

LEGISLATIVE HISTORY CHECKLIST

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LAWS of 1999

CHAPTER: 70

NJSA: 2B:14-1 to 2B:14-13
(Surrogates)

BILL NO: S803 (Substituted for A2040 -- 1st Reprint)

SPONSOR(S): Gormley and O'Connor

DATE INTRODUCED: March 2, 1998

COMMITTEE:

ASSEMBLY: ~~~~

SENATE: Judiciary

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE:

ASSEMBLY: March 29, 1999

SENATE: January 12, 1999

DATE OF APPROVAL: April 22, 1999

THE FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: *Yes* 1st Reprint
(Amendments during passage denoted by superscript numbers)

S803

SPONSORS STATEMENT: *Yes* (Begins on page 4 of original bill)

COMMITTEE STATEMENT:

ASSEMBLY: *No*

SENATE: *Yes*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

A2040

SPONSORS STATEMENT: *Yes* (Begins on page 4 of original bill)
(Bill and Sponsor's statement identical to S803)

COMMITTEE STATEMENT:

ASSEMBLY: *Yes*

SENATE: *No*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

1st REPRINT (Final version): *Yes*

GOVERNOR'S ACTIONS

VETO MESSAGE: *No*

GOVERNOR'S PRESS RELEASE ON SIGNING: *Yes*

THE FOLLOWING WERE PRINTED:

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REPORTS:

974.901 L446

New Jersey Law Revision Commission.

Annual report of the New Jersey Law Revision Commission.

[Trenton, N.J.] : The Commission, [1988-]

Specifically:

1. **Annual Report for 1990** - [Pt. IV. B.3. \(p.7-8\) - "Surrogates"](#) and [Appendix H - "Draft Report and Recommendations Concerning Surrogates"](#)
2. **Annual Report for 1991** - [Pt. III. C. \(p. 4-5\) - "Surrogates"](#) and [Appendix C - "Report and Recommendations Concerning Surrogates"](#)

HEARINGS: *No*

NEWSPAPER ARTICLES: *No*

Title 2B.
Chapter 14.
Surrogates
§1
N.J.S. 2B:14-1
To
N.J.S. 2B:14-13
§2 Repealer

P.L. 1999, CHAPTER 70, *approved April 22, 1999*
Senate, No. 803 (*First Reprint*)
(CORRECTED COPY)

1 **AN ACT** supplementing Title 2B of the New Jersey Statutes by
2 enactment of an additional chapter 14, Surrogates, and repealing
3 various sections of Title 2A of the New Jersey Statutes.

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

7
8 1. An additional chapter, chapter 14, is added to Title 2B:

9
10 TITLE 2B
11 CHAPTER 14. SURROGATES

- 12
13 2B:14-1. Election of Surrogates.
14 2B:14-2. Bond of Surrogates.
15 2B:14-3. Salaries of Surrogates.
16 2B:14-4. Disqualification; referral to Assignment Judge.
17 2B:14-5. Filling vacancy in Surrogate's office.
18 2B:14-6. Recorded documents.
19 2B:14-7. Acknowledgment, proof.
20 2B:14-8. Recording.
21 2B:14-9. Filing.
22 2B:14-10. Deputy Surrogate; Special Deputy Surrogate.
23 2B:14-11. Special Probate Clerk.
24 2B:14-12. Executive secretary; Chief clerk.
25 2B:14-13. Other employees' appointment; compensation.

26
27 2B:14-1. Election of Surrogates. A Surrogate shall be elected to
28 serve in each county for a 5-year term commencing January 1 after
29 election. The Surrogate shall be both the Judge and Clerk of the
30 Surrogate's Court.

31 2B:14-2. Bond of Surrogates. A county may require the Surrogate
32 to enter into a faithful performance bond and may set the amount and
33 terms of the bond. The bond, after approval by a judge of the

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SJU committee amendments adopted September 24, 1998.

1 Superior Court, shall be filed with the Secretary of State; a copy shall
2 be filed with the clerk of the county governing body.

3 2B:14-3. Salaries of Surrogates. Each county shall fix the
4 Surrogate's salary which shall not be diminished during the term of
5 office or during any consecutive terms served by the Surrogate.

