. of section 4 of this amendatory and supplementary act, and
15 other than educational institutions authorized or established pur-
16 suant to Title 18A of the New Jersey Statutes, shall be considered
17 to be county agencies for the purposes of this section.
1 4. (New section) Chapter 20 of Title 40 of the Revised Statutes
2 is supplemented as follows:
3 a. The board of chosen freeholders may adopt an administrative
4 code organizing the administration of the county government,
5 setting forth the duties and responsibilities and powers of all
6 county officials and agencies, and the manner of performance
7 needed.
8 b. The administrative code may require that the county board
9 of taxation, county board of elections, jury commissioners of the
10 county, county clerk, surrogate and sheriff be subject to such annual
11 budgetary procedures and requirements as may be specified therein.
12 These procedures and requirements may include, but shall not be
13 limited to, the preparation and submission of an annual budget in
14 accordance with the provisions of the administrative code, and the
15 submission of such periodic budget reports as may be provided
16 therein. The administrative code may further provide that the
17 county board of taxation, county board of elections, jury commis-
18 sioners of the county, **county hospital board of managers,** county

clerk, surrogate and sheriff shall be subject to such accounting controls, central purchasing practices, personnel procedures, and central data processing services as are specified in the code, or in administrative orders adopted pursuant thereto; provided, however, that nothing herein shall restrict or limit the authority of the county board of taxation, county board of elections, jury commissioners of the county, county clerk, surrogate, and sheriff as the appointing authority of their respective offices.

c. Nothing in the administrative code shall change the duties or powers of county officers whose existence is mandated by the Constitution or shall diminish the duties, responsibilities or powers of those county officers.

d. An administrative code adopted pursuant to this section shall enter into effect 30 days after its adoption, and all theretofore existing agencies shall assume the form, perform the duties, and exercise the power granted them under the administrative code and shall do so in the manner prescribed therein.

5. (New section) Chapter 20 of Title 40 of the Revised Statutes is supplemented as follows:

In addition to the powers set forth in sections 3 and 4 of this amendatory and supplementary act, the board of chosen freeholders is authorized and empowered to make policy and management decisions related to those activities or any independent boards of county government*[,]* *or* State appointed officials of county government, *[or the constitutional officers of the county]* which are duplicative in nature or which dupliente the activities, responsibilities or duties of any other agency or department of county government.

6. (New section) Chapter 20 of Title 40 of the Revised Statutes is supplemented as follows:

Nothwithstanding the provisions of any other law to the contrary, in any county, other than a county having adopted a form of government authorized under the provisions of P. L. 1972, c. 154 (C. 40:41A-1 et seq.), a proposition may be submitted to the voters of the county to change the term of office for the members of the board of chosen freeholders from three to four years, to provide for staggered terms of office for the members of the board of chosen freeholders, and to provide for biannual elections for the election of members of the board of chosen freeholders.

The proposition shall be submitted either upon the adoption of a resolution of the governing body of the county after public hearing thereon, or upon submission to the county clerk of a petition signed by a number of the legal voters of the county equal in num-

ber to at least 15% of the total votes cast in the county at the last election at which members of the General Assembly were elected. The proposition shall not be submitted more than once in any three year period.

A petition submitted pursuant to this section shall be verified, inspected and certified as to the authenticity of the signatures attached thereto by the county clerk within 20 days of submission, and shall be submitted at the next general election occurring at least 40 days after certification.

The question of increasing the term of office of the members of the board of chosen freeholders, providing for staggered terms of office for the members of the board of chosen freeholders, and providing for biannual elections for the election of members of the board of chosen freeholders shall be submitted to the voters at the election in substantially the following form:

"Shall the term of office of the members of the board of chosen freeholders of _____ be increased from three
(insert name of county)
to four years, serve for staggered terms, and be elected at biannual elections?"

A canvass and return of the vote upon the proposition shall be made by the election officers in the same manner as for officers voted for at the election, and a majority of all the votes cast upon the proposition in favor of the proposition shall be sufficient to make the change.

7. (New section) Chapter 20 of Title 40 of the Revised Statutes is supplemented as follows:

In the event of a favorable vote of the voters on a proposition submitted pursuant to the provisions of section 6 of this amendatory and supplementary act, the first election of members of the board of chosen freeholders under that adopted proposition shall take place at the next general election immediately following that adoption.

In November of the first general election following the adoption of the proposition, the terms of all incumbent members of the board of chosen freeholders shall be deemed terminated at noon on the first Monday following the election of the new board of chosen freeholders. On that date, the newly elected freeholders shall take office and the new board shall organize itself accordingly, but their terms of office shall expire as if they had taken office on January 1 in the year following their election and in accordance with the following terms:

a. If there be three members to be elected, two shall be elected for two years and one for four years.

b. If there be five members to be elected, three shall be elected for two years and two for four years.

c. If there be seven members to be elected, four shall be for two years and three for four years.

d. If there be nine members to be elected, five shall be elected for two years and four for four years.

The length of the terms specified in subsections a. through d. of this section shall be determined by a drawing to be conducted by the county clerk 60 days prior to that first general election.

In all elections after the first election, all members shall be elected for four year terms beginning on January 1 in the year following their election.

Nothing in this section shall be construed to prevent an incumbent freeholder from becoming a candidate for the new board, even if his present term on the board has not yet expired.

8. (New section) P. L. 1972, c. 154 (C. 40:41A-1 et seq.) is supplemented as follows:

In any county which has adopted a form of government authorized under the provisions of P. L. 1972, c. 154 (C. 40:41A-1 et seq.), the governing body of the county may, by ordinance, provide that the official title of the board of chosen freeholders of the county shall be the "county legislature" of the county and that the official title of a member of the board of chosen freeholders of the county shall be "county legislator" and that henceforth the term "county legislature" shall be substituted in all public documents for the term "board of chosen freeholders" and the term "county legislator" shall be substituted in all public documents for the term "freeholder" when referring to a member of the board of chosen freeholders.

Whenever the governing body of any county shall, pursuant to the provisions of this section, adopt the term "county legislature" as the official title for its board of chosen freeholders and the term "county legislator" as the official title for a member of its board of chosen freeholders, thereinafter, whenever the term "board of chosen freeholders" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the county legislature of the county, and whenever the term "freeholder" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to county legislator.

9. (New section) P. L. 1972, c. 154 (C. 40:41A-1 et seq.) is supplemented as follows:

3 Notwithstanding the provisions of any other law to the contrary,
4 in any county which has adopted a form of government authorized
5 under the provisions of P. L. 1972, c. 154 (C. 40:41A-1 et seq.), a
6 proposition may be submitted to the voters of the county to change
7 the term of office for the members of the board of chosen freeholders
8 from three to four years, to provide for staggered terms of office
9 for the members of the board of chosen freeholders, and to provide
10 for biannual elections for the election of members of the board of
11 chosen freeholders.

12 The proposition shall be submitted either upon the adoption of
13 an ordinance of the governing body of the county after public hear-
14 ing thereon, or upon submission to the county clerk of a petition
15 signed by a number of the legal voters of the county equal in num-
16 ber to at least 15% of the total votes cast in the county at the last
17 election at which members of the General Assembly were elected.
18 The proposition shall not be submitted more than once in any three
19 year period.

20 A petition submitted pursuant to this section shall be verified,
21 inspected and certified as to the authenticity of the signatures
22 attached thereto by the county clerk within 20 days of submission,
23 and shall be submitted at the next general election occurring at
24 least 40 days after certification.

25 The question of increasing the term of office of the members of
26 the board of chosen freeholders, providing for staggered terms of
27 office for the members of the board of chosen freeholders, and pro-
28 viding for biannual elections for the election of members of the
29 board of chosen freeholders shall be submitted to the voters at the
30 election in substantially the following form:

31 "Shall the term of office of the members of the board of chosen
32 freeholders of ..... be increased from three
(insert name of county)
33 to four years, serve for staggered terms, and be elected at biannual
34 elections?"

35 A canvass and return of the vote upon the proposition shall be
36 made by the election officers in the same manner as for officers
37 voted for at the election, and a majority of all the votes cast upon
38 the proposition in favor of the proposition shall be sufficient to
39 make the change.

1 10. (New section) P. L. 1972, c. 154 (C. 40:41A-1 et seq.) is
2 supplemented as follows:

3 In the event of a favorable vote of the voters on a proposition
4 submitted pursuant to the provisions of section 9 of this amenda-

5 tory and supplementary act, the first election of members of the
6 board of chosen freeholders under that adopted proposition shall
7 take place at the next general election immediately following that
8 adoption, except that in the case of a county which has adopted the
9 "County Executive Plan" form of government set forth in Article 3
10 of P. L. 1972, c. 154 (C. 40:41A-31 et seq.), the first election of
11 members of the board of chosen freeholders under the provisions
12 of the adopted proposition shall take place as follows:

13 a. In a county where the county executive was first elected in an
14 even calendar year, the first election of members of the board of
15 chosen freeholders under the provisions of the adopted proposition
16 shall take place at the general election occurring in the first even
17 calendar year immediately following the adoption of the proposi-
18 tion.

19 b. In a county where the county executive was first elected in an
20 odd calendar year, the first election of members of the board of
21 chosen freeholders under the provisions of the adopted proposition
22 shall take place at the general election occurring in the first odd
23 calendar year immediately following the adoption of the proposi-
24 tion.

25 In November of the general election year in which the first mem-
26 bers of the board of chosen freeholders are elected pursuant to the
27 provisions of the adopted proposition and this section, the terms
28 of all incumbent members of the board of chosen freeholders shall
29 be deemed terminated at noon on the first Monday following the
30 election of the new board of chosen freeholders. On that date, the
31 newly elected freeholders shall take office and the new board shall
32 organize itself accordingly, but their terms of office shall expire as
33 if they had taken office on January 1 in the year following their
34 election and in accordance with the following terms:

35 (1) If there be five members to be elected, all at large or all by
36 district, three shall be elected for two years and two for four years.

