# 40:20-1. 2et al <br> LEGISLATIVE HISTORY CHECKLIST 

$3 / 9 / 88$


# [THIRD OFFICIAL COPY REPIRINT] <br> ASSEMBLY, No. 3516 <br> STATE OF NEW JERSEY 

INTRODUCED DECEMBER 11, 1986
By Assemblymen HAYTAIAN, LITTELL, Frelinghuysen and Girgenti

As Aor concerning the structure of county government and amending and supplementing parts of the statutory law.

1 Be it enacted by the Senate and General Assembly of the State 2 of New Jersey:
1 1. R. S. $40: 20-1$ is amended to read as follows:
2 40:20-1. The property, finances and affairs of every county shall
3 be managed, controlled and governed by a board elected therein, to
4 be known as "the board of chosen freeholders of the county of 8A duties are imposed or vested in a Constitutional officer,"]*** 8 B powers of the county shall be vested in that board of *chosen free8c holders****, except where by law any specific powers or duties are 8D imposed or vested in a Constitutional officer***.
9 The board of chosen freeholders of any county which has created
10 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,***" J**** 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 ${ }^{* * *}\left[\right.$ biannual $\mathbf{]}^{* * *}$ ***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 sulumission 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 sulmitted 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 1*** 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.

1 7. (New section) Chapter 20 of Title 40 of the Revised Statutes 2 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. $40: 41 \mathrm{~A}-1$ 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. $40: 41 \mathrm{~A}-1$ 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. $40: 41 \mathrm{~A}-1$ 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. $40: 41 \mathrm{~A}-1$ 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 $\mathbf{】}^{* * * * * * b i e n n i a l * * * ~ e l e c t i o n s ~ * * *[f o r ~ t h e ~}$ election $\mathbf{1}^{* * *}$ 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. $40: 41 \mathrm{~A}-1$ 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.]**
** $\left.8^{* * *}[\cdot]\right]^{* * * * *}$ 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 elec-
tion immediately following that adoption, except that in the case of
a county which has adopted the ${ }^{* * *[" C o u n t y ~ E x e c u t i v e ~ P l a n ' "] * * ~}$
*** county executive plan*** form of government set forth in Article
3 of P. L. 1972, c. 154 (C. $40: 41 \mathrm{~A}-31$ 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 clection 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.

By Assemblymen HAYTAIAN, LITTPELL, Frelinghuysen and Girgenti

An Act concerning the structure of county government and amending and supplementing parts of the statutory law.

4 government pursuant to the provisions of P. L. 1972
5 40:41A-1 et seq.), may by resolution create the office of county administrator, to act as the executive or administ rative officer for the board and to lave such executive and administrative powers, perform such executive and administrative duties and to receive
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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 aud with genaral law relating to local govermment. 'The grant of powers shall be construcd as liberally as possible in regard to the county's right to reorgunize 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, bourds, commissions, and authorities authorized or established by statute, other Chan those boards and offices which are suloject to the provisions of subsection b. of section 4 of this amendatory and supplenentary act, and other than educationnl institutions authorized or established pursuant to l'itle 18 a of the New Jersey Statutes, shall be considered to be county agencies for the gurposes of this section.
4. (New section) Chapter 20 of litle 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 periodie ludget reports as may be provided therein. The administrntive cole may further provide that the cotunty 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 procelures, and central data processing services as are specified in the code, or in administrative orders a'opted pursuant thereto; provided, however, that nothing herein shall restrict or limit the authority of the county hoard 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 exist. ing agencies shall assume the form, perform the dutios, and exercise the power granted them under the administrative code and shall do so in the manner prescribed thercin.
5. (New section) Chapter 20 of Thite 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 honrd of chosen frecholders is authorized and empowered to make policy and management decisions related to those activitios or any independent boards of county government, State appointed oflicials of county government, or the constitutional officers of the county which are duplicative in nature or which duplicate the activities, responsililities or duties of any other ageney 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 biamual elections for the election of members of the board of chosen freeholders.

The proposition shall be submitted cither upon the adoption of a resolution of the governing body of the cotunty 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-

16 ber to at least $15 \%$ of the total votes cast in the county at the last 17 election at which members of the Ceneral Assembly were elected.
18 The proposition shall not be submitted more than once in any three
19 year period.
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 he 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 nccordingly, lout 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 he elected, four shall he 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 sulsections a. through d, of this section shall be determined by a drawing to he conducted by the county clerk 60 days prior to that first general election.
In all elections after the first election, all memhers 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 hoard, 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 aclopted a form of govermment authorized under the provisions of 1 . L. 1972, c. 154 (C. $40: 41 \mathrm{~A}-1$ et ser.), the governing body of the county may, by ordinance, provide that the official title of the board of chosen frechodiers of the county shall be the "county legrislature" of the comty and that the oflicial 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 "frecholder" when referring to a member of the board of chosen freelolders.
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, thereinalter, 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 comity legislature of the county, mul whenever the term "freeholder" oceurs or any reference is male thereto in any law, contract or document, the same slall be deemed to mean or refer to county legislator.
9. (New section) P. L. 1972, c. 154 (C. $40: 41 \Lambda-1$ 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. $40: 41 \mathrm{~A}-1$ et seq.), a proposition may le sulmitted to the voters of the county to change the term of office for the members of the hoard of chosen freeholders from three to four yars, to provide for stargered 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 hoard 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 egual 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 olected. The proposition shall not be submitted more than once in any threo year period.

A petition sulmitted pursuant to this section shall be verified, inspected and certified as to the muthenticity of the signatures attached thereto ly the county clerk within 20 days of submission, and shall be submitted at the next general election ocenuring at least 40 days alter certification.

The question of increasing the term of offiee of the members of the board of chosen freelolders, providing for staggered terms of office for the members of the board of ehosen frecholders, and providing for bianmual elections for the election of members of the board of chosen freehoklers shall be submitted to the voters at the election in substantially the following form:
"Shall the term of office of the members of the loard of chosen freeholders of .................... be increased from three (insert name of county)
to four years, serve for staggered terms, and he elected at biannual elections?"

A canvass and return of the vote upon the proposition shall he 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. (New section) P. L. 1972. e. 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 of this amenda-
tory and supplementary act, the first election of members of the board of chosen frecholders 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 this "County Fxecutive Plan" form of government set forth in Article S of P. L. 1972, c. 154 (C. $40: 41 \Lambda-31$ et seg.), 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 immodiately following the adoption of the proposition.
b. In a county where the comnty executive was lirst elected in an odd calendar year, the first eleetion of members of the hourd of chosen freeholders under the provisims of the alophed proposition shall take place at the general election occurring in the first ould 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 frecholders slall be deemed terminated at noon on the first Monday following the election of the new board of chosen [reelolders. On that date, the newly elected frecholders shall take oflice and the new hoartl shall organize itself accordingly, but their terms of offies shall expire as if they had taken office on January 1 in the yenr following their election and in accordance with the following terms:
(1) If there be five nembers to be elected, all at large or ali 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 hy district and two at large, three district memhers shall be elected for two years and two at large members for four years.
(5) If there be seven momhers to he 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.
(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 noncharter, 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 govermmental 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.

## STATE OF NEW JERSEY

INTRODUCLED DFCPMBER 11, 1986
By Assemblymen HIYTALAN, LITTELLL, Frelinghuysen and Girgenti

An Act concerning the structure of county government and amending and supplementing parts of the statutory law.

1 Be rt renactea by the Semate and General Asscwhbly of the State of New Jersey:

1. R. S. $40: 20$ ( 1 is amemied to read as follows:

40:20-1. The property, finances and affairs of every county slaill be managed, controlled and governed ly a board elected therein, to be known as "the hoarl of chosen frecholders of the county of (specilying name of county)", [except where hy law any such powers or duties are imposed upon or vested in another board, conmittee or department of the county] and the executiec nnd Iogislutive". rarept where by law 'uny specifir powers or dutics A are imposed or eested in "Comstitulionnl oficer;" powers of the n county shell be resien in that limurd "nf chnsen frechohlers".

