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SENATE, No. 716

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED JANUARY 24, 2000

Sponsored by:

Senator NORMAN M. ROBERTSON

District 34 (Essex and Passaic)

SYNOPSIS

Eliminates office of register of deeds and mortgages in every county other than counties of the first class and consolidates powers and duties in county clerk.

CURRENT VERSION OF TEXT

As introduced.



S716 ROBERTSON

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1 AN ACT concerning the office of register of deeds and mortgages in
2 certain counties and amending N.J.S.40A:9-80.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. N.J.S.40A:9-80 is amended to read as follows:

8 40A:9-80. The office of register of deeds and mortgages heretofore
9 established and now in existence in any county is confirmed and shall
10 be continued until altered or abolished as provided by law, except that:

11 a. in a county in which the office of register of deeds and
12 mortgages initially was established pursuant to P.L.1875, c.CXXXV
13 (c.135), the office of register of deeds and mortgages shall be
14 consolidated with the office of county clerk[, and];

15 b. in a county of the second class with a population density greater
16 than 4,500 persons per square mile and a population between 490,000
17 and 505,000 according to the most recent federal decennial census, the
18 office of register of deeds and mortgages shall be consolidated with
19 the office of county clerk upon the expiration of the term of office of
20 the current register of deeds and mortgages or the occurrence of a
21 vacancy prior to the expiration of the term of the current register of
22 deeds and mortgages, whichever occurs first; and

23 c. in every county other than counties of the first class, the office
24 of register of deeds and mortgages shall be consolidated with the
25 office of county clerk upon the expiration of the term of office of the
26 current register of deeds and mortgages or the occurrence of a
27 vacancy prior to the expiration of the term of the current register of
28 deeds and mortgages, whichever occurs first.

29 Upon the consolidation of the office of register of deeds and
30 mortgages as provided herein, the office of register of deeds and
31 mortgages in those counties shall be abolished, and the powers,
32 functions, and duties of the register of deeds and mortgages shall
33 pertain to the county clerk.

34 (cf: P.L.1996, c.12, s.1)

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36 2. This act shall take effect immediately.

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STATEMENT

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41 This bill would eliminate the office of register of deeds and
42 mortgages in counties other than counties of the first class.

43 In most counties, the county clerk performs the functions and duties

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 of a register of deeds and mortgages. Current law allows for the
2 establishment of the office of register of deeds and mortgages in
3 counties having a population of more than 250,000, which population
4 criteria have remained unchanged since 1943. The office of register
5 of deeds and mortgages has been established in only five counties,
6 however, over the past several years, the Legislature has eliminated
7 the office of register of deeds and mortgages in two of those counties,
8 Camden County and Union County, both counties of the second class.
9 The office of register of deeds and mortgages continues to be utilized
10 in Essex County and Hudson County, counties of the first class, and
11 Passaic County, a county of the second class. Both Camden and
12 Union Counties have greater populations than does Passaic County.
13 Union County is much more densely populated than is Passaic County.
14 Camden County's population density is comparable to the population
15 density of Passaic County.

16 The voters of Passaic County, by way of non-binding referendum,
17 have indicated their desire to have that county's office of register of
18 deeds and mortgages consolidated with the county's office of the
19 county clerk. While current law provides a mechanism for the
20 establishment of the office of register of deeds and mortgages in
21 certain counties, no mechanism exists whereby a county may
22 consolidate the office without the assistance of the Legislature. The
23 Passaic County Board of Chosen Freeholders has adopted a resolution
24 requesting the Legislature's assistance in this matter.

25 This bill would effectively consolidate the office of register of deeds
26 and mortgages in Passaic County with that county's office of the
27 county clerk upon the expiration of the term of office of the current
28 register of deeds and mortgages, or the occurrence of a vacancy prior
29 to the expiration of that term of office, whichever event occurs first.
30 Upon the consolidation of the two offices, the office of Passaic County
31 register of deeds and mortgages would be abolished and the powers,
32 functions and duties of that office would be transferred to the county
33 clerk of Passaic County. This would continue the Legislature's
34 direction of limiting use of this office to the most densely populated
35 and highly populated counties.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 716

STATE OF NEW JERSEY

DATED: MARCH 16, 2000

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 716.

This bill would eliminate the office of register of deeds and mortgages in counties other than counties of the first class.

In most counties, the county clerk performs the functions and duties of a register of deeds and mortgages. Current law allows for the establishment of the office of register of deeds and mortgages in counties having a population of more than 250,000, which population criteria have remained unchanged since 1943. The office of register of deeds and mortgages has been established in only five counties; however, over the past several years, the Legislature has eliminated the office of register of deeds and mortgages in two of those counties, Camden County and Union County, both counties of the second class. The office of register of deeds and mortgages continues to be utilized in Essex County and Hudson County, counties of the first class, and Passaic County, a county of the second class. Both Camden and Union Counties have greater populations than does Passaic County. Union County is much more densely populated than is Passaic County. Camden County's population density is comparable to the population density of Passaic County.