37 (2) If there be seven members to be elected, all at large or all
38 by district, four shall be elected for two years and three for four
39 years.

40 (3) If there be nine members to be elected, all at large or all by
41 district, five shall be elected for two years and four for four years.

42 (4) If there be five members to be elected, three by district and
43 two at large, three district members shall be elected for two years
44 and two at large members for four years.

45 (5) If there be seven members to be elected, four by district and
46 three at large, four district members shall be elected for two years
47 and three at large members for four years.

(6) If there be nine members to be elected, five by district and four at large, five district members shall be elected for two years and four at large members for four years.

The length of the terms specified in subsections (1) through (3) of this section shall be determined by a drawing to be conducted by the county clerk 60 days prior to that general election at which the first members of the board of chosen freeholders are elected pursuant to the provisions of the adopted proposition.

In all elections after the first election, all members shall be elected for four year terms beginning on January 1 of the year following their election.

Nothing in this section shall be construed to prevent an incumbent freeholder from becoming a candidate for the new board, even if his present term on the board has not yet expired.

11. This act shall take effect immediately.

COUNTY GOVERNMENT

Provides charter and non-charter counties with statutory authority to modernize and integrate their governmental structures and systems.

[SENATE REPRINT]

ASSEMBLY, No. 3516

STATE OF NEW JERSEY

[SECOND OFFICIAL COPY REPRINT]

INTRODUCED DECEMBER 11, 1986

By Assemblymen HAYTAIAN, LITTELL, Frelinghuysen and Girgenti

AN ACT concerning the structure of county government and amending and supplementing parts of the statutory law.

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

1. 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 of the county of ..... (specifying name of county)", [except where by law any such powers or duties are imposed upon or vested in another board, committee or department of the county] *and the executive and legislative* ***[*, *except where by law any specific powers or duties are imposed or vested in a Constitutional officer,**]*** *powers of the county shall be vested in that board of* **chosen freeholders** ***, *except where by law any specific powers or duties are imposed or vested in a Constitutional officer****.

The board of chosen freeholders 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.

2. N. J. S. 40A:9-42 is amended to read as follows:

40A:9-42. The board of chosen freeholders of any county, other than a county having [a county supervisor] *adopted a form of government pursuant to the provisions of P. L. 1972, c. 154 (C.*

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendments adopted January 13, 1987.

**—Assembly amendments adopted February 5, 1987.

***—Senate committee amendments adopted April 27, 1987.

40:41A-1 et seq.), may by resolution create the office of county administrator, to act as the executive *or administrative* officer for the board *and* to have such *executive and administrative* powers, perform such *executive and administrative* duties and to receive such compensation as the resolution creating such office shall provide and as may from time to time otherwise be directed by the board by resolution.

In any county creating the position of county administrator the board by majority vote of all its members shall appoint some suitably qualified person to such office for a term of three years and until appointment and qualification of his successor ***; *provided, however, that a county which changes the term of office of its board of chosen freeholders from three to four years, as provided in section 6 of this amendatory and supplementary act, may appoint a county administrator for a term of four years****.

3. (New section) Chapter 20 of Title 40 of the Revised Statutes is supplemented as follows:

The grant of powers under this amendatory and supplementary act is intended to be as broad as is consistent with the Constitution of the State of New Jersey and with general law relating to local government. The grant of powers shall be construed as liberally as possible in regard to the county's right to reorganize its structure and to alter or abolish its agencies, subject to the general mandate of performing services, whether they be performed by the agency previously established or by a new agency or another department of county government. All county offices, boards, commissions, and authorities authorized or established by statute, other than those boards and offices which are subject to the provisions of subsection b. of section 4 of this amendatory and supplementary act, and other than educational institutions authorized or established pursuant to Title 18A of the New Jersey Statutes, shall be considered to be county agencies for the purposes of this section.

4. (New section) Chapter 20 of Title 40 of the Revised Statutes is supplemented as follows:

a. The board of chosen freeholders may adopt an administrative code organizing the administration of the county government, setting forth the duties and responsibilities and powers of all county officials and agencies, and the manner of performance needed.

b. The administrative code may require that the county board of taxation, county board of elections, jury commissioners of the county, ****county register of deeds,**** county clerk, surrogate and

11 sheriff be subject to such annual budgetary procedures and require-
12 ments as may be specified therein. These procedures and require-
13 ments may include, but shall not be limited to, the preparation and
14 submission of an annual budget in accordance with the provisions of
15 the administrative code, and the submission of such periodic budget
16 reports as may be provided therein. The administrative code may
17 further provide that the county board of taxation, county board of
18 elections, jury commissioners of the county, ***[**county hospital*
18A *board of managers,*"]*** ***county register of deeds,*** county
19 clerk, surrogate and sheriff shall be subject to such accounting
20 controls, central purchasing practices, personnel procedures,
21 and central data processing services as are specified in the code,
22 or in administrative orders adopted pursuant thereto; provided,
23 however, that nothing herein shall restrict or limit the authority
24 of the county board of taxation, county board of elections, jury
25 commissioners of the county, ***county register of deeds,*** county
26 clerk, surrogate, and sheriff as the appointing authority of their
26A respective offices.

27 c. Nothing in the administrative code shall change the duties or
28 powers of county officers whose existence is mandated by the Con-
29 stitution or shall diminish the duties, responsibilities or powers of
30 those county officers.

31 d. An administrative code adopted pursuant to this section shall
32 enter into effect 30 days after its adoption, and all theretofore exist-
33 ing agencies shall assume the form, perform the duties, and exercise
34 the power granted them under the administrative code and shall
35 do so in the manner prescribed therein.

1 5. (New section) Chapter 20 of Title 40 of the Revised Statutes
2 is supplemented as follows:

3 In addition to the powers set forth in sections 3 and 4 of this
4 amendatory and supplementary act, the board of chosen freeholders
5 is authorized and empowered to make policy and management
6-7 decisions related to those activities of any independent boards
8 of county government*[,]* **or** State appointed officials of county
9 government, *[or the constitutional officers of the county]* which
10 are duplicative in nature or which duplicate the activities, re-
11 sponsibilities or duties of any other agency or department of
12 county government.

1 6. (New section) Chapter 20 of Title 40 of the Revised Statutes
2 is supplemented as follows:

3 Nothwithstanding the provisions of any other law to the contrary,
4 in any county, other than a county having adopted a form of gov-

5 ernment authorized under the provisions of P. L. 1972, c. 154 (C.
6 40:41A-1 et seq.), a proposition may be submitted to the voters of
7 the county to change the term of office for the members of the board
8 of chosen freeholders from three to four years, to provide for
9 staggered terms of office for the members of the board of chosen
10 freeholders, and to provide for ***[biannual]*** ***biennial***
11 elections ***[for the election]*** of members of the board of
11A chosen freeholders.

12 The proposition shall be submitted either upon the adoption of
13 a resolution of the governing body of the county after public hear-
14 ing thereon, or upon submission to the county clerk of a petition
15 signed by a number of the legal voters of the county equal in num-
16 ber to at least 15% of the total votes cast in the county at the last
17 election at which members of the General Assembly were elected.
18 The proposition shall not be submitted more than once in any three
19 year period.

20 A petition submitted pursuant to this section shall be verified,
21 inspected and certified as to the authenticity of the signatures
22 attached thereto by the county clerk within 20 days of submission,
23 and shall be submitted at the next general election occurring at
24 least 40 days after certification.

25 The question of increasing the term of office of the members of
26 the board of chosen freeholders, providing for staggered terms of
27 office for the members of the board of chosen freeholders, and pro-
28 viding for ***[biannual]*** ***biennial*** elections ***[for the
29 election]*** of members of the board of chosen freeholders shall be
30 submitted to the voters of the election in substantially the follow-
30A ing form:

31 "Shall the term of office of the members of the board of chosen
32 freeholders of ..... be increased from three
(insert name of county)
33 to four years***[,]*** ***and shall members of the board of chosen
34 freeholders*** serve for staggered terms***[,]*** and be elected
34A at ***[biannual]*** ***biennial*** elections?"

35 A canvass and return of the vote upon the proposition shall be
36 made by the election officers in the same manner as for officers voted
37 for at the election, and a majority of all the votes cast upon the
38 proposition in favor of the proposition shall be sufficient to make
39 the change.

1 7. (New section) Chapter 20 of Title 40 of the Revised Statutes
2 is supplemented as follows:

3 In the event of a favorable vote ***[of the voters]*** on a prop-
4 osition submitted pursuant to the provisions of section 6 of this

amendatory and supplementary act, the first election of members of the board of chosen freeholders under that adopted proposition shall take place at the next general election immediately following that adoption.

In November of the first general election following the adoption of the proposition, the terms of all incumbent members of the board of chosen freeholders shall be deemed terminated at noon on the first Monday following the election of the new board of chosen freeholders. On that date, the newly elected freeholders shall take office and the new board shall organize itself accordingly, but their terms of office shall expire as if they had taken office on January 1 in the year following their election and in accordance with the following terms:

a. If there be three members to be elected, two shall be elected for two years and one for four years.

b. If there be five members to be elected, three shall be elected for two years and two for four years.

c. If there be seven members to be elected, four shall be for two years and three for four years.

d. If there be nine members to be elected, five shall be elected for two years and four for four years.

The length of the terms specified in subsections a. through d. of this section shall be determined by a drawing to be conducted by the county clerk 60 days prior to ***[that]*** ***the*** first general election.

In all elections after the first election, all members shall be elected for four year terms beginning on January 1 in the year following their election.

Nothing in this section shall be construed to prevent an incumbent freeholder from becoming a candidate for the new board, even if his present term on the board has not yet expired.