6 2B:14-4. Disqualification; referral to Assignment Judge.

7 a. Neither the Surrogate nor any employee of the Surrogate's office
8 may perform duties respecting a matter if the Surrogate is a fiduciary
9 or has an interest in a matter.

10 b. When the Surrogate and employees are disqualified from
11 performing their duties, the matter shall be referred to the Assignment
12 Judge of the county for appropriate disposition.

13 2B:14-5. Filling vacancy in Surrogate's office. If a Surrogate does
14 not take office within 30 days after the end of the preceding term or
15 a vacancy occurs in the office of Surrogate, the Governor, with advice
16 and consent of the Senate, shall fill the vacancy from the political party
17 of the person last elected to the office. The person appointed shall
18 serve until election and qualification of a successor. Election of a
19 successor for a 5-year term shall occur at the next general election
20 unless the vacancy occurs within 37 days before the election, in which
21 case it shall occur at the second succeeding general election.

22 2B:14-6. Recorded documents. The Surrogate shall record:

23 a. Orders and judgments of the Superior Court, Chancery Division,
24 Probate Part;

25 b. Fiduciary bonds required by law;

26 c. Accounts of fiduciaries, disclaimers, revocations, renunciations
27 and requests;

28 d. Wills proved before the Surrogate or the Superior Court,
29 together with proofs;

30 e. Letters testamentary, of administration, of guardianship or of
31 trusteeship issued by the Surrogate and relevant documents;

32 f. Receipts and releases given to fiduciaries; and

33 g. Other documents which the Surrogate is required by law to
34 record.

35 2B:14-7. Acknowledgment, proof. Receipts and releases shall be
36 acknowledged or proved prior to recording. The acknowledgment or
37 proof shall be recorded with the receipt or discharge by the Surrogate
38 of:

39 a. The county which is issuing the relevant letters;

40 b. The county where the seller of real estate resides; or

41 c. The county where the trust-related property is located.

42 2B:14-8. Recording. The Surrogate shall determine the means of
43 recording instruments and the county shall furnish equipment and
44 supplies for recording.

45 2B:14-9. Filing. On the first Monday in January, April, July and
46 October, annually, the Surrogate shall file with the Clerk of the

1 Superior Court indexes of all wills proved before the Surrogate or the
2 Superior Court and a report of all letters of administration granted in
3 the previous three months.

4 2B:14-10 Deputy Surrogate; Special Deputy Surrogate.

5 a. A Surrogate may appoint a Deputy Surrogate who shall serve at
6 the pleasure of the Surrogate.

7 b. During the Surrogate's absence or disability or in the event of a
8 vacancy in the office of Surrogate, the Deputy Surrogate shall exercise
9 all powers and duties of the Surrogate's office. ¹[The Deputy
10 Surrogate shall not receive additional compensation as acting
11 Surrogate unless provided by law.]¹

12 c. A county may require that the Deputy Surrogate enter into a
13 faithful performance bond and may set the amount and terms of the
14 bond.

15 d. A Surrogate may appoint an employee to be Special Deputy
16 Surrogate. The Special Deputy Surrogate shall serve at the pleasure
17 of the Surrogate and, during absence or disability of the Surrogate and
18 Deputy Surrogate or when there is both a vacancy in the Office of the
19 Surrogate and no Deputy Surrogate, the Special Deputy Surrogate
20 shall exercise all the powers and duties of the Surrogate.

21 2B:14-11. Special Probate Clerk. A Surrogate may designate one
22 or more employees to serve as Special Probate Clerk. A special
23 probate clerk shall serve at the pleasure of the Surrogate and may
24 exercise the same powers as the Surrogate in taking depositions of
25 witnesses to wills, qualifications of executors and administrators,
26 acceptance of trusteeships and guardianships, and oaths and
27 affirmances.

28 2B:14-12. Executive Secretary; Chief Clerk.

29 A Surrogate may, in his discretion, appoint an Executive Secretary
30 and a Chief Clerk, both of whom shall serve at the pleasure of the
31 surrogate.

32 2B:14-13. Other Employees' Appointment; Compensation.