The board of chose" frecholders of any county which has created the office of county administrator, pursuant to the provisions of N. J. S. 10A:1-12, may, by resolutim, delegate to that office such exccutive and administrative powers, dutics, functions and responsibilities as the board may decme appropriate.
2. N. J. S. 40A:9-42 is amended to read as follows:

40A:0-42. The hoard of chosen frecholders 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. 10:41A-1 ct scq.), may ly 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

in not enarted and is intended to be omitted in the law.
Matier printed in italies thus is new matier.
Matter enclosed in asecrigks or sinss has ticen ndopted as follows:

- Assembly committec amendments adopled January 13, 1987.
such compensation as the resolution ereating such office shall provide and as may from time to time otherwise be directed by the board by resolution.
In any county ereating 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 'I'tle 40 of the lievised Statutes is supplemented as follows:

The grant of powers under this amemiatory and supplementary act is intenced to be as broad as is consistent with the Constitution of the State of New Jerscy and with general law relating to local government. 'I'he grant of powers shall he conslrued as liherully as possible in regard to the county's right to reorganize its structure and to alter or alolish its agencies, sulaject to the general mandato of performinge services, whether they be performed by the ageney previously estallished or by a now agency or another department of county government. All county offices, boards, commissions, und authorities authorized or established by statute, other than those boards and offices which are sulject to the provisions of subsection b. of section 4 of this amendatory and supplementary act, and other than educational institutions authorize or established pursuant to Title 18A of the New Jerscy Statutes, shail le considered to be county agencies for the purposes of this section.
4. (New section) Chapter 20 of Title 40 of the IRevised Statutes is supplemented as follows:
a. The board of chosen frecholders may adopt an udministrative code organizing the administration of tho 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 eommissioners 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 comrnissioners of the county, "comnty linspital bnard of managers,* county
clerk, surrograte and sheriff shall he suloject to such accounting controls, central purchasin!s practiees, 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 bourd of taxation, comnty board of elections, jury commissioners of the comuty, comnty clerk, surrogate, and sheriff as the appointing authority of their respective oflices.
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 cluties, responsibilities or powers of those county officers.
d. An administrative code adopted pursuant to this section slall enter into effect 90 days after its acloption, and all theretofore exishing agencies shall assume the form, jerform the duties, and exoreine the power granted them under the administrative codo and shall do so in the manner prescribed therein.
5. (New section) Chapter 20 of Titic 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 hoard of chosen frecholiders is authorized and empowered to make policy and management decisions related to those netivities or any independont loards af county sovermment $\left[\right.$ ? $\mathbf{*}^{*}$ "or* State appointed officinls of county wovembent. "For the constitutional officers of the county]" which are dubleative in nature or whieh dupliente the activities, responsibilitios or duties of any other agency or department of counly govermment.
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 eounty having adopted a form of government authorized under the provisions of P. L. 1972, c. 154 (C. 40:41. $\mathbf{1 - 1}$ et seq.), a proposition may be submitted to the voters of the county to change the tern of office for the members of the board of chosen frceholders from three to four years, to provide for staggered terms of office for the members of the board of chosen frecholders, nud to provide for hinnnual elections for the election of members of the board of chosen frecholders.
The proposition shall be submitted either upon the adoption of a resolution of the governing body of the county after public hearing thercon, 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 wal votes cast in the county at the last election at which memhers of the General Assembly were elected. The proposition shall not he submitted more than ouce in any threr year period.

A petition sulmitted pursuant to this section shall be verified, inspected and certifiod as to the authenticity of the signatures attached thereto by the comity clerk within 20 days of summission, and shall be sulmitted at the next prencral clection oecurring at least 40 days alter certilication.

The question of increasing the term of office of the mombers of the board of chesen lireetollers, providing for stagegerel terms of office for the mombers of the hoard ol' chosen lireedohelers, athel providing for hiammal dertions for the election of members of the board of ehosen fredholders shatl he stamilled to the volers at the election in substantially flo lollowing lorm:
"Shatl the term of" ollice of" the members of" the hoard of chosen freeholders ol he increased from threo (insert nume of comily)
to four years, serve for slaggered terms, and be eleeted at hiamual clections?"

A canvass and return of the vote upon the proposition shall be made ly the election oficers in the same mamer as for oficers voted for at the election, mul andority of all the voles cast upon the proposition in favor of the proposition shall he sulficient to make the eltange.
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 volers on a proposition submitted pursuant to the provisions ol' section ( j of this mendatory and supplementary act, the first election of members of the board of chosen Precholders under that adopted froposition 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 hoard of chosen frecholders shall be deemed terminated at noon on the first Monday following the election of the new board of chosen frecholders. On that date, the mewly elected frechohders shall take oftice and the new hoard shall organize itself acoortingly, hut their terms of oflice shall expire as il they had taken oflice on January 1 in the year following their election and in accordance with the following terms:

8 a. If there be three members to be electerl, two shall be elected 19 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 he elected for two years and lour for lour years.

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

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

Nothing in this section shall be construcd to provent an incumbent freoholder from heroming a combitate for the new banal, owen if his present term on the bourd has not yot expired.
8. (New section) P'. L. 1! 72: c. 184 (C. 10:41A-1 at ser.) is supplemented as follows:

In any county which has adopted a format govermment authorized under the provisions of l'. L. 197", c. 154 (C'. 40:4.LA-1 el serp.), the governing body of the county may, ly ordinume, provinle that the official title of the board if chosen irveholders of the county shall be the "county' legislature" of the county nad that the officin! title of a member of the board of chosen irceliolders of the county shall bo "county legrislator" and that lencoforth the term "county legislature" shall be substituted in all public documents for the tern "board of closen ireeholders" and the term "county legislator" shall be substituted in all public documents for the term "Crecholder" when referring to a member of the board of chosen irecholuers.

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 firecholders and the term "county legislator" as the ofticial title for a member of its board of chosen freeholders, thereinaiter, whenever the term "board of chosen frecholders" occurs or any reference is made thercto 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 slall he deemeil to mean or refer to county legislator.
9. (New section) P. L. 1972, c. 154 (C. $40: 41 \mathrm{~A}-1$ 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 authorizel under the provisions of P. L. 1972, e. 154 (C. $40: 41 \mathrm{~A}-1$ et setp.), 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 frecholders from three to four years, to provide for stagrered terms of ollice for the members of the hoard of chosen freeholders, und to provide for biannual elections for the election of members of the hoard of chosen freeholders.

The proposition shall he submitted either upon the aloption ol an ordinance of the groverning body ol the county alter puhbie hearing thercan, or upon summission to the comity elerk of a petition signed by a number of the leral voters of the connty erpal in number to at least $15 \%$ ol the total votes cast in the comity at the last election at which members of the (ieneral Assembly were elected. The proposition shall not be submilled more than onec in any three year period.

A petition submitted pursumit to this section shall be verifien, inspected and certified as to the authenticity of the signatures attached thereto by the comaty clerk within 20 days of submission, and shall be submitted at the next gencral election necurring at least 40 days after certification.

The question of increasing the term of office of the memhers of the board of chosen irceholders, providing for stagrecell terms oi office for the members of the bourd of chosen frecholders, and providing for bianumal elections for the election of members of the board of chosen Irecholders shall be submitted to the voters at the election in substantially the following form:
"Shall the term of oflice of the members of the hoard of chosen freoholders of
be increased from three

## (inscri: name of county)

to four years, serve for staggered terms, and lue elerted at hiamual elections ${ }^{\prime \prime}$

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. (New section) I. L. 1972, c. 154 (C. $40: 41 \mathrm{~A}-1$ et seq.) is supplemented as follows:

In the event of a favorable vote of the voters on a proposition
gubmitted pursuant to the provisions of section 9 of this amenda-
tory and supplementary act, the first election of members of the board of chosen frecholders 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 "Connty Executive I'lan" form of government set forth in Artield 3 of P. L. 1972, c. 154 ( $\mathrm{C} .40: 41 \mathrm{~A}-31$ et seq.), the first election of members of the boamel of chosen lrecholders 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 yoar, the first election of members of the bourel of chosen frecholiers under the provisions of the adopted proposition shall take place at the general election occurring in the first oven calendar year immediately following the adoption of the proposition.
b. In a county where the county excutive was first electod in un odd calendar year, the first election of mombars of the bourd of' chosen lreoholders under the provisions of the adopted proposition shall take place at the general election oecurring in tho first odd calendar year imnesiately lollowins lie adopation of tha propesition.