**[8. (New section) P. L. 1972, c. 154 (C. 40:41A-1 et seq.) is supplemented as follows:

In any county which has adopted a form of government authorized under the provisions of P. L. 1972, c. 154 (C. 40:41A-1 et seq.), the governing body of the county may, by ordinance, provide that the official title of the board of chosen freeholders of the county shall be the "county legislature" of the county and that the official title of a member of the board of chosen freeholders of the county shall be "county legislator" and that henceforth the term "county legislature" shall be substituted in all public documents for the term "board of chosen freeholders" and the term "county legislator" shall be substituted in all public documents for the term "freeholder"

when referring to a member of the board of chosen freeholders.

Whenever the governing body of any county shall, pursuant to the provisions of this section, adopt the term "county legislature" as the official title for its board of chosen freeholders and the term "county legislator" as the official title for a member of its board of chosen freeholders, thereinafter, whenever the term "board of chosen freeholders" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the county legislature of the county, and whenever the term "freeholder" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to county legislator.]**

[9.] ***8.*** (New section) P. L. 1972, c. 154 (C. 40:41A-1 et seq.) is supplemented as follows:

Notwithstanding the provisions of any other law to the contrary, in any county which has adopted a form of government authorized under the provisions of P. L. 1972, c. 154 (C. 40:41A-1 et seq.), a proposition may be submitted to the voters of the county to change the term of office for the members of the board of chosen freeholders from three to four years, to provide for staggered terms of office for the members of the board of chosen freeholders, and to provide for ***[biannual]*** ***biennial*** elections ***[for the election]*** of members of the board of chosen freeholders.

The proposition shall be submitted either upon the adoption of an ordinance of the governing body of the county after public hearing thereon, or upon submission to the county clerk of a petition signed by a number of the legal voters of the county equal in number to at least 15% of the total votes cast in the county at the last election at which members of the General Assembly were elected. The proposition shall not be submitted more than once in any three year period.

A petition submitted pursuant to this section shall be verified, inspected and certified as to the authenticity of the signatures attached thereto by the county clerk within 20 days of submission, and shall be submitted at the next general election occurring at least 40 days after certification.

The question of increasing the term of office of the members of the board of chosen freeholders, providing for staggered terms of office for the members of the board of chosen freeholders, and providing for ***[biannual]*** ***biennial*** elections ***[for the election]*** of members of the board of chosen freeholders shall be submitted to the voters at the election in substantially the following form:

"Shall the term of office of the members of the board of chosen freeholders of . . . . . be increased from three
(insert name of county)
to four years***[,]*** ***and shall members of the board of chosen freeholders*** serve for staggered terms***[,]*** and be elected at ***[biannual]*** ***biennial*** elections?"

A canvass and return of the vote upon the proposition shall be made by the election officers in the same manner as for officers voted for at the election, and a majority of all the votes cast upon the proposition in favor of the proposition shall be sufficient to make the change.

[10.] **9.** (New section) P. L. 1972, c. 154 (C. 40:41A-1 et seq.) is supplemented as follows:

In the event of a favorable vote ***[of the voters]*** on a proposition submitted pursuant to the provisions of section **[9.]** **8***[.]*** ** of this amendatory and supplementary act, the first election of members of the board of chosen freeholders under that adopted proposition shall take place at the next general election immediately following that adoption, except that in the case of a county which has adopted the ***["County Executive Plan"]*** ***county executive plan*** form of government set forth in Article 3 of P. L. 1972, c. 154 (C. 40:41A-31 et seq.), the first election of members of the board of chosen freeholders under the provisions of the adopted proposition shall take place as follows:

a. In a county where the county executive was first elected in an even calendar year, the first election of members of the board of chosen freeholders under the provisions of the adopted proposition shall take place at the general election occurring in the first even calendar year immediately following the adoption of the proposition.

b. In a county where the county executive was first elected in an odd calendar year, the first election of members of the board of chosen freeholders under the provisions of the adopted proposition shall take place at the general election occurring in the first odd calendar year immediately following the adoption of the proposition.

In November of the general election year in which the first members of the board of chosen freeholders ***under any form of government adopted pursuant to P. L. 1972, c. 154 (C. 40:41A-1 et seq.)*** are elected pursuant to the provisions of the adopted proposition and this section, the terms of all incumbent members of the board of chosen freeholders shall be deemed terminated at noon on the first Monday following the election of the new board of chosen

freeholders. On that date, the newly elected freeholders shall take office and the new board shall organize itself accordingly, but their terms of office shall expire as if they had taken office on January 1 in the year following their election and in accordance with the following terms:

(1) If there be five members to be elected, all at large or all by district, three shall be elected for two years and two for four years.

(2) If there be seven members to be elected, all at large or all by district, four shall be elected for two years and three for four years.

(3) If there be nine members to be elected, all at large or all by district, five shall be elected for two years and four for four years.

(4) If there be five members to be elected, three by district and two at large, three district members shall be elected for two years and two at large members ***shall be elected*** for four years.

(5) If there be seven members to be elected, four by district and three at large, four district members shall be elected for two years and three at large members ***shall be elected*** for four years.

(6) If there be nine members to be elected, five by district and four at large, five district members shall be elected for two years and four at large members ***shall be elected*** for four years.

The length of the terms specified in subsections (1) through (3) of this section shall be determined by a drawing to be conducted by the county clerk 60 days prior to ***[that]*** ***the*** general election at which the first members of the board of chosen freeholders are elected pursuant to the provisions of the adopted proposition.

In all elections after the first election, all members shall be elected for four year terms beginning on January 1 of the year following their election.

Nothing in this section shall be construed to prevent an incumbent freeholder from becoming a candidate for the new board, even if his present term on the board has not yet expired.

[11.] **10.** This act shall take effect immediately.

COUNTY GOVERNMENT

Provides charter and non-charter counties with statutory authority to modernize and integrate their governmental structures and systems.

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 3516

STATE OF NEW JERSEY

INTRODUCED DECEMBER 11, 1986

By Assemblymen HAYTAIAN, LITTELL, Frelinghuysen and Girgenti

AN ACT concerning the structure of county government and amending and supplementing parts of the statutory law.

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

1. 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 of the county of ..... (specifying name of county)", [except where by law any such powers or duties are imposed upon or vested in another board, committee or department of the county] *and the executive and legislative*, except where by law any specific powers or duties are imposed or vested in a Constitutional officer,* powers of the county shall be vested in that board *of chosen freeholders**.

The board of chosen freeholders 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.

2. N. J. S. 40A:9-42 is amended to read as follows:

40A:9-42. The board of chosen freeholders of any county, other than a county having [a county supervisor] *adopted a form of government pursuant to the provisions of P. L. 1972, c. 154 (C. 40:41A-1 et seq.)*, may by resolution create the office of county administrator, to act as the executive *or administrative* officer for the board *and* to have such *executive and administrative* powers, perform such *executive and administrative* duties and to receive

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Assembly committee amendments adopted January 13, 1987.**

****—Assembly amendments adopted February 5, 1987.**

9 such compensation as the resolution creating such office shall pro-
10 vide and as may from time to time otherwise be directed by the
11 board by resolution.

12 In any county creating the position of county administrator the
13 board by majority vote of all its members shall appoint some suit-
14 ably qualified person to such office for a term of three years and
15 until appointment and qualification of his successor.

1 3. (New section) Chapter 20 of Title 40 of the Revised Statutes
2 is supplemented as follows:

3 The grant of powers under this amendatory and supplementary
4 act is intended to be as broad as is consistent with the Constitution
5 of the State of New Jersey and with general law relating to local
6 government. The grant of powers shall be construed as liberally as
7 possible in regard to the county's right to reorganize its structure
8 and to alter or abolish its agencies, subject to the general mandate
9 of performing services, whether they be performed by the agency
10 previously established or by a new agency or another department
11 of county government. All county offices, boards, commissions, and
12 authorities authorized or established by statute, other than those
13 boards and offices which are subject to the provisions of subsection
14 b. of section 4 of this amendatory and supplementary act, and
15 other than educational institutions authorized or established pur-
16 suant to Title 18A of the New Jersey Statutes, shall be considered
17 to be county agencies for the purposes of this section.

1 4. (New section) Chapter 20 of Title 40 of the Revised Statutes
2 is supplemented as follows:

3 a. The board of chosen freeholders may adopt an administrative
4 code organizing the administration of the county government,
5 setting forth the duties and responsibilities and powers of all
6 county officials and agencies, and the manner of performance
7 needed.

8 b. The administrative code may require that the county board
9 of taxation, county board of elections, jury commissioners of the
10 county, county clerk, surrogate and sheriff be subject to such annual
11 budgetary procedures and requirements as may be specified therein.
12 These procedures and requirements may include, but shall not be
13 limited to, the preparation and submission of an annual budget in
14 accordance with the provisions of the administrative code, and the
15 submission of such periodic budget reports as may be provided
16 therein. The administrative code may further provide that the
17 county board of taxation, county board of elections, jury commis-
18 sioners of the county, "*county hospital board of managers*," county

19 clerk, surrogate and sheriff shall be subject to such accounting
20 controls, central purchasing practices, personnel procedures,
21 and central data processing services as are specified in the code,
22 or in administrative orders adopted pursuant thereto; provided,
23 however, that nothing herein shall restrict or limit the authority
24 of the county board of taxation, county board of elections, jury
25 commissioners of the county, county clerk, surrogate, and sheriff
26 as the appointing authority of their respective offices.

27 c. Nothing in the administrative code shall change the duties or
28 powers of county officers whose existence is mandated by the Con-
29 stitution or shall diminish the duties, responsibilities or powers of
30 those county officers.

31 d. An administrative code adopted pursuant to this section shall
32 enter into effect 30 days after its adoption, and all theretofore exist-
33 ing agencies shall assume the form, perform the duties, and exercise
34 the power granted them under the administrative code and shall
35 do so in the manner prescribed therein.