33 The Surrogate shall select and appoint the Deputy Surrogate, any
34 special Deputy Surrogate, Executive Secretary, Chief Clerk and
35 engage all other employees, who shall receive such compensation as
36 shall be recommended by the Surrogate and approved by the county
37 governing body.

38

39 2. The following sections are repealed:

40 N.J.S.2A:5-1 and N.J.S.2A:5-2;

41 Section 1 of P.L.1973, c.56 (C.2A:5-2.1);

42 Section 1 of P.L.1973, c.61 (C.2A:5-3.9);

43 N.J.S.2A:5-4 through N.J.S.2A:5-16;

44 Section 1 of P.L.1970, c.335 (C.2A:5-16.1);

45 N.J.S.2A:5-17 through N.J.S.2A:5-25.

1 3. This act shall take effect immediately.

2

3

4

5

6 Revises statutes relating to Surrogates.

SENATE, No. 803

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED MARCH 2, 1998

Sponsored by:

Senator WILLIAM L. GORMLEY

District 2 (Atlantic)

Senator EDWARD T. O'CONNOR

District 31 (Hudson)

SYNOPSIS

Revises statutes relating to Surrogates.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT supplementing Title 2B of the New Jersey Statutes by
2 enactment of an additional chapter 14, Surrogates, and repealing
3 various sections of Title 2A of the New Jersey Statutes.

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

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8 1. An additional chapter, chapter 14, is added to Title 2B:

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10 TITLE 2B
11 CHAPTER 14. SURROGATES

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27 2B:14-1. Election of Surrogates. A Surrogate shall be elected to
28 serve in each county for a 5-year term commencing January 1 after
29 election. The Surrogate shall be both the Judge and Clerk of the
30 Surrogate's Court.

31 2B:14-2. Bond of Surrogates. A county may require the Surrogate
32 to enter into a faithful performance bond and may set the amount and
33 terms of the bond. The bond, after approval by a judge of the
34 Superior Court, shall be filed with the Secretary of State; a copy shall
35 be filed with the clerk of the county governing body.

36 2B:14-3. Salaries of Surrogates. Each county shall fix the
37 Surrogate's salary which shall not be diminished during the term of
38 office or during any consecutive terms served by the Surrogate.

39 2B:14-4. Disqualification; referral to Assignment Judge.

40 a. Neither the Surrogate nor any employee of the Surrogate's office
41 may perform duties respecting a matter if the Surrogate is a fiduciary
42 or has an interest in a matter.

43 b. When the Surrogate and employees are disqualified from
44 performing their duties, the matter shall be referred to the Assignment
45 Judge of the county for appropriate disposition.

1 2B:14-5. Filling vacancy in Surrogate's office. If a Surrogate does
2 not take office within 30 days after the end of the preceding term or
3 a vacancy occurs in the office of Surrogate, the Governor, with advice
4 and consent of the Senate, shall fill the vacancy from the political party
5 of the person last elected to the office. The person appointed shall
6 serve until election and qualification of a successor. Election of a
7 successor for a 5-year term shall occur at the next general election
8 unless the vacancy occurs within 37 days before the election, in which
9 case it shall occur at the second succeeding general election.

10 2B:14-6. Recorded documents. The Surrogate shall record:

11 a. Orders and judgments of the Superior Court, Chancery Division,
12 Probate Part;

13 b. Fiduciary bonds required by law;

14 c. Accounts of fiduciaries, disclaimers, revocations, renunciations
15 and requests;

16 d. Wills proved before the Surrogate or the Superior Court,
17 together with proofs;

18 e. Letters testamentary, of administration, of guardianship or of
19 trusteeship issued by the Surrogate and relevant documents;

20 f. Receipts and releases given to fiduciaries; and

21 g. Other documents which the Surrogate is required by law to
22 record.

23 2B:14-7. Acknowledgment, proof. Receipts and releases shall be
24 acknowledged or proved prior to recording. The acknowledgment or
25 proof shall be recorded with the receipt or discharge by the Surrogate
26 of:

27 a. The county which is issuing the relevant letters;

28 b. The county where the seller of real estate resides; or

29 c. The county where the trust-related property is located.