In November of the general election year in which the first monbers of the board of choson frecholders ure elected pursuant to the provisions of the adopted proposition and this section, the terms of all incumbent members of the hoard of chosen freeholders shall be deemed terminated at noon on the first Monday following the election of the new bourd of chosen frecholders. On that date, the newly elected freeholders shall take offiec and the new board shall organize itself necordingly, hut their ternes of office shall expire as if they had taken oflice on January 1 in the year Collowing 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 the 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 he 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 he seven memhers to be elected, four by district and three at large, four district members shall be elected for two years and three at large memhers for four years.

48 49 50 51 52

## cOUNTY GOVEIRNMENT

Provides charter and non-charter countios with statutory authorityto modernize and integrate their governmeatal structures and systems.

## [SENATE REPRINT]

ASSEMBLY, No. 3516

## STATE OF NEW JERSEY

|Srcond Officiala Copy Repmint]

## INTRODUCED DECEMBER 11, 1986

By Assemblymen Haytaian, Litteell, Frelinghuysen and Girgenti

As Act concerning the structure of county government and amending and supplementiug parts of the statutory law.


#### Abstract

Be it enacted by the Scuate and Gcnaral Asscmbly of the Slate of New Jerscy: 1. R. S. 40:20-1 is amencecl to rend as follows:

40:20-1. The property, finanees and affairs of every county shail be managed, controlled and governed by a board elected therein, to be known as "the board of chosen frecholders 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 executice and leyislatire "...[*, except where by law any specific powers or duties are inllosed or vested in a Constitutional officer," ${ }^{\circ \circ}{ }^{\circ}$ powers of the county shall be wested in that board of "chosen free-  imposed or vested it " Constintional aficer"**.


The board of chosen freeholders of any county which has created the office of county administrator, pursuant to the provisions of N. J. S. 10A:0-42, may, by resolution, delegate to that office such executive and adiministrative powers, dutics, functions and responsibilities as the board may deem appropriate.
2. N. J. S. 40A: $0-42$ is amended to read as follows:

40A: :-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-Mater encloed in bold-faced brackets Cihual in the above bm te not enacted and is interaded to be omitted in the law.

Matter printed in italies thus is new matter.
Matere enclosed to anterikis or stars has bren adopted as followa!
--Averimily committee amendments adopted January 13, 1987.
-"-Asvembly amendments adopted February 5, 1987.

- ${ }^{\circ}$ - - Senste commiltee amendments adopted April 27, 1987.

40:41A-1 et seq.), may by resolation create the office of county administrator, to act as the executive or administrative officer for the board and to have such cxecutive 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 oi his suceessor ""• ; provided, however, that a comenty which changes the term of office of its board of choscu frechoiders from three to fosir years, os provided in section if of this murendalary aud supplementary act, way appoind a

3. (New section) Chapter 20 of I'itle 40 of tho Revised Statutes is supplemented as fullows:
The grant of powers under this anendatory and supplementary act is intended to be as broad as is consistent wilh tho Constitution of the State of New Jersey and with general law relating to local government. The grant of powers stall be construed as liberally as possible in regard to the county's right to reorgunize its atructure 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, loourds, commissions, and authorities nuthorized or established by statute, other than those boards and offices which are subject to the provisions of sulbsection b. of section 4 of this amendatory and supplementary act, and other than educational institutions authorized or established pursuant to 'initle 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 frecholders 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 rieeds, ${ }^{* *}$ county clerk, surrogate and
sheriff be subject to such ammal budgetary procedures and requirements as may be specified therein. These procedures and requirements may include, but slall not te limited to, the preparation and sulunission of an ammal buder in accordanee with the provisions of the administrative code, and the sulmission of such periodic loudget reports as may be provided therein. The administrative codc may further provide that the county loard of taxation, county bourd of elections, jury commissioners of the county, "" ${ }^{\circ}{ }^{\circ}$ counly hospidal
 clerk, surrogate and sheriff shall be subject to such aceounting controls, centrul purchasing practices, persomel procedurea, and central data processing services as are specified in the code, or in administrative orders adopted pursuant thereto; provided, however, that nolhing herein shall restict or limit the nuthority of the county board of taxation, comnty board of elections, jury commissjeners of the comaty, "county rigister of deeds,"" county elork, surrogate, and sherifi ths the appointing authority of their respeetive oflices.
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, res;onsibilities or powers of those county officers.
d. An administrative code ndopted pursuant to this section shall enter into effect 30 days alter 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 mumer prescribed therein.
5. (New section) Chapter 20 of Iitle $4!1$ of the Revised Statutes is supplemented as follows:
In aldition 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 7 decisions related to those activities of any independent boards of county government ${ }^{2}$ [,]**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, othor than a county having adopted a form of gov-
ernment authorized under the provisions of P. L. 1972, c. 154 (C. $40: 41 \mathrm{~A}-1$ et seq.), a proposition may be submitted to the voteris 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 terins of office for the mombers of the board of chosen frecholders, and to provide for **["iannual]*" **biennial*** elections **[for the election]*** at members of the boasd of chosen frecholilars.

The proposition shall be suhmitted cither upon the adoption of a resolution of the governing borly of the county alter pulblic lonaring thereon, or upon submission to the county clerk of a petition signed by a numher of the leral voters of the county equal in mumber to at least $15 \%$ of the total voles cast in the county at the last election at which memhers of the General Assemhly were electord. The proposition shall not le submitted more than once in any three year period.

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

The question of inereasing the term of office of the members of the bourd of chosen frecholders, providing for staggerod torma of office for the members of the board of chosen frecholders, and providing for **[biammul]*"* ***icrnial*** elections **"Lfor the election]*** of memhers of the hoard of chosen frecholders shall be sulmitted to the voters of the election in substantally the following form:
"Shall the term of office of the members of the board of chose" freeholders of . . . . . . . . . . . . . . . . . . . be increased from three (insert name of county)
to four years***[,]*****and shall members of the board of chosen freeholders*** sorve for staggered terms ${ }^{* * *}$ [,]** and be elected at **[biannual]*** "*/hicunial*** electionsi"

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 clection, 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]"e* on a proposition submitted pursuant to the provisions of section 6 of this

万 anmendatory and supplementary act, the first election of members 6 of the hoard of chosen freehollers under that adopted proposition 7 shall take place at the next general election inmediately following 3 that adoption.

In Novernber of the first general election following the adopition of the proposition, the terms of all incumbent members of the looard of chosen freeholders shall be deomeri terminated at noon on the first Monday following the election of the new board of chosen frecholders. On that date, the newly elected frecholders shall take office and the new hoard 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 bo electend for two years and one for four years.
b. If there be five members to be elected, three shall be olseted for two years and two for four years.
c. If there be soven members to be elected, four shall be for two years and three for four ycars.
d. If there be nine members to be elected, ive shall be elocted for two years and four for four years.

The length of the terms specifed in subsections a. through $d$. of this section shall be determined by a drawing to bo conducted by Ho county alork tiU days prior to **[that]******he** lirst. general election.

In all elections after the first election, all mombers shall be electod for four year terms begining on January 1 in the year following their election.

