

40 A: 9-81

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40A:9-81

(Register of deeds and mortgages -- clarifies referendum to establish)

LAWS OF: 1983

CHAPTER: 311

Bill No: S3183

Sponsor(s): Lynch

Date Introduced: March 7, 1983

Committee: Assembly: Judiciary, Law, Public Safety

Senate: Judiciary

Amended during passage:

NO

Substituted for A3529 (not attached identical to S3183)

Date of Passage:

Assembly: July 11, 1983

Senate: April 25, 1983

Date of Approval: August 26, 1983

Following statements are attached if available:

Sponsor statement:

YES

Committee statement:

Assembly

NO

Senate

YES

Fiscal Note:

NO

Veto Message:

NO

Message on Signing:

~~NO~~ YES

Following were printed:

Reports:

NO

Hearings:

NO

Vertical stamp: RECEIVED... LEGISLATIVE HISTORY CHECKLIST... AUG 26 1983

SENATE, No. 3183  
STATE OF NEW JERSEY

INTRODUCED MARCH 7, 1983

By Senator LYNCH

Referred to Committee on Judiciary

AN ACT concerning the establishment of an office of register of deeds and mortgages in certain counties and amending N. J. S. 40A:9-81.

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

1 1. N. J. S. 40A:9-81 is amended to read as follows:

2 40A:9-81. In every county having a population of more than  
3 250,00 there **[shall]***may* be a register of deeds and mortgages  
4 in and for such county**[; provided, in]**. *In* any such county wherein  
5 the office of register of deeds and mortgages has not been estab-  
6 lished, the question of the establishment of such office **[shall first**  
7 **have been]** *may be* submitted to **[and approved by]** the legal voters  
8 **[thereof]** *of the county upon the adoption of a resolution by the*  
9 *governing body of the county authorizing the placement of that*  
10 *question on the ballot.* Where the question of the establishment  
11 of such office is to be submitted, it shall be submitted at the general  
12 election preceding the one at which the county clerk is to be elected  
13 in that county. The county clerk of every such county shall cause  
14 the question to be placed upon the official ballot to be used at the  
15 general election in the manner provided by law in substantially  
16 the following form: "Shall the office of the register of deeds and  
17 mortgages be established and a register be elected in .....  
18 ..... county next year?" Immediately to the  
19 left of the question there shall be printed the words "Yes" and "No",

**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.**

20 each with a square, in either of which the voter may make a cross  
 21 (×), or a plus sign (+) or check mark (√) according to his choice.  
 22 There shall also be printed the following: "Place a cross (×), or  
 23 a plus sign (+) or check mark (√) in one of the above squares  
 24 indicating your choice." If voting machines are used, a vote of  
 25 "Yes" or "No" shall be equivalent to such markings, respectively.

26 The votes shall be canvassed and returned in the manner pro-  
 27 vided by law. If a majority of the legal voters, voting on the  
 28 question, shall vote "Yes," the office of register of deeds and  
 29 mortgages shall be established and a register of deeds and mort-  
 30 gages shall be elected in such county at the next general election.  
 31 If a majority of the legal voters voting on the question shall vote  
 32 "No," the office shall not be established and the county clerk shall  
 33 continue to perform the duties of a county recording officer and  
 34 the question shall not be submitted again to the legal voters of  
 35 that county except upon a petition signed by 10% of the registered  
 36 voters of the county and not until five years shall have elapsed  
 37 since the prior referendum.

1 2. This act shall take effect immediately.

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#### STATEMENT

As presently worded, N. J. S. 40A:9-81 seems to require that a referendum on the establishment of the office of register of deeds and mortgages be held in every county with a population of over 250,000. According to the 1980 census, there are now 12 counties in New Jersey with populations of over 250,000. Only five of these counties currently have the office of register of deeds and mortgages. This bill would clarify that a referendum on the establishment of the office of register of deeds and mortgages in counties presently without that position is optional and shall take place only upon the adoption of resolution by the county governing body authorizing a referendum on that question.

53183 (1982)

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND  
DEFENSE COMMITTEE

STATEMENT TO  
**SENATE, No. 3183**

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**STATE OF NEW JERSEY**

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DATED: JUNE 23, 1983

As presently worded, N. J. S. 40A:9-81 seems to require that a referendum on the establishment of the office of register of deeds and mortgages be held in every county with a population of over 250,000. According to the 1980 census, there are now 12 counties in New Jersey with populations of over 250,000. Only five of these counties currently have the office of register of deeds and mortgages. This bill would clarify that a referendum on the establishment of the office of register of deeds and mortgages in counties presently without that position is optional and shall take place only upon the adoption of resolution by the county governing body authorizing a referendum on that question.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

**SENATE, No. 3183**

**STATE OF NEW JERSEY**

DATED: MARCH 29, 1983

As presently worded, N. J. S. 40A:9-81 seems to require that a referendum on the establishment of the office of register of deeds and mortgages be held in every county with a population of over 250,000. According to the 1980 census, there are now 12 counties in New Jersey with populations of over 250,000. Only five of these counties currently have the office of register of deeds and mortgages. This bill would clarify that a referendum on the establishment of the office of register of deeds and mortgages in counties presently without that position is optional and shall take place only upon the adoption of resolution by the county governing body authorizing a referendum on that question.

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATE

CONTACT: PAUL WOLCOTT

FRIDAY, AUGUST 26, 1983

Governor Thomas H. Kean has signed the following bills:

S-3262, sponsored by State Senator John A. Lynch, D-Middlesex, which amends the county and municipal budget cap law. The bill creates an exception from the cap for new services or programs resulting from a voter initiative and referendum. It also makes a technical correction in the cap exception for utility costs.

S-3183, also sponsored by Senator Lynch, which makes optional the establishment of the Office of Register of Deeds and Mortgages in counties which do not currently have such an office.

S-3107 sponsored by State Senator Joseph Hirkala, D-Passaic, which provides that county tax board members who were appointed between June 30, 1981 and July 12, 1982, shall have until January 15, 1984, to provide the necessary proof of training required by law.

S-1932, sponsored by State Senator John P. Caufield, D-Essex, which exempts automatic fire suppression systems from local property taxation in residential, commercial and industrial buildings. The exemption is to be equal to the amount of increase in property value created by the installation.

S-1813, also sponsored by Hirkala, which would allow a registered professional nurse to make a determination and pronouncement of death in cases where death occurs in the residence of the deceased, in a hospice or in a long-term care facility or nursing home.