30 2B:14-8. Recording. The Surrogate shall determine the means of
31 recording instruments and the county shall furnish equipment and
32 supplies for recording.

33 2B:14-9. Filing. On the first Monday in January, April, July and
34 October, annually, the Surrogate shall file with the Clerk of the
35 Superior Court indexes of all wills proved before the Surrogate or the
36 Superior Court and a report of all letters of administration granted in
37 the previous three months.

38 2B:14-10 Deputy Surrogate; Special Deputy Surrogate.

39 a. A Surrogate may appoint a Deputy Surrogate who shall serve at
40 the pleasure of the Surrogate.

41 b. During the Surrogate's absence or disability or in the event of a
42 vacancy in the office of Surrogate, the Deputy Surrogate shall exercise
43 all powers and duties of the Surrogate's office. The Deputy Surrogate
44 shall not receive additional compensation as acting Surrogate unless
45 provided by law.

46 c. A county may require that the Deputy Surrogate enter into a

1 faithful performance bond and may set the amount and terms of the
2 bond.

3 d. A Surrogate may appoint an employee to be Special Deputy
4 Surrogate. The Special Deputy Surrogate shall serve at the pleasure
5 of the Surrogate and, during absence or disability of the Surrogate and
6 Deputy Surrogate or when there is both a vacancy in the Office of the
7 Surrogate and no Deputy Surrogate, the Special Deputy Surrogate
8 shall exercise all the powers and duties of the Surrogate.

9 2B:14-11. Special Probate Clerk. A Surrogate may designate one
10 or more employees to serve as Special Probate Clerk. A special
11 probate clerk shall serve at the pleasure of the Surrogate and may
12 exercise the same powers as the Surrogate in taking depositions of
13 witnesses to wills, qualifications of executors and administrators,
14 acceptance of trusteeships and guardianships, and oaths and
15 affirmances.

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18 and a Chief Clerk, both of whom shall serve at the pleasure of the
19 surrogate.

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22 special Deputy Surrogate, Executive Secretary, Chief Clerk and
23 engage all other employees, who shall receive such compensation as
24 shall be recommended by the Surrogate and approved by the county
25 governing body.

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27 2. The following sections are repealed:

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32 Section 1 of P.L.1970, c.335 (C.2A:5-16.1);

33 N.J.S.2A:5-17 through N.J.S.2A:5-25.

34

35 3. This act shall take effect immediately.

36

37

38

STATEMENT

39

40 This bill, which is based on the recommendations of the New
41 Jersey Law Revision Commission, would provide for the simplification
42 and modernization of the statutes relating to Surrogates and for the
43 recompilation of these statutes as part of the new Title 2B, Courts.

44 The statutes governing Surrogates are presently set forth in chapter
45 5 of Title 2A. These provisions, some dating back to 1882, include
46 anachronistic salaries, performance bond amounts and references to

1 county courts. These provisions also mandate archaic procedures,
2 such as handsigning recorded documents, which Surrogates no longer
3 follow.

4 This bill would modernize language and would remove provisions
5 duplicating those of Title 3B, Administration of Estates. The bill's
6 provisions are compatible with current practice and with relevant court
7 rules.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 803

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 24, 1998

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 803.

The bill, which is based on the recommendations of the New Jersey Law Revision Commission, would provide for the simplification and modernization of the statutes relating to surrogates and for the recompilation of these statutes as part of the new Title 2B, Courts.

The Statutes governing surrogates are presently set forth in chapter 5 of Title 2A. These provisions, some dating back to 1882, include anachronistic salaries, performance bond amounts and references to county courts. These provisions also mandate archaic procedures, such as hand signing recorded documents, which surrogates no longer follow. The bill would modernize language and would remove provisions duplicating those of Title 3B, Administration of Estates. The bill's provisions are compatible with current practice and with relevant court rules.

The committee amendments deleted language providing that deputy surrogates could not receive additional compensation when acting as surrogate.