1 5. (New section) Chapter 20 of Title 40 of the Revised Statutes
2 is supplemented as follows:

3 In addition to the powers set forth in sections 3 and 4 of this
4 amendatory and supplementary act, the board of chosen freeholders
5 is authorized and empowered to make policy and management
6-7 decisions related to those activities or any independent boards
8 of county government*[,]* *or* State appointed officials of county
9 government, *[or the constitutional officers of the county]* which
10 are duplicative in nature or which duplicate the activities, re-
11 sponsibilities or duties of any other agency or department of
12 county government.

1 6. (New section) Chapter 20 of Title 40 of the Revised Statutes
2 is supplemented as follows:

3 Nothwithstanding the provisions of any other law to the contrary,
4 in any county, other than a county having adopted a form of gov-
5 ernment authorized under the provisions of P. L. 1972, c. 154 (C.
6 40:41A-1 et seq.), a proposition may be submitted to the voters of
7 the county to change the term of office for the members of the board
8 of chosen freeholders from three to four years, to provide for
9 staggered terms of office for the members of the board of chosen
10 freeholders, and to provide for biannual elections for the election
11 of members of the board of chosen freeholders.

12 The proposition shall be submitted either upon the adoption of
13 a resolution of the governing body of the county after public hear-
14 ing thereon, or upon submission to the county clerk of a petition
15 signed by a number of the legal voters of the county equal in num-

ber to at least 15% of the total votes cast in the county at the last election at which members of the General Assembly were elected. The proposition shall not be submitted more than once in any three year period.

A petition submitted pursuant to this section shall be verified, inspected and certified as to the authenticity of the signatures attached thereto by the county clerk within 20 days of submission, and shall be submitted at the next general election occurring at least 40 days after certification.

The question of increasing the term of office of the members of the board of chosen freeholders, providing for staggered terms of office for the members of the board of chosen freeholders, and providing for biannual elections for the election of members of the board of chosen freeholders shall be submitted to the voters at the election in substantially the following form:

"Shall the term of office of the members of the board of chosen freeholders of ..... be increased from three
(insert name of county)
to four years, serve for staggered terms, and be elected at biannual elections?"

A canvass and return of the vote upon the proposition shall be made by the election officers in the same manner as for officers voted for at the election, and a majority of all the votes cast upon the proposition in favor of the proposition shall be sufficient to make the change.

7. (New section) Chapter 20 of Title 40 of the Revised Statutes is supplemented as follows:

In the event of a favorable vote of the voters on a proposition submitted pursuant to the provisions of section 6 of this amendatory and supplementary act, the first election of members of the board of chosen freeholders under that adopted proposition shall take place at the next general election immediately following that adoption.

In November of the first general election following the adoption of the proposition, the terms of all incumbent members of the board of chosen freeholders shall be deemed terminated at noon on the first Monday following the election of the new board of chosen freeholders. On that date, the newly elected freeholders shall take office and the new board shall organize itself accordingly, but their terms of office shall expire as if they had taken office on January 1 in the year following their election and in accordance with the following terms:

18 a. If there be three members to be elected, two shall be elected
19 for two years and one for four years.
20 b. If there be five members to be elected, three shall be elected
21 for two years and two for four years.
22 c. If there be seven members to be elected, four shall be for two
23 years and three for four years.
24 d. If there be nine members to be elected, five shall be elected
25 for two years and four for four years.
26 The length of the terms specified in subsections a. through d. of
27 this section shall be determined by a drawing to be conducted by
28 the county clerk 60 days prior to that first general election.
29 In all elections after the first election, all members shall be elected
30 for four year terms beginning on January 1 in the year following
31 their election.
32 Nothing in this section shall be construed to prevent an incumbent
33 freeholder from becoming a candidate for the new board, even if
34 his present term on the board has not yet expired.
1 **[8. (New section) P. L. 1972, c. 154 (C. 40:41A-1 et seq.) is
2 supplemented as follows:
3 In any county which has adopted a form of government autho-
4 rized under the provisions of P. L. 1972, c. 154 (C. 40:41A-1 et seq.),
5 the governing body of the county may, by ordinance, provide that
6 the official title of the board of chosen freeholders of the county
7 shall be the "county legislature" of the county and that the official
8 title of a member of the board of chosen freeholders of the county
9 shall be "county legislator" and that henceforth the term "county
10 legislature" shall be substituted in all public documents for the term
11 "board of chosen freeholders" and the term "county legislator" shall
12 be substituted in all public documents for the term "freeholder"
13 when referring to a member of the board of chosen freeholders.
14 Whenever the governing body of any county shall, pursuant to
15 the provisions of this section, adopt the term "county legislature"
16 as the official title for its board of chosen freeholders and the term
17 "county legislator" as the official title for a member of its board of
18 chosen freeholders, thereinafter, whenever the term "board of
19 chosen freeholders" occurs or any reference is made thereto in
20 any law, contract or document, the same shall be deemed to mean
21 or refer to the county legislature of the county, and whenever the
22 term "freeholder" occurs or any reference is made thereto in any
23 law, contract or document, the same shall be deemed to mean or
24 refer to county legislator.]**
1 **[9.]** **8.** (New section) P. L. 1972, c. 154 (C. 40:41A-1
2 et seq.) is supplemented as follows:

3 Notwithstanding the provisions of any other law to the contrary,
4 in any county which has adopted a form of government authorized
5 under the provisions of P. L. 1972, c. 154 (C. 40:41A-1 et seq.), a
6 proposition may be submitted to the voters of the county to change
7 the term of office for the members of the board of chosen freeholders
8 from three to four years, to provide for staggered terms of office
9 for the members of the board of chosen freeholders, and to provide
10 for biannual elections for the election of members of the board of
11 chosen freeholders.

12 The proposition shall be submitted either upon the adoption of
13 an ordinance of the governing body of the county after public hear-
14 ing thereon, or upon submission to the county clerk of a petition
15 signed by a number of the legal voters of the county equal in num-
16 ber to at least 15% of the total votes cast in the county at the last
17 election at which members of the General Assembly were elected.
18 The proposition shall not be submitted more than once in any three
19 year period.

20 A petition submitted pursuant to this section shall be verified,
21 inspected and certified as to the authenticity of the signatures
22 attached thereto by the county clerk within 20 days of submission,
23 and shall be submitted at the next general election occurring at
24 least 40 days after certification.

25 The question of increasing the term of office of the members of
26 the board of chosen freeholders, providing for staggered terms of
27 office for the members of the board of chosen freeholders, and pro-
28 viding for biannual elections for the election of members of the
29 board of chosen freeholders shall be submitted to the voters at the
30 election in substantially the following form:

31 "Shall the term of office of the members of the board of chosen
32 freeholders of ..... be increased from three
(insert name of county)
33 to four years, serve for staggered terms, and be elected at biannual
34 elections?"

35 A canvass and return of the vote upon the proposition shall be
36 made by the election officers in the same manner as for officers
37 voted for at the election, and a majority of all the votes cast upon
38 the proposition in favor of the proposition shall be sufficient to
39 make the change.

1 **[10.]** **9.** (New section) P. L. 1972, c. 154 (C. 40:41A-1
2 et seq.) is supplemented as follows:

3 In the event of a favorable vote of the voters on a proposition
4 submitted pursuant to the provisions of section **[9.]** **8.** of

this amendatory and supplementary act, the first election of members of the board of chosen freeholders under that adopted proposition shall take place at the next general election immediately following that adoption, except that in the case of a county which has adopted the "County Executive Plan" form of government set forth in Article 3 of P. L. 1972, c. 154 (C. 40:41A–31 et seq.), the first election of members of the board of chosen freeholders under the provisions of the adopted proposition shall take place as follows:

a. In a county where the county executive was first elected in an even calendar year, the first election of members of the board of chosen freeholders under the provisions of the adopted proposition shall take place at the general election occurring in the first even calendar year immediately following the adoption of the proposition.

b. In a county where the county executive was first elected in an odd calendar year, the first election of members of the board of chosen freeholders under the provisions of the adopted proposition shall take place at the general election occurring in the first odd calendar year immediately following the adoption of the proposition.

In November of the general election year in which the first members of the board of chosen freeholders are elected pursuant to the provisions of the adopted proposition and this section, the terms of all incumbent members of the board of chosen freeholders shall be deemed terminated at noon on the first Monday following the election of the new board of chosen freeholders. On that date, the newly elected freeholders shall take office and the new board shall organize itself accordingly, but their terms of office shall expire as if they had taken office on January 1 in the year following their election and in accordance with the following terms:

(1) If there be five members to be elected, all at large or all by district, three shall be elected for two years and two for four years.

(2) If there be seven members to be elected, all at large or all by district, four shall be elected for two years and three for four years.

(3) If there be nine members to be elected, all at large or all by district, five shall be elected for two years and four for four years.

(4) If there be five members to be elected, three by district and two at large, three district members shall be elected for two years and two at large members for four years.

(5) If there be seven members to be elected, four by district and three at large, four district members shall be elected for two years and three at large members for four years.

48 (6) If there be nine members to be elected, five by district and
49 four at large, five district members shall be elected for two years
50 and four at large members for four years.
51 The length of the terms specified in subsections (1) through (3)
52 of this section shall be determined by a drawing to be conducted
53 by the county clerk 60 days prior to that general election at which
54 the first members of the board of chosen freeholders are elected
55 pursuant to the provisions of the adopted proposition.
56 In all elections after the first election, all members shall be elected
57 for four year terms beginning on January 1 of the year following
58 their election.
59 Nothing in this section shall be construed to prevent an incumbent
60 freeholder from becoming a candidate for the new board, even if
61 his present term on the board has not yet expired.
1 **[11.]** ***10.*** This act shall take effect immediately.