Nothing in this section shall be construed to prevent an incurnbent 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 goverument 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 sulstituted in all public documents for the term "board of chosen frecholders" and the torm "county legislator" shall be substituted in all public clocuments 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 docmment, the same shall be deened to mean or refer to the county legislature of the county, and whenever the term "frecholder" oceurs or any reference is made thereto in any law, contract or docurnent, the same shall be decmed to mean or refer to county legrislatur. ${ }^{* *}$
" $[9 .]^{* * * 8 . " * ~(N e w ~ s e c t i o n) ~ P . ~ L . ~ 1972, ~ c . ~} 154$ (C. $40: 41$ s.-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. 197:, c. 154 (C. $40: 41 \mathrm{~A}-1$ et ser.), a proposition may be submitted to the voters of the county to change the term of ollice lox tho members ol the board of chosea irceholders from three to four years, to provido lor staggered terms of oliiow for the members of the board of chosen irceholders, and to provide
 tion'"" of memiers of the juard ol chosen irediolders.

Tho proposition shall bo submitted either upon tho adoption ol an ordinance of the governing body of the county aiter publice learing thereon, or upon submission to the county clerk of a petition sigued by a number of the legral voters of the county equal in nume. ber to at least $10 \%$ of the total votes cust in the county at the tuat election at which members of the lieneral Assembly were elected. I'he proposition shall not be submitled more than once in any three year period.

A petition submitted pursuant to this section shall be verilied, inspected and certilied 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 cerrilication.

The question of increasing the term of office of the members of the board of chosen irceholders, providing for staggered terms of office for the members of the board of chosen freeholders, and providing for ". [lianuual]":**Licnnial"** elections **[for the election ${ }^{1 * *}$ of members of the board of chosen frecholders shali be suimitted to the voters at the election in substautially the followang form:
"Shall the term of office of the members of the hoard of chosen frecholders of .. . . . be increased fron three (insert name of county)
to four years**[,] * "cim; shonli members of the board of chosen frechollers*** serve for stagnered terms***[,]** and be elected at **[hiammal]****涫unial"** elections!""

A canvass and return of the vote upon the proposition shall be made by the election officers in the sume 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 shatl he sumfiejent to make the change.
*[10.]"**!9.*" (Sirw sertion) I. L. 1972, e. 154 (C. 40:41A.1 et ser.) is supplemented as follows:
In the cront of a liarorable wote" "[ot the voters]** on a proposition shlmitted pursmant to the provisions of section * [0.J**
 first efection of memhers wi the lanad of ehosen Preeholders under that mopher proposition shall take phae at the next general nlee. tion immodiately following that aloption, exeept that in the case of a comuty which has ulophed the *" ["County Execulive I'lan']***

 members of the hoard of chosen treoholders under the provisions of the whonted promesition 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 frecholders under the provisions of the adopted proposition shall take place at the general election occurring in the first even calcndar year immediately following the adoption of the proposition.
b. In a county where the county exceutive was first elected in an odd calendar year, the first election of members of the board of chosen frecholders 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 memhers of the bonrd of chosen frecholders **under any form of government adopted pursumit to P. L. 1972: c. 154 (C. 40:41A-1 et seq.)"** are elected pursument to the provisious of the adopted proposition and this section, the terms of all incumbent members of the board of chosen treeladers shall be deemed terminated at noon on the first Mondar following the election of the new board of chosen

Irceholders. Un 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 fullowing their election and in accordance with the fola lowing terins :
(1) If there be five members to be elected, all at large or all by district, three shall he 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 electecl, all at large or all ly district, five shall be elected for two years and four for four yoars.
(4) If there be five members to be elected, thren by district aned two at large, three district members shall be elected for two yeurs and two at large members **shall le elected** for four yours.
(5) If there be seven nembers to be elected, four by disirict und three at large, four district members slall be elected for two years unil three ut large members "**shall be eleched"e" for four yoars.
(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 und tour at large memhers "**shall be eh, ilede"* for four yenra.

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 (i0 days prior to *e"[that]*****the** general election at which the lirst mumbers of the bonrd of chosen free. holders are electel pursuant in the provisions of the adopted proposition.

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

Nothing in this section shall he construed to prevent an inenmbent freeholder from becoming a candidate for the new board, even if his present term on the board has not yet expired.
1 *"[11.1****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.

# STATE OF NEW JERSEY 

## INTRODUCED DECEMBER 11, 198i

By Assemblymen HAYTAIAN, LITTELL, Frelinghuy sen and Girgenti

An Act conecrning the structure of connty novern nent and amending and supplementing parts of the statutory law.

13e it enacted by the Senate and Gerocial Assembly of the Slate of New Jersey:

1. IR. S. 40:20-1 is amended to real as follow::

40:20-1. The property, finances and affairs of e-ery county shall be managed, controlled aned governel ly a board ciected therein, to be known as "the hoard of chosen frecholders of the county of (specifying mame of county)", Eexerpt where by law any such powers or cluties are imposed upon or vasted in another board, committec or department of the county] and the cxeculiec und legislalize*, racept whrre ly lue mily sperifu: aowers or dulies are imposed or wested in a Constifutional officer:" powers of the county shall be vested in that borrd "of chosen frecholders".

The board of chosen frecholders of any county which has created the office of county administrator, pursuant to the provisions of N.J.S. 40.A: $0-12$, may, by resolution, delegate to that office such cxecutive and administrative powers, duties, functions and responsihilities as the board may dccm appropriate.
2. N. J. S. $40 \lambda: 9-42$ is amended to read as follows:

40A:0-42. The hoard of chosen frecholders of ayy county, other than a county having [a county supervisor] ade pted a form of government pursuant to the provisions of P. L. 1972, c. 154 (C. 40:41A-1 ct seq.), may by resolution create the office of county administrator, to act as the exccutive or administ ative officer for the hoard and to have such cxecutive and administrative powers, perform such cxccutive and administrative dutie:s and to receive

Matter printed in inalies thus is new matler.
Matter enelosed in anteriaks or stars has been adopted an foll. was
**-Assembly amendments adopted February 5, 1987.
such compensation as the resolution creating sud hoflice shall provide and as may from time to time otherwise le directed ly the board by resolution.

In any county creating the position of county arlministrator the board by majority vote of all its memhers shall uppoint some suitably qualified person to such office for a term of thee years and until appointment and qualification of his succes:or.
3. (New section) Chapter © of Title 40 of the Revised Statutes is supplemented as follows:
The grant of powes undor this amendatory and sumplementary act is intemed to be as liromins is comsistent will the (lomstitulion of the State of New etersey amd with serneral lase relating to local government. The grant of powrs shall be consti ued as liberally as possible in regrarl to the county's right to roorganize its siructure and to alter or abolish its agencies, subject to the general mandate of performing serviees, whether they be performed hy the ageney previously established or ly a new areney or a aother department of county govermment. All comity ofliees, hoarels. conmissiors, and authorities anthorizen or estahlished hey statule, other than those hoards and offices which are suhjocet to the prosisions of subsedion b. of seetion 4 of this ammatatory and supplementary act, and other than educational inslitutions nuthorized ur established pursuant to J'itle 1SA of the New Jersey Statutes, shall be considered to be comnty agencies lor the purposes of this saction.
4. (New section) Chapter 20 of 'Title 40 of the lievised Statutes is supplemented as follows:
a. The board of chosen frecholders may adopt an administrative code organizing the administration of the county govermment, 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 recquire thet the county board of taxation, county loard of elections, jury ecnmissioners of the county, county clerk, surrogate and sheriff be subject to such annual budgetary procedures and recuirements as may be specified therein. These procedures and requirements may include, but shall not he limited to, the preparation and suhmission of an ammal budget in necordance with the urovisions of the atminist rative conle, and the submission of such periodic butget reports is may be provided therein. The adminstrative colle may further provide that the county board of taxation, county board of elections, jury commissioners of the comity. "comit! ho:pital bonrd of manngers," county

clerk, surrogate and shariff shall be subject to such accounting controls, entral purehasing practices, parsommel procedures, and central data processing serviess as are serified in the code, or in administrative orders adopited pursumt thereto; provided, however, that nothing herein shall restrict or limit the anthority of the county hoard of taxation, county board of elections, jury commissioners of the county, countr elerk, surrogate, and sheriff as the appointing anthority of their respective offices.
c. Nothing in the administrative corle shall elatinge the duties or powers of county officers whose existence is mandated hy the Constitution or shall diminish the dutios, responsihilities or powers of thore conuty oflicers.