ASSEMBLY, No. 2040

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED MAY 18, 1998

Sponsored by:

Assemblyman CHRISTOPHER "KIP" BATEMAN

District 16 (Morris and Somerset)

Assemblywoman JOAN M. QUIGLEY

District 32 (Bergen and Hudson)

SYNOPSIS

Revises statutes relating to Surrogates.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT supplementing Title 2B of the New Jersey Statutes by
2 enactment of an additional chapter 14, Surrogates, and repealing
3 various sections of Title 2A of the New Jersey Statutes.

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

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8 1. An additional chapter, chapter 14, is added to Title 2B:

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27 2B:14-1. Election of Surrogates. A Surrogate shall be elected to
28 serve in each county for a 5-year term commencing January 1 after
29 election. The Surrogate shall be both the Judge and Clerk of the
30 Surrogate's Court.

31 2B:14-2. Bond of Surrogates. A county may require the Surrogate
32 to enter into a faithful performance bond and may set the amount and
33 terms of the bond. The bond, after approval by a judge of the
34 Superior Court, shall be filed with the Secretary of State; a copy shall
35 be filed with the clerk of the county governing body.

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37 Surrogate's salary which shall not be diminished during the term of
38 office or during any consecutive terms served by the Surrogate.

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41 may perform duties respecting a matter if the Surrogate is a fiduciary
42 or has an interest in a matter.

43 b. When the Surrogate and employees are disqualified from
44 performing their duties, the matter shall be referred to the Assignment
45 Judge of the county for appropriate disposition.

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1 not take office within 30 days after the end of the preceding term or
2 a vacancy occurs in the office of Surrogate, the Governor, with advice
3 and consent of the Senate, shall fill the vacancy from the political party
4 of the person last elected to the office. The person appointed shall
5 serve until election and qualification of a successor. Election of a
6 successor for a 5-year term shall occur at the next general election
7 unless the vacancy occurs within 37 days before the election, in which
8 case it shall occur at the second succeeding general election.

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11 Probate Part;

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14 and requests;

15 d. Wills proved before the Surrogate or the Superior Court,
16 together with proofs;

17 e. Letters testamentary, of administration, of guardianship or of
18 trusteeship issued by the Surrogate and relevant documents;

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20 g. Other documents which the Surrogate is required by law to
21 record.

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23 acknowledged or proved prior to recording. The acknowledgment or
24 proof shall be recorded with the receipt or discharge by the Surrogate
25 of:

26 a. The county which is issuing the relevant letters;

27 b. The county where the seller of real estate resides; or

28 c. The county where the trust-related property is located.

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30 recording instruments and the county shall furnish equipment and
31 supplies for recording.

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33 October, annually, the Surrogate shall file with the Clerk of the
34 Superior Court indexes of all wills proved before the Surrogate or the
35 Superior Court and a report of all letters of administration granted in
36 the previous three months.

37 2B:14-10 Deputy Surrogate; Special Deputy Surrogate.

38 a. A Surrogate may appoint a Deputy Surrogate who shall serve at
39 the pleasure of the Surrogate.

40 b. During the Surrogate's absence or disability or in the event of a
41 vacancy in the office of Surrogate, the Deputy Surrogate shall exercise
42 all powers and duties of the Surrogate's office. The Deputy Surrogate
43 shall not receive additional compensation as acting Surrogate unless
44 provided by law.

1 c. A county may require that the Deputy Surrogate enter into a
2 faithful performance bond and may set the amount and terms of the
3 bond.

4 d. A Surrogate may appoint an employee to be Special Deputy
5 Surrogate. The Special Deputy Surrogate shall serve at the pleasure
6 of the Surrogate and, during absence or disability of the Surrogate and
7 Deputy Surrogate or when there is both a vacancy in the Office of the
8 Surrogate and no Deputy Surrogate, the Special Deputy Surrogate
9 shall exercise all the powers and duties of the Surrogate.

10 2B:14-11. Special Probate Clerk. A Surrogate may designate one
11 or more employees to serve as Special Probate Clerk. A special
12 probate clerk shall serve at the pleasure of the Surrogate and may
13 exercise the same powers as the Surrogate in taking depositions of
14 witnesses to wills, qualifications of executors and administrators,
15 acceptance of trusteeships and guardianships, and oaths and
16 affirmances.