COUNTY GOVERNMENT

Provides charter and non-charter counties with statutory authority to modernize and integrate their governmental structures and systems.

[SECOND SENATE REPRINT]

ASSEMBLY, No. 3516

[SECOND OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

INTRODUCED DECEMBER 11, 1986

By Assemblymen HAYTAIAN, LITTELL, Frelinghuysen and Girgenti

AN ACT concerning the structure of county government and amending and supplementing parts of the statutory law.

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

1. 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 of the county of ..... (specifying name of county)", [except where by law any such powers or duties are imposed upon or vested in another board, committee or department of the county] *and the executive and legislative* ***[*, *except where by law any specific powers or duties are imposed or vested in a Constitutional officer,**]*** *powers of the county shall be vested in that board of* **chosen freeholders** ***, *except where by law any specific powers or duties are imposed or vested in a Constitutional officer****.

The board of chosen freeholders 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.

2. N. J. S. 40A:9-42 is amended to read as follows:

40A:9-42. The board of chosen freeholders of any county, other than a county having [a county supervisor] *adopted a form of*

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendments adopted January 13, 1987.

**—Assembly amendments adopted February 5, 1987.

***—Senate committee amendments adopted April 27, 1987.

****—Senate amendments adopted May 18, 1987.

government pursuant to the provisions of P. L. 1972, c. 154 (C. 40:41A-1 et seq.), may by resolution create the office of county administrator, to act as the executive *or administrative* officer for the board *and* to have such *executive and administrative* powers, perform such *executive and administrative* duties and to receive such compensation as the resolution creating such office shall provide and as may from time to time otherwise be directed by the board by resolution.

In any county creating the position of county administrator the board by majority vote of all its members shall appoint some suitably qualified person to such office for a term of three years and until appointment and qualification of his successor ***; *provided, however, that a county which changes the term of office of its board of chosen freeholders from three to four years, as provided in section 6 of this amendatory and supplementary act, may appoint a county administrator for a term of four years****.

3. (New section) Chapter 20 of Title 40 of the Revised Statutes is supplemented as follows:

The grant of powers under this amendatory and supplementary act is intended to be as broad as is consistent with the Constitution of the State of New Jersey and with general law relating to local government. The grant of powers shall be construed as liberally as possible in regard to the county's right to reorganize its structure and to alter or abolish its agencies, subject to the general mandate of performing services, whether they be performed by the agency previously established or by a new agency or another department of county government. All county offices, boards, commissions, and authorities authorized or established by statute, other than those boards and offices which are subject to the provisions of subsection b. of section 4 of this amendatory and supplementary act, ****[and]**** other than educational institutions authorized or established pursuant to Title 18A of the New Jersey Statutes, *****and other than libraries authorized or established pursuant to chapter 33 of Title 40 of the Revised Statutes,**** shall be considered to be county agencies for the purposes of this section.

4. (New section) Chapter 20 of Title 40 of the Revised Statutes is supplemented as follows:

a. The board of chosen freeholders may adopt an administrative code organizing the administration of the county government, setting forth the duties and responsibilities and powers of all county officials and agencies, and the manner of performance needed.

b. The administrative code may require that the county board of taxation, county board of elections, jury commissioners of the county, ***county register of deeds,*** county clerk, surrogate and sheriff be subject to such annual budgetary procedures and requirements as may be specified therein. These procedures and requirements may include, but shall not be limited to, the preparation and submission of an annual budget in accordance with the provisions of the administrative code, and the submission of such periodic budget reports as may be provided therein. The administrative code may further provide that the county board of taxation, county board of elections, jury commissioners of the county, ***[*county hospital board of managers,*]*** ***county register of deeds,*** county clerk, surrogate and sheriff shall be subject to such accounting controls, central purchasing practices, personnel procedures, and central data processing services as are specified in the code, or in administrative orders adopted pursuant thereto; provided, however, that nothing herein shall restrict or limit the authority of the county board of taxation, county board of elections, jury commissioners of the county, ***county register of deeds,*** county clerk, surrogate, and sheriff as the appointing authority of their respective offices.

c. Nothing in the administrative code shall change the duties or powers of county officers whose existence is mandated by the Constitution or shall diminish the duties, responsibilities or powers of those county officers.

d. An administrative code adopted pursuant to this section shall enter into effect 30 days after its adoption, and all theretofore existing agencies shall assume the form, perform the duties, and exercise the power granted them under the administrative code and shall do so in the manner prescribed therein.

5. (New section) Chapter 20 of Title 40 of the Revised Statutes is supplemented as follows:

In addition to the powers set forth in sections 3 and 4 of this amendatory and supplementary act, the board of chosen freeholders is authorized and empowered to make policy and management decisions related to those activities of any independent boards of county government*[,]* *or* State appointed officials of county government, *[or the constitutional officers of the county]* which are duplicative in nature or which duplicate the activities, responsibilities or duties of any other agency or department of county government.

6. (New section) Chapter 20 of Title 40 of the Revised Statutes is supplemented as follows:

Nothwithstanding the provisions of any other law to the contrary, in any county, other than a county having adopted a form of government authorized under the provisions of P. L. 1972, c. 154 (C. 40:41A-1 et seq.), a proposition may be submitted to the voters of the county to change the term of office for the members of the board of chosen freeholders from three to four years, to provide for staggered terms of office for the members of the board of chosen freeholders, and to provide for ***[biannual]*** ****biennial**** elections ***[for the election]*** of members of the board of chosen freeholders.

The proposition shall be submitted either upon the adoption of a resolution of the governing body of the county after public hearing thereon, or upon submission to the county clerk of a petition signed by a number of the legal voters of the county equal in number to at least 15% of the total votes cast in the county at the last election at which members of the General Assembly were elected. The proposition shall not be submitted more than once in any three year period.

A petition submitted pursuant to this section shall be verified, inspected and certified as to the authenticity of the signatures attached thereto by the county clerk within 20 days of submission, and shall be submitted at the next general election occurring at least 40 days after certification.

The question of increasing the term of office of the members of the board of chosen freeholders, providing for staggered terms of office for the members of the board of chosen freeholders, and providing for ***[biannual]*** ****biennial**** elections ***[for the election]*** of members of the board of chosen freeholders shall be submitted to the voters of the election in substantally the following form:

"Shall the term of office of the members of the board of chosen freeholders of ..... be increased from three
(insert name of county)
to four years***[,]*** ****and shall members of the board of chosen freeholders**** serve for staggered terms***[,]*** and be elected at ***[biannual]*** ****biennial**** elections?"

A canvass and return of the vote upon the proposition shall be made by the election officers in the same manner as for officers voted for at the election, and a majority of all the votes cast upon the proposition in favor of the proposition shall be sufficient to make the change.

7. (New section) Chapter 20 of Title 40 of the Revised Statutes is supplemented as follows:

In the event of a favorable vote ***[of the voters]*** on a proposition submitted pursuant to the provisions of section 6 of this amendatory and supplementary act, the first election of members of the board of chosen freeholders under that adopted proposition shall take place at the next general election immediately following that adoption.

In November of the first general election following the adoption of the proposition, the terms of all incumbent members of the board of chosen freeholders shall be deemed terminated at noon on the first Monday following the election of the new board of chosen freeholders. On that date, the newly elected freeholders shall take office and the new board shall organize itself accordingly, but their terms of office shall expire as if they had taken office on January 1 in the year following their election and in accordance with the following terms:

a. If there be three members to be elected, two shall be elected for two years and one for four years.

b. If there be five members to be elected, three shall be elected for two years and two for four years.

c. If there be seven members to be elected, four shall be for two years and three for four years.

d. If there be nine members to be elected, five shall be elected for two years and four for four years.

The length of the terms specified in subsections a. through d. of this section shall be determined by a drawing to be conducted by the county clerk 60 days prior to ***[that]*** ***the*** first general election.

In all elections after the first election, all members shall be elected for four year terms beginning on January 1 in the year following their election.

Nothing in this section shall be construed to prevent an incumbent freeholder from becoming a candidate for the new board, even if his present term on the board has not yet expired.

**[8. (New section) P. L. 1972, c. 154 (C. 40:41A-1 et seq.) is supplemented as follows:

In any county which has adopted a form of government authorized under the provisions of P. L. 1972, c. 154 (C. 40:41A-1 et seq.), the governing body of the county may, by ordinance, provide that the official title of the board of chosen freeholders of the county shall be the "county legislature" of the county and that the official

8 title of a member of the board of chosen freeholders of the county
9 shall be "county legislator" and that henceforth the term "county
10 legislature" shall be substituted in all public documents for the term
11 "board of chosen freeholders" and the term "county legislator" shall
12 be substituted in all public documents for the term "freeholder"
13 when referring to a member of the board of chosen freeholders.
14 Whenever the governing body of any county shall, pursuant to
15 the provisions of this section, adopt the term "county legislature"
16 as the official title for its board of chosen freeholders and the term
17 "county legislator" as the official title for a member of its board of
18 chosen freeholders, thereinafter, whenever the term "board of
19 chosen freeholders" occurs or any reference is made thereto in
20 any law, contract or document, the same shall be deemed to mean
21 or refer to the county legislature of the county, and whenever the
22 term "freeholder" occurs or any reference is made thereto in any
23 law, contract or document, the same shall be deemed to mean or
24 refer to county legislator.]**
1 **[9.]** ***8.*** (New section) P. L. 1972, c. 154 (C. 40:41A-1
2 et seq.) is supplemented as follows:
3 Notwithstanding the provisions of any other law to the contrary,
4 in any county which has adopted a form of government authorized
5 under the provisions of P. L. 1972, c. 154 (C. 40:41A-1 et seq.), a
6 proposition may be submitted to the voters of the county to change
7 the term of office for the members of the board of chosen freeholders
8 from three to four years, to provide for staggered terms of office
9 for the members of the board of chosen freeholders, and to provide
10 for ***[biannual]*** ****biennial**** elections ***[for the elec-
11 tion]*** of members of the board of chosen freeholders.
12 The proposition shall be submitted either upon the adoption of
13 an ordinance of the governing body of the county after public hear-
14 ing thereon, or upon submission to the county clerk of a petition
15 signed by a number of the legal voters of the county equal in num-
16 ber to at least 15% of the total votes cast in the county at the last
17 election at which members of the General Assembly were elected.
18 The proposition shall not be submitted more than once in any three
19 year period.
20 A petition submitted pursuant to this section shall be verified,
21 inspected and certified as to the authenticity of the signatures
22 attached thereto by the county clerk within 20 days of submission,
23 and shall be submitted at the next general election occurring at
24 least 40 days after certification.
25 The question of increasing the term of office of the members of
26 the board of chosen freeholders, providing for staggered terms of