1. An administrative rode alopted pursuant to this sedion slanll enter into effect 30 ditys alter its aloption, aud all therefofore exist. ing agencies shall assume the form, perform the chaties, and exereise the power grantel then under the miminisl rative code and shall do so in the manner preserilied therein.
2. (New section) (Mapter 20 of 'lithe 40 of the lievised Statutes is supplemented as follows:
In addition to the powers set forth in sections 3 and 4 of this
 is authorized and empowered to make polies and management decisions related to those activities or any inkependent hoambs of county govermment "[.]* "or" State appointed oniciads of county govermment, "[or the comstilutional oflieers of th: comnty" which are duplicative in mature or which mplicate the aelivities, responsibilities or duties of any othor ageney or department of county govermment.
3. (New section) Chapter 20 of I'itle 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 aclopted a form of government authorized under the provisions of $1^{1}$. 1. 1972 , c. 154 (C. 40:41A-1 et seq.), a proposition may be sulmitted to the voters of the comnty 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 menbers of the board of chosen freeholders, and to provide for biannual elections for the clection of members of the hoard of chosen frecholders.

The proposition shall he submitted cither upon the adoption of a resolution of the governing hody of the county after public hearing therenn, or upon submission to the county clerk of a petition signed by a number of the legal voters of the couniy 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 elented. 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 signalures attached thereto by the county clerk within 20 lays of submission, and shall be submitted at the next general eiection occurring at least 40 days after certification.

The question of increasing the term of office of the memhers of the board of chosen frecholders, providing for staggered terms of office for the members of the hoard of chosen freeholders, and providing for biannugl elections for the clection of members of the board of chosen freeliolders shall be submitted to the volors at the election in substantially the following form:
"Shall the term of oflice of the membors of the bourd of chosen
 (insert name of county)
to four years, servo for staypered terms, and lio elected at hiannual elections ${ }^{\prime \prime}$

A canvass and return of the vote upon the proposition shall loe made by the election ofliecrs in the snme manner us for officers voted for at the clection, and a majority of all the votes cast upen the proposition in favor of the proposition shall be sufficient to male the change.
7. (New section) Chapter 20 of Title 40 of the Revised Statutes is supplemented as follows:

In the event of a lavorable vote of the vocers on a propasition submitted pursuant to the provisions of section 6 of this amendatory and supplementary act, the first election of members of the board of chosen frecholders under that adojited proposition shal! take place at the next general election immenliately 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 frecholders shal! he decmed terminated at noon on the first Monday following the election of the new board of chosen freeholders. On that date, the newly elected frecholders shall take office and the new bcard 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, thres shall be elected for two years and two for four years.
c. If there be seven mesubers to be elected, fou; shall be for two years and three for four years.
d. If there be nine members to be elected, five shall be eleeted 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 clrawing to be conducted by the county clerk 60 days prior to that: first general election.

In all elections after the first clection, all membe's shall be clectol for four year terms beginning on January 1 in the year followinis their elcetion.

Nothing in this section slall be construed to pres ent an incumbent freeholder from becoming a camblidate for the ur bourd, even if his present term on the board has not yet expircd.
-"[8. (New section) P. L. 1972, c. 174 ( (C. 40:41A-1 it sey.) is supplemented as follows:

In any county whid has adopted $n$ form of gevermment authorized under the provisions of 1.'. L. 1979, e. $1 \overline{3} 4$ (C. $40: 41 \mathrm{~A}-1$ et seq.), the governing body of the somity may, by ordinasce, movide that the official title of the board of chosen l'recholders of the county shall be the "county legislature" of the county un! that the officia' title of a meminer of the board of chosen I'reeholders of' the connty shall be "county legislator" and that henceforth the team "counily legislature" shall be substituted in all public clocuments for the ferm "board of chosen frecholders" and the term "county legislator" sball be substituted in all public: documents for the term "frecholder" when referring to a member of the board of chosen frecholders.

Whenever the governing body of any county shall, pursuant to the provisions of this section, adopt the term "county legislature" as the oflicial title for its board of chosen freeholders and the term "county legislator" as the official title for a member of its hoarl of chesen frecholders, thereinafter, whenever the term "honrl of chosen frecholders" occurs or any reference is nade thereto in any law, contract or document, the same shall be deemed to mean or refer to the county lemisiature of the county, and whenever the term "frecholder" oceurs or any reference is made thereto in any Jaw, contract or document, the same shall be deemed to mean or refer to county legislator.]**
*"[0.]** **8.** (New scetion) 1'. 1. 1972, e. 1it (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 submitled to the voters of the county to clange the term of office for the menibers of the board of chosen frechoiders from three to four years, to provide for staggered terms of offee for the members of the board of chosen frecholders, and to provide for biannual elections for the election of mombers of the board of chosen freeholders.
The proposition shall be submitted either unon the adoption of an ordinance of the governing body of the county alter public hearing thereon, or upon submission to the county clerk of a petition signed by a number of the legral 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 Assenilly wero derted. The proposition shall not he submittel more than onee in my threa year period.

A potition subnitted parsuant to this section shall be verifiex, inspected and certified as to the authenticity of the signatures attached thereto by the county elerk within 20 days of sulmission, and shall be sulmitted at the next general election oceurriug int least 40 days after certifiention.

The question of increasing the term of office of the memhers of the board of chosen Precholders, providing lor stngporeal terms of office for the members of the hourl of chosen frveliolders, and providing for biannual elections for the election of members of the board of chosen frediokders shall he submitted io the voters at the election in substantially the following form:
"Shall the term of office of the members of the boavd of ehosen frechoklers of ..... ................. he inereased from three (insert name of county)
to four years, serve for staggered terms, and he elected at hianmual elections?"
A canvass and return of the vote upon the proposition shall he made by the election offiecrs in the same manner as for officers voted for at the election, and a majority of all the rotes cast upon the proposition in favor of the proposition shall be sufficient to make the change.
"[10.]"***!**(New section) P. L. 1979, c. 1:4 (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.]****.*" of
this amendatory anal supplementary act, the first reetion of members of the board of chosen freeholders under that adopted proposition shall take place at the next general election immediutely following that adoption, except that in the case of a county which has adopted the "County Executive Plan" form of govermment set forth in Article 3 of P. L. 1972, e. 154 (C. $40: 41 \mathrm{~A}-31$ et seq.), the first election of members of the hoard of chosen frecholders under the provisions of the adopted proposition shall take place as follows:
a. In a county where the county exceutive was first elected in an even calendar ycar, the first election of members of the loard of closen frecholders muler the provisions of the adopted proposilion shall take place at the general election occurring in the first ceven calendar year immerliately following the adoption of the proposition.
b. In a county where the county executive was first elected in un odd calendar year, the first election of members of the board of chosen freeholders uncler the provisions of the ndopted proposition shall take place at the general election occurring in the first ond calendar year inmediately following the adoption of the proporition.

In November of the genernl clection year in which the first members of the hoard of chosen frechoklers are elecied pursuant to the provisions of the ndopted propusition and this section, the torms of all incumbent momhers of the board of chosen frechoklors shall be deomed terminated at noon on the first Mondny following the election of the new hoard of ehosen frecholders. On that date, the newly elected frechoklers shall take office and the now bourd shall organize itself accorclingly, but their terms of officu 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 clected, 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 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, ail members slafl be electe! for four year terms beginning on January 1 of the year following their election.
Nothing in this section shall be coustrued to provent an incumbent freeholder from becoming a candidate for the new hoard, even if his present term on the board has not yet expired.