17 2B:14-12. Executive Secretary; Chief Clerk.

18 A Surrogate may, in his discretion, appoint an Executive Secretary
19 and a Chief Clerk, both of whom shall serve at the pleasure of the
20 surrogate.

21 2B:14-13. Other Employees' Appointment; Compensation.

22 The Surrogate shall select and appoint the Deputy Surrogate, any
23 special Deputy Surrogate, Executive Secretary, Chief Clerk and
24 engage all other employees, who shall receive such compensation as
25 shall be recommended by the Surrogate and approved by the county
26 governing body.

27
28 2. The following sections are repealed:

29 N.J.S.2A:5-1 and N.J.S.2A:5-2;

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35
36 3. This act shall take effect immediately.

37
38
39 STATEMENT

40
41 This bill, which is based on the recommendations of the New
42 Jersey Law Revision Commission, would provide for the simplification
43 and modernization of the statutes relating to Surrogates and for the
44 recompilation of these statutes as part of the new Title 2B, Courts.

45 The statutes governing Surrogates are presently set forth in chapter
46 5 of Title 2A. These provisions, some dating back to 1882, include

1 anachronistic salaries, performance bond amounts and references to
2 county courts. These provisions also mandate archaic procedures,
3 such as handsigning recorded documents, which Surrogates no longer
4 follow.

5 This bill would modernize language and would remove provisions
6 duplicating those of Title 3B, Administration of Estates. The bill's
7 provisions are compatible with current practice and with relevant court
8 rules.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2040

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 17, 1998

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 2040.

This bill, which is based on the recommendations of the New Jersey Law Revision Commission, would provide for the simplification and modernization of the statutes relating to surrogates and for the recompilation of these statutes as part of the new Title 2B, Courts.

The statutes governing surrogates are presently set forth in chapter 5 of Title 2A. These provisions, some dating back to 1882, include anachronistic salaries, performance bond amounts and references to county courts. These provisions also mandate archaic procedures, such as handsigning recorded documents, which surrogates no longer follow.

This bill would modernize language and would remove provisions duplicating those of Title 3B, Administration of Estates. The bill's provisions are compatible with current practice and with relevant court rules.

The committee amended section 2B:14-10 of the bill by deleting the language which stated that the Deputy Surrogate could not receive additional compensation as acting surrogate unless provided by law. The compensation for the Deputy Surrogate will be a matter for the county to determine.

[First Reprint]

ASSEMBLY, No. 2040

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED MAY 18, 1998

Sponsored by:

Assemblyman CHRISTOPHER "KIP" BATEMAN

District 16 (Morris and Somerset)

Assemblywoman JOAN M. QUIGLEY

District 32 (Bergen and Hudson)

SYNOPSIS

Revises statutes relating to Surrogates.

CURRENT VERSION OF TEXT

As reported by the Assembly Judiciary Committee on September 17, 1998,
with amendments.



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2 enactment of an additional chapter 14, Surrogates, and repealing
3 various sections of Title 2A of the New Jersey Statutes.

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14 2B:14-2. Bond of Surrogates.
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22 2B:14-10. Deputy Surrogate; Special Deputy Surrogate.
23 2B:14-11. Special Probate Clerk.
24 2B:14-12. Executive secretary; Chief clerk.
25 2B:14-13. Other employees' appointment; compensation.

26
27 2B:14-1. Election of Surrogates. A Surrogate shall be elected to
28 serve in each county for a 5-year term commencing January 1 after
29 election. The Surrogate shall be both the Judge and Clerk of the
30 Surrogate's Court.

31 2B:14-2. Bond of Surrogates. A county may require the Surrogate
32 to enter into a faithful performance bond and may set the amount and
33 terms of the bond. The bond, after approval by a judge of the
34 Superior Court, shall be filed with the Secretary of State; a copy shall
35 be filed with the clerk of the county governing body.

36 2B:14-3. Salaries of Surrogates. Each county shall fix the
37 Surrogate's salary which shall not be diminished during the term of
38 office or during any consecutive terms served by the Surrogate.

39 2B:14-4. Disqualification; referral to Assignment Judge.