27 office for the members of the board of chosen freeholders, and pro-
28 viding for ***[biannual]*** ***biennial*** elections ***[for the
29 election]*** of members of the board of chosen freeholders shall
30 be submitted to the voters at the election in substantially the follow-
30A ing form:

31 "Shall the term of office of the members of the board of chosen
32 freeholders of ..... be increased from three
(insert name of county)
33 to four years***[,]*** ***and shall members of the board of chosen
34 freeholders*** serve for staggered terms***[,]*** and be elected
34A at ***[biannual]*** ***biennial*** elections?"

35 A canvass and return of the vote upon the proposition shall be
36 made by the election officers in the same manner as for officers
37 voted for at the election, and a majority of all the votes cast upon
38 the proposition in favor of the proposition shall be sufficient to
39 make the change.

1 **[10.]** **9.** (New section) P. L. 1972, c. 154 (C. 40:41A-1
2 et seq.) is supplemented as follows:

3 In the event of a favorable vote ***[of the voters]*** on a prop-
4 osition submitted pursuant to the provisions of section **[9.]**
5 **8***[.]*** ** of this amendatory and supplementary act, the
6 first election of members of the board of chosen freeholders under
7 that adopted proposition shall take place at the next general elec-
8 tion immediately following that adoption, except that in the case of
9 a county which has adopted the ***["County Executive Plan"]***
10 ***county executive plan*** form of government set forth in Article
11 3 of P. L. 1972, c. 154 (C. 40:41A-31 et seq.), the first election of
12 members of the board of chosen freeholders under the provisions
12A of the adopted proposition shall take place as follows:

13 a. In a county where the county executive was first elected in an
14 even calendar year, the first election of members of the board of
15 chosen freeholders under the provisions of the adopted proposition
16 shall take place at the general election occurring in the first even
17 calendar year immediately following the adoption of the proposi-
18 tion.

19 b. In a county where the county executive was first elected in an
20 odd calendar year, the first election of members of the board of
21 chosen freeholders under the provisions of the adopted proposition
22 shall take place at the general election occurring in the first odd
23 calendar year immediately following the adoption of the proposi-
24 tion.

25 In November of the general election year in which the first mem-
26 bers of the board of chosen freeholders ***under any form of gov-

27 office for the members of the board of chosen freeholders, and pro-
28 viding for ***[biannual]*** ***biennial*** elections ***[for the
29 election]*** of members of the board of chosen freeholders shall
30 be submitted to the voters at the election in substantially the follow-
30A ing form:

31 "Shall the term of office of the members of the board of chosen
32 freeholders of ..... be increased from three
(insert name of county)
33 to four years***[,]*** ***and shall members of the board of chosen
34 freeholders*** serve for staggered terms***[,]*** and be elected
34A at ***[biannual]*** ***biennial*** elections?"

35 A canvass and return of the vote upon the proposition shall be
36 made by the election officers in the same manner as for officers
37 voted for at the election, and a majority of all the votes cast upon
38 the proposition in favor of the proposition shall be sufficient to
39 make the change.

1 **[10.]** **9.** (New section) P. L. 1972, c. 154 (C. 40:41A-1
2 et seq.) is supplemented as follows:

3 In the event of a favorable vote ***[of the voters]*** on a prop-
4 osition submitted pursuant to the provisions of section **[9.]**
5 **8***[.]*** ** of this amendatory and supplementary act, the
6 first election of members of the board of chosen freeholders under
7 that adopted proposition shall take place at the next general elec-
8 tion immediately following that adoption, except that in the case of
9 a county which has adopted the ***["County Executive Plan"]***
10 ***county executive plan*** form of government set forth in Article
11 3 of P. L. 1972, c. 154 (C. 40:41A-31 et seq.), the first election of
12 members of the board of chosen freeholders under the provisions
12A of the adopted proposition shall take place as follows:

13 a. In a county where the county executive was first elected in an
14 even calendar year, the first election of members of the board of
15 chosen freeholders under the provisions of the adopted proposition
16 shall take place at the general election occurring in the first even
17 calendar year immediately following the adoption of the proposi-
18 tion.

19 b. In a county where the county executive was first elected in an
20 odd calendar year, the first election of members of the board of
21 chosen freeholders under the provisions of the adopted proposition
22 shall take place at the general election occurring in the first odd
23 calendar year immediately following the adoption of the proposi-
24 tion.

25 In November of the general election year in which the first mem-
26 bers of the board of chosen freeholders ***under any form of gov-

*ernment adopted pursuant to P. L. 1972, c. 154 (C. 40:41A-1 et seq.)****** are elected pursuant to the provisions of the adopted proposition and this section, the terms of all incumbent members of the board of chosen freeholders shall be deemed terminated at noon on the first Monday following the election of the new board of chosen freeholders. On that date, the newly elected freeholders shall take office and the new board shall organize itself accordingly, but their terms of office shall expire as if they had taken office on January 1 in the year following their election and in accordance with the following terms:

(1) If there be five members to be elected, all at large or all by district, three shall be elected for two years and two for four years.

(2) If there be seven members to be elected, all at large or all by district, four shall be elected for two years and three for four years.

(3) If there be nine members to be elected, all at large or all by district, five shall be elected for two years and four for four years.

(4) If there be five members to be elected, three by district and two at large, three district members shall be elected for two years and two at large members ******shall be elected****** for four years.

(5) If there be seven members to be elected, four by district and three at large, four district members shall be elected for two years and three at large members ******shall be elected****** for four years.

(6) If there be nine members to be elected, five by district and four at large, five district members shall be elected for two years and four at large members ******shall be elected****** for four years.

The length of the terms specified in subsections (1) through (3) of this section shall be determined by a drawing to be conducted by the county clerk 60 days prior to ******[that]****** ******the****** general election at which the first members of the board of chosen freeholders are elected pursuant to the provisions of the adopted proposition.

In all elections after the first election, all members shall be elected for four year terms beginning on January 1 of the year following their election.

Nothing in this section shall be construed to prevent an incumbent freeholder from becoming a candidate for the new board, even if his present term on the board has not yet expired.

****[11.]**** ****10.**** This act shall take effect immediately.

COUNTY GOVERNMENT

Provides charter and non-charter counties with statutory authority to modernize and integrate their governmental structures and systems.

[THIRD SENATE REPRINT]

ASSEMBLY, No. 3516

[SECOND OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

INTRODUCED DECEMBER 11, 1986

By Assemblymen HAYTAIAN, LITTELL, Frelinghuysen and Girgenti

AN ACT concerning the structure of county government and amending and supplementing parts of the statutory law.

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

1. 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 of the county of ..... (specifying name of county)", **[**except where by law any such powers or duties are imposed upon or vested in another board, committee or department of the county**]** *and the executive and legislative* *****[***, *except where by law any specific powers or duties are imposed or vested in a Constitutional officer,****]***** *powers of the county shall be vested in that board of* **chosen freeholders** ***, *except where by law any specific powers or duties are imposed or vested in a Constitutional officer****.

The board of chosen freeholders 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.

2. N. J. S. 40A:9-42 is amended to read as follows:

40A:9-42. The board of chosen freeholders of any county, other than a county having **[**a county supervisor**]** *adopted a form of*

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Assembly committee amendments adopted January 13, 1987.**

****—Assembly amendments adopted February 5, 1987.**

*****—Senate committee amendments adopted April 27, 1987.**

******—Senate amendments adopted May 18, 1987.**

*******—Senate amendments adopted June 8, 1987.**

government pursuant to the provisions of P. L. 1972, c. 154 (C. 40:41A-1 et seq.), may by resolution create the office of county administrator, to act as the executive *or administrative* officer for the board *and* to have such *executive and administrative* powers, perform such *executive and administrative* duties and to receive such compensation as the resolution creating such office shall provide and as may from time to time otherwise be directed by the board by resolution.

In any county creating the position of county administrator the board by majority vote of all its members shall appoint some suitably qualified person to such office for a term of three years and until appointment and qualification of his successor ***; *provided, however, that a county which changes the term of office of its board of chosen freeholders from three to four years, as provided in section 6 of this amendatory and supplementary act, may appoint a county administrator for a term of four years****.

3. (New section) Chapter 20 of Title 40 of the Revised Statutes is supplemented as follows:

The grant of powers under this amendatory and supplementary act is intended to be as broad as is consistent with the Constitution of the State of New Jersey and with general law relating to local government. The grant of powers shall be construed as liberally as possible in regard to the county's right to reorganize its structure and to alter or abolish its agencies, subject to the general mandate of performing services, whether they be performed by the agency previously established or by a new agency or another department of county government. All county offices, boards, commissions, and authorities authorized or established by statute, other than those boards and offices which are subject to the provisions of subsection b. of section 4 of this amendatory and supplementary act, ****[and]**** ******and****** other than educational institutions authorized or established pursuant to Title 18A of the New Jersey Statutes, *****[*****and other than libraries authorized or established pursuant to chapter 33 of Title 40 of the Revised Statutes,*****]***** shall be considered to be county agencies for the purposes of this section.