The voters of Passaic County, by way of non-binding referendum, have indicated their desire to have that county's office of register of deeds and mortgages consolidated with the county's office of the county clerk. While current law provides a mechanism for the establishment of the office of register of deeds and mortgages in certain counties, no mechanism exists whereby a county may consolidate the office without the assistance of the Legislature. The Passaic County Board of Chosen Freeholders has adopted a resolution requesting the Legislature's assistance in this matter.

This bill would effectively consolidate the office of register of deeds and mortgages in Passaic County with that county's office of the county clerk upon the expiration of the term of office of the current register of deeds and mortgages, or the occurrence of a vacancy prior to the expiration of that term of office, whichever event occurs first. Upon the consolidation of the two offices, the office of Passaic County register of deeds and mortgages would be abolished and the powers, functions and duties of that office would be transferred to the county

clerk of Passaic County. This would continue the Legislature's direction of limiting use of this office to the most densely populated and highly populated counties.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 716
STATE OF NEW JERSEY
209th LEGISLATURE

DATED: JUNE 2, 2000

SUMMARY

Synopsis: Eliminates office of register of deeds and mortgages in every county other than counties of the first class and consolidates powers and duties in county clerk.

Type of Impact: Expenditure and revenue neutral on county government.

Agencies Affected: Counties other than counties of the first class.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Local Cost	None	None	None
Local Revenue	None	None	None

! The consolidation of the office of register of deeds and mortgages in Passaic County with that county's office of the county clerk would be expenditure and revenue neutral on Passaic County because the elimination of that office has no bearing on the volume of documents that require registration in that county or on the number of personnel required to accomplish the task.

BILL DESCRIPTION

This bill eliminates the office of register of deeds and mortgages in every county other than counties of the first class and consolidates those powers and duties in county clerk. Because there is a register of deeds and mortgages only in Essex County and Hudson County, both counties of the first class, and Passaic County, a county of the second class, this bill would affect only Passaic County. The consolidation would occur upon the expiration of the term of office of the current register of deeds and mortgages or the occurrence of a vacancy prior to the expiration of the term of the current register of deeds and mortgages, whichever occurs first.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) believes that the consolidation of the office of register of deeds and mortgages in Passaic County with that county's office of the county clerk would be expenditure and revenue neutral on Passaic County because the elimination of that office has no bearing on the volume of documents that require registration in Passaic County or on the number of personnel required to accomplish the task.

Section: *Local Government*

Analyst: *Gerald M. Dowgin*
Lead Fiscal Analyst

Approved: *Alan R. Kooney*
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

ASSEMBLY LOCAL GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 716

STATE OF NEW JERSEY

DATED: JANUARY 18, 2001

The Assembly Local Government Committee reports favorably Senate Bill No. 716.

Senate Bill No. 716 would eliminate the office of register of deeds and mortgages in counties other than counties of the first class.

In most counties, the county clerk performs the functions and duties of a register of deeds and mortgages. Current law allows for the establishment of the office of register of deeds and mortgages in counties having a population of more than 250,000, which population criteria have remained unchanged since 1943. The office of register of deeds and mortgages has been established in only five counties; however, over the past several years, the Legislature has eliminated the office of register of deeds and mortgages in two of those counties, Camden County and Union County, both counties of the second class. The office of register of deeds and mortgages continues to be utilized in Essex County and Hudson County, counties of the first class, and Passaic County, a county of the second class. Both Camden and Union Counties have greater populations than does Passaic County. Union County is much more densely populated than is Passaic County. Camden County's population density is comparable to the population density of Passaic County.

The voters of Passaic County, by way of non-binding referendum, have indicated their desire to have that county's office of register of deeds and mortgages consolidated with the county's office of the county clerk. While current law provides a mechanism for the establishment of the office of register of deeds and mortgages in certain counties, no mechanism exists whereby a county may consolidate the office without the assistance of the Legislature. The Passaic County Board of Chosen Freeholders has adopted a resolution requesting the Legislature's assistance in this matter.

This bill would effectively consolidate the office of register of deeds and mortgages in Passaic County with that county's office of the county clerk upon the expiration of the term of office of the current register of deeds and mortgages, or the occurrence of a vacancy prior to the expiration of that term of office, whichever event occurs first. Upon the consolidation of the two offices, the office of Passaic County register of deeds and mortgages would be abolished and the powers, functions and duties of that office would be transferred to the county

clerk of Passaic County. This would continue the Legislature's direction of limiting use of this office to the most densely populated and highly populated counties.

P.L. 2001, CHAPTER 52, *approved April 10, 2001*

Senate, No. 716

1 **AN ACT** concerning the office of register of deeds and mortgages in
2 certain counties and amending N.J.S.40A:9-80.

