

40:41A-124

LEGISLATIVE HISTORY CHECKLIST

NJSA 40:41A-124

Laws of 1974 Chapter 141

Bill No. S 1323

Sponsor(s) Horn

Date Introduced July 24

Committee: Assembly --

Senate County & Municipal Govt.

Amended during passage Yes  Amendments during passage denoted by asterisks

Date of passage: Assembly October 21

Senate September 30

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Following statements are attached if available:

Sponsor statement  No

Committee Statement: Assembly  No

Senate Yes

Fiscal Note  No

Veto message  No

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Following were printed:

Reports  No

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CHAPTER 141 LAWS OF N. J. 1974  
APPROVED 11-2-74

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SENATE, No. 1323

STATE OF NEW JERSEY

INTRODUCED JULY 24, 1974

By Senator HORN

Referred to Committee on County and Municipal Government

AN ACT to amend the "Optional County Charter Law," approved September 19, 1972 (P. L. 1972, c. 154).

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

1 1. Section 124 of P. L. 1972, c. 154 (C. 40:41A-124) is amended  
2 to read as follows:

3 124. Schedule of installation of optional plan adopted. The  
4 schedule of installation of an optional plan adopted pursuant to  
5 this act shall, as provided herein, take the following course:

6 a. An election to submit the question of adoption of an optional  
7 plan may be held at any time in accordance with the provisions of  
8 article 1 of this act;

9 b. In the event of a favorable vote of the voters at the above  
10 election, the first election of officers under the adopted plan shall  
11 take place at the next general election occurring no less than 75  
12 days next following the adoption of one of the optional plans in  
13 this act[.];

14 c. [The] Except as otherwise provided in d. hereafter, the  
15 offices of the entire board of freeholders and all other offices  
16 established by any plan in this act which has been adopted by the  
17 registered voters of the county except sheriff, clerk, surrogate and  
18 register of [wills] deeds and mortgages shall be voted on at the  
19 first general election following adoption of such plan. In November  
20 of the first general election after the adoption of any plan pro-  
21 vided in this act, the terms of all incumbent members of the board  
22 of freeholders shall be deemed terminated at noon on the first Mon-  
23 day following the election of the new board of freeholders. On that  
24 date the newly-elected freeholders shall take office and the new  
25 board shall organize itself in accordance with the plan adopted

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

26 thereunder. All freeholders and other officers elected in the first  
 27 general election following the adoption of any plan provided in this  
 28 act shall take office at noon on the Monday next following their  
 29 election, but their terms shall expire in accordance with the plan  
 30 selected, as if they had taken office on January 1 in the year follow-  
 31 ing their election. But nothing in this section shall be construed  
 32 to prevent an incumbent freeholder from becoming a candidate for  
 33 the new board, even if his present [time] term on the board has not  
 34 yet expired. In the event that the plan approved provides for con-  
 35 current terms, all freeholders shall be elected for concurrent 3-year  
 36 terms. In the event that the approved plan provides for staggered  
 37 terms, terms shall be as follows:

38 (1) If there be five members to be elected, *\*all at large or all*  
 38A *by district,\** two shall be elected for 3 years, two shall be elected  
 38B for 2 years, and one for 1 year.

39 (2) If there be seven members to be elected, *\*all at large or all*  
 40 *by district,\** three shall be elected for 3 years, two for 2 years, and  
 41 two for 1 year.

42 (3) If there be nine members to be elected, *\*all at large or all*  
 42A *by district,\** three shall be elected for 3 years, three for 2 years and  
 42B three for 1 year.

43 **\*[Initial terms shall be assigned to members by lot.]\***

43A *\*(4) If there be five members to be elected, three by district and*  
 43B *two at large, one at large member shall be elected for 3 years and*  
 43C *one for 2 years, and one district member shall be elected for 3 years,*  
 43D *one for 2 years and one for 1 year.*

43E *(5) If there be seven members to be elected, four by district and*  
 43F *three at large, one at large member shall be elected for 3 years, one*  
 43G *for 2 years and one for 1 year, and two district members shall be*  
 44 *elected for 3 years, one for 2 years, and one for 1 year.*

44A *(6) If there be nine members to be elected, five by district and*  
 44B *four at large, two at large members shall be elected for 3 years, one*  
 44C *for 2 years and one for 1 year, and one district member shall be*  
 44D *elected for 3 years, two for 2 years, and two for 1 year.*

44E *(7) The length of the terms specified in subparagraphs (1)*  
 44F *through (6) shall be determined by drawing to be conducted by the*  
 44G *county clerk within 60 days after the adoption of the optional plan.\**

45 In all elections, after the first election under this act, all members  
 46 shall be elected for 3-year terms beginning on January 1 in the year  
 47 following their election.

48 *d. If the adopted plan shall provide for a new board of free-*  
 49 *holders composed of the same number of freeholders as serve on*

50 *the existing board with all members to be elected at large for non-*  
51 *concurrent terms, the initial elections to the new board of free-*  
52 *holders shall be held to fill only those freeholder offices for which*  
53 *the terms would have otherwise expired on January 1 next follow-*  
54 *ing the date of election but for the provisions of this act. The board*  
55 *members so elected shall serve for a term of 3 years expiring the*  
56 *following January 1 as provided in subsection c. hereof.*

57 *The terms of the incumbents of the existing board whose offices*  
58 *are filled at the initial election shall be deemed terminated at noon*  
59 *on the first Monday following the election of the new member of the*  
60 *board. On that date, the newly elected freeholders shall take office*  
61 *and together with those freeholders whose terms have not expired,*  
62 *shall constitute the new board.*

1     2. This act shall take effect immediately.

LAW OFFICE  
OF  
JAMES H. BELOTTI

(SENATE COMM.)  
STATEMENT TO

**SENATE, No. 1323**

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 19, 1974

Senate Bill No. 1323 concerns the first election of a new board of chosen freeholders after the adoption of one of the optional county charter plans.

This bill allows certain incumbent freeholders of certain county boards to continue in office notwithstanding the adoption of an optional charter plan and the election of a new board; provided that, the number of freeholders on the new board are equal in number to, and are elected in the same manner as those of the old board, which is to say, where all the freeholders of the new board are required to be elected at large. In addition, the holdover provisions of this bill apply only to those freeholders whose term of office would not expire as of January 1, next following the first election of the new board.

The bill also eliminates the shortened terms of office for the freeholders first elected to the new board under the foregoing circumstances. Thus, those freeholders elected to the first board will serve a full 3-year term of office, while the incumbent holdovers will complete the remainder of the terms for which elected.

The bill also contains several technical amendments to the present statute.