4. (New section) Chapter 20 of Title 40 of the Revised Statutes is supplemented as follows:

a. The board of chosen freeholders may adopt an administrative code organizing the administration of the county government, setting forth the duties and responsibilities and powers of all county officials and agencies, and the manner of performance needed.

b. The administrative code may require that the county board of taxation, county board of elections, jury commissioners of the county, ***county register of deeds,*** county clerk, surrogate and sheriff be subject to such annual budgetary procedures and requirements as may be specified therein. These procedures and requirements may include, but shall not be limited to, the preparation and submission of an annual budget in accordance with the provisions of the administrative code, and the submission of such periodic budget reports as may be provided therein. The administrative code may further provide that the county board of taxation, county board of elections, jury commissioners of the county, ***[*county hospital board of managers,*]*** ***county register of deeds,*** county clerk, surrogate and sheriff shall be subject to such accounting controls, central purchasing practices, personnel procedures, and central data processing services as are specified in the code, or in administrative orders adopted pursuant thereto; provided, however, that nothing herein shall restrict or limit the authority of the county board of taxation, county board of elections, jury commissioners of the county, ***county register of deeds,*** county clerk, surrogate, and sheriff as the appointing authority of their respective offices.

c. Nothing in the administrative code shall change the duties or powers of county officers whose existence is mandated by the Constitution or shall diminish the duties, responsibilities or powers of those county officers.

d. An administrative code adopted pursuant to this section shall enter into effect 30 days after its adoption, and all theretofore existing agencies shall assume the form, perform the duties, and exercise the power granted them under the administrative code and shall do so in the manner prescribed therein.

5. (New section) Chapter 20 of Title 40 of the Revised Statutes is supplemented as follows:

In addition to the powers set forth in sections 3 and 4 of this amendatory and supplementary act, the board of chosen freeholders is authorized and empowered to make policy and management decisions related to those activities of any independent boards of county government*[,]* *or* State appointed officials of county government, *[or the constitutional officers of the county]* which are duplicative in nature or which duplicate the activities, responsibilities or duties of any other agency or department of county government.

6. (New section) Chapter 20 of Title 40 of the Revised Statutes is supplemented as follows:

Nothwithstanding the provisions of any other law to the contrary, in any county, other than a county having adopted a form of government authorized under the provisions of P. L. 1972, c. 154 (C. 40:41A-1 et seq.), a proposition may be submitted to the voters of the county to change the term of office for the members of the board of chosen freeholders from three to four years, to provide for staggered terms of office for the members of the board of chosen freeholders, and to provide for ***[biannual]*** ***biennial*** elections ***[for the election]*** of members of the board of chosen freeholders.

The proposition shall be submitted either upon the adoption of a resolution of the governing body of the county after public hearing thereon, or upon submission to the county clerk of a petition signed by a number of the legal voters of the county equal in number to at least 15% of the total votes cast in the county at the last election at which members of the General Assembly were elected. The proposition shall not be submitted more than once in any three year period.

A petition submitted pursuant to this section shall be verified, inspected and certified as to the authenticity of the signatures attached thereto by the county clerk within 20 days of submission, and shall be submitted at the next general election occurring at least 40 days after certification.

The question of increasing the term of office of the members of the board of chosen freeholders, providing for staggered terms of office for the members of the board of chosen freeholders, and providing for ***[biannual]*** ***biennial*** elections ***[for the election]*** of members of the board of chosen freeholders shall be submitted to the voters of the election in substantially the following form:

"Shall the term of office of the members of the board of chosen freeholders of ..... be increased from three
(insert name of county)
to four years***[,]*** ***and shall members of the board of chosen freeholders*** serve for staggered terms***[,]*** and be elected at ***[biannual]*** ***biennial*** elections?"

A canvass and return of the vote upon the proposition shall be made by the election officers in the same manner as for officers voted for at the election, and a majority of all the votes cast upon the proposition in favor of the proposition shall be sufficient to make the change.

7. (New section) Chapter 20 of Title 40 of the Revised Statutes is supplemented as follows:

In the event of a favorable vote ***[of the voters]*** on a proposition submitted pursuant to the provisions of section 6 of this amendatory and supplementary act, the first election of members of the board of chosen freeholders under that adopted proposition shall take place at the next general election immediately following that adoption.

In November of the first general election following the adoption of the proposition, the terms of all incumbent members of the board of chosen freeholders shall be deemed terminated at noon on the first Monday following the election of the new board of chosen freeholders. On that date, the newly elected freeholders shall take office and the new board shall organize itself accordingly, but their terms of office shall expire as if they had taken office on January 1 in the year following their election and in accordance with the following terms:

a. If there be three members to be elected, two shall be elected for two years and one for four years.

b. If there be five members to be elected, three shall be elected for two years and two for four years.

c. If there be seven members to be elected, four shall be for two years and three for four years.

d. If there be nine members to be elected, five shall be elected for two years and four for four years.

The length of the terms specified in subsections a. through d. of this section shall be determined by a drawing to be conducted by the county clerk 60 days prior to ***[that]*** ****the**** first general election.

In all elections after the first election, all members shall be elected for four year terms beginning on January 1 in the year following their election.

Nothing in this section shall be construed to prevent an incumbent freeholder from becoming a candidate for the new board, even if his present term on the board has not yet expired.

**[8. (New section) P. L. 1972, c. 154 (C. 40:41A-1 et seq.) is supplemented as follows:

In any county which has adopted a form of government authorized under the provisions of P. L. 1972, c. 154 (C. 40:41A-1 et seq.), the governing body of the county may, by ordinance, provide that the official title of the board of chosen freeholders of the county shall be the "county legislature" of the county and that the official

8 title of a member of the board of chosen freeholders of the county
9 shall be "county legislator" and that henceforth the term "county
10 legislature" shall be substituted in all public documents for the term
11 "board of chosen freeholders" and the term "county legislator" shall
12 be substituted in all public documents for the term "freeholder"
13 when referring to a member of the board of chosen freeholders.
14 Whenever the governing body of any county shall, pursuant to
15 the provisions of this section, adopt the term "county legislature"
16 as the official title for its board of chosen freeholders and the term
17 "county legislator" as the official title for a member of its board of
18 chosen freeholders, thereinafter, whenever the term "board of
19 chosen freeholders" occurs or any reference is made thereto in
20 any law, contract or document, the same shall be deemed to mean
21 or refer to the county legislature of the county, and whenever the
22 term "freeholder" occurs or any reference is made thereto in any
23 law, contract or document, the same shall be deemed to mean or
24 refer to county legislator.]**
1 **[9.]** **8.** (New section) P. L. 1972, c. 154 (C. 40:41A-1
2 et seq.) is supplemented as follows:
3 Notwithstanding the provisions of any other law to the contrary,
4 in any county which has adopted a form of government authorized
5 under the provisions of P. L. 1972, c. 154 (C. 40:41A-1 et seq.), a
6 proposition may be submitted to the voters of the county to change
7 the term of office for the members of the board of chosen freeholders
8 from three to four years, to provide for staggered terms of office
9 for the members of the board of chosen freeholders, and to provide
10 for ***[biannual]*** ****biennial**** elections ***[for the elec-
11 tion]*** of members of the board of chosen freeholders.
12 The proposition shall be submitted either upon the adoption of
13 an ordinance of the governing body of the county after public hear-
14 ing thereon, or upon submission to the county clerk of a petition
15 signed by a number of the legal voters of the county equal in num-
16 ber to at least 15% of the total votes cast in the county at the last
17 election at which members of the General Assembly were elected.
18 The proposition shall not be submitted more than once in any three
19 year period.
20 A petition submitted pursuant to this section shall be verified,
21 inspected and certified as to the authenticity of the signatures
22 attached thereto by the county clerk within 20 days of submission,
23 and shall be submitted at the next general election occurring at
24 least 40 days after certification.
25 The question of increasing the term of office of the members of
26 the board of chosen freeholders, providing for staggered terms of

27 office for the members of the board of chosen freeholders, and pro-
28 viding for ***[biannual]*** ****biennial**** elections ***[for the
29 election]*** of members of the board of chosen freeholders shall
30 be submitted to the voters at the election in substantially the follow-
30A ing form:

31 "Shall the term of office of the members of the board of chosen
32 freeholders of ..... be increased from three
(insert name of county)
33 to four years***[,]*** ****and shall members of the board of chosen*
34 *freeholders**** serve for staggered terms***[,]*** and be elected
34A at ***[biannual]*** ****biennial**** elections?"

35 A canvass and return of the vote upon the proposition shall be
36 made by the election officers in the same manner as for officers
37 voted for at the election, and a majority of all the votes cast upon
38 the proposition in favor of the proposition shall be sufficient to
39 make the change.

1 **[10.]** ***9.*** (New section) P. L. 1972, c. 154 (C. 40:41A-1
2 et seq.) is supplemented as follows:

3 In the event of a favorable vote ***[of the voters]*** on a prop-
4 osition submitted pursuant to the provisions of section **[9.]**
5 ***8***[.]*** ** of this amendatory and supplementary act, the
6 first election of members of the board of chosen freeholders under
7 that adopted proposition shall take place at the next general elec-
8 tion immediately following that adoption, except that in the case of
9 a county which has adopted the ***["County Executive Plan"]***
10 ****county executive plan**** form of government set forth in Article
11 3 of P. L. 1972, c. 154 (C. 40:41A-31 et seq.), the first election of
12 members of the board of chosen freeholders under the provisions
12A of the adopted proposition shall take place as follows:

13 a. In a county where the county executive was first elected in an
14 even calendar year, the first election of members of the board of
15 chosen freeholders under the provisions of the adopted proposition
16 shall take place at the general election occurring in the first even
17 calendar year immediately following the adoption of the proposi-
18 tion.