- [11.]** ${ }^{\circ} 10.0^{\bullet *}$ This net shall take effect immmintely.


## COUNTY GOVFRNMPNT

Provides charter and non-charter counties with stututory unthority: to modernize and integrate their goverumental structures nud syatems.

## STATE OF NEW JERSEY

## INTRODUCED DECEMBER 11, 1086

By Assemblymen HAYTAIAN, LITTELL, Frelinghuysen and Girgenti
$\Delta \mathrm{N}$ Act coneerning the structure of county government and amending and supplementing parts of the statutory law.

Be rt enacted by the Senate and General Assembly of the State of Neio Jersey:

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

40:20-1. T.le property, finances and affairs of every county shall be mannged, controlled and governed by a board elected therein, to be known as "the board of chosen frecholders of the county of ............. (specifying name of county)", Lexeept where by law any such powers or duties are imposed upon or vested in anothor board, committec or department of the county] and the executive and legislative "*"[", except where by law any specific powers or 8a duties are imposed or vested in a Constitutional officer, $\left.{ }^{\circ}\right]^{\circ * *}$ 8b powers of the county shall be vested in that board of "chosen free. Bo holders* ***, except where by law any specific potwers or duties ar: 8D imposed or vested in a Constitutional officer"e".

The board of chosen freeholders of any county which has created 10 the office of county administrator, pursuant to the provisions of N. J. S. 10A:0-A2, may, by resolution, delegate to that office such executive and administrative powers, dutics, functions and responsibilities as the board may decm appropriate.
2. N. J. S. 40A:0-42 is amended to read as follows:

40A: 0 -42. The board of chosen freeholders of any county, other
3 than a county having [a county supervisor] adopted a form of
Explanation-Matter encloaed in bold-raced brackete than im the above bill is not enacted and is intended to bo onitted in the lnw.

Matcer prinied in italies thrs is new matter.
Matter enclosed in asterisks or atars has been adopted as follows:

- Amembly committee amendments adopted Jamuary 13, 1987.
- "-Amombly amemdments adopted February 5, 1987.
**-Semato committee amendmenta adopted April 27, 1987.
***-Scante ancendrecenta adopied 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 adneinistrative duties and to receive
such compensation as the resolution creating such office shall pro-
vide and as may from time to time otherwise be directed by the
board by resolution.

In any county creating the position of county administrotor the board by majority vote of all its members shall appoint some suitably qualified person to such office for a term of threo years and until appointment and qualification of his suceessor ${ }^{\circ " 4}$; provided, however, that a county which changes the term of office of its board of chosen frecholders from three to faur years, as provided in section 6 of this amendatory and supplementary act, may appoint a county adminishrator for a term of four years*es.
3. (New section) Chapter 20 of litle 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 relnting to local government. The grant of power: 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 ageney 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 suhsection b. of section 4 of this amendatory and supplementary act, ***[ami]**** other than educational institutions authorized or established pursuant to Title 13A 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 sapplemented as follows:
a. The board of chosen frecholders 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 le specified therein. These procedures and requirements may include, but shall not lie 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," ${ }^{* * * * * * c o u n t y ~ r e g i s t e r ~ o f ~ d e e d s, * * * ~ c o u n t y ~}$ clerk, surrogate and sheriff shall be subject to such accounting controls: central purchasing practices, personnel procedures, and central data processing services as are specifice in tho code, or in administrative orders ndopled pursuant thereto; providect, however, that nothing herein shall restrict or limit the authority of the county board of taxation, county loard of elections, jury commissioners of the counly, ""county register of deeds,"" county clerk, surrogate, and sheriff as the appointing authority of their respective offices.
a. Nothing in the administrative code shall change the duties or powers of county officers whose existence is mandated by the Conlstitation or shall diminish the dutics, 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 exereise 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 -7 decisions related to those activities of any independent boards of county government*[,]* *or* State appointed officials of county government, "[or the constitutional offieers 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 ander 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 frecholders from three to four years, to provide for staggered terms of office for the members of the hourd of chosen frecholders, and to provide for *" [hiannual]*** **bicanial*"* elections **x[for the clection]** of memhers of the board of chosen frecholders.

The proposition shall be submitted cither upon the adoption of a resolution of the governing body of the county alter 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 nun-ber to at least $15 \%$ of the total votes cast in the cuunty at the last election at which members of the General Assombly were clected.
The proposition shall not be submitted more than onco in any three jear period.
A petition submitted pursuant to this section shall bo verifed, inspected and certified as to the authenticity of tho signatures attached thereto by the county clerk within 20 days of submission, and shall be submitted at the next gencral election occurring at least 40 days after certification.
The question of increasing the term of office of the members of the bourd of chosen frecholders, providing for staggered terms of office for the members of the board of chosen freelolders, and providing for "*[biannual]****"bicnnial"** elcctions **"[for the election]*" * ol' members of the Loorrl of choson frecholders shall he 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 frceholders of ........................ be increased from three (insert name of county)
to four ycars **[,]*** ***and shall members of the board of chosen frecholders*** serve for staggered terms**"[,]*** and be elected at **[luiannual]*****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) Clapter 20 of Title 40 of the Revised Statutes is supplemented as follows:

In the event of a favorable vote **[cf the voters]** on a prop-
osition submitted pursuant to the provisions of sertion 6 of this amendatory and supplementary act, the first election of memhers of the board of chosen frechollers under that adopted proposition shall take place at the next general cleetion inmediately following that adoption.

In November of the first general election lollowints the aclophion of the proposition, the terms of all incumbent members of the hourd of chosen freehoklers shall be deemed terminated at noon on the first Monday following the election of the new learl of chosen freeholders. On that cate, the newly elected frecholders shall take office and the new board shall organize itself accord ngly, but their terms of office shall expire as if they had taken offic: on Junuary 1 in the year following their election and in accordanco with the following terms:
a. If there he three members to be elected, two :hall be elected for two years and one for lour years.
b. If there lie five members to le elected, three filull be elected for two years and two for four years.
a. If there be seven members to be elected, four shall he for two years and thiree for four years.
d. If there be nine members to bo elected, five silall be elected for two years and four for four years.

The length of the terms specified in subsections u. 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. $40: 41 \mathrm{~A}-1$ et seq.) is supplemented as follows:

In any county which has adopted a form of govirnment authorized under the provisions of P. L. 1972, c. 154 (C. $40 \cdot 41 A-1$ et seq.), the governing body of the county may, loy ordinanc*, provide that the official title of the board of chosen frecholders of the county 7 shall be the "county legislature" of the county and that the official
title of a member of the board of chosen frecholders 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 frecholders" 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 offecial title for its board of chosen frecholders and the term "county legislator" as the official title for a member of" its board of chosen frecholders, thereinafter, whenever the term "board of chosen frecholders" oceurs or any reference is mado thereto in any Jaw, contract or document, the same shall be deemed to mean or refer to the county legislature of the county, and whencver tho term "freeholder" occurs or any relierence is made thereto in any law, contract or document, the same shall be deemed to mean or refer to county legrislator. ${ }^{* *}$
*"[0.]"* *8."* (New scetion) [" l. 1072, 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 1 . I. 1972 , c. 154 (C. $40: 41 \lambda-1$ et sec(.), 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 frecholders, and to provide for **[biannual]*** **biennial*** elections **[for the election 1*** of mombers of the hoard of chosen frecholders.

The proposition shall be sulmitted either upon the adoption of an ordinance of the governing body of the county after pablic hearing thereon, or upon submission to the county clerk of a petition signed by a number of the leral 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 rerified, inspected and certilied as to the anthenticity of the signatures attached thereto by the county elerk within 20 days of submission, and shall be submitted at the next general election occurring at least 40 days after certification.