40 a. Neither the Surrogate nor any employee of the Surrogate's office
41 may perform duties respecting a matter if the Surrogate is a fiduciary
42 or has an interest in a matter.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AJU committee amendments adopted September 17, 1998.

1 b. When the Surrogate and employees are disqualified from
2 performing their duties, the matter shall be referred to the Assignment
3 Judge of the county for appropriate disposition.

4 2B:14-5. Filling vacancy in Surrogate's office. If a Surrogate does
5 not take office within 30 days after the end of the preceding term or
6 a vacancy occurs in the office of Surrogate, the Governor, with advice
7 and consent of the Senate, shall fill the vacancy from the political party
8 of the person last elected to the office. The person appointed shall
9 serve until election and qualification of a successor. Election of a
10 successor for a 5-year term shall occur at the next general election
11 unless the vacancy occurs within 37 days before the election, in which
12 case it shall occur at the second succeeding general election.

13 2B:14-6. Recorded documents. The Surrogate shall record:

14 a. Orders and judgments of the Superior Court, Chancery Division,
15 Probate Part;

16 b. Fiduciary bonds required by law;

17 c. Accounts of fiduciaries, disclaimers, revocations, renunciations
18 and requests;

19 d. Wills proved before the Surrogate or the Superior Court,
20 together with proofs;

21 e. Letters testamentary, of administration, of guardianship or of
22 trusteeship issued by the Surrogate and relevant documents;

23 f. Receipts and releases given to fiduciaries; and

24 g. Other documents which the Surrogate is required by law to
25 record.

26 2B:14-7. Acknowledgment, proof. Receipts and releases shall be
27 acknowledged or proved prior to recording. The acknowledgment or
28 proof shall be recorded with the receipt or discharge by the Surrogate
29 of:

30 a. The county which is issuing the relevant letters;

31 b. The county where the seller of real estate resides; or

32 c. The county where the trust-related property is located.

33 2B:14-8. Recording. The Surrogate shall determine the means of
34 recording instruments and the county shall furnish equipment and
35 supplies for recording.

36 2B:14-9. Filing. On the first Monday in January, April, July and
37 October, annually, the Surrogate shall file with the Clerk of the
38 Superior Court indexes of all wills proved before the Surrogate or the
39 Superior Court and a report of all letters of administration granted in
40 the previous three months.

41 2B:14-10 Deputy Surrogate; Special Deputy Surrogate.

42 a. A Surrogate may appoint a Deputy Surrogate who shall serve at
43 the pleasure of the Surrogate.

44 b. During the Surrogate's absence or disability or in the event of a
45 vacancy in the office of Surrogate, the Deputy Surrogate shall exercise
46 all powers and duties of the Surrogate's office. ¹【The Deputy

1 Surrogate shall not receive additional compensation as acting
2 Surrogate unless provided by law.]¹

3 c. A county may require that the Deputy Surrogate enter into a
4 faithful performance bond and may set the amount and terms of the
5 bond.

6 d. A Surrogate may appoint an employee to be Special Deputy
7 Surrogate. The Special Deputy Surrogate shall serve at the pleasure
8 of the Surrogate and, during absence or disability of the Surrogate and
9 Deputy Surrogate or when there is both a vacancy in the Office of the
10 Surrogate and no Deputy Surrogate, the Special Deputy Surrogate
11 shall exercise all the powers and duties of the Surrogate.

12 2B:14-11. Special Probate Clerk. A Surrogate may designate one
13 or more employees to serve as Special Probate Clerk. A special
14 probate clerk shall serve at the pleasure of the Surrogate and may
15 exercise the same powers as the Surrogate in taking depositions of
16 witnesses to wills, qualifications of executors and administrators,
17 acceptance of trusteeships and guardianships, and oaths and
18 affirmances.

19 2B:14-12. Executive Secretary; Chief Clerk.

20 A Surrogate may, in his discretion, appoint an Executive Secretary
21 and a Chief Clerk, both of whom shall serve at the pleasure of the
22 surrogate.

23 2B:14-13. Other Employees' Appointment; Compensation.