19 b. In a county where the county executive was first elected in an
20 odd calendar year, the first election of members of the board of
21 chosen freeholders under the provisions of the adopted proposition
22 shall take place at the general election occurring in the first odd
23 calendar year immediately following the adoption of the proposi-
24 tion.

25 In November of the general election year in which the first mem-
26 bers of the board of chosen freeholders ****under any form of gov-*

*ernment adopted pursuant to P. L. 1972, c. 154 (C. 40:41A-1 et seq.)*** are elected pursuant to the provisions of the adopted proposition and this section, the terms of all incumbent members of the board of chosen freeholders shall be deemed terminated at noon on the first Monday following the election of the new board of chosen freeholders. On that date, the newly elected freeholders shall take office and the new board shall organize itself accordingly, but their terms of office shall expire as if they had taken office on January 1 in the year following their election and in accordance with the following terms:

(1) If there be five members to be elected, all at large or all by district, three shall be elected for two years and two for four years.

(2) If there be seven members to be elected, all at large or all by district, four shall be elected for two years and three for four years.

(3) If there be nine members to be elected, all at large or all by district, five shall be elected for two years and four for four years.

(4) If there be five members to be elected, three by district and two at large, three district members shall be elected for two years and two at large members ***shall be elected*** for four years.

(5) If there be seven members to be elected, four by district and three at large, four district members shall be elected for two years and three at large members ***shall be elected*** for four years.

(6) If there be nine members to be elected, five by district and four at large, five district members shall be elected for two years and four at large members ***shall be elected*** for four years.

The length of the terms specified in subsections (1) through (3) of this section shall be determined by a drawing to be conducted by the county clerk 60 days prior to ***[that]*** ***the*** general election at which the first members of the board of chosen freeholders are elected pursuant to the provisions of the adopted proposition.

In all elections after the first election, all members shall be elected for four year terms beginning on January 1 of the year following their election.

Nothing in this section shall be construed to prevent an incumbent freeholder from becoming a candidate for the new board, even if his present term on the board has not yet expired.

[11.] **10.** This act shall take effect immediately.

COUNTY GOVERNMENT

Provides charter and non-charter counties with statutory authority to modernize and integrate their governmental structures and systems.

ASSEMBLY COUNTY GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3516

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 13, 1987

The Assembly County Government Committee reports Assembly Bill No. 3516 favorably with committee amendments.

Assembly Bill No. 3516 amends and supplements parts of the statutory law concerning boards of chosen freeholders. Sections 1 through 7, inclusive, of the bill apply to boards of chosen freeholders in counties which have not adopted a form of government authorized under the provisions of the "Optional County Charter Law," P. L. 1972 (C. 40:41A-1 et seq.). The primary thrust of these sections is to provide those boards of chosen freeholders which want to strengthen their managerial control over their counties' governmental operations and service delivery systems the statutory authority to centralize and integrate the various independent or quasi-independent agencies, offices, boards, commissions, and authorities currently providing county services, to delegate to a county administrator whatever executive and administrative powers, duties, functions and responsibilities they may deem appropriate to the particular needs of their respective counties, and to adopt and implement an administrative code setting forth the duties, responsibilities and powers of all county officials and agencies, and prescribing how those duties and responsibilities are to be performed. In addition, the bill would empower those boards of chosen freeholders to make policy and management decisions relating to the activities of any independent agency or any State appointed county official which are duplicative of the activities, responsibilities or duties of any other county agency or department. The authority granted under this provision of the bill will enable those boards of chosen freeholders which choose to exercise it, the opportunity to coordinate, integrate, and, ultimately, maximize the delivery of services to the residents of the county in the most efficient and economical manner. Finally, the bill would permit these "non-charter" counties to change the term of office for the members of their boards of chosen freeholders. Under the provisions of the bill, the county could, by referendum, change the term of office for its freeholders from three years to four years and have them serve for staggered terms elected at biannual elections.

Sections 8 through 10, inclusive, apply to boards of chosen freeholders in counties which have adopted a form of government authorized under the provisions of the "Optional County Charter Law," P. L. 1972, c. 154 (C. 40:41A-1 et seq.). As with the "non-charter" counties, the bill would permit these "charter" counties to conduct referendums to change the term of office for the members of their boards of chosen freeholders, extending them from three to four years, serve staggered terms, and be elected at biannual elections. The bill also permits the boards of chosen freeholders in "charter" counties to change their title to "county legislature" and their individual titles from "chosen freeholder" to "county legislator." To change these titles, the governing body of the county must adopt an ordinance.

The committee amendments were adopted to clarify that the reorganizational and restructuring authority granted to the boards of chosen freeholders under this bill does not extend to the constitutional officers of the county. Those officers, and their offices, are to remain independent.

SENATE COUNTY AND MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3516

[SECOND OFFICIAL COPY REPRINT]

with Senate committee amendments

STATE OF NEW JERSEY

DATED: APRIL 27, 1987

The Senate County and Municipal Government Committee reports favorably and with committee amendments Assembly Bill No. 3516 2nd OCR.

Assembly Bill No. 3516 2nd OCR Sca would provide each county which is governed by the traditional board of chosen freeholders form of government pursuant to R. S. 40:20–1 et seq., with the statutory authority to undertake structural changes which is currently available to counties governed by the "Optional County Charter Law," P. L. 1972, c. 154 (C. 40:41A–1 et seq.). Additionally, Assembly Bill No. 3516 2nd OCR would provide both charter and noncharter counties with the option of modifying their electoral systems.

This bill is based on recommendations of the County and Municipal Government Study Commission contained in its 33rd report, *The Structure of County Government: Current Status and Needs.* In that report, the commission recommended a series of statutory changes which would enable New Jersey's counties, both charter and noncharter, to strengthen their ability to manage their affairs more efficiently and effectively.

Specifically, Assembly Bill No. 3516 2nd OCR Sca would clarify that the board of chosen freeholders exercises both executive and legislative functions in a county governed by the provisions of R. S. 40:20–1 et seq., except for those powers and functions which are within the purview of a Constitutional officer. The bill also authorizes any board of freeholders in a county which has appointed a county administrator to delegate executive and administrative powers, duties and functions to that administrator, at the discretion of the board.

The bill gives the board of freeholders broad discretion to reorganize its structure and to alter or abolish agencies and strengthens its oversight role with regard to county officers, boards, commissions and authorities. Additionally, the bill authorizes the board of freeholders to adopt an administrative code and to include within that code provi-

sions for strengthening oversight over the budgetary and accounting practices of independent boards, commissions and constitutional officers. This authority is equivalent to the authority which freeholders exercise with regard to regular county departments.

The bill also provides both charter and noncharter counties with the option of changing a freeholder's term of office from three to four years, staggering the terms of office, and decreasing the frequency of freeholder elections by instituting biennial, as opposed to annual, elections.

Finally, Assembly Bill No. 3516 2nd OCR Sca allows the board of chosen freeholders in charter counties to change the official title of the board of chosen freeholders to the "county legislature" and to redesignate a member of the board of chosen freeholders as a "county legislator."

The amendments adopted by the committee: (1) remove the specific reference to the "county hospital board of managers" in the list of entities over which the board of chosen freeholders may exercise greater oversight with regard to accounting, purchasing, and other such administrative functions and adds to that list the county register of deeds; (2) allow for an extension of the term of the county administrator from three, to four, years in counties governed by the traditional freeholder form of government which opt for a four year term of office for their freeholders; (3) delete that section of the bill which authorizes the board of freeholders in charter counties to change the official title of the freeholder board and members; and (4) make various amendments to the language of the bill designed to clarify its provisions.

06/05/87-kjl-#1850

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Senate Amendments
(Proposed by Senator Orechio)

to

Assembly Bill No.3516 SR 2nd OCR Sa
(Sponsored by Assemblyman Haytaian)

ADOPTED
JUN 8 1987

Amend:

Page	Sec.	Line	
2	3	14	After "[and]" insert "and"
2	3	16	Omit "and other than libraries authorized or established pursuant to chapter 33 of Title 40 of the Revised Statutes,"

STATEMENT

These amendments would remove the explicit exemption for county libraries from the list of county agencies which the board of freeholders is authorized to alter or abolish under the terms of this legislation, which affects counties governed by a traditional freeholder form of government.

[illegible] or established

pursuant to Title 18A of the New Jersey Statutes.

3 4 [illegible]

register of deeds."

OFFICE OF THE GOVERNOR
NEWS RELEASE

CN-001
Contact: JOHN SAMERJAN
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TRENTON, N.J. 08625
Release: WED., AUG. 5, 1987

Governor Thomas H. Kean today signed legislation enacting recommendations of the County and Municipal Government Study Commission implementing greater control over county governmental operations by boards of chosen freeholders.

A-3516, sponsored by Assemblyman Garabed "Chuck" Haytaian, R-Sussex and Assemblyman Robert Littell, R-Sussex, is designed to modernize county government by, among other charges, allowing for the strengthening of county administrators in non-charter counties.

In the non-charter counties, those except Essex, Bergen, Hudson, Union, Mercer and Atlantic, freeholders would be able to delegate executive and administrative powers to the county administrator's office.

Boards of chosen freeholders could also adopt an administrative code, including regulations for budgetary procedures for the county board of taxation, board of elections, jury commissioners, county register of deeds, county clerk, surrogate and sheriff.

Non-charter counties would also have the authority to submit to the voters by referendum a proposal to change the terms of office for freeholders from three to four years, and to stagger those terms on a biennial basis. Administrators in non-charter counties could also serve for four years.

Another major component of the legislation is to permit the organization of county government into principal departments. This trend has already begun in the larger counties resulting, in some case, in separate departments of administration, finance, public works, public safety, human service, health and hospitals, and planning and economic development.

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