The question of inereasing 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 **[lisiannual]*****biennial"** elections **"[for the election]** of nembers 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 frecholders of ........................ be increased from three (insert name of county)
to four years"*"[,]"* **"and shall members of the board of chosen freeholders*** serve for staggereil terms**[,]*** and be clectod at "**[liannunl] "* ***bienuial"** elections?"
A canvass and return of the vote upon the proposition shall be made ly the election officers in the same manner as for oflicers voted for at the election, and a majority of all the votes enst upon the proposition in favor of the proposition shall loe sufficient to make the change.
${ }^{\bullet \bullet}\left[10.1 * * *{ }^{\circ} .{ }^{\circ *}\right.$ (New section) ]. I. 1972, e. 154 (C. 40:41A-1 et seq.) is supplemented as follows:
In the event of a favorable vole ""[of the voters]"" on a proposition sulmitted pursuant to the provisions of seetion "[0.]"• *"8*"[.]**** of this amendatory und supplementary net, the first election of members of the bourd of chosen freeliolders under that alopted proposition shall take place at the next generul election immedintely following that adoption, except that in the case of a county which has adopted the ""["County lisecutive Plan ']"** **"county exccutive plan**" form of government set forth in Article 3 of 1. L. 1972, c. 154 (C. $40: 41 A-51$ 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 frecholders under the provisions of the adopted proposition shall take place at the gencral 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 frecholders 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-
office for the members of the board of chosen frecholders, and providing for **"[liannual]*** ***iennial"** clections ***[for the election]*** of members of the board of chosen frecholders shall be submitied to the voters at the election in substantially the following form:
"Shall the term of office of the members of the board of chosen frecholders of . . . . . . . . . . . . . . . . . . . be ircreased from three (insert name of county)
to four years**"[,]** ***and shall members of the board of chosen freeholders*** serve for staggered terms**[,]*** and be clected at ***[biannunl]*** ***bienuial**" elections?"
A canvass and return of the vote upon the proposition shall he made by the election officers in the same mamer 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.
*"[10.1****9.** (New section) P. J. 1972, c. 1.54 (C. $40: 41 \mathrm{~A}-1$ ot seq.) is supplemented as follows:
In the event of a favorable vote "*[of the votors]"* on a proposition sulmitted pursuant to the provisions of section *"[0.]** *****[.]**** of this amendatory and sumplementary net, the first election of members of the hourd of chosen frocholders under that aclopted proposition shall take place at the next generul election immediately following that adoption, except that in the case of a county which has aclopted the *" ["County Executive Plan'ryee" ** county executice plan**" form of government set forth in Article 3 of P. L. 1972, c. 154 (C. $40: 41 \Delta-31$ et seq.), the first election of members of the board of chosen frecholders under the provisions of the ndopted 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 frecholders ander the provisions of the adopted proposition shall take place at the general election occurring in the first even calendar year imnediately 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 nov-
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 memisers of the board of chosen freeholders shall lie decmed terminated at noon on the first Monday following the election of the new hoard of chosen freeholders. On that date, the newly elected freeholders shall take office and the new hoard shall orsganize itself accordingly, but their terms of office shall expire as if they harl taken office on January 1 in the year following their elcetion and in accordance with the following terms:
(1) If there be five members to he elected, all at large or all hy district, three shall be elected for two years and two for four yeara.
(2) If there be seven members to he electer, all at large or all by rlistrict, four shall be elected for two years und three for four years.
(3) Jf there he nine memhers to be elected, all at large or all hy district, five shall be electerl for two years and four for four years.
(4) If there be five nembers to be elected, three by district and two at large, threc distriet meminers shall be elected for two years anil two nt large members *"shenl lie elecice*** for four yenrs.
(5) If there he seven members to he olected, four hy district and three at large, four district members shall be elected for two years and three at large memhers "**sull be clected"** for four years.
(6) If there be nine members to be elected, five by distriet and four at large, five district members shall be elected for two years and four at large mombers *"shall be electerl"*" 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 "*"[hant]"** ***the*** gerieral clection at which the first members of the board of chosen frecholders are clected 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 goverumental structures and systems.

# STATE OF NEW JERSEY 

INTRODUCED DECEMBER 11, 1986

By Assemblymen HAYTAIAN, LITTELL, Frelinghuysen and Cirgenti

An Act concerning the structure of county government and amencling and supplementing parts of the statutory law.

## Be it exacted 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 ly a board elected therein, to be known as "the board of chosen frecholders of the county of ............. (specifying name of county)", Lexcept where by law any such powers or duties are imposed upon or vested in another board, committec or cepartment of the county] and the cxecutive and legislative *"L", except where by law any specific powers or 8a duties are imposed or vested in a Constitutional officer, "1."* 8в powers of the county shall be vested in that board of "chosen freeSo holders" "**, except where by law anty specific powers or duties are 8d imposed or vested in a Constitutional officer***.
9 The board of chosen frecholders of any county which has crcated the office of county administrator, pursuant to the provisions of N. J. S. 401:0-12, may, by resolution, delegate to that office such executive and administrative powers, duties, functions and responsibilities as the board may decm appropriate.
2. N. J. S. 40A:0-42 is amended to read as follows:

40A: 0-42. The board of chosen freeholders of any county, other than a county having [a county supervisor] adopted a form of
Explanation-Malter enclosed in bold-faced brackets [thus] in the above bill ts not enacted and is intended to be omitted in the law.

Matter printed in italics thus in new malter.
Matter enclosed in asterisks or stars has been adopted as followas

- Assembly committee amendments adopted January 13, 1987.
- -Assembly amendments adopted Fubruary 5, 1987.
-**-Senate committec amendments adopted April 27, 1987.

****mbantle amendmeate adopted Juse 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 ly majority vote of all its members shall appoint some suitably qualified person to such office for a term of threc years and until appuintment and gualification of his successor *** provided, howerer, that a commty which changos the term of afice of its board of chosen frecholders from three to four years, as proviled in section 6 of this amendatory and supplementary act, way appoint a county adminisirator for a term of four ycars""*.

3. (New section) Chapter 20 oi Title 40 of the Revised Statutes is supplemented as follows:
The grant of powers under this amendatory and supplementary act is intenctal to be as brond as is consistent with the Constitution of the State of New Jersey and with general iaw 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 ngency previously established or hy a new ageney or another department of county government. All county offices, boards, commissions, and anthorities anthorized or established by statute, other than those boards and offices which are sulject to the provisionsipf subsection b. of section 4 of this amendatory and supplementary act, ***[and]**** ****and"**** other than chucutional institutions authorizel or extablished pursuant to 'litle $18 \Lambda$ of the New Jersey Statutes, **** ["***and other than librarics authorized or established mursuant 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 sulplemented as follows:
a. The board of chosen frecholders 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 hoard of taxation, county board of elections, jury commissioners of the county, ** county register of decels,*** county clerk, surrogate and sheriff be suliject to such ammal bulyetary procedures and recpuirements as may he specified thercin. 'These procedures and requirements may include, but shall not he limited to, the preparation and submission of an ammal ludget in aecordance with the provisions of the administ rative colle, and the sul mission of such periodic budget reports as may be provided therein. The administrative code may further provide that the county hoard of taxation, county board of elections, jury commissioners of the comnty, " ["com!! hospital board of managers,"]** *"county remister of dechs,"*" cumnty clerk, surrogate and sheriff shall be subject to such necounting controls, central purchasing practices, persomel procedures, and eentral data processing serviers as aro sperified in the code, or in administrative orders adopled pursuant thervo; provided, however, that nothing herein shall restriet or limit the authority of the county board of taxation, county board of elewtions, jury commissioners of the county, "*county renister of deeds,"** county clerk, surrogate, and sheriff as the appointing anthority of their respective offices.
c. Nothing in the ardministrative code shall change the dutics 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, jerform the duties, and exercise the power granted them under the administrative corle 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 an: 4 of this amendatory and supplementary act, the board of chosen freeholders is authorized and empowered to make policy and management 7 decisions related to those activities of any independent boards of county government ${ }^{*}[,]^{*}$ * or ${ }^{*}$ State appointed officials of county
 are duplicative in mature or which duplicate the activities, responsibilities or duties of any other ageney or department of county government.
(insert name of county)

33 to four years**[, ]*****avel shall members of the board of chosen
34 frecholders*** serve for slaggered terms***[,*** and be elected

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. 40:4.1A-1 et seq.), a proposition may be submitted to the voters of the county to change the term of office fior the members of the board of chosen frecholders from three to four years, to provide for staggered terms of office for the menbers of the board of chosen freeholders, and to provide for **[[biannual] ${ }^{* * * * * * i e n n i a l * * * ~}$ elections **[for the election]"** of members of the board of chosen frecholders.
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 sulimission to the county elerk of a petition signed by a number of the legral voters of the eounty equal in number to at least $15 \%$ of the total votes ca:t in the county at the last election at which members of the Gencral Assembly were elected. The proposition shall not be submitted more than once in any three year period.