24 The Surrogate shall select and appoint the Deputy Surrogate, any
25 special Deputy Surrogate, Executive Secretary, Chief Clerk and
26 engage all other employees, who shall receive such compensation as
27 shall be recommended by the Surrogate and approved by the county
28 governing body.

29

30 2. The following sections are repealed:

31 N.J.S.2A:5-1 and N.J.S.2A:5-2;

32 Section 1 of P.L.1973, c.56 (C.2A:5-2.1);

33 Section 1 of P.L.1973, c.61 (C.2A:5-3.9);

34 N.J.S.2A:5-4 through N.J.S.2A:5-16;

35 Section 1 of P.L.1970, c.335 (C.2A:5-16.1);

36 N.J.S.2A:5-17 through N.J.S.2A:5-25.

37

38 3. This act shall take effect immediately.

Office of the Governor
NEWS RELEASE

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RELEASE: April 22, 1999

Governor Christie Whitman today signed the following legislation:

S-164/A-1775, sponsored by Senators Joseph M. Kyrillos, Jr. (R-Middlesex/Monmouth) and Wayne R. Bryant (D-Camden/Gloucester) and Assemblymen Joseph Azzolina (R-Middlesex/Monmouth) and Michael J. Arnone (R-Monmouth), requires a standardized form for bonds and letters of credit for improvements in developments. This bill requires that a standardized form be used for performance guarantees, maintenance guarantees and letters of credit, which assure the installation and maintenance of on-tract improvements in developments that are regulated by the Municipal Land Use Law (MLUL). The legislation mandates that the Department of Community Affairs adopt, through regulation, standardized forms to be used in all cases that are required by an approving authority under the MLUL. The approving authority, according to the MLUL, is the planning board of a municipality, unless a different agency is designated by ordinance when acting pursuant to the authority of the MLUL.

S-375/A-2682, sponsored by Senators Bernard F. Kenny, Jr. (D-Hudson) and Diane B. Allen (R-Burlington/Camden) and Assemblymen Joseph Charles, Jr. (D-Hudson) and Joseph V. Doria, Jr. (D-Hudson), reallocates up to \$7.5 million to offset federal administrative funding reductions in the New Jersey Food Stamp Program and provides reimbursement for certain administrative costs of the program. The bill fulfills Governor Whitman's promise to offset federal cuts to the administration of the Food Stamp Program, by reimbursing counties for certain administrative costs and restoring federal reductions that would otherwise have a significant impact on the county welfare agencies.

The bill provides that the Division of Family Development in the Department of Human Services shall reimburse counties for all documented administrative costs incurred between January 1 and June 30, 1998, associated with the implementation of the State Food Stamp Program.

These costs arose under the state's extension of funding to provide Food Stamp assistance to groups who became ineligible for the federal food stamp program under the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The Governor provided benefits to many who had lost federal eligibility by signing executive order No. 74 in 1997. Many of these people were restored eligibility for federal benefits under subsequent federal legislation, the rest continue to receive state-funded food stamps under State law after the Executive Order expired on June 30, 1998.

This bill will reimburse counties' costs associated with administering the food stamp program between January 1 and June 30, 1998.

The legislation also reallocates \$7.5 million of the fiscal year 1999 appropriation from the General Fund for Income Maintenance Management to offset the federal administrative funding reductions in the Food Stamp Program. Without these funds, county property taxes would have to increase to offset the federal funding reductions or county welfare agencies would have to lay off workers. The reimbursement is a state fiscal year reimbursement that would offset county expenditures in calendar years 1998 and 1999 without regard to county fiscal years.

S-803/A-2040, sponsored by Senators William Gormley (R-Atlantic) and Edward O'Connor, Jr. (D-Hudson) and Assembly Members Christopher "Kip" Bateman (R-Morris/Somerset) and Joan Quigley (D- Bergen/Hudson), simplifies the statutes relating to county surrogates. The surrogate, a county officer, has jurisdiction over the administration of probate matters. The statutes governing surrogates date back more than 100 years and included out-of-date and sometimes conflicting language on salaries, performance bond amounts and references to county courts. The statutes mandated procedures no longer followed including the signing by hand certain recorded documents.