3

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

6

7 1. N.J.S.40A:9-80 is amended to read as follows:

8 40A:9-80. The office of register of deeds and mortgages heretofore
9 established and now in existence in any county is confirmed and shall
10 be continued until altered or abolished as provided by law, except that:

11 a. in a county in which the office of register of deeds and
12 mortgages initially was established pursuant to P.L.1875, c.CXXXV
13 (c.135), the office of register of deeds and mortgages shall be
14 consolidated with the office of county clerk[, and];

15 b. in a county of the second class with a population density greater
16 than 4,500 persons per square mile and a population between 490,000
17 and 505,000 according to the most recent federal decennial census, the
18 office of register of deeds and mortgages shall be consolidated with
19 the office of county clerk upon the expiration of the term of office of
20 the current register of deeds and mortgages or the occurrence of a
21 vacancy prior to the expiration of the term of the current register of
22 deeds and mortgages, whichever occurs first; and

23 c. in every county other than counties of the first class, the office
24 of register of deeds and mortgages shall be consolidated with the
25 office of county clerk upon the expiration of the term of office of the
26 current register of deeds and mortgages or the occurrence of a
27 vacancy prior to the expiration of the term of the current register of
28 deeds and mortgages, whichever occurs first.

29 Upon the consolidation of the office of register of deeds and
30 mortgages as provided herein, the office of register of deeds and
31 mortgages in those counties shall be abolished, and the powers,
32 functions, and duties of the register of deeds and mortgages shall
33 pertain to the county clerk.

34 (cf: P.L.1996, c.12, s.1)

35

36 2. This act shall take effect immediately.

37

38

STATEMENT

39

40 This bill would eliminate the office of register of deeds and
41 mortgages in counties other than counties of the first class.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 In most counties, the county clerk performs the functions and duties
2 of a register of deeds and mortgages. Current law allows for the
3 establishment of the office of register of deeds and mortgages in
4 counties having a population of more than 250,000, which population
5 criteria have remained unchanged since 1943. The office of register
6 of deeds and mortgages has been established in only five counties,
7 however, over the past several years, the Legislature has eliminated
8 the office of register of deeds and mortgages in two of those counties,
9 Camden County and Union County, both counties of the second class.
10 The office of register of deeds and mortgages continues to be utilized
11 in Essex County and Hudson County, counties of the first class, and
12 Passaic County, a county of the second class. Both Camden and
13 Union Counties have greater populations than does Passaic County.
14 Union County is much more densely populated than is Passaic County.
15 Camden County's population density is comparable to the population
16 density of Passaic County.

17 The voters of Passaic County, by way of non-binding referendum,
18 have indicated their desire to have that county's office of register of
19 deeds and mortgages consolidated with the county's office of the
20 county clerk. While current law provides a mechanism for the
21 establishment of the office of register of deeds and mortgages in
22 certain counties, no mechanism exists whereby a county may
23 consolidate the office without the assistance of the Legislature. The
24 Passaic County Board of Chosen Freeholders has adopted a resolution
25 requesting the Legislature's assistance in this matter.

26 This bill would effectively consolidate the office of register of deeds
27 and mortgages in Passaic County with that county's office of the
28 county clerk upon the expiration of the term of office of the current
29 register of deeds and mortgages, or the occurrence of a vacancy prior
30 to the expiration of that term of office, whichever event occurs first.
31 Upon the consolidation of the two offices, the office of Passaic County
32 register of deeds and mortgages would be abolished and the powers,
33 functions and duties of that office would be transferred to the county
34 clerk of Passaic County. This would continue the Legislature's
35 direction of limiting use of this office to the most densely populated
36 and highly populated counties.

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41 Eliminates office of register of deeds and mortgages in every county
42 other than counties of the first class and consolidates powers and
43 duties in county clerk.

CHAPTER 52

AN ACT concerning the office of register of deeds and mortgages in certain counties and amending N.J.S.40A:9-80.

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

1. N.J.S.40A:9-80 is amended to read as follows:

Existing offices of register of deeds and mortgages, confirmed, continued; exceptions.

40A:9-80. The office of register of deeds and mortgages heretofore established and now in existence in any county is confirmed and shall be continued until altered or abolished as provided by law, except that:

- a. in a county in which the office of register of deeds and mortgages initially was established pursuant to P.L.1875, c.CXXXV (c.135), the office of register of deeds and mortgages shall be consolidated with the office of county clerk;

- b. in a county of the second class with a population density greater than 4,500 persons per square mile and a population between 490,000 and 505,000 according to the most recent federal decennial census, the office of register of deeds and mortgages shall be consolidated with the office of county clerk upon the expiration of the term of office of the current register of deeds and mortgages or the occurrence of a vacancy prior to the expiration of the term of the current register of deeds and mortgages, whichever occurs first; and

- c. in every county other than counties of the first class, the office of register of deeds and mortgages shall be consolidated with the office of county clerk upon the expiration of the term of office of the current register of deeds and mortgages or the occurrence of a vacancy prior to the expiration of the term of the current register of deeds and mortgages, whichever occurs first.

Upon the consolidation of the office of register of deeds and mortgages as provided herein, the office of register of deeds and mortgages in those counties shall be abolished, and the powers, functions, and duties of the register of deeds and mortgages shall pertain to the county clerk.

2. This act shall take effect immediately.

Approved April 10, 2001.