A petition sulmitted pursuant to this section shall bo verifod, 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 frecholders, providing for staggered terms of onice for the members of the board of chosen freeholders, and providing for **"Lbiamual]"****biennial"** elections *"世[for the election ["* of meminers of the hoard of chosen frecholders shall be submitted to the voters of the election in substantally the follow-
"Shall the term of office of the members of the board of chosen frecholders of $\ldots \ldots \ldots \ldots \ldots . . . .$. be increased from three

A canvass and return of the vote upon the proposition shall be made by the election olliecrs 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 he sufficient to make the change.

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

1 "[8. (New section) P. L. 1972, c. 154 (C. $40: 41 \mathrm{~A}-1$ et seq.) is supplemented as follows:

In any county which has adopted a form of government authorized under the provisions of P. L. 1972, e. 154 (C. 41:41A-1 et seq.), the governing body of the county mas, berdinmere provide that the official title of the hoard of chosen frecholders of the county shall be the "county logislature" of the county and that the official
title of a member of the board of chosen freeholders of the county shall be "county legrislator" and that hencelortlı the term "county legislature" shall be substituted in all puhlic docmments 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 frecholders.

Whenever the governing body of any county shall, pursuant to the provisions of this section, adopt the ter'm "county legislaturis" as the oflicial title for its board of chosen frecholders and the term "county legislator" as the official title for a member of its board of chosen ircelolders, thereinafter, whenever the term "bourd of chosen fredholders" oceurs or any reference is made thoreto in any law, contract or document, the same shall be loemed to mean or refer to the county legislature of the county, and whenever the term "lrecholder" occurs or any reierence is made thereto in any law, contract or document, the same shall be deemed to mean or refer to county legislator.]**
 ct seq.) is supplemented us follows:

Notwithstanding the provisions of any other law to the contrary, in any county which has adopted a form of govermment authorized
 proposition may be submitted to the voters of the county to change the term of olfice for the membera of the board of chosen freeholders from three to four years, to provida for staggered terms of office for the members of the board of chosen freeliolders, and to provide for ***[biannual]*** ***biential*** 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 groverning hody of the county after public hearing thercon, 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 lye county elerk within 20 days of submission, and slaall be submitted at thr noxt genornl election occurring at least 40 days after certification.

The question of increasing the tern of affice of the members of the board of chosen freeholders, providing for staggered terms of

## frecholders of

$\qquad$ (insert name of county)
to four years***[,]*****and shall members of the beard of choser freeholders*** serve for stargered lerms**[,]*** and be elected at "*[biannual]*** "*liemnial"* elections?"

A canvass and return of the vote upon the proposition shall he made by the election officers in the same mamer is for officers voted for at the election, and a majority of all the votes cast upnon the proposition in favor of the proposition shall be sufficient to make the change.
*"[10.1"* *"0."* (New section) I. L. 1972, c. 154 ((1. 40:41A-1 et seq.) is supplemented as follows:
In the event of a favorable vote **"[of the voters]"e" on a proposition sulmitted pursuant to the provisions of seetion "[0.]"* *****[.]*** "* of this amentatory mul sumplementary act, the first election of members of the hoarl of chosen fredolders under that adopted proposition shall take place at the next general elertion immedintely following that adoption, exeept that: in the case of a county which has adopted the "*['Comity Bxecutive Plan'']"" * ***county exceulive plan**" form of government set forls in Article 3 of P. L. 1972, c. 154 (C. $40: 41.4 .31$ et seq.), the first election of members of the board of ehosen frcelolders 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 tirst clection of members of the hoard of chosen frecholders 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 connty executive was first elected in an odd calendar year, the first election of members of the hoard of chosen freeholders uncler the provisions of the adopted proposition shall take place at the general election occurring in the first orld 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 freeliolders "*"under an! form of !nov-
crnment adopted pursuant to P. L. 1972, c. 15: (C. 40:41.1-1 et seq. $)^{* * *}$ art clectel pursuant to the provisions of the adopted proposition and this section, the terms of all incumbent memhers of the hoard of chosen lreeholders shall be deemed terminated at noon on the first Monday followines the election of the mew hoarl of chosen frecholders. On that date, the newly elpeted frepholders shall Iake offec and the new hoard shall orqanize itself accordingly, but their forms oll offece shall expire as if thry had taken office on January 1 in the year following their election and in accorrlanee with the following terms :
(1) If there he five memhers to be elected, all at large or all by district, three shall be plected for two years and two for four years.
(2) If there be seven memiers to lie elected, all at larme or all hy district, four shall he clected for two years and three for four years.
(3) If there be nine memhers to be electen, all at large or all by district, five slall be elerted for two years and four for four yenrs.
(4) If there be five mombers to be elected, three by ilistrict and two at largo, threa district members slanll be elected for two years und two at large members " "shatl ic elected"e* for four yenrs.
(5) If there be seven memiers to be elected, four liy distriet and three at large, four district memhers shall be elected for two years null three at large members **shall be elected"" for four years.
(0) If there be nine meminers to be elected, nve by distriet and four at large, five district members shall he elected for two years unf four at large memhers ***shall be elecied** for four years.

Tha length of the terms specified in subsections (1) through (3) of this section shall be determined by $n$ drawing to be conducted
 election at which the first mombers of the bonrd of chosen freehokders are elected pursuant to the provisions of the adopted proposilion.

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

Nothing in this section shall he construed to prevent an incumbent freeholder from becoming a canclidate for the new board, even if his present term on the board has not yet expired.
*"[11.]"* ** 10.* This aet shall take effect inmediately.

## COUNTY GOVERNMENT

Provides charter and non-charter counties with statatory authority to modernize and intograte their govermmental structures and syatems.
( 1 Ai ASSEMBLY COUNTY GOVERNMENT COMMITTEE
STATEMENT TO
ASSEMBLY, No. 3516
with Assembly committee amendments

## STATE OF NEW JERSEY

DATED: JANUARY 13, 1987
The Assembly Country 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. $40: 41 \mathrm{~A}-1$ et seq.). The primary thrust of these sections is to provide those hoards 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 rarious independent or quasi-independent agencies, offices, boards, commissions, and authorities currently providing county services, to delegate to a country 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 fits 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 frecholders in counties which have adojted a form of government authorized under the provisions of the "Optional County Charter Law," P. L. 1972, c. 154 (C. $40: 41 \mathrm{~A}-1$ 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 stasgered 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 offces, 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. $40: 41 \mathrm{~A}-1$ 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 hroad 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.
$06 / 05 / 87-k j 1-\# 1850$
LG0070
TR LGOO \&'1
$\frac{\text { Senate }}{\text { (Proposed by Senator Orechio) }}$
to
Assembly Bill No. 3516 SR 2nd OCR Sa (Sponsored by Assemblyman Haytaian)

| Amend: |  |  |
| ---: | ---: | ---: |
| Page | Sec. | Line |
| 2 | 3 | 14 |
| 2 | 3 | 16 |

After "[and]" insert "and"
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.

# OFFICE OF THE GOVERNOR NEWS RELEASE 

CN-001<br>Contact: JOHN SAMERJAN<br>609-292-8956 OR 292-6000 EXT. 